

**PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.**

25th January, 2007.

The following Bill which will be introduced in the National Assembly is published for general information.

**S. E. Isaacs,
Clerk of the National Assembly.**



GUYANA

BILL No. 5 of 2007

IMMIGRATION (AMENDMENT) BILL 2007

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of Principal Act.
3. Insertion of new section 8A in the Principal Act.
4. Amendment of section 2 of the Principal Act.
5. Amendment of Schedule to the Principal Act.
6. Insertion of Schedules II and III to the Principal Act.

A BILL
Intituled

AN ACT to amend the Immigration Act.

A.D.2007

Enacted by the Parliament of Guyana:-

Short title.
Cap.14:02

1. This Act, which amends the Immigration Act, may be cited as the Immigration (Amendment) Act 2007.

Amendment of section 2 of the Principal Act.

2. Section 2 of the Principal Act is amended by inserting in the appropriate alphabetical sequence the following definitions-

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

“competent authority” means any person or entity as the Minister may by order prescribe;

“domestic space” means the domestic space of any country specified in Schedule III;

Schedule III.

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

Insertion of new section 8A in the Principal Act.

3. The Principal Act is amended by the insertion after section 8 of the following section as section 8A-

“Duty of master to provide advance passenger information.

8A. (1) The master of a vessel expecting to arrive at a destination in Guyana or is leaving or expected to leave Guyana shall, before the arrival or the departure, as the case may be, of the vessel from the last port of call, provide to the competent authority at the intended port of arrival in or departure from Guyana the information as is set out in Schedule II in respect of the vessel and each person on board the vessel in the form and manner as may be approved by

Schedule II.

3
the Chief Immigration Officer.

(2) The information required to be provided by the master of a vessel shall be provided-

(a) in the case of a commercial aircraft, not later than fifteen minutes after departure from the last port of call;

(b) in the case of a private aircraft, not later than thirty minutes prior to the departure from the last port of call;

(c) in the case of a ship arriving from outside the domestic space not later than twenty-four hours prior to the arrival in Guyana;

(d) in the case of a ship arriving from a destination within the domestic space, not later than one hour prior to the arrival of the vessel from the last port of call.

(3) Where a master intentionally or recklessly-

(a) fails to transmit the information required to be provided under this section; or

(b) transmits incomplete or false information ,

the master commits an offence and is liable on summary conviction to a fine of twenty million dollars.

(4) The Minister may by order and for reasons to be recorded in writing waive the requirements of subsection (1) in such circumstances and on such conditions as he may specify.

(5) For the removal of doubts it is clarified that-

(a) the provisions of this section do not apply to the arrival or departure of a vessel from Guyana to a domestic space; or

(b) the requirement of furnishing of information under this section is in addition to and not in derogation of compliance with the requirements under section 8(1)."

Amendment of
section 12 of the

4. Section 12(7) and (8) of the Principal Act are amended by the substitution for the word "Schedule",

- Principal Act. wherever it occurs, of the words "Schedule I".
- Amendment of Schedule to the Principal Act. 5. The Schedule to the Principal Act is amended by the substitution for the word "SCHEDULE" of the words "SCHEDULE I".
- Insertion of Schedules II and III to the Principal Act. 6. The Principal Act is amended by the insertion after Schedule I (as amended) of the following Schedules-

**"SCHEDULE II
ADVANCE PASSENGER INFORMATION**

s.8A(1)

PART I. Information relating to the flight or voyage

- 1. Flight identification or Vessel identification
[IATA Airline code and flight number of the aircraft or vessel name and voyage number, as the case may be].
- 2. Particulars of vessel:
 - (i) Registration number
 - (ii) Country of registration
 - (iii) Name of local agent or where no local agent is there, the name of owner
- 3. Scheduled date of departure of vessel or aircraft
[Based on the local time of the port of departure].
- 4. Scheduled time of departure
[Based on the local time of the port of departure].
- 5. Scheduled date of arrival in Guyana
[Date of scheduled arrival of the vessel or aircraft at a port in Guyana based on local time of the port of arrival].
- 6. Scheduled time of arrival in Guyana.
[As per local time of location in Guyana].
- 7. Last place or port of call of the vessel/aircraft.
- 8. Place or port in the country of destination where

the vessel or aircraft arrives from the last place or port of departure.

9. Subsequent place or port within the country.

10. Total number of passengers on board the aircraft/vessel

11. Number of crew members including the master.

PART II. Information relating to individual passengers

A. Core data elements of the official travel document:

- (i) Official travel document number.
- (ii) Issuing country or organization of the official travel document.
- (iii) Official travel document type.
- (iv) Date of expiry of the travel document.
- (v) Surname/Given name(s) of the passenger.
[Family name and given name(s) of the holder as it appears in the Official Travel Document]

(vi) Nationality.

(vii) Date of birth [in Christian era].

(vii) Gender.

B Additional data (if applicable):

- (i) Guyanese Visa number.
- (ii) Date of issue of visa.
- (iii) Place of issue of visa.
- (iv) Other document number used for travel [Other document number used for travel is required when the official travel document is not required].

(v) Type of other document used for travel.

(vi) Place of birth and country of birth.

(vii) Status of traveller

(Passenger/ crew/ passenger in transit].

(viii) Place or port of original embarkation.

(ix) Place or port of clearance.

(x) Place or port of onward foreign destination.”.

SCHEDULE 111
DOMESTIC SPACE COUNTRIES

s.2

1. Antigua and Barbuda.
2. Barbados.
3. Dominica.
4. Grenada.
5. Guyana.
6. Jamaica.
7. St.Kitts and Nevis.
8. Saint Lucia.
9. St.Vincent and the Grenadines.
10. Trinidad and Tobago.”.

EXPLANATORY MEMORANDUM

The Bill seeks to amend the Immigration Act (Cap 14:02) so as to make provisions for the introduction of the Advance Passenger Information (API) System.

Clause 1 of the Bill sets out the short title.

Clause 2 seeks to amend section 2 of the Act so as to define the expressions "advance passenger information", "competent authority", "domestic space" and "passenger".

Clause 3 seeks to insert a new section 8A in the Act so as to make it obligatory on the part of the master of any vessel, whether aircraft or ship, arriving any place in Guyana to transmit passenger information to immigration authorities in Guyana within the time specified in the section. However, this requirement does not apply in respect of departure of any vessel from the domestic space of any country to another country specified in Schedule III. The furnishing of information under the proposed new section 8A shall be in addition to the information, if any, required to be furnished under section 8.

Clauses 4 and 5 seek to amend section 12 and the Schedule to the Act respectively as consequential to the insertion of two new Schedules as Schedule II and Schedule III to the Principal Act *vide* clause 6.

Clause 6 seeks to insert two new Schedules, namely Schedule II and Schedule III to the Act giving details of the advance passenger information required to be furnished by the master of a vessel departing for or arriving at a destination in Guyana.



Minister of Home Affairs.

AMAYU