



IMMIGRATION POLICY

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St Helena Government
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Introduction

1 Background

St Helena celebrated the start of regular commercial air services in October 2017. As travel to St Helena has become more accessible, the number of annual arrivals has increased more than 30% and the mix of nationalities visiting the Island has changed. This has presented new challenges for the St Helena Government (SHG) Immigration Service both in terms of the quantity of travellers processed and the variety of potential issues that officers are likely to encounter.

In June 2018, a team from the Home Office's Immigration Enforcement International (IEI) visited the Island tasked with assessing border control, passenger traffic handling and visa issuing systems and processes. A report was produced following this visit, which included observations, identified risks and recommendations. The IEI report was used as the basis for the Immigration Project, which proposed to transform the SHG Immigration Service.

Analysis of immigration data indicates there is potential for abuse if the immigration system is not managed effectively. Further, a review by a UK team showed that organised crime groups have identified St Helena as a potential location to target in order to achieve their criminal objectives.

Over time, there has been an increase in the number of enquiries received from nationals of higher risk countries. Since the e-Visa system was introduced, the Immigration team have been able to successfully identify applicants submitting false documents, using aliases and attempting to mislead the Immigration Service as to their true circumstances. It is essential that the immigration system has the necessary safeguards to protect the interests of St Helena. However, the emphasis should remain on attracting persons who would contribute positively to St Helena.

St Helena is on the brink of a population crisis. In the absence of proactive intervention, an aging population, low birth rate and net outward migration of approximately 100 people per year will lead to an ever-declining population that will severely limit the prospects for growth and prosperity on St Helena. In January 2020, SHG published a Labour Market Strategy¹ (LMS) which seeks to address the challenges caused by a declining population and to reverse this trend while also ensuring appropriate protections for local workers and building a strong foundation on which to grow St Helena's economy of tomorrow.

This Immigration Policy has been informed by the recommendations of the IEI report, St Helena's 10 Year Plan², Sustainable Economic Development Plan³ (SEDP) and LMS. The Policy seeks to strike a delicate balance between increasing immigration and protecting the local labour market.

¹ <https://www.sainthelena.gov.sh/wp-content/uploads/2019/12/Labour-Market-Strategy-2020-2035.pdf>

² <https://www.sainthelena.gov.sh/wp-content/uploads/2012/08/10-Year-Plan-20-January-2017.pdf>

³ <https://www.sainthelena.gov.sh/wp-content/uploads/2018/05/SEDP-Final-April-01052018.pdf>

2 Challenges

This Immigration Policy seeks to address a number of challenges that have been identified with the current system.

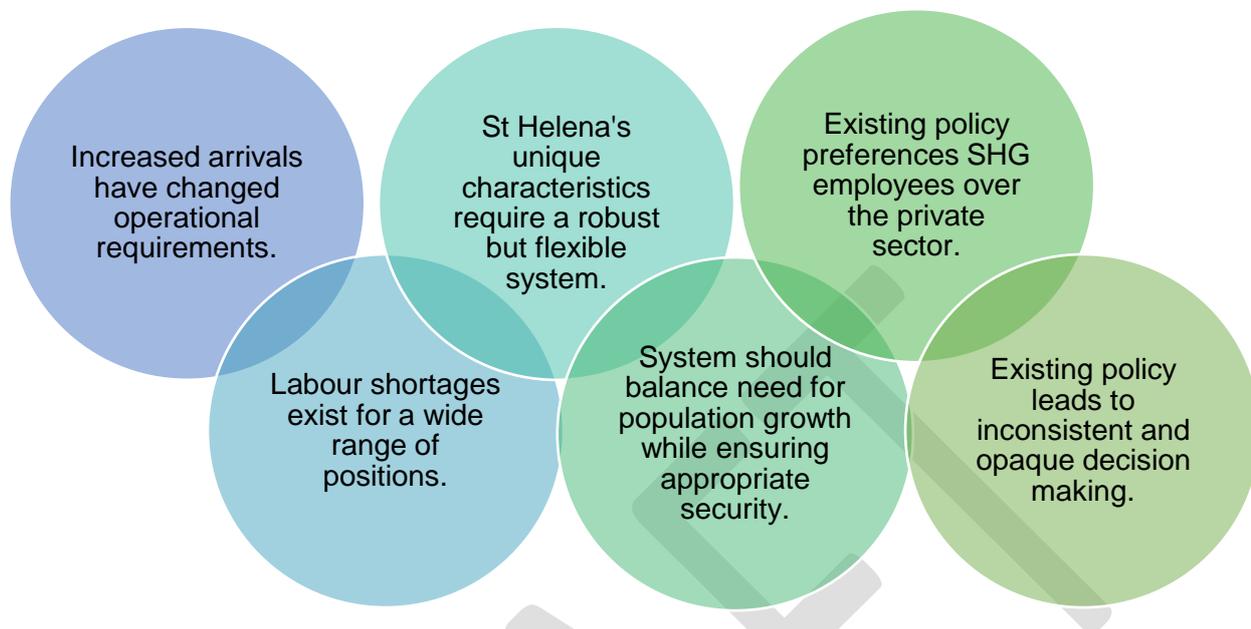


Figure 1 Key Challenges Identified within the current system

3 Rationale for intervention

A robust immigration system is a core function of national governments. It is necessary to revise St Helena's existing Immigration Policy and associated Ordinance to address the issues identified above. In addition, immigration was identified as one of the areas for reform in the 2012 Memorandum of Understanding with the UK Department for International Development. A motion was carried in the formal Legislative Council on 18 March 2016 which provided the mandate for a review of the existing Legislation and Regulations pertaining to immigration.

4 Overarching Policy Framework

4.1 Links to Strategic Objectives

This Immigration Policy is intended to address a number of strategic objectives identified in the 10 Year Plan, the Strategic Economic Development Plan (SEDP) and Labour Market Strategy (LMS) including:

- *Altogether Safer.* We will protect our border from items/people that bring harm to the Island (10 Year Plan);
- *Altogether Wealthier.* We will actively encourage St Helenians to return to the Island to take up jobs for the benefit the economy (10 Year Plan);
- Supporting inward immigration that complements rather than competes with local labour, particularly in sectors where there are skill or labour shortages (SEDP);
- Increasing the population living and working on St Helena (LMS).

4.2 Objectives

The objectives of this Immigration Policy are to:

1. Protect borders and ensure that the Island is safe and secure;
2. Create a robust immigration system that allows the flexibility required by St Helena's unique characteristics;
3. Ensure that all applications made under the Immigration Ordinance are processed fairly, consistently and transparently and
4. Simplify and clarify existing processes in order to make them more user-friendly.
5. Encourage and support economic growth

4.3 Scope

This Immigration Policy applies to all foreign nationals seeking to enter, live or work on St Helena.

4.4 Legal Framework

This Immigration Policy directly relates to the Immigration Ordinance. The Ordinance will require revisions to reflect the final Policy agreed.

5 Baseline Statistics and Situational Analysis

Appendix C summarises key statistics that informed development of this Immigration Policy. These focus on demographic information (e.g., population, age dependency and birth rates) and data on the number and origin or arrivals both before and after the airport opened. The data presented represents a snapshot of the period in which the Immigration Policy was developed and provide context to the policy approaches taken. Significant changes in the trends presented here are one factor that should be considered in determining whether future updates to this Immigration Policy are required.

6 Policy Outline

This section outlines the key provisions of the Immigration Policy. Additional operational and technical detail can be found in the detailed policy provisions below.

6.1 Entry Controls

A person is considered to have the automatic right of entry to St Helena if he or she can prove that they possess St Helenian status. There are minimum requirements for entry with which every foreign national individual must comply. These are set out at 2.1. in the detailed policy provisions. All arrivals on St Helena will be subject to appropriate risk assessment, security checks and document verification. The final decision for entry is that of the Chief Immigration Officer. Work is only allowed for individuals in possession of the relevant permit described in Section 3.2. of this Immigration Policy.

There are two main categories under which persons who meet these minimum requirements may seek to enter St Helena:

- Persons who are exempt from entry controls as a result of their employment or status (e.g., sea crew, air crew, foreign Heads of State).
- Persons required to make application for and obtain an Entry Permit (i.e. a Landing Permit, Short Term Entry Permit or a Long Term Entry Permit).

Consultation Point

Currently, persons in service of the Crown and their partners/dependants are exempt from entry controls. It is proposed that these individuals be subject to entry controls.

The *Landing Permit* is issued for purposes of transit and for a period not exceeding 48 hours. This is typically issued for day visitors from cruise ships or yachts stopping briefly in St Helena to refuel and/or resupply.

The *Short Term Entry Permit* is issued for entry for a period of six months. While regular flights have made St Helena more accessible, the relative isolation and expense of travel to the Island means it is still not uncommon for travellers to arrive with the legitimate intention of undertaking a range of activities. For this reason, Short Term Entry Permit holders are allowed to undertake any of the following activities during their stay: tourism, leisure, visiting friends and/or relatives, general business activities (including prospective entrepreneurs and remote working incidental to other purposes of a visit), volunteering, research (if in possession of an approved research licence) and training or educational activities. Work is only allowed for individuals in possession of the relevant authorisation described in the Employment section, at 6.2 below. No recourse to public funds is allowed.

Nationals of certain countries (i.e., 'Visa National Countries') will need to apply prior to commencing travel to St Helena. If a Visa is granted, the traveller will usually be issued a Short Term Entry Permit on arrival.

The *Long Term Entry Permit* is issued in circumstances where an applicant wishes to enter and remain on St Helena for a period exceeding six months up to a maximum of five years. While partners of St Helenians are not currently subject to entry controls, this policy proposes special categories of Long Term Entry Permit for foreign national partners of St Helenians and foreign national parents/legal guardians of St Helenian dependents.

In general, it is expected that all travellers who intend to remain on St Helena for longer than six months will apply for a Long Term Entry Permit before travelling to St Helena. However, holders of a valid Short Term Entry Permit are eligible to apply for a Long Term Entry Permit while located on St Helena if their circumstances change before the expiry of their Short Term Entry Permit. Having previously entered St Helena on a Short Term Entry Permit will not be a disqualifying factor when applying for a Long Term Entry Permit. Likewise, holding a Short Term Entry Permit does not guarantee issuance of a Long Term Entry Permit.

It is important to recognise that the risk assessment carried out for short term travellers is significantly different from that for longer term travellers. The present Immigration Ordinance does not make the distinction and does not provide safeguards to reduce the risk of abuse.

Due to the duration for which a Long Term Entry Permit is issued, it is essential that the Immigration Service has oversight to ensure that a permit holder continues to meet the conditions under which the permit was granted. In addition to general entry conditions, an individual permit may be conditional on the continuation of a relationship or ability to maintain employment. The Immigration Policy provides for curtailment of a permit should the permit holder no longer meet the minimum entry requirements detailed in the Policy or other condition of their permit (e.g., the permit was issued contingent on the ability to maintain employment or the continuation of a relationship). The Chief Immigration Officer will conduct an assessment to determine whether the permit must be curtailed. The permit holder is not precluded from applying to permission to remain on St Helena under a different route.

6.2 Employment Controls

SHG recognises that attracting a larger population and expanding the workforce, particularly in areas of local skill shortages and development of new sectors, is essential to promoting economic growth. SHG has produced a Shortage Occupation List and associated guidance based on data gathered regarding employment needs on-Island. The Immigration Service will employ inter-agency joint working to ensure implementation of employment controls are consistent with other strategic priorities.

It is recognised that the previous policy allowing short-term work without any permit created challenges for the Immigration Service and had the potential to disadvantage local workers. To address this issue, the decision to allow a foreign national to work on St Helena will be made separately from the decision to allow entry and all individuals seeking any type of employment must still acquire the relevant permit described in this section or sponsorship by an eligible employer before he or she is allowed to work.

Consultation Point

Currently, individuals are allowed to work for up to six months without any permit. It is proposed that all individuals seeking to work on St Helena be required to first acquire a Work Permit, sponsorship by an employer or approval to participate in a temporary employment scheme.

There are several paths by which a foreign national may be employed on St Helena. To facilitate the return of St Helenians from overseas, foreign national partners and dependants of St Helenians or Permanent Residents will be exempt from employment control. Foreign national parents or legal guardians of St Helenians will also be exempt from employment controls. All other foreign nationals must have the relevant permit or sponsorship by an employer before they are allowed to work.

A *Work Permit* is required for any non-exempt immigrant seeking paid employment on St Helena. There are two paths by which an individual can apply for a work permit:

- Self-Employment/Self-Sponsorship
- Employer sponsorship

An individual can apply for a Work Permit that will allow them to take paid employment with any employer, including SHG, or to work as a business owner, independent contractor or as the representative of a company registered outside of St Helena. This requirement applies to immigrants whose employment is based on St Helena⁴. The Shortage Occupation List and associated guidance will provide guidelines for businesses wishing to employ an individual holding a Self-Employed/Self-Sponsored Work Permit

A Work Permit will initially be granted for a period of two years with the presumption in favour of renewal for an additional three years. There is not a limit to the number of times an individual can apply to renew a Work Permit.

All individuals holding a Work Permit will also require a valid Entry Permit to reside on St Helena.

In order to be granted a Work Permit, the applicant should demonstrate evidence of one or more of the following:

- i. They have specialised skills in an occupation identified on the Shortage Occupation List and Accompanying Guidance;
- ii. They will provide a good or service not currently available or not available in sufficient quantity to serve the local market;
- iii. Their work directly supports an import substitution or export sector which supports the goals of the Sustainable Economic Development Plan (SEDP);
- iv. Their work will lead to employment of St Helenian workers;
- v. They work in a role primarily serving off-shore clients;
- vi. Their investment has been endorsed by the Investment Enabling Group or has achieved Approved Investor Status from the Approved Investment Committee as defined by SHG's Investment Strategy or

⁴ The Income Tax Ordinance defines income earned in St Helena as ‘...(a) income received by a resident from services rendered in any part of the world on any vessel registered in St Helena or owned, hired, or chartered by or on behalf of St Helena Line Limited or the Government of St Helena; (b) income from employment exercised in St Helena, whether the actual payment is made in St Helena or elsewhere (including income received while the employee is absent from St Helena for purposes connected with the employment exercised in St Helena); (c) income from self-employment, trade or business attributable to an activity carried on in St Helena by a resident, non-resident or a permanent establishment of a non-resident; (d) income from property where the amount of income is— (i) paid by a resident; (ii) a deductible expense of a permanent establishment of a non-resident person in St Helena; or (iii) derived from property situated in St Helena...’

- vii. Any other factors that demonstrate that issuance of a Work Permit will result in a benefit for St Helena.

Any Employer or legal entity on St Helena, including SHG, may sponsor one or more immigrants who do not already hold a Work Permit, provided they meet certain criteria. An employer-sponsored Work Permit will be linked to a specific position or positions and an application can be made for a Work Permit either before or after a candidate for the position in question is identified. However, a candidate cannot begin employment until the Work Permit has been issued.

An employer-sponsored Work Permit will initially be issued for a period of up to two years, with presumption in favour of renewal for an additional three years. There is not a limit to the number of times an employer can apply to renew a work permit.

In the application to sponsor a Work Permit, the employer should demonstrate the following:

- i. The condition of the local labour market that necessitates recruitment of an immigrant employee. The Shortage Occupation List and associated guidance can be used as evidence of local labour market conditions.
- ii. Any specialised qualifications, skills or experience that the post requires.
- iii. If the application is made before a candidate is identified, the employer will be required to advise the Immigration Service of the particulars of the individual to be employed. All sponsored employees will require a valid Entry Permit to reside on St Helena.
- iv. On completion of, resignation from, or termination of a contract of sponsored employment, an individual who wishes to continue to work in St Helena may apply for a Work Permit in his own right or for sponsorship by another employer.
- v. An employer-sponsored Work Permit is granted for a position not a specific individual. Should a role associated with an employer-sponsored Work Permit become vacant in the first 12 months after issuance, the employer will be able to fill the position with another candidate. If more than 12 months have elapsed, the employer should reconfirm that local labour market conditions continue to necessitate recruitment of an immigrant employee, per the Shortage Occupation List and associated guidance.

Consultation Point

Currently, SHG is exempt from the requirement to get an Immigrant Employment Certificate prior to hiring an immigrant worker. It is proposed that non-exempt foreign nationals seeking work for any employer on St Helena, including SHG, hold a Work Permit or be sponsored by an employer.

Four *Temporary Term Work Permit Schemes* are designed to advance the goals of the LMS and help to attract visitors to the Island while ensuring appropriate controls over previously unregulated short-term work:

- A *Visiting Expert Permit* will be issued to persons who have demonstrable experience in a specific field. Under this permit an individual may work on St Helena for a period not exceeding six months in their specified area of expertise.
- A *Seasonal Concession Permit* is for a fixed term of up to six months. Permission to work will be granted only for a single defined activity that is of a seasonal nature in a specific sector where a need has been identified (e.g., hospitality or agriculture).
- A *Youth Mobility Permit* is designed to allow young people from non-visa national countries, between the ages of 18 and 30 at the date of arrival, the opportunity to enjoy working holidays on St Helena (i.e. an extended stay supplemented by working). The permit will initially be granted for a period of 6 months but may be extended for a further 6 months, provided that the necessary criteria is met. Youth Mobility Permit holders are allowed casual work rights in order

to supplement their travels. Work undertaken must be incidental to the main purpose of holidaying.

- A *Special Talent Permit* will be issued to visiting artists, athletes or other performers to hold or participate in paid exhibitions, competitions or performances in their area of specialty for a period of up to one month during their stay on St Helena.

6.3 Special Leave

A Senior Immigration Officer may, in certain circumstances, give permission (to be known as a “special leave”) for an immigrant to enter and/or remain on St Helena though not authorised to do so by either an entry permit or a landing permit. This provision will provide clarity and consistency regarding the treatment of individuals who require right to enter or remain on St Helena due to circumstances outside their control (e.g., a medical emergency or trip cancellation).

6.4 General Grounds for Refusal

There are a number of grounds for which an immigration application may be denied. These are set out in the Detailed Policy Provisions under section 5.

6.5 Permanent Resident Status**

In line with the goals of the LMS, the Policy includes a new *Permanent Resident* status. This is intended to address employer interest in retaining skilled workers on-Island through means other than application for St Helenian Status. This is consistent with the practice in other countries – including the UK – where individuals who immigrate for the purposes of employment can obtain permanent resident status before they are eligible to apply for citizenship.

An applicant who has completed a minimum period of four year’s residence on St Helena will become eligible to apply for Permanent Resident status. A person holding Permanent Resident status is not subject to any time limits for remaining in residence on St Helena and is free to work on St Helena in any business that has been legally established, profession or employment, including self-employment. A person who has Permanent Resident status is eligible to access healthcare at local rates, but does not have other rights such as the ability to access social security benefits, ability to access Government Landlord Housing and to apply for a British Overseas Territories Passport or British Passport.

Consultation Point

It is proposed that individuals living on St Helena for four years be eligible to apply for Permanent Resident Status. This is consistent with the goals of the Labour Market Strategy.

In parallel, the Policy introduces a **Fast Track Residency Scheme**** which would allow high net worth individuals to access permanent residence on St Helena in exchange for a substantial financial investment in the island and an element of business development. Implementation of this scheme would require development of an appropriate legal framework.

The Fast Track Residency scheme is proposed to be administered as follows:

- This would be a fast-track option to Permanent Resident Status and all associated benefits.
- All applicants would be required to hold a deposit at a registered Bank on St Helena in addition to the substantial financial investment.
- Applicants would be subject to security and financial checks prior to approval. Applications by passport holders from certain countries may be restricted.
- Individuals who acquired Fast Track Residency Status would be eligible to apply for St

Helenian Status (citizenship) after six years based on the requirements outlined in the Immigration Ordinance.

- The scheme will be reviewed within two years of launch and periodically thereafter.

**** This category is subject to approval by the UK**

Consultation Point

It is proposed that a path to Fast Track Residency scheme be made available for high net worth individuals making contributions to the SHG treasury. This contribution will help SHG pay for public services.

SHG is seeking feedback on the introduction and details of this scheme, including whether there should be an upper limit of participants approved each year.

6.6 St Helenian Status

St Helenian status is a status that is recognised by the SHG. St Helenian status can be achieved via birth, descent or grant as per the conditions set out in the detailed policy provisions.

To facilitate St Helenians returning to the Island, the partner of a St Helenian would be eligible to apply for grant of St Helenian Status after two years residency on-Island under this Immigration Policy. In parallel to the introduction of Permanent Resident status, the Policy extends the time required on-Island to six years** for all other individuals applying for status by grant.

****The proposed increased period of 6 years to achieve Saint Helenian status and the acceptability or otherwise in its impact on granting BOTC status, potentially within a shorter time period is subject to approval by the UK.**

Consultation Point

Currently, partners of St Helenians are eligible to apply for St Helenian status after three years residency and all other applicants for grant of St Helenian status are eligible after five years. It is proposed that partners of St Helenians be eligible to apply for St Helenian status after two years residency on-Island and all other applicants for grant of St Helenian status be eligible after six years.

6.7 Immigrant Landholding Controls

Immigrant landholding controls will now fall under the remit of the Estates Strategy Panel.

6.8 Appeals

Any person aggrieved by or dissatisfied with a decision of an Immigration Officer may appeal to the Magistrates' Court within 14 days of being notified of such decision, with the option of further appeal to the Supreme Court.

7 Administration of Policy

7.1 Changes to Ordinance Required

The Immigration Ordinance will need to be revised to reflect changes introduced in this Immigration Policy. This Immigration Policy, as well as the details in the Appendix, will inform drafting of the necessary legislative changes.

7.2 Lead Officer

The St Helena Immigration Service will be responsible for implementing this Policy with support from other relevant SHG offices or Committees.

7.3 Notification of Decisions

The Immigration Service will determine a schedule indicating the timeframe for decisions to be made on each type of permit, certificate or status. This will be incorporated in the Immigration Ordinance as is done for the Land Planning Development Control Ordinance. Should inadequate information be available for the Officer to make a decision within a reasonable timeframe, the application will be declined and an appeal can be made.

7.4 Due Diligence

All individuals subject to entry control will be subject to international standard security and financial checks commensurate with the length and purpose of their stay on St Helena. Security risk should be assessed by the Immigration Service. Financial risk will be assessed by an appropriate body within SHG. Training will be required to ensure suitable security checks of sources of funding, veracity of claimed funding, availability of funds and regulations governing trusts and trust funds. Additional training and intelligence systems need to be established to permit enquiries to be made in different countries to permit effective vetting and prevent tax avoidance.

Detailed Policy Provisions

1 Introduction

1.1 Intention

This document sets out the St Helena Government's (SHG's) policy with respect to Immigration.

The Immigration Policy establishes effective border controls ensuring that the island is a safe and secure place for residents and visitors.

The Immigration Policy seeks to strike a delicate balance between increasing immigration and protecting the local labour market.

The Immigration Policy sets out SHG's requirements for:

- Entry controls
- Employment controls
- Permanent Residence
- St Helenian Status
- Appeals
- Enforcement
- Asylum

Nothing in this policy detracts from the formal legal position set out in the Immigration Ordinance.

The Immigration Policy will take effect from [date to insert].

1.2 Objectives

The Objectives of the Immigration Policy are:

- Protecting Borders to ensure that the Island is safe and secure;
- Creating a robust immigration system that allows the flexibility required by St Helena's unique characteristics;
- Ensuring that all applications made under the Immigration Ordinance are processed fairly, consistently and transparently;
- Simplifying and clarifying existing processes in order to make them more user-friendly and
- Supporting and encouraging economic growth.

2 Entry to St Helena: The System for Entry Control

This section of the Immigration Policy covers an individual's entry to St Helena.

2.1 Minimum Entry Requirements

All persons travelling to St Helena must ensure prior to arrival that they can meet the following entry requirements:

- a) All persons travelling to St Helena must have a valid passport to enter St Helena. This is required as proof of identity and nationality.
- b) The passport should be valid for six months after the date on which a person is to leave St Helena at the end of their travel.
- c) There should be at least 2 blank pages in the passport.
- d) A person may also need a visa prior to travelling, depending on their country of Nationality. Possession of a valid Permit is required in accordance with legal notice 15 of 2016, the IMMIGRATION (VISA REQUIREMENT) ORDER – SECTION 16A.
- e) All persons should have sufficient funds or adequate up-to-date medical insurance to cover the cost of medical evacuation from St Helena as prescribed by the current Public Health Legislation

in place at the time of entry. Should medical assistance or evacuation be required, the person travelling shall cover the full cost of this.

- f) All persons should have confirmed accommodation for the full duration of their stay on St Helena.
- g) An Immigration Officer who has reasonable grounds to suspect that a person seeking entry to St Helena may be suffering from a serious mental health condition or infectious disease, may refer the person to undergo medical examination before granting that person entry into St Helena.
- h) An Immigration Officer who has reasonable grounds to suspect that a person seeking entry to St Helena is withholding material information in relation to their application or their circumstances, may refuse to grant entry to that person.
- i) Possession of a return flight ticket or evidence of other means of departure from the island, including any visas necessary for the return or onward journey where applicable.
- j) All persons must meet the requirements of the Immigration Ordinance, even if they are travelling as, for example, a family group, a tour group or a school party.
- k) Entry for all persons is subject to satisfactory security checks.
- l) Every application for a visa shall be on the prescribed form and accompanied by the prescribed fee.
- m) All documents submitted with an application must be in English. If they are not in English, the applicant must provide the original and a certified translation.
- n) An applicant who has dependants wishing to travel with/accompany him will need to complete a separate application for each applicant. The application of a dependant will be assessed in line with the main applicant's application.
- o) Persons travelling with children may be asked at the border to prove the relationship between them and any children travelling with them, if they do not seem to be the parent, or if the child is travelling with only one parent. This must be proven with:
 - i. Original or certified copy of a birth or adoption certificate showing the relationship with the child, and
 - ii. Certified copy of divorce decree or marriage certificates in the case of a parent who has a different surname from the child, and
 - iii. If applicable, a letter from the child's parents giving permission for the child to travel with a person who is not the parent and providing contact details for the parents as well as certified copies of the parents' passports/proof of identity.

2.2 Persons seeking entry to St Helena will fall into the following categories:

- a) Those with automatic right of entry to St Helena;
- b) Those exempted from entry controls; and
- c) Those who are required to make application for or obtain an Entry Permit. There are three categories of permit depending on the planned length of stay:
 - i. Landing Permit (for stays on-island of up to 48 hours)
 - ii. Short Term Entry Permit (categories for stays on-island of up to 6 months)
 - iii. Long Term Entry Permit (categories for stays on-island in excess of 6 months up to a maximum of 5 years).

2.3 Persons with Automatic Right of Entry to St Helena

A person is considered to have the automatic right of entry to St Helena if he can prove that he possesses St Helenian Status.

2.4 Persons exempt from Entry Control

The following persons, their partners and their dependants are exempt from Entry Controls and will not require a Landing Permit or Entry Permit:

- a) Sea Crew: Seafarers who are in transit (under contract) to join a ship or are in transit as part of a crew. Ship includes hovercraft and seaport includes hover port. (Crew intending to stay longer than 48hrs must have a visa and/or entry clearance as appropriate).
- b) Air Crew: Airline crew members do not need prior entry clearance if they are operating crew (including flight attendants); are holding passports; and are departing, as a member of the crew, on the same aircraft from the airport at which they arrived or on another aircraft (crew intending to stay longer than 7 days must have a visa and/or entry clearance as appropriate).
- c) Sovereigns, Heads of State or Persons travelling on Official or Diplomatic Passports, whether travelling officially or privately.
 - i. Members of their family, forming part of their household and their private servants are also exempt from immigration control.
 - ii. Members of their household include, but are not limited to, spouses, civil partners and children under the age of 18.
 - iii. All persons included in an official state visit for the purpose of attending to the Head of State will also be exempt from immigration control.
 - iv. All people named in the official party should be employees of the sending state.

2.5 Persons not exempt from Entry Control

All other foreign nationals travelling to St Helena will require a Landing Permit or Entry Permit. This includes the following persons, their partners and dependants:

- a) Seafarers who are visa nationals, travelling to St Helena for 6 months or less for the following reasons, require a visa:
 - i. Private visits;
 - ii. Travelling as passengers;
 - iii. Signing on ship's articles as supernumeraries at nominal rates of pay; or
 - iv. Visiting as amateur yachtsmen.
- b) Aircraft security guards, crew on training, loadmasters and others are not accepted as operating crew; they will need their passports and, where applicable, visas.
- c) Airport based operational ground staff (station managers, security managers and technical managers only) of overseas owned airlines do need prior entry clearance. All other staff of overseas airlines who will be based on St Helena will need entry clearance and a Long-Term Entry permit
- d) Journalists, businessmen or other people not employed by the sending state that are included in official parties are not exempt from immigration control and must meet the requirements of the Immigration Rules as business visitors
- e) Ex-Heads of State and their families are not exempt from immigration control. They should be treated as private persons

2.6 Visa National Travellers

Persons holding a passport from a country specified by the Governor in Council by order shall not be allowed to travel to St Helena without first having obtained a visa prior to embarking on his journey to St Helena. (Please refer to Appendix A for the list of Visa National Countries). If a visa is granted, the traveller may be issued a Short Term Entry Permit on arrival.

A visa national who arrives on St Helena without a valid visa will be refused an entry permit.

A visa national is also required to apply for the relevant Long Term Entry Permit prior to travelling if seeking to remain in St Helena for longer than 6 months.

2.7 The Landing Permit: Entry to the Island for up to 48 Hours

The Landing Permit has been designed with transiting passengers, cruise ship passengers and yachting visitors in mind. It is intended for very short stays (up to a maximum of 48 hours) or for transit purposes. The Landing Permit is non-renewable.

The Landing Permit is a 'blanket' pass that is issued to the Master of a Vessel. The Master of the Vessel should, on arrival at St Helena, provide the Immigration Officer with a list of names, dates of birth and nationalities of persons on board who are seeking entry to St Helena. The Immigration Officer will provide the Master of the Vessel with a Landing Permit referenced to this list which will give the persons listed the right of entry to St Helena for up to 48 hours.

Upon arrival at St Helena, should an individual not meet the minimum entry requirements, repatriation of that individual will be the responsibility of the Master of the Vessel through which the individual arrived at St Helena.

2.8 The Short Term Entry Permit: Persons Seeking Entry to the Island for up to 6 months

The Immigration Officer has the authority to issue a visitor, his partner and his dependants Short Term Entry Permits upon arrival at the island if the intended stay is up to a maximum of 6 months, subject to all requirements being met by the applicants. An individual may apply for multiple Short Term entry permits, provided they depart St Helena prior to each application for a new Short Term Entry Permit. Each application will be assessed on the merits and previously holding a Short Term Entry Permit does not guarantee issuance of future permits.

A refusal by an Immigration Officer of an application for a Short Term Entry Permit will attract a right to review by a Senior Immigration Officer

The applicant should not fall for refusal under the General Grounds for Refusal.

The following conditions will attach to Short-Term Entry Permits:

- i. The Permit holder may not remain on St Helena longer than 6 months unless an application for a Long Term Entry Permit is made and approval received before the Short Term Entry Permit expires.
- ii. Any friends or relatives visited must be lawfully on St Helena.
- iii. There will be no recourse to public funds.

The following activities are permissible while on St Helena on a Short Term Entry Permit:

- i. Tourism/leisure
- ii. Visiting friends and/or relatives
- iii. Volunteering
- iv. Participating in a training or educational programme
- v. Research, if in possession of an approved research license
- vi. Prospective entrepreneur or general business activities (i.e. attend meetings, conferences, seminars, interviews; deliver and/or receive work-related training, consultancies, remote work incidental to other trip purposes). Business activities will normally be linked to the person's employment overseas and activities for business visitors are mostly incidental to their employment abroad.
- vii. Employment is permissible only under the conditions defined in Section 3.

2.9 The Long Term Entry Permit

This section of the policy sets out the circumstances under which a person applies to enter and remain on St Helena for longer than 6 months and up to maximum period of 5 years. Long Term Entry Permit holders must be able to demonstrate that they are able to support themselves for the duration of the permit, whether through sufficient financial holdings or work or as the partner or dependant of someone who can demonstrate they are able to support themselves.

Travellers intending to remain in St Helena for longer than 6 months are expected to apply for a Long Term Entry Permit before travelling to St Helena. However, holders of a valid Short Term Entry Permit may be eligible to apply for a Long Term Entry Permit while located on St Helena if their circumstances change before the expiry of the Short Term Entry Permit. Having previously entered St Helena on a Short Term Entry Permit will not be a disqualifying factor when applying for a Long Term Entry Permit. Likewise, holding a Short Term Entry Permit does not guarantee issuance of a Long Term Entry Permit.

An application to change from a Short Term to Long Term Entry Permit or to renew a Long Term Entry Permit may be submitted no earlier than 3 months prior to and no later than 28 days before the date of expiry of the applicant's current Entry Permit

The applicant must not fall for refusal under the general grounds for refusal, and provided that there is a satisfactory outcome to immigration security checks

2.9.1 Partner of a St Helenian

- a. The couple must have met in person
- b. The marriage/civil partnership should not be a sham marriage
- c. The couple must be in a genuine and subsisting relationship
- d. The partner of an individual who has St Helenian Status may be granted a long term entry permit for a period of 2 years.
- e. Neither the applicant nor their partner must be married to, or in a civil partnership with another person at the date of application.
- f. Each application will receive consideration of the family and individual circumstances, taking into account all matters raised on a case-by-case basis.
- g. All marriages which take place on St Helena, to be recognised as valid, must be monogamous and must be carried out in accordance with the requirements of the applicable marriage legislation (Marriage Ordinance 2016)
- h. A marriage or civil partnership which has taken place abroad is recognised as legal if it was properly conducted to satisfy the requirements of the law of the country in which it was solemnised. A valid marriage certificate must be produced as evidence of a legally recognised marriage

2.9.2 Foreign National Parent of a St Helenian Dependant

A foreign national parent of a St Helenian dependant may be issued a Long Term Entry Permit if:

- a) The foreign national parent has sole parental responsibility for the St Helenian dependant or
- b) The foreign national parent is the primary carer of the St Helenian dependant or
- c) In the event that the foreign national parent is not the primary carer or parent with sole parental responsibility; the foreign national parent must be significantly involved in the care and welfare of the St Helenian dependant.

2.10 Curtailment of an Immigration Permit

A Permit Holder, Sponsor, Employer or St Helenian Partner is required to, as soon as is reasonably practicable, inform the Immigration Service of any change in circumstances which may affect the person's permit or permission to stay in St Helena was initially granted.

The Immigration Officer will, upon assessment, determine whether a Long Term Entry Permit should be curtailed. The permit holder is not precluded from applying for permission to remain on St Helena under a different route.

3 Employment

Unless specifically exempted under Section 3.1. below, an immigrant seeking to engage in a profession, business, trade or vocation for gain or reward whilst on St Helena will be subject to the following system of employment controls. The St Helena Government recognises that attracting a larger population and expanding the workforce, particularly within areas of local skill shortages and development of new sectors, is essential to promoting economic growth. SHG has produced a Shortage Occupation List and associated guidance based on data gathered regarding employment needs on-Island. The Shortage Occupation List summarises the specific areas where there are labour shortages on St Helena. This will be updated based on data collected from surveys of local businesses and other information compiled by St Helena Government on workforce needs. Employers are expected to test the local labour market before applying for permission to hire an immigrant employee and to demonstrate that suitable local labour was not available at the time of recruitment. The Shortage Occupation List and associated guidance provides instructions for how employers can demonstrate that they have tested the labour market through advertisement of vacancies in local media. This guidance will be periodically reviewed and updated based on economic conditions.

The Immigration Service will employ inter-agency joint working to ensure implementation of employment controls are consistent with other strategic priorities.

3.1 Exemptions from Employment Control

An immigrant is exempt from employment control if they are the partner, dependant, parent or guardian of a person with St Helenian or a person holding Permanent Resident Status.

3.2 Work Permits

A work permit is required for any non-exempt immigrant seeking paid employment on St Helena. There are two paths by which an individual can apply for a work permit:

- Self-Employed/Self-Sponsored
- Employer sponsorship

3.2.1 Self-Employed/Self-Sponsored Work Permit

An individual can apply for a Work Permit that will allow them to take paid employment in a particular occupation with any employer, including St Helena Government, or to work as a business owner, independent contractor or as the representative of a company operating outside of St Helena. This requirement applies to immigrants whose employment is based on St Helena. The Shortage Occupation List and associated guidance will provide guidelines for businesses wishing to employ an individual holding a Self-Employed/Self-Sponsored Work Permit.

Employment based on St Helena will be defined in line with the provisions of the Income Tax Ordinance

A Work Permit will initially be granted for a period of two years with the presumption in favour of renewal for an additional three years. There is not a limit to the number of times an individual can apply to renew a work permit.

All individuals holding a Work Permit will also require a valid Entry Permit to reside on St Helena.

In order to be granted a work permit, the applicant should demonstrate evidence of one or more of the following:

- i. They have specialised skills in an occupation identified on the Shortage Occupation List and Accompanying Guidance;
- ii. They will provide a good or service not currently available or not available in sufficient quantity to serve the local market;
- iii. Their work directly supports an import substitution or export sector which supports the goals of the Sustainable Economic Development Plan;
- iv. Their work will lead to employment of St Helenian workers;
- v. They work in a role primarily serving off shore clients;

- vi. Their investment has been endorsed by the Investment Enabling Group or has achieved Approved Investor Status from the Approved Investment Committee as defined by SHG's Investment Strategy or
- vii. Any other factors that demonstrate that issuance of a Work Permit will result in a benefit for St Helena.

The Work Permit issued will include the name of the individual granted permission to work and the activities for which they can be granted employment.

3.2.2 Employer-Sponsored Work Permits

Any Employer or legal entity on St Helena, including St Helena Government, may sponsor one or more immigrants who do not already hold a Work Permit, provided they meet certain criteria. An employer-sponsored Work Permit will be linked to a specific position or positions and an application can be made for a Work Permit either before or after a candidate for the position in question is identified. However, a candidate cannot begin employment until the Work Permit has been issued.

An employer-sponsored Work Permit will initially be issued for a period of up to two years, with presumption in favour of renewal for an additional three years. There is not a limit to the number of times an employer can apply to renew a work permit.

In the application to sponsor a Work Permit, the employer should demonstrate the following:

- i. The condition of the local labour market that necessitates recruitment of an immigrant employee. The Shortage Occupation List and associated guidance provide guidelines that employers should follow regarding how long a vacancy should be advertised in local media based on the level of skill or qualification required. This guidance will be periodically reviewed and updated based on economic conditions.
- ii. Any specialised qualifications, skills or experience that the post requires.
- iii. If the application is made before a specific candidate is identified, the employer will be required to advise the Immigration Service of the particulars of the individual to be employed when a candidate is selected. All sponsored employees will require a valid Entry Permit to reside on St Helena.
- iv. On completion of, resignation from, or termination of a contract of sponsored employment, an individual who wishes to continue to work in St Helena may apply for a Work Permit in his own right or for sponsorship by another employer. An employer-sponsored Work Permit is granted for a position not a specific individual. Should a role associated with an employer-sponsored Work Permit become vacant in the first 12 months after issuance, the employer will be able to fill the position with another candidate. If more than 12 months have elapsed, the employer should reconfirm that local labour market conditions continue to necessitate recruitment of an immigrant employee, per the Shortage Occupation List and associated guidance.
- v. The Work Permit issued will include the name of the employer, name of the employee and title of the job for which the right to work has been granted.

3.3 Temporary Employment Schemes

Several temporary employment schemes in order to fill specific short-term labour shortages as well as to attract visitors to the Island. Individuals will not require a separate Work Permit, but will be limited in the employment they can accept based on the scheme to which they apply.

3.3.1 Visiting Expert Permit

Individuals who have demonstrable expertise and experience in a particular field will be eligible for this Permit.

The permit will be issued for a maximum period of 6 months. Permit holders must also hold a valid Short Term Entry Permit and abide by all conditions of that permit.

Permit holders are prohibited from carrying out any work outside the specific area of expertise for which the permit was issued.

3.3.2 Seasonal Concession

Permission to work will be granted only for a maximum period of six months for a single defined activity that is of a seasonal nature in a specific sector where a need has been identified (e.g., hospitality or agriculture). This permit is not renewable.

3.3.3 Youth Mobility Permit

The Youth Mobility Permit gives young people from non-visa national countries, between the ages of 18 and 30 at the date of arrival, the opportunity to enjoy working holidays on St Helena (i.e. an extended stay supplemented by working). The permit will initially be granted for a period of 6 Months but may be extended for a further 6 months, provided that the necessary criteria are met.

Youth Mobility Permit holders are allowed casual work rights in order to supplement their travels. Work undertaken must be incidental to the main purpose of holidaying.

- a) The Applicant must be between 18 and 30 years old and unaccompanied by dependent children;
- b) Applicants must meet all minimum requirements for entry to St Helena and will also be required to have a valid Short or Long Term Entry Permit and abide by all conditions of that permit;
- c) Permit holders are approved to do work of a temporary or casual nature. The main purpose of the permit is holiday and travel, so work for longer than 6 months with any one employer is not allowed.

3.3.4 Special Talent Permit

An entertainer, artist or athlete wishing to deliver a performance or exhibition for a period of up to 30 days will be eligible for a permit under this category.

The permit holder will also be required to have a valid Entry Permit and abide by all conditions of that permit.

The full cost of any performance or exhibition must be borne by the applicant or his agent.

4 Special Leave

No immigrant may enter or remain in St Helena unless he or she is authorised to do so by either:

- a) an entry permit;
- b) a landing permit; or
- c) special leave

An Immigration Officer may, in certain circumstances, give permission (to be known as a “special leave”) for an immigrant to enter (or remain in) St Helena though not authorised to do so by either an entry permit or a landing permit.

The grant of special leave does not confer any rights to gainful employment in St Helena and may be revoked by the Chief Immigration Officer.

The Chief Immigration Officer or a person acting under his or her authority may grant special leave to an immigrant to enter or remain in St Helena if the immigrant:

- a) does not immediately meet the requirements of the Ordinance or regulations, but for a compelling reason should be allowed to enter St Helena temporarily either to make provision to meet the requirements of the Ordinance or regulations or to make arrangements for onward passage to another destination;
- b) requires temporary admittance for medical assessment or treatment;
- c) unknowingly allows his or her permit or other permission to stay on St Helena to lapse and alerts an Immigration Officer at the earliest practicable opportunity;

- d) has submitted an application for an extension of his or her permit or other permission to stay in St Helena, but the decision of the Immigration Officer has not been made by the date of expiry of the permit or other permission;
- e) following a decision by the Board or Immigration Officer to deny an application for an extension, is left without a valid entry permit or other permission to stay in St Helena, in which case any special leave is valid only—
 - (i) Pending further representations to the Board or Immigration Officer;
 - (ii) Pending an appeal to the Magistrates Court;
 - (iii) Pending departure on the next available vessel;
 - (iv) Despite not strictly complying with the definition of a consular officer, nor being directly in the service of the Crown, is serving in or supporting Her Majesty's forces or those of any other United Nations member nation.

Special Leave must be indicated by way of endorsement in the immigrant's passport and applies for a specified period not exceeding 1 month which does not count as time spent on St Helena for purposes of continuous lawful residence.

5 General Grounds for Refusal

The following are general grounds on which an immigration application may be refused:

- a) Failure by a person arriving on St Helena to furnish the Immigration Officer, upon request, with such information as may be required for the purpose of deciding whether to grant leave to enter and, if so, whether and on what terms leave should be given;
- b) Where the person seeking leave is outside St Helena, failure by him to supply within a reasonable time following request by the Immigration officer, any information, documents, copy documents or medical insurance/equivalent
- c) Failure by a person seeking leave to enter as a returning resident to satisfy the Immigration Officer that they continue to meet the requirements of the Immigration Ordinance, or that he seeks leave to enter for the same purpose as that for which his earlier leave was granted;
- d) Production by the person seeking leave to enter St Helena of a national passport or travel document issued by a territorial entity or authority which is not recognised by St Helena Government as a State or is not dealt with as a government by them, or which does not accept valid St Helena (BOTC) passports for the purpose of its own immigration control; or a passport or travel document which does not comply with international passport practice;
- e) Where the applicant has previously contrived in a significant way to frustrate the intentions of the Immigration Ordinance by overstaying; or breaching a condition attached to his leave; or being an illegal entrant; or using deception in an application for entry clearance, leave to enter or remain or in order to obtain documents from a third party required in support of the application (whether successful or not);
- f) Where false representations have been made or false documents or information have been submitted (whether or not material to the application, and whether or not to the applicant's knowledge), or material facts have not been disclosed, in relation to the application or in order to obtain documents from a third party required in support of the application.
- g) Where the applicant has previously breached the UK's immigration laws (and was 18 or over at the time of his most recent breach) by:
 - i. Overstaying;
 - ii. Breaching a condition attached to his leave;
 - iii. Being an Illegal Entrant;
 - iv. Employing misrepresentation in an application for leave to enter or remain, or in order to obtain documents from a third party required in support of the application (whether successful or not);

- h) Where there are other aggravating circumstances such as, but not limited to (the list is not exhaustive):
 - i. Absconding
 - ii. Not meeting special leave restrictions
 - iii. Using an assumed identity or multiple identities without reasonable explanation
 - iv. Switching nationality
 - v. Making frivolous applications
 - vi. Not complying with the re-documentation process.
- i) Failure, except by a person eligible for admission to St Helena for settlement, to satisfy the Immigration Officer that he will be admitted to another country after a stay on St Helena;
- j) Where the person seeking leave is outside St Helena; failure by him to supply any information, documents, copy documents or medical report requested by an Immigration Officer;
- k) Refusal by a sponsor of a person seeking leave to enter St Helena to give, if requested to do so, an undertaking in writing to be responsible for that person's maintenance and accommodation for the period of any leave granted together with the assurance that the person will not seek employment or public funds
- l) Failure, in the case of a child under the age of 18 years seeking leave to enter St Helena otherwise than in conjunction with an application made by his parent(s) or legal guardian to provide the Immigration Officer, when required to do so, with written consent to the application from his parent(s) or legal guardian; save that the requirement as to written consent does not apply in the case of a child seeking admission to St Helena as an asylum seeker;
- m) Save in relation to a person settled on St Helena, refusal to undergo a medical examination when required to do so by the Immigration Officer;
- n) The person has been convicted of an offence for which they have been sentenced to a period of imprisonment of at least 4 years; or has been convicted of an offence for which they have been sentenced to a period of imprisonment of at least 12 months but less than 4 years, unless a period of 10 years has passed since the end of the sentence; or has been convicted of an offence for which they have been sentenced to a period of imprisonment of less than 12 months, unless a period of 5 years has passed since the end of the sentence
- o) The immigration officer deems the exclusion of the person from St Helena to be conducive to the public good. For example, because the person's conduct (including criminal convictions), character, associations, or other reasons, make it undesirable to grant them leave to enter.
- p) If a person has an adverse immigration history in St. Helena or the United Kingdom, any British Overseas Territory or any other country;
- q) Such person is unable to show that he has financial means to adequately maintain and accommodate himself (including medical emergencies) and any dependants for the duration of their intended stay in St Helena and to pay for their repatriation
- r) If a person is believed to be a terrorist or has been convicted of terror-related activities, has links to terrorist organisations, supports or encourages terrorist activity or has ever expressed views that justify or glorify terrorist activity;
- s) If a person has been involved in or associated with war crimes, crimes against humanity or genocide;
- t) The Immigration Officer must be satisfied that the applicant is genuinely seeking entry for the specific purpose applied for
- u) An Immigration Officer may refuse entry to St Helena of any person if the person does not comply with any condition of entry imposed by or under the Ordinance
- v) It is believed that the applicant has a communicable disease which he was aware of but failed to inform an Immigration Officer thereof;

- w) It is believed that the applicant has a conviction for an offence listed in section 38 of the Immigration Ordinance; or
- x) Such person has mental or physical medical conditions for which he has insufficient funds for his care, or the cost of which will result in a significant drain on St Helena health or other resources
- y) The Chief Immigration Officer may direct that an immigrant be deported from St Helena if the immigrant—
 - i. does not comply with or has not complied with any condition imposed by or under the Ordinance.
 - ii. previously complied with the condition imposed by or under the Ordinance but as a result of any change in circumstances does not now comply; or
 - iii. remains in St Helena beyond the period for which his or her entry permit or any other permission to be in St Helena is valid; or
 - iv. deliberately facilitates the illegal entry into St Helena of any other person.

6 Permanent Resident Status

To qualify for Permanent Resident Status, an applicant must not be on St Helena in breach of any immigration laws.

The applicant must have resided on St Helena for a continuous lawful period of at least four years, counted backwards from the date of application for permanent residence. Throughout this period, the applicant must have maintained and accommodated himself and any dependants adequately without recourse to public funds; and remain lawfully economically active on St Helena in employment, self-employment or a combination of both.

An application for Permanent Resident Status may be submitted no earlier than 3 months prior to the date an individual would be eligible to receive it and no later than 28 days before expiry of the applicant's current leave to remain on St Helena. If a decision regarding the grant of Permanent Resident Status is not made by the expiry of the applicant's leave to remain, the individual will be allowed to remain on St Helena until such time that a decision is made.

An application for Permanent Resident Status is to be refused, even if the applicant meets all the requirements of these paragraphs, if the Immigration Officer has cause to doubt the genuineness of any document submitted by the applicant and, having taken reasonable steps to verify the document, has been unable to verify that it is genuine.

Absence from St Helena will not break the continuous lawful period if they occur while the applicant had valid leave and they cumulatively total 360 days or less during the four year period from date of application for Permanent Residence.

Absence which count towards the 360 day limit include any of the following:

- a) The time between an applicant's grant of entry clearance and entering St Helena
- b) Trips taken for personal, family or social reasons
- c) Business trips, including secondments, training and conferences
- d) Absences during annual leave from employment on St Helena
- e) Absences where the applicant had valid leave when they left St Helena and they submitted a successful application for a permit before that leave expired

Where the purpose of the absence was for the applicant to assist with a national or international humanitarian or environmental crisis overseas, this will not break the continuous period, regardless of the length of the absence.

Any period without valid leave will break the continuous lawful period.

The Immigration Officer must be satisfied that:

- a) the application is valid;

- b) the applicant's passport or travel document is genuine;
- c) there are no general grounds for refusal.

If a person has Permanent Resident Status there is no longer any time limit on their eligibility to remain on St Helena.

A person with Permanent Resident Status is free to work on St Helena in any business that has been legally established, profession or employment, including self-employment, however, must comply with the law and any statutory regulations for that business, profession or employment.

A person who has Permanent Resident Status is eligible to access healthcare at the local rates.

A child born to a parent with Permanent Resident Status will derive Permanent Resident Status in line with their parent.

6.1 Fast Track Residency Scheme**

The Fast Track Residency scheme would allow high net worth individuals to access permanent residence on St Helena in exchange for a substantial financial investment in the island and an element of business development. Implementation of this scheme would require development of an appropriate legal framework.

The Fast Track Residency scheme is proposed to be administered as follows:

- This would be a fast-track option to Permanent Resident Status and all associated benefits.
- All applicants would be required to hold a deposit at a registered Bank on St Helena in addition to the substantial financial investment.
- Applicants would be subject to security and financial checks prior to approval. Applications by passport holders from certain countries may be restricted.
- Individuals who acquired Fast Track Residency Status would be eligible to apply for St Helenian Status (citizenship) after six years based on the requirements outlined in the Immigration Ordinance.
- The scheme will be reviewed within two years of launch and periodically thereafter.

*****This category is subject to approval by the UK***

7 St Helenian Status

This section of the Immigration Policy covers the system for obtaining St Helenian Status, whether acquired by birth, descent or through grant.

St Helenian status is a status that is recognised by the SHG. St Helenian status can be achieved via birth, descent or grant as per the conditions set out in the detailed policy provisions.

To facilitate St Helenians returning to the Island, the partner of a St Helenian would be eligible to apply for grant of St Helenian Status after two years residency on-Island under this Immigration Policy. In parallel to the introduction of Permanent Resident status, the Policy extends the time required on-Island to six years** for all other individuals applying for status by grant.

*****The proposed increased period of 6 years to achieve Saint Helenian status and the acceptability or otherwise in its impact on granting BOTC status, potentially within a shorter time period is subject to approval by the UK.***

An application for St Helenian Status may be submitted no earlier than 3 months prior to the date an individual would be eligible to receive it and no later than 28 days before the expiry of the applicant's current leave to remain on St Helena. If a decision is not made by the date of expiry of the applicant's leave to remain, the applicant will be allowed to remain on St Helena until a decision is made on the application.

7.1 Right to St Helenian status by Birth

The conditions for St Helenian Status, whether by right of birth, descent or grant remain unchanged from those presented in Schedule I of the Immigration Ordinance (2008) as amended

A person has St Helenian Status by right of Birth if:

- a) he is an islander; or
- b) he was born on St Helena on or after 18 October 1999 and, at the time of his birth, his father or mother was an islander or had St Helenian Status.

7.2 Right to St Helenian status by Descent

A person has St Helenian Status by right of Descent if he was born outside St Helena after 18 October 1999, if at the time of his birth his mother or father:

- a) Had St Helenian Status by right of birth; or
- b) Had St Helenian Status by right of descent and was ordinarily resident in St Helena; or
- c) Had St Helenian Status by right of descent acquired through having at least one parent who had St Helenian Status by right of birth.

A person who has St Helenian Status by right of descent may only pass this Status on to their children and their children's children.

7.3 Declaration of St Helenian Status

A person who claims to have St Helenian status under 7.1. or 7.2. may apply for a declaration that he or she has such status, and the decision maker—

- a) if satisfied, after making such enquiries as the decision maker thinks fit, that the person has such status, must issue a declaration to that effect;
- b) in any other case, must refuse the application.

An application for a declaration of St Helenian Status may be made. by a parent or guardian of any minor whom the parent or guardian believes to have St Helenian status.

7.4 Right to St Helenian Status by Grant

If, on an application for the grant of St Helenian status made by a person of full age and capacity, the Immigration Service is satisfied that the applicant fulfils the requirements, it must grant that person a declaration that he or she has such status.

If the decision maker issues, or has issued, such a declaration to an applicant ("the primary applicant") they may also grant such a certificate to a person who –

- a) is a dependant of the primary applicant and is under the age of 18 years;
- b) is or was, at the time the certificate is issued to the primary applicant, residing with the primary applicant in St Helena; and
- c) has or had so resided during the period of residence in St Helena which is the basis upon which the certificate is granted to the primary applicant.

7.4.1 Application for Grant of Status by Partner of a Person with St Helenian Status

A foreign national partner of a person with St Helenian Status is eligible to apply in their own right for St Helenian Status immediately prior to expiry of a Long Term Entry Permit, issued at least two years earlier, and counted backwards from the date of application for St Helenian Status.

The requirements for the grant of St Helenian Status in the case of the /partner of a person with St Helenian Status are that the applicant:

- a) is of good character;

- b) Was in a committed relationship (whether marriage or life partnership) with said partner for a minimum of two years prior to the date of application;
- c) The relationship must be subsisting at the date of submission of the application
- d) Was in St Helena at the beginning of a period of two years prior to the date of application, and
- e) The total number of days on which the applicant was absent from St Helena during that period does not exceed 150;
- f) The number of days in which the applicant was absent from St Helena in the twelve months prior to application does not exceed 100 days;
- g) The applicant was not, during either of those periods undergoing a sentence of imprisonment nor in breach of any of the laws relating to Immigration.
- h) The applicant must not fall for refusal under general grounds for refusal

7.4.2 Application for Grant of Status in All Other Cases

The requirements for the grant of St Helenian Status in all other cases are that the applicant:

- a) Is of good character;
- b) Is sufficiently proficient in the English language;
- c) Is able to demonstrate that his principal home is on St Helena;
- d) Was resident on St Helena for a period of six years prior to the date of application; and
- e) The total number of days on which the applicant was absent from St Helena during that period cumulatively does not exceed 450 days;
- f) The number of days on which the applicant was absent from St Helena during the twelve months prior to application does not exceed 100 days;
- g) The applicant was not during either of those periods undergoing a sentence of imprisonment nor in breach of any of the laws relating to Immigration.
- h) The applicant must not fall for refusal under general grounds for refusal

7.5 Requests for Dispensation

In exceptional circumstances, an individual who does not meet the requirements detailed above (whichever is applicable to that individual's circumstances) may apply to the Immigration Service for a grant a dispensation from these requirements.

The Senior Immigration Officer will consider such an application and determine whether the applicant demonstrates:

- a) A substantial economic, social or historical connection with St Helena;
- b) That he has established a significant connection with St Helena; and
- c) That it would not be against the public interest to grant the dispensation.

The Senior Immigration Officer will consider the extent to which the general requirements for grant of St Helenian Status (see above) are met and whether there are additional exceptional circumstances that might merit the grant of a dispensation.

7.6 Deprivation and loss of status

Subject to this section, the decision maker may, if it is satisfied that a Certificate of St Helenian status was obtained by means of fraud, false representation or the concealment of any material fact of a nature which, had the true facts been made known to the decision maker at the time of application, would, in the opinion of the decision maker, have justified refusal of such a declaration, revoke the declaration.

Prior to revocation of the Certificate of St Helenian Status, the decision maker shall provide the individual with notice in writing of the grounds of the revocation. The notice shall provide the individual

with a period (not less than 21 days) in which to make any representations that he wishes to Immigration.

8 Immigrant Landholding Controls

Immigrant Landholding Controls will now fall under the remit of the Estates Strategy Panel.

The Estates Strategy Panel may from time to time, approach the Immigration Service for advice on the immigration status of specific foreign national applicants

9 Appeals

This section sets out the appeals process for decisions taken under the Immigration Policy.

9.1 Appeals against decisions made by the Immigration Officers

Any person aggrieved by or dissatisfied with a decision of an Immigration Officer may appeal to the Magistrates Court within fourteen days of being notified of such decision, with the option of further appeal to the Supreme Court.

9.2 Appeals against decisions on St Helenian Status

Any person aggrieved by or dissatisfied with a decision of the Immigration Service may appeal to the Magistrates Court within fourteen days of being notified of such decision, with the option of further appeal to the Supreme Court or to lodge a request for Judicial Review.

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Appendix A Visa National Countries

List of countries for which visas are required prior to travel to St Helena

Afghanistan	Ghana	Occupied Palestinian Territory
Albania	Guinea	Peru
Algeria	Guinea Bissau	Philippines
Angola	Guyana	Qatar
Armenia	Haiti	Russia
Azerbaijan	India	Rwanda
Bahrain	Indonesia	Sao Tome e Principe
Bangladesh	Iran	Saudi Arabia
Belarus	Iraq	Senegal
Benin	Ivory Coast	Serbia
Bhutan	Jamaica	Sierra Leone
Bolivia	Jordan	Somalia
Bosnia Herzegovina	Kazakhstan	South Sudan
Burkina Faso	Kenya	Sri Lanka
Burma	Korea (North)	Sudan
Burundi	Kosovo	Surinam
Cambodia	Kuwait	Swaziland
Cameroon	Kyrgyzstan	Syria
Cape Verde	Laos	Taiwan
Central African Republic	Lebanon	Tajikistan
Chad	Lesotho	Tanzania
People's Republic of China	Liberia	Thailand
Colombia	Libya	Togo
Comoros	Macedonia	Tunisia
Congo	Madagascar	Turkey
Cuba	Malawi	Turkmenistan
Democratic Republic of the Congo	Mali	Uganda
Djibouti	Mauritania	Ukraine
Dominican Republic	Moldova	United Arab Emirates
Ecuador	Mongolia	Uzbekistan
Egypt	Montenegro	Venezuela
Equatorial Guinea	Morocco	Vietnam
Eritrea	Mozambique	Yemen
Ethiopia	Nepal	Zambia
Fiji	Niger	Zimbabwe
Gabon	Nigeria	The territories formerly comprising the socialist Federal Republic of Yugoslavia
Gambia	Oman	
Georgia	Pakistan	

Appendix B Definitions

1 3 Months

This is formally defined as 90 calendar days.

2 6 Months

This is formally defined as 183 days.

3 Charity

A body of persons, or the trustees of a trust, registered under the Charities Ordinance, 2005.

4 Continuous Lawful Residence

“Continuous lawful Residence” means lawful residence on St Helena for an unbroken period, and for these purposes a period shall not be considered to have been broken where an applicant is absent from St Helena for a period of 6 months out of each year, provided that the applicant in question has existing limited leave to enter or remain upon their departure and return, but shall be considered to have been broken if the applicant:

- i. has been removed, deported or has left St Helena having been refused leave to enter or remain on the Island; or
- ii. has left St Helena and, on doing so, evidenced a clear intention not to return; or
- iii. left St Helena in circumstances in which he could have had no reasonable expectation at the time of leaving that he would lawfully be able to return; or
- iv. has been convicted of an offence and was sentenced to a period of imprisonment or was directed to be detained in an institution other than a prison (including, in particular, a hospital or an institution for young offenders), provided that the sentence in question was not a suspended sentence; or
- v. has spent a total of more than 183 days in a single year absent from St Helena during the period

5 Couple to have met in Person

‘*To have met*’ means ‘to have made the acquaintance of’. A mutual sighting or mere coming face-to-face followed by telephone, social media or written contact would not suffice.

6 Crew

All persons actually employed on a vessel including the Master/Captain.

7 Dependent

- i. The term ‘dependent’ in relation to a person means: A natural child, step-child or adopted child of that person, who is under the age of 18 years or;
- ii. Who is over the age of 18 years but under the age of 25 years and in full time education; or
- iii. Other adult dependant relative who is wholly or substantially reliant upon that person or for whom that person has legal responsibility

8 Employment

For the purposes of this policy, any profession, trade, business, service delivery or vocation ('work') undertaken for remuneration, which is defined in the Employment Rights Ordinance as any sum payable to an employee in connection with his or her employment. For the purposes of this policy, includes work undertaken for an employer, self-employment or through a work experience scheme.

9 Genuine and Subsisting Relationship

The couple are in a current, long-term relationship and provide satisfactory evidence of this, such as:

- i. The couple have been or are co-habiting for at least twelve months and provide satisfactory evidence of this, or
- ii. The couple have children together (biological, adopted or step-children) and shared responsibility for them
- iii. The couple share financial responsibilities, for example a joint mortgage or tenancy agreement, a joint bank account, savings, utility bills in both their names; or
- iv. Other evidence that would reflect that the relationship is genuine and subsisting

10 Immigrant

All persons who do not have St Helenian Status will be immigrants and subject to immigration control.

11 Immigration Officer

For the purpose of this policy 'Immigration Officer' means the Chief Immigration Officer or an Immigration Officer who is at present appointed under Section 4 of the Immigration Ordinance 2011.

12 Islander

- i. A person who immediately before 18th October 1999, was an islander under the Immigration Ordinance, 1972 (the definition of which is reproduced in Schedule I of the Immigration Ordinance 2011);
- ii. A British Citizen or a British Overseas Territories Citizen who was born, or one of whose parents were born, in St. Helena after the 31st December, 1982 but before 18th October 1999;
- iii. A British Citizen or a British Overseas Territories Citizen who, immediately before 18th October 1999, had been resident in St. Helena for not less than seven years
- iv. Provided that any period of imprisonment for six months or more or any period during which the person concerned was in St. Helena in breach of any law relating to immigration shall be excluded from computation of the qualifying period under this paragraph;
- v. The partner of a person to whom any of the foregoing paragraphs applies who is not separated from their partner under a Court Order or a Deed of Separation, who has satisfied the definition of "islander" in section 2 of the Immigration Ordinance 1972.

13 Marriage Abroad

Marriage or Civil Partnership which was properly conducted to satisfy the requirements of the law of the county in which it took place.

14 Master of a Vessel

In relation to:

- i. A water-borne vessel means any person (other than a pilot or Harbour Master) having charge, control or command of such vessel, or
- ii. An aircraft includes the person in command or in charge of it.

15 Overstay

Means the applicant has stayed on St Helena beyond the latest of:

- i. The time limit attached to the last period of leave granted, or
- ii. Beyond the period that his leave was extended under the Immigration Ordinance 2011

16 Parent

Includes:

- i. Natural parents
- ii. Adoptive Parents (pursuant to an adoption in accordance with a decision taken by a competent administrative authority or Court on St Helena or in a country whose adoption orders are recognised by St Helena)
- iii. the stepfather of a child whose father is deceased and the reference to stepfather includes a relationship arising through civil partnership;
- iv. the stepmother of a child whose mother is deceased and the reference to stepmother includes a relationship arising through civil partnership
- v. the father as well as the mother of an illegitimate child where he is proved to be the father;

17 Partner

'Partner' is defined as one of the following:

- i. The applicant's spouse/civil partner; or
- ii. A person who has been in a relationship with the applicant akin to a marriage or civil partnership for at least 1 year prior to the date of application (which is expected to be evidenced by documents)

18 Passport

An official document issued by a government, certifying the holder's identity and nationality and entitling them to travel under its protection to and from foreign countries.

19 Principal Residence

A principal residence is the primary location that a person inhabits, also referred to as primary residence or main residence. It is where an individual, couple, or family household lives most of the time.

20 Seasonal Work

Employment which fluctuates or is restricted according to the season or time of the year.

21 Self-Sponsored

A type of work permit that an individual applies for and is granted based on their skills or qualifications. Permit holders are allowed them to be self-employed or work for an employer in a specified occupation. This differs from an employer-sponsored work permit, which an employer applies for in order to fill a specified vacancy.

22 Sham Marriage

A marriage/civil partnership in which there is no genuine relationship between the Parties and either or both of the Parties enter into the marriage/civil partnership for the purpose of circumventing immigration controls.

23 Shortage Occupations List (SOL)

The Shortage Occupation List is a document published by St Helena Government and updated periodically to reflect occupations that are difficult to recruit and which have an impact on operations of businesses or organisations on St Helena.

24 Statutory Body

A body established pursuant to an Ordinance.

25 St Helenian Status

- i. A status recognised by the St Helena Government, and
- ii. Gained through birth, descent or grant

26 Transit

A transit visitor is a person who seeks to travel via St Helena en-route to another destination.

27 Vessel

Includes every description of vessel used in navigation, including any and all craft and aircraft.

28 Visa

Permission for Visa Nationals to travel to St Helena for a limited period of time.

29 Visa National

A person seeking to travel to St Helena using a passport issued by a country for which a visa is required for travel to St Helena as specified by the Governor by order, and specified in Appendix A.

30 Voluntary Organisation

An organisation which is established only for benevolent, philanthropic, or similar purposes, but which is not a charity.

31 Volunteer

A person undertaking work for the benefit of a charity, voluntary organisation or statutory body for which the individuals undertaking the work is not entitled to any monetary payments or benefits other than those defined in Section 6(1)(b)(i)-(ii) of the Employment Rights Ordinance.

32 Wholly or Substantially

A person is wholly or substantially reliant on a relative if they rely upon that relative for financial support to meet their basic needs of food, shelter and clothing; or wholly or substantially reliant on their family member for financial support due to being incapacitated for work because of the total or partial loss of bodily or mental functions.

33 Work

See 10.8 Employment.

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Appendix C Baseline Statistics and Situational Analysis

1 Population

St Helena has a total on-Island population of about 4,500. St Helenians make up the large majority of the population on St Helena. The monthly population statistics in Figure 2 include both residents and visitors. As a result, the data display a seasonal pattern where the total population typically peaks in December or January as visitors arrive for the holiday season, declines through the winter and early spring and then increases again as summer approaches.

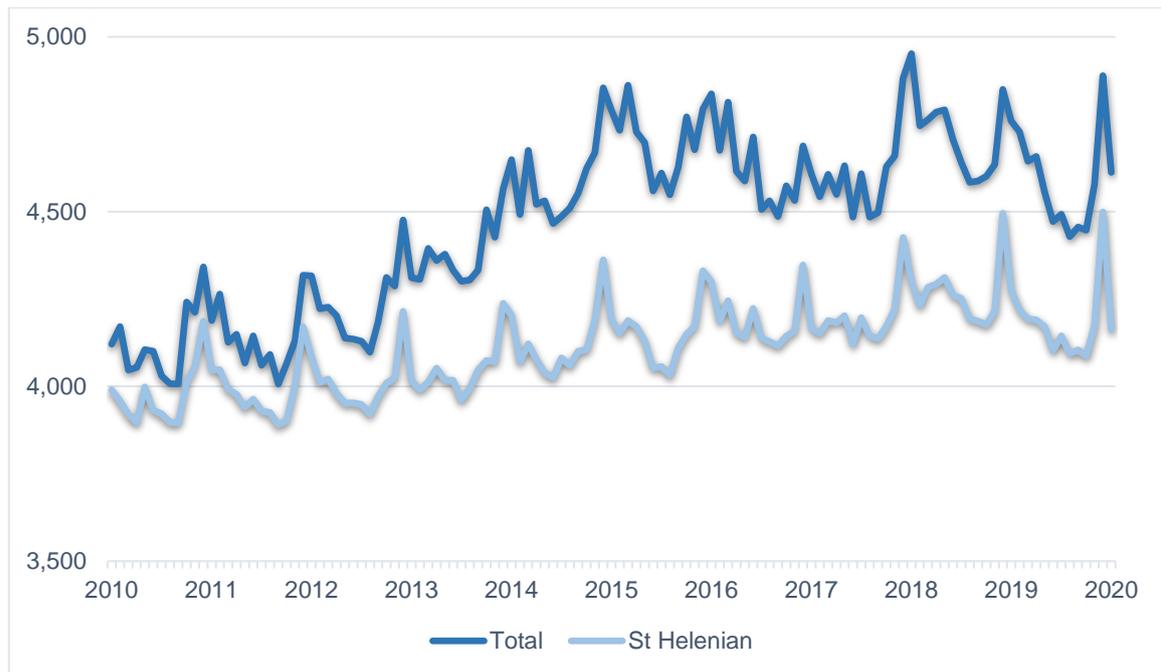


Figure 2. Population of St Helena (2010 – 2019), St Helena Statistics Office

The small population on the Island constrains economic development by limiting the size of the local market available to serve. In the 2019 Business Survey⁵, 29% of respondents reported low demand for products and services as a barrier to growth.

While it may seem like a larger population would lead to shortages and higher prices, this would be true only if retailers did not make any changes to their ordering patterns. One retailer explained that the demand created by a bigger customer base would mean shopkeepers could place larger orders because they would have more confidence that the stocks would be sold. Ordering larger quantities – for example buying an entire container of a product rather than several pallets – would also mean that retailers could purchase goods at a lower price per unit.

2 Age

The age dependency ratio is the number of people who are above and below working age compared to the number of people of working age in a particular country. St Helena's age dependency ratio was 56 in 2016, similar to the value in 1987 (Table 1). However, the composition of the age dependency ratio has changed dramatically over that period.

⁵ <https://www.sainthelena.gov.sh/wp-content/uploads/2020/03/2019-Business-Survey-Report.pdf>

Table 1. Age Dependency Ratios by Census Year, St Helena Statistics Office

Census Year	Overall Age Dependency Ratio	Child Dependency	Aged Dependency
1987	57	44	14
1998	49	32	17
2008	48	22	26
2016	56	21	35

Previously, many of those outside working age were children. While children are dependent on the government or their families to provide what they need, they also have their entire working lives ahead of them. One day, those children will grow up to be adults who work, pay taxes and support families of their own. Today, the ratio is driven largely by individuals over the age of 65. Even if they are currently employed, these individuals are coming to the end of their working lives and may become increasingly dependent on the government or their families for assistance.

3 Birth Rates

St Helena’s birth rate⁶ (births per 1,000 people) is lower than the UK but similar to the Euro area average. (See Table 2.) However, St Helena has a higher death rate (deaths per 1,000 people) than either the UK or Euro area and, like the Euro area, the death rate exceeds the birth rate. While decreasing birth rates are typically considered a positive sign of development because of the links to expanded educational and professional opportunities for women, this can present policy challenges when the number of children born is not sufficient to maintain the population.

Table 2. Comparison of Birth and Death Rates in 2017, St Helena Statistics Office and World Bank

	Birth Rate	Death Rate
St Helena	8.7	12.3
United Kingdom	11.4	9.2
Euro Area	9.5	10.1

Source: World Bank Crude Birth Rate⁷ and Crude Death Rate⁸ data

Annual deaths have regularly exceeded births on St Helena for nearly two decades. Figure 3 shows the difference in births and deaths each year since 1970. The shaded area represents years when there were more deaths than births. An aging population will perpetuate this trend because the number of women of child-bearing age will decrease. As long as this trend continues, inward migration is the only way the population will grow.

⁶ <https://www.sainthelena.gov.sh/wp-content/uploads/2019/10/News-Stats-Population-191015.xlsx>

⁷ <https://data.worldbank.org/indicator/SP.DYN.CBRT.IN?locations=GB-XC>

⁸ <https://data.worldbank.org/indicator/SP.DYN.CDRT.IN?locations=GB-XC>

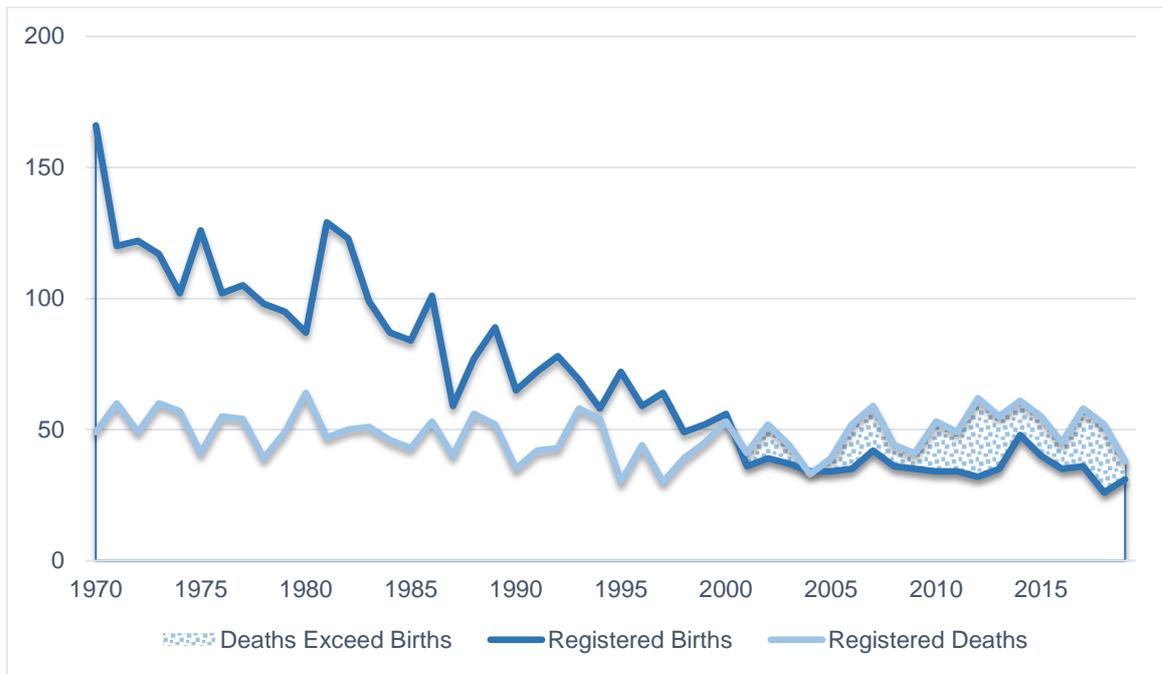


Figure 3. Difference between Births and Deaths by Year (1970 – 2019), St Helena Statistics Office

4 Arrivals on-Island

The number of passengers arriving at St Helena in 2019 was 5,135, slightly higher than 2018, which was 5,091. The number of arrivals by air in both 2018 and 2019 was higher than the number of arrivals by the RMS St Helena in any previous year.

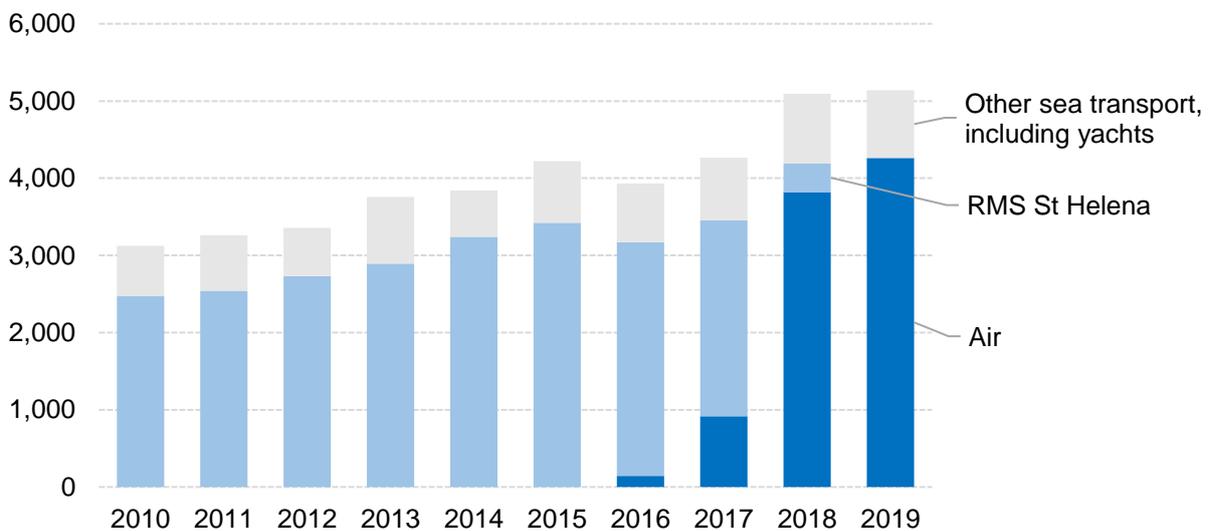


Figure 4. Passenger arrivals to St Helena, January 2015 to December 2019 (excluding day visitors on cruise ships), St Helena Statistics Office

In addition to the increased number of arrivals, more nationalities are represented amongst those arrivals. St Helenians remain the largest group coming to St Helena, accounting for over 40% of all arrivals both before and after commercial flights began. The predominant nationality of non-St Helenian arrivals has been British, accounting for almost 40% of non-St Helenian arrivals both before and after commercial flights. The number of British arrivals increased significantly between the two years, by 24%. There have also been small but significant increases in arrivals from France, Germany, African nations outside of South Africa, and the Asia-Pacific region. The increased diversity of arrivals can lead to challenges for Immigration officers in determining the validity of documents or dealing with specific security concerns.

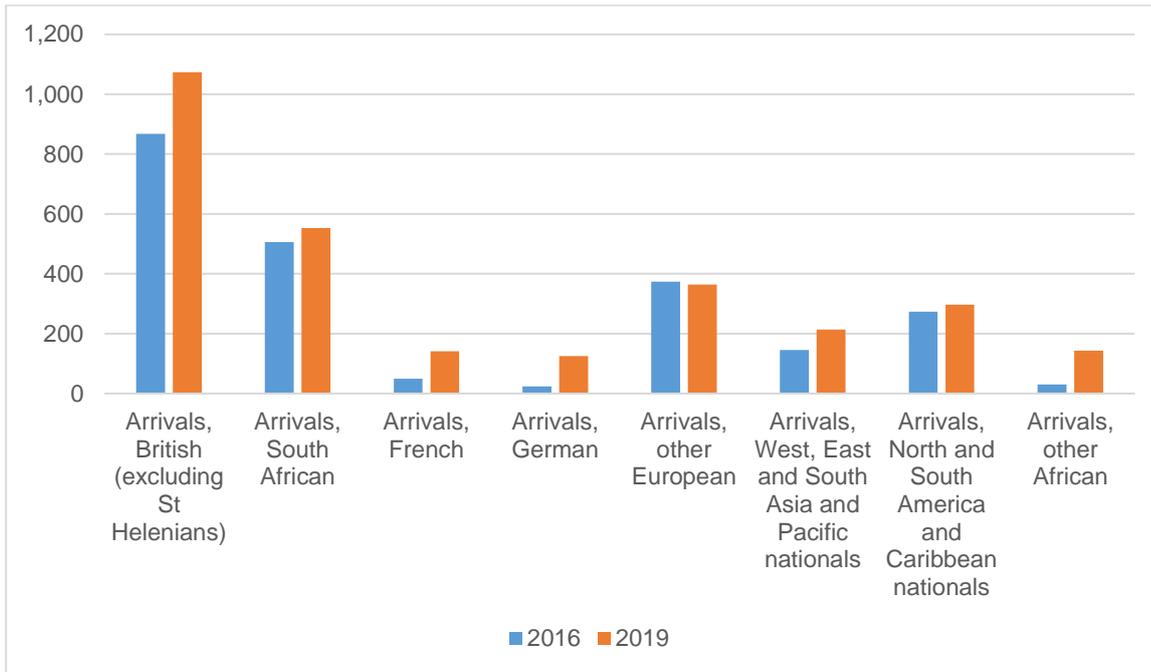


Figure 5. Nationality of non-St Helenian arrivals in 2016 and 2019

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