



ASCENSION

REVISED EDITION OF THE LAWS, 2017

SECURITY AND LAW ENFORCEMENT

ENTRY CONTROL (ASCENSION) ORDINANCE, 2007¹

Ordinance A4 of 2007

In force 26 October 2007

Amended by Ordinances A5 of 2015, A1 of 2017, A5 of 2017

No subsidiary legislation to 1 November 2017

But see Notes to sections 5, 6 and 7 as to the following Gazette Notices:

Gazette Notice No. 98 of 20 September 2011: Revision of landing permit fee	<i>Page 9</i>
Gazette Notice No. 53 of 18 June 2013: Notice under section 5(2)(h)	<i>Page 9</i>
Gazette Notice No. 49 of 20 April 2017: Revision of entry permit fees	<i>Page 10</i>
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ENTRY CONTROL (ASCENSION) ORDINANCE, 2007

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¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 16 November 2020.

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AN ORDINANCE to regulate entry to Ascension and for connected or incidental purposes.

Short title and commencement

1. This Ordinance may be cited as the Entry Control (Ascension) Ordinance 2007 and comes into force on 26th October 2007.

Interpretation

2. In this Ordinance, unless the context otherwise requires—

“**captain**” or “**master**”, in relation to a water-borne vessel, means any person (other than a pilot or harbourmaster) having charge, control or command of the vessel; and, in relation to an aircraft, includes the person in command or in charge of it;

“**crew**” in relation to a ship or aircraft, means all persons actually employed in the working or service of the ship or aircraft, including the captain, and “**member of the crew**” is to be construed accordingly;

“**entry visa**” means any permission given under section 6, or deemed to have been given under section 5;

“**immigration officer**” means a person appointed as such by the Administrator under section 13;

“**landing permit**” means any permission given under section 7;

“**vessel**” includes every description of vessel used in navigation, including any and all craft and aircraft.

Obligations of masters of vessels

3. (1) A master of a vessel who intends to land or put ashore on Ascension any thing or person, must, before entering the territorial waters or the airspace of Ascension, obtain the permission of the Administrator or an immigration officer to do so.

(2) The master of a vessel must, upon being requested by the Administrator or an immigration officer to do so, provide him or her with a list of the names, dates of birth, and nationalities of all passengers and other persons on board the vessel who intend to land on Ascension, and any other information that is required concerning them.

(3) A master of a vessel who fails to comply with this section commits an offence. Penalty: A fine of £5,000 or imprisonment for 12 months, or both.

Permission required to land or remain on Ascension

4. (1) Subject to this Ordinance, there is no entitlement for any person to land or remain on Ascension.

- (2) A person who-
- (a) lands or remains on Ascension; or
 - (b) having landed on Ascension, remains on the island after the departure of the means of conveyance by which the person arrived,

without, in either case, having either a landing permit issued by an immigration officer or an entry visa issued by the Administrator, commits an offence.

Penalty: A fine of £5,000 or imprisonment for 12 months, or both.

(3) For the purposes of this section, a person who lands on Ascension but remains in a secure area approved by the Administrator for the temporary accommodation of passengers who are in transit, is deemed not to have landed on Ascension.

(4) *Omitted*

Deemed permits, visas and exemptions

5. (1) A person who remains on Ascension after the departure of the means of conveyance by which the person arrived, or after the expiry of an entry visa or a landing permit, but does so because the person –

- (a) is detained in Ascension in lawful custody;
- (b) is required by law to remain in Ascension;
- (c) landed at Ascension because of misadventure at sea or in the air; or
- (d) is unable by reason of illness or injury to make application for an entry permit, and remains in Ascension by reason of such illness or injury as certified by a medical practitioner;

is deemed to have been granted an entry visa which expires when the reason for the person's remaining in Ascension ceases to exist.

- (2) The following groups of persons are exempt from sections 4 and 6:
 - (a) active members of Her Majesty's Armed Forces;
 - (b) persons in the service of the Crown in right of Her Majesty's Government of Ascension;
 - (c) persons in the service of the Crown in right of Her Majesty's Governments of the United Kingdom, of the Falkland Islands, of St Helena, or of Tristan da Cunha, when visiting Ascension in connection with their official duties;
 - (d) persons in the service of the Government of the United States of America, or of a contractor of that Government, as provided for by Article XII of the Bahamas Long Range Proving Ground Agreement dated 25 June 1956;
 - (e) persons in the service of the North Atlantic Treaty Organisation when visiting Ascension in connection with their official duties;
 - (f) exempt dependants, as defined in subsection (3); and
 - (g) any other persons or classes of persons the Governor from time to time, by notice in the *Gazette*, appoints.²

(2A) If a person arrives at Ascension as member of the crew of a ship or an aircraft under a commercial agreement with Her Majesty's Government of Ascension, requiring him or her to leave on that ship or aircraft as a member of that crew, that person may without leave enter Ascension and remain until departure of the ship or aircraft on which he or she is so required to leave, unless that person has in the last 3 years been refused leave to enter Ascension and has not since been given leave to enter or remain on Ascension.

² See *Gazette Notice No. 53 of 18 June 2013 for exemption of persons in the service of the Crown and their dependants*

- (3) For the purposes of subsection (2), “**exempt dependant**” means a person who is—
- (a) the spouse or long term partner of; or
 - (b) a child under the age of 18 who is normally resident with,
- a person described in subsection (2)(a), (c), (d) or (e), and in respect of whom that person’s employer provides transport to Ascension, living accommodation, and repatriation.

Provisions as to issue of entry visas

6. (1) Every application for an entry visa must be in writing in a form the Administrator from time to time approve for the purpose, and the Administrator may approve different forms for use in different circumstances.

(2)³ There is payable for and in respect of every entry visa, a fee in a sum the Administrator, by notice in the *Gazette*, from time to time specifies.

(2A) The Administrator may waive any fee payable under subsection (2) in any particular case or category of cases, if he or she considers it appropriate to do so.

(3) The Administrator may issue an entry visa, either unconditionally or with such conditions as he or she considers necessary or, may refuse the application.

(4) An entry visa is valid for the period specified in it; if no period is specified, the permit is valid for 30 days from the day on which it is issued.

(5) The Administrator may from time to time vary an entry visa either by changing its period of validity or by amending any condition of it.

(6) The Administrator may delegate any powers and duties conferred upon the Administrator by this section to the Chief Immigration Officer to exercise on behalf of the Administrator, subject to any conditions, exemptions and qualifications the Administrator imposes.

Landing permits

7. (1) The Administrator may authorise an immigration officer (or all immigration officers) to grant a landing permit to any person, that is permission to land on Ascension during a time specified on the landing permit.

(2)⁴ There is payable for each landing permit a fee in a sum the Administrator, by notice in the *Gazette*, from time to time specifies.

Revocation of entry and landing permits

8. (1) An entry visa or a landing permit may be revoked by the Administrator if –
- (a) the terms of the permit so provide;

³ See *entry visa fees specified by Gazette Notice No. 49 of 20 April 2017*

⁴ See *landing permit fees specified by Gazette Notice No. 98 of 20 September 2011*

- (b) the person to whom it was granted has broken a condition attached to the permit or has been convicted, on Ascension, of any offence punishable by imprisonment for 6 months more;
- (c) the person to whom it was granted lacks adequate means of support for the person and the person's dependants, if any;
- (d) it appears to the Administrator that the person to whom it was granted is a risk to the security of Ascension;
- (e) it appears to the Administrator that the person to whom it was granted is suffering from a contagious or infectious disease, or from any physical or mental illness which is likely to require medical treatment for which the medical facilities available in Ascension are inadequate;
- (f) the person to whom it was granted has failed to submit to a medical examination when so required;
- (g) the person to whom it was granted obtained it by fraud, false representation or concealment of any material fact; or
- (h) the person to whom it was granted is a person whose continued presence in Ascension would, for any other reason, in the opinion of the Administrator be undesirable in the public interest.

(2) An entry visa or landing permit may be revoked or cancelled by the Administrator, whether a person is on or off Ascension, where there has been a material change in circumstances since the entry visa or landing permit was granted.

Obligation to leave Ascension on expiry or revocation of visa or permit

9. A person who fails to leave Ascension as soon as it is practicable for the person to do so after the expiry or revocation of the person's entry visa or landing permit.
Penalty: A fine of £5,000 or imprisonment for 12 months, or both.

Removal Order

10. (1) The Administrator may order that any person who is on Ascension in contravention of this Ordinance is to be removed from Ascension.

(2) An order under subsection (1) may provide that the person in respect of whom it is made is to be arrested and detained until a suitable vessel is available for his or her removal and he or she is placed on board such vessel; and this order is sufficient authority for –

- (a) any police officer or immigration officer to arrest and detain the person and place him or her upon such vessel; and
- (b) the person's detention on that vessel while it is in Ascension or the airspace or territorial waters of Ascension.

(3) An order under subsection (1) may provide that all or any part of the money or other property of the person in respect of whom it has been made is to be forfeited to the Crown and applied to the purposes of defraying any expense incurred by any public officer in and about the maintenance of the person and his or her removal from Ascension.

Removal of persons who land without permission

11. (1) If a person has landed on Ascension without having first been granted an entry visa, and is not granted such a permit (or a landing permit) on arrival, the Administrator may order the captain of the vessel in which the person arrived to remove the person from Ascension in that vessel.

(2) Any captain of a vessel who fails, without reasonable excuse, to comply with any directions given under subsection (1) commits an offence.
Penalty: A fine of £5,000 or imprisonment for 12 months, or both.

Right to make representations to the Governor

12. (1) A person whose entry visa or landing permit is revoked, or who has a removal order made against him or her, or whose application for an entry visa is refused or is granted subject to conditions, has the right to make written representations to the Governor; but the fact of entering any appeal against a conviction, or of making or desiring to make written representations to the Governor, does not operate as a postponement or stay of execution of the conviction, order, refusal or revocation, unless the Governor so orders.

(2) The Governor may, after considering any representations made under subsection (1), and acting in his or her discretion, either confirm or revoke the decision or order (as the case may be) which is the subject of the representations, and may give such ancillary directions as the Governor considers appropriate.

Immigration officers

13. (1) The Administrator may appoint such number of immigration officers as are necessary for carrying into effect the provisions of this Ordinance, and must designate one of them to be the Chief Immigration Officer.

(2) Every police officer, by virtue of his or her office, has all the powers and functions of an immigration officer.

(3) For the purpose of exercising his or her functions under this Ordinance an immigration officer –

- (a)* has the powers and is entitled to the privileges and immunities of a police officer;
- (b)* may, without a search warrant, enter upon and search any vessel within Ascension or its territorial waters;
- (c)* may interrogate—
 - (i)* any person who desires to enter or leave Ascension;
 - (ii)* any person the officer has reasonable grounds for believing to have contravened, or to be about to contravene or attempt to contravene, any provision of this Ordinance;
 - (iii)* any person the officer has reason to believe has knowledge relating to any matter that might affect any investigation into any contravention or suspected contravention of this Ordinance; or
 - (iv)* any person the officer has reason to believe has knowledge relating to any of the grounds on which the Administrator may revoke an entry visa or landing permit under section 8;
- (d)* may search the person and property of any such person as is mentioned in

paragraph (c) and seize anything found as a result of such search which the officer believes is or may be evidence in relation to any such offence as is mentioned in that paragraph;

- (e) may, if there is reasonable cause to believe that a person has entered Ascension in contravention of this Ordinance and the vessel from which such person has landed is on the point of departure, detain the person and deliver him or her to the custody of the master of the vessel and require the master to receive and keep such person on board;
- (f) may prevent any person from entering or remaining in Ascension unlawfully;
- (g) may arrest, without a warrant, any person the officer has reasonable cause to suspect has committed or is about to commit an offence against this Ordinance.

(4) It is the duty of the Chief Immigration Officer to ensure that every vessel arriving at Ascension is met by a sufficient number of immigration officers to enforce the provisions of this Ordinance and to ensure that a passenger manifest is provided.

Obligation to answer questions

14. (1) Any person requiring entry to Ascension must produce a valid national passport or other acceptable travel document that satisfactorily establishes that person's identity and nationality.

- (2) Any person entering or intending to enter Ascension must, if required,—
 - (a) answer fully and truthfully all questions and inquiries tending directly or indirectly to establish that person's identity, nationality or occupation or bearing on any of the matters mention in this Ordinance, or any notice given or made under it; and
 - (b) disclose and produce on demand all documents in his or her possession in relation to such matters.

(3) A person who fails to satisfy the decision maker as to his or her identity or nationality must be refused entry and commits an offence.

Penalty: A fine of £1,000 or imprisonment for a period of 12 months, or both.

(4) A person who makes a false statement or representation, or produces or furnishes or has produced or furnished, or allows to be produced or furnished, any document, whether or not material to the application or whether or not it was to the person's knowledge with a view to gaining entry to Ascension, must be refused entry and commits an offence.

Penalty: A fine of £1,000 or imprisonment for a period of 12 months, or both.

(5) A person who has previously been refused entry to Ascension due to a false statement or representation must be refused entry for a period of at least 3 years from the date of that previous refusal.

Supplementary provisions concerning offences

- 15. (1) It is an offence for a person to —
 - (a) obstruct the Administrator or any immigration officer in the execution of his or her duties under this Ordinance; or

- (b) aid, abet, counsel, procure, or otherwise assist any person to commit an offence under this Ordinance.

Penalty: A fine of £2,500 or imprisonment for 18 months, or both.

- (2) *Omitted*

(3) Subject to subsection (4), the court by or before which a person is convicted for an offence against section 3(3) or section 11(2) may order the forfeiture of the vessel used or (in the case of an attempt to commit an offence) intended to be used in connection with the offence if the convicted person –

- (a) owned the vessel at the time the offence was committed;
- (b) was at that time a director, secretary, manager or other responsible officer of a company which owned the vessel;
- (c) was at that time in possession of the vessel under a hire-purchase agreement;
- (d) was at that time a director, secretary, manager or other responsible officer of a company which was in possession of the vessel under a hire-purchase agreement;
- (e) was at that time a charterer of the vessel; or
- (f) committed the offence while acting as master of the vessel.

(4) If a person who claims to have an interest in a vessel applies to a court to make representations on the question of forfeiture, the court may not make an order under subsection (3) in respect of the vessel unless that person has been given an opportunity to show cause why such an order should not be made.

Duties of the Administrator and immigration officers

16. (1) The Administrator must, in the exercise of his or her powers under this Ordinance, comply with any general or specific instructions the Governor from time to time addresses to the Administrator.

(2) Immigration officers must, in the exercise of their powers and performance of their functions under this Ordinance, comply with any general or specific instructions the Governor or the Administrator from time to time addresses to them.

Arrival and departure

17. (1) Every person landing on Ascension must present himself or herself –

- (a) if, before he or she disembarks, an immigration officer boards the vessel on which he or she arrived in Ascension - to that immigration officer;
- (b) in every other case - to an immigration officer as soon as it is practicable to do so (and, in any event, within 12 hours) after landing;

and (in either case) must complete an Arrival Card in a form approved by the Administrator.

(2) Every person intending to leave Ascension must present himself or herself to an immigration officer, and must complete a Departure Card in a form approved by the Administrator.

(3) A person who fails to comply with the foregoing provisions of this section commits an offence.

Penalty: A fine of £1,000.

Rules and forms

18. (1) The Governor may make rules generally for the better carrying into effect of this Ordinance.

(2) Except where a form is prescribed by rules made under subsection (1), the forms to be used for the purposes of this Ordinance are such forms as the Administrator from time to time approves.

Repeal and transitional provisions

19. (1) The Entry Control (Ascension) Ordinance, 1990 is repealed.

(2) Any entry visa granted, or deemed to be granted, before the commencement of this Ordinance and remaining in force immediately prior to such commencement, remains in force and has effect (until its expiry or earlier revocation) as if it had been granted under this Ordinance.

Gazette Notice No. 98 of 20 September 2011

ENTRY CONTROL (ASCENSION) ORDINANCE, 2007

Revision of Landing Permit Fee

I, the Administrator, acting in accordance with section 7(2) of the Entry Control (Ascension) Ordinance, 2007 hereby direct that with effect from the 1st day of October, 2011, the fee payable for a Landing Permit shall be £15.00.

Dated this 20th day of September 2011

Joanne Yeadon
Acting Administrator

Gazette Notice No. 53 of 18 June 2013

ENTRY CONTROL (ASCENSION) ORDINANCE CAP A13

NOTICE UNDER SECTION 5(2)(h)

Pursuant to the provisions of section 5(2)(h) of the Entry Control (Ascension) Ordinance Cap. A13, I hereby appoint the following class of persons as exempt from the provisions of sections 4 (permission required to land or remain on Ascension) and 6 (issue of entry permits) of that Ordinance:

1. Persons in the service of the Crown in right of Her Majesty's Government of the United Kingdom, when entering Ascension in connection with their Official duties; and
2. Their exempt dependants as defined by section 5(3) of the Ordinance.

Dated this 18th day of June 2013

Mark Capes
Governor

Gazette Notice No. 49 of 20 April 2017

ENTRY CONTROL (ASCENSION) ORDINANCE 2007

Revision of Entry Permit Fees

I, the Acting Administrator, acting in accordance with section 6(2) of the Entry Control (Ascension) Ordinance, 2007 hereby direct that with effect from the 1st day of May, 2017, the fees payable for an Entry Permit will be as set out in the following Schedule:

SCHEDULE

Condition of Entry	Standard	Fast Track*	Under 12's
Tourist	£20.00	£30.00	£5.00
Single Transit	£20.00	£30.00	£5.00
Double Transit (3 months validity)	£30.00	£45.00	£5.00
Short Term Business (1 - 14 days validity)	£65.00	£75.00	N/A
Long Term Business (longer than 14 days)	£35.00	£55.00	N/A
Scientific/Research Visitor	£25.00	£35.00	N/A
Contractor A	£50.00	£75.00	N/A
Contractor B	£80.00	£120.00	N/A
Contractor C	£100.00	£150.00	N/A
Employment	£20.00	£30.00	N/A
Employment-Dependant	£10.00	£15.00	£10.00
Extension to Permit	£10.00	£15.00	£5.00

* For those wishing to arrive within 14 days of application

Dated this 20th day of April 2017

Judith Brown
Acting Administrator

Descriptions of Permit Categories

Tourist

For those visiting on holiday or visiting family on Ascension. Maximum stay - 3 months.

Single Transit

In transit on Ascension as part of a journey to the UK, Falklands or St Helena. Maximum stay - 7 days.

Double Transit

As for single transit but where a return journey will involve a stopover of the maximum period of 7 days on Ascension.

Short Term Business (for stays of 1 – 14 days validity)

To enable business representatives to visit Ascension Island as part of their work related activities for a period of 14 days or less. The requirement to register with the Director of Resources and pay income tax liability is waived for holders of this permit.

Long Term Business (for stays longer than 14 days)

To enable business representatives to visit Ascension Island as part of their work related activities. Maximum period - 2 months.

Scientific/Research Visitor

For persons visiting Ascension to conduct scientific activities, research or conservation related activities. Maximum period - 3 months.

Contractor A

For an employee of a non-Ascension company conducting work directly for or through a third party or for a major organisation on Ascension on a sub-contracting basis. Maximum period – 3 months
(Single Entry).

Contractor B

As for Contractor A but for a period of 6 months with multiple entry conditions.

Contractor C

As for Contractor A but for a period of 1 year with multiple entry conditions.

Extension to permit

The Administrator can extend the validity in some circumstances.

Employment

For full-time employees of designated employing organisations on Ascension for a maximum period of 30 months.

Employment-Dependents

For dependents of those on “Employment” status where the employer accepts full liability for them within the employee’s contract.

Gazette Notice No. 206 of 16 November 2020

ENTRY CONTROL (ASCENSION) ORDINANCE, 2007

NOTICE UNDER SECTION 5(2)(g)

Pursuant to the provisions of section 5(2)(g) of the Entry Control (Ascension) Ordinance, 2007, I hereby appoint the following class of persons as exempt from the provisions of sections 4 (permission required to land or remain on Ascension) and 6 (issue of entry permits) of that Ordinance:

1. Any individual who—

- (a) is an adult dependent child of an active member of Her Majesty's Armed Forces who is for the time being posted to Ascension, and
- (b) is entitled under prevailing UK Ministry of Defence policy to join their parent(s) or guardian(s) in Ascension in consequence of being in full-time education.

Dated this 16th day of November 2020

Philip Rushbrook
Governor
