

## ST HELENA



## IMMIGRATION ORDINANCE, 2011

*IMMIGRATION (PROHIBITED AND CONTROLLED ENTRY) REGULATIONS, 2020*

In exercise of the powers conferred by section 43 of the Immigration Ordinance, 2011, the Governor in Council makes the following Regulations:

**Citation and expiry**

1. (1) These Regulations may be cited as the Immigration (Prohibited and Controlled Entry) Regulations, 2020 and shall cease to have effect at the end of the period of two years beginning on the day on which the Regulations come into force.

(2) Subsection (1) does not affect the validity of anything done pursuant to these Regulations before the Regulations cease to have effect.

**Interpretation**

2. (1) In these Regulations—

“**Coronavirus**” means—

- (a) Coronavirus disease 2019 (COVID-19 or 2019-nCoV);
- (b) Acute Respiratory Disease ((2019-nCoV ARD);
- (c) Novel Coronavirus Pneumonia (NCP); or
- (d) a known viral respiratory disease caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2”;

“**category 1 specified country or area**” means a country or area specified to be a category 1 infected area pursuant to a declaration by the Secretary of State under regulation 2 of the Health Protection (Coronavirus) Regulations, 2020 made by the Secretary of State in accordance with powers conferred by sections 45B, 45C, 45F and 45P of the Public Health (Control of Disease) Act, 1984;

“**isolation**” in relation to a person means the separation of the person from any other person in such a manner as to prevent infection or contamination with Coronavirus—

- (a) in the person’s home;
- (b) in a hospital; or
- (c) at another suitable place as directed by a proper officer; and

“**proper officer**” means a person appointed as such pursuant to section 3A of the Port and Aerodrome Ordinance, 2018.

(2) Further to sub-regulation (1), the Governor in Council may by Order—

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- (a) declare a country or area not specified in a declaration by the Secretary of State, where there is known or thought to be sustained human-to-human transmission of Coronavirus, or from which there is a high risk of importation of infection or contamination with Coronavirus *via* travel from the country or area to St Helena, to be a category 1 specified country or area; or
- (b) declare that a country or area is not a category 1 specified country or area.

### Prohibited or exempted entry

3. (1) Subject to regulation 4—
- (a) a person who visited or transited through a category 1 specified country or area within the period of 14 days prior to the date that the person is scheduled to travel to St Helena; or
  - (b) a person who travels to St Helena by sea on a vessel carrying 6 persons or more, including the master or pilot of the vessel,

is not permitted to enter St Helena unless that person is exempted in accordance with sub-regulation (2) by the Governor in Council.

(2) The Governor in Council may in writing direct the Chief Immigration Officer that a person is to be exempted from the prohibition in sub-regulation (1).

### Controlled Entry

4. A person who is not required to obtain a visa, an entry permit or landing permission who, within the period of 14 days prior to the date that the person is scheduled to travel to St Helena visited or transited through a category 1 specified country or area must, upon entry in St Helena, comply with an instruction regarding isolation by a proper officer.

### Detention

5. A person who fails to comply with the requirements of these Regulations may be subject to detention in accordance with the relevant Ordinance regarding Coronavirus.

### Offences

6. A person who fails to comply with the requirements of these Regulations commits an offence.

Penalty: A fine of £5,000.

Made by the Governor in Council this 13<sup>th</sup> day of March 2020.



Connie Johnson  
Clerk of Councils

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations would, by default, for a period of two years from the date of publication (when the Regulations come into force) put in place measures, with which the importation of Coronavirus into St Helena could be managed and would enable the Immigration Department, Health Directorate and proper officers to unify their statutory authority to accomplish their respective objectives in relation to controlling the inevitable threat. The Regulations would define the terms used and provide that a category 1 specified country or area in St Helena, would be the same as that declared to be such in England. The Governor in Council would have the authority to make a declaration in respect of a country or area recognised to be a threat to St Helena but which would not be declared in England to be a category 1 specified country or area. The Governor in Council would also have the authority to make a declaration that a country or area is not a category 1 specified country or area in respect of St Helena.

Entry of a person, who within the period specified, had visited or transited through a category 1 specified country or area, would be prohibited. Non-compliance with the prohibition would attract a penalty and if necessary, forced isolation (detention). A person who cannot be prohibited entry would be provided with instructions regarding compulsory isolation. Non-compliance by such a person would also attract a penalty and if necessary, similar forced isolation.