



SHG IMMIGRATION POLICY

Final Version

13 June 2024

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1 INTRODUCTION

1.1 Background

This document sets out immigration policy contents to update immigration legislation.

Increasing the population, in particular the working age population, is critical to growing the economy and sustainable prosperity for the island.

A report produced by Immigration Enforcement International (IEI), part of the Home Office Immigration Intelligence Network, in August 2018 recommended extensive work on immigration legislation and policy. St Helena's borders need to be protected to ensure the island is safe and secure. Work was started by the previous and the current governments with technical expertise from the UK Government (UKG). With respect to progress to date in 2023, ministers considered that this work was over-focused on border protection and operational issues. Specifically they considered it did not go far enough to support growing the population, in particular the working age population and wanted to consider all options to open up the island. Therefore this policy represents a reset which takes a wider strategic approach as well as a focus on operational issues. However it does include some key operational issues for border protection.

The SHG Vision and Strategy supports achievement of economic growth by enabling local private sector development and making St Helena more accessible for visitors, investors and residents, by modernising legislation and policies that make St Helena attractive to live, work and do business.

St Helena must be attractive to residents, investors and visitors, who will contribute positively to the island's development and economic growth. The island has an ageing population and a high proportion of people over the age of 65 years and a low proportion of people of working age. This is resulting in a severe impact on economic development and sustainability. The policy must incentivise inward migration to support the labour market which in turn will help grow the economy.

Since the island was first settled in 1659¹ its population has descended from people who arrived by ship and the population has fluctuated over the years. The population is mainly descended from Africans, mixed race African and Europeans, British settlers, East India

¹ With the exception of a short period of Dutch rule in 1673.

Company employees and indentured labourers from the South Asian sub-Continent, East Indies, Madagascar and China². British Citizenship was guaranteed by Royal Charter in 1673. In 1966, following a change in UK legislation, St Helenians were denied the right of abode in the UK and work permits were difficult to obtain. In 1981 full British citizenship was removed only to be re-instated in 2002 after the efforts of the Citizenship Commission, whose main aim was the restoration of British citizenship, whereby St Helenians could live on St Helena and have all the rights of being British citizens on St Helena as if they were living in the UK and have a constitutional relationship with the UK. However, this did not materialise and with the re-instatement of British citizenship, it was easier for people to leave and population decline worsened.

The granting of St Helenian Status was introduced in 1998 and replaced the granting of Islander Status for non St Helenians. St Helenian Status by grant can be lost after an absence of ten years from the island. To be St Helenian by grant and descent is a proudly held and prized status. Over the centuries many new immigrants have arrived and been granted Islander Status and then from 1998 St Helenian Status, and through the generations their families have acquired St Helenian Status by descent.

1.2 Identification of Problem/ Challenge/ Opportunity

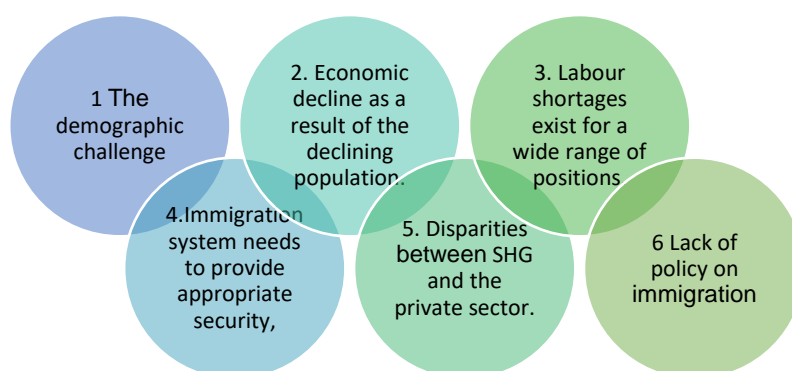
This policy seeks to support the Immigration Department to better fulfil its role in facilitating population growth by easing the current immigration system. **Measures are equally focused on facilitating the opening up³ of the island for economic development and border security.** Current practices are based on the Immigration Ordinance 2011, but since the opening of the airport with a greater focus on economic development, immigration practices must evolve to be cognisant of St Helena's development, vision and strategy.

² https://en.wikipedia.org/wiki/Demographics_of_Saint_Helena,_Ascension_and_Tristan_da_Cunha

³ The earliest reference to opening up is in the 2010 MOU, *"to implement the reforms needed to open the island's economy to inward investment and increased tourism"*. Later the LMS 2019, refers to *"attracting a larger population to live and work on St Helena and creating processes and educational resources that prepare St Helenians for the economy of tomorrow"*. More recently the Vision and Strategy, 2022 refers to *"A shrinking tax base – the ever-increasing reliance on a smaller number of economically active individuals for raising revenue"*: and *"Attracting people to live, work and settle here, pay taxes and contribute to the Island's economy."* Immigration is one of ministers' priorities/ core work streams, *"Immigration reform, to ensure the immigration system works with the aim of growing the working age population, lowering the dependency ratio, increasing economic productivity, and increasing the market size on St Helena."*

Changes to immigration legislation and practice are not a magic bullet which will itself make the necessary difference to attracting people to work on the island. But they can facilitate entry, welcome immigrants while maintaining border security. Other policies outside immigration, for example a retention and attraction strategy, could seek to attract working age St Helenians back to the island.

Figure 1. Key issues with the current situation.



Key Issue 1: The demographic challenge

An aging population and a declining working age population is having a serious impact on the availability of labour to maintain and develop the economy and on SHG's budget, especially for medical and social care. Figures illustrating the current demographic trend are presented in Baseline Evidence, Section 1.3.

Historically, St Helena has always had out migration issues. There have been periods in the past when the island's population has fallen, e.g. after the Suez Canal opened in the 19th Century and the departure of the hundred men for work offshore during the 20th Century. After regaining British citizenship in 2002 the population fell and in 2008 the population was similar to what it is now. More recently during airport construction, the island's working age population rose which included returning St Helenians as well as foreign contract workers, but the population profile has dramatically altered post airport opening. The island is unlikely to attract back working age St Helenians in sufficient numbers to grow the population in the short to medium term for economic development. This has not happened as a result of airport construction (St Helenians have not returned in numbers) and the opening of the airport. So growing the island's population must give consideration to welcoming new migrants of working age.

The remittances of St Helenians working offshore help to support the local economy. A large proportion of homes have been funded through offshore employment over the years, particularly since the Falkland Islands war in the 1980's. Salaries on island are commonly given as a reason for out migration in order to afford a house. Although recently it seems that more remittances are used for house extensions or vehicles. What may be emerging are more second homes on the island as St Helenians have homes overseas.

Key Issue 2: Economic decline as a result of falling working age population.

A falling population reduces aggregate (overall) demand in the economy, erodes the potential for economies of scale, places a burden on the public purse through a high dependency ratio, and impacts productivity.

The declining population poses an existential threat to St Helena. The economy already struggles as businesses fail to generate sufficient profit to invest in increasing their productivity through improving their assets and capital. This creates a downward spiral, where lowering productivity means wages are kept low, and more people may be inclined to leave. As more people leave, profitability falls due to businesses having fewer customers – and on, and on. Further, it is almost impossible to attract investors to an island where the customer base is so obviously getting smaller every year.

Further, costs to businesses rise as they spread overheads across a smaller group of customers, including electricity, shipping, and staffing costs. This further exacerbates the problem individuals face as their disposal income is further eroded.

As more working age people leave, the proportion of individuals that pay taxes shrinks, and therefore the opportunity to redistribute tax receipts to the most vulnerable falls, as the proportion of elderly and sick people increase. This is becoming an increasingly obvious strain as the medical budgets repeatedly overspend year-on-year.

Owing to lowering domestic revenues, SHG is further unable to pursue policies, projects, and activities that will grow the economy or make it an attractive place to live, learn, work, or invest. This includes but is not limited to the delivery of the Sustainable Economic Development Strategy (SEDS), which is in preparation.

Key Issue 3: Labour shortages exist for a wide range of positions.

St Helena currently has a population crisis. It has an aging population, low working age population and a low birth rate. See Baseline Evidence, Section 1.3. There is a need to increase the working age population by encouraging people to stay, live work and return to St Helena, yet maintain the identity and brand of St Helena that is part of its heritage and tourism offering. Means of incentivising general migration and policies for making it easier for St Helenians overseas to return to the island will also be explored.

Key Issue 4: The immigration system needs to provide appropriate border security/ law enforcement.

The IEI Report 2018 showed that organised crime groups have identified St Helena as a potential target. There has been an increase in the number of enquiries from nationals of higher risk countries. Since the E-visa system was introduced there have been applicants who have submitted false documents using aliases and attempting to mislead the Immigration Department as to their true circumstances. It is therefore essential that the immigration service has the necessary safeguards in place to protect the interests of St Helena yet at the same time, attract persons who will contribute positively to the island.

The IEI Report 2018 recommended improvements/ changes to border control, visa requirements, use of immigration intelligence, Immigration Control Board, immigration rules, and legislation and policy. This policy will inform the approach in addressing increasing immigration in a safe and secure way that will ensure the protection of the island.

Key Issue 5: Disparities between SHG and the private sector.

Currently disparities exist between the processes SHG uses when recruiting foreign workers and those that the private sector must follow. All private sector employers of immigrant workers are required to show evidence of a return ticket, accommodation and adequate funds to support the workers (salaries). The private sector employer advertises the job locally first, and in the event of non-recruitment can apply for an Immigrant Employment Certificate. Visa nationals must also apply for an E-visa. The work placement has to be approved by the Immigration Department which currently uses a points system.

An Immigrant Employment Certificate is not required for SHG foreign workers, although visa nationals still require an E-visa from the Immigration Department. Human Resources does its own checks for visa nationals and also for non-visa nationals in SHG, e.g. from the UK. Dependents of SHG or private sector staff who seek work in SHG are subject to the same Human Resource checks, but in the private sector foreign workers need an Immigrant

Employment Certificate. Therefore the Immigration Department is not acting as the immigration authority with respect to SHG staff, but it does process immigration in the private sector.

There could be a cost of living issue if recruiting from some countries. SHG has a guidance sheet for such workers setting out the costs of various living expenses with links to Sure South Atlantic and Connect Saint Helena websites. SHG is also considering providing budget hostel accommodation for migrant care workers, but this may not be the same for the private sector which also needs lower wage labour.

Key Issue 6: Lack of policy on immigration.

There is no policy on immigration. Current immigration practices are based on the Immigration Ordinance 2011 and do not fully support the requirements for St Helena post air access and for future development. The Immigration Department has had to develop its own guidelines, processes, procedures and checks in the absence of overall policy which includes the absence of a policy intention. This has resulted in processes which could have been more efficient and effective had there been overall guiding policy. The immigration policy will strengthen and modify current practices where appropriate and introduce new practices to ensure that the immigration system meets the needs of the island and its future development. This policy will be used to revise immigration legislation.⁴

1.3 Baseline Evidence

The current resident population is estimated at 4,120 (as at February 2024) of whom 2434 are of working age, 15 to 64. Diagram 1.3a demonstrates that more St Helenians are leaving than staying and that it is the 60+ age group that returns to the island, to retire. Diagram 1.3b demonstrates three migration scenarios, which all have an impact on the resident working age population, the most positive scenario of net inward migration of 40 residents per year does little to increase the working age population and improve the age dependency ratio. The old age dependency ratio is the number of people who are 65 and over compared to the number of people aged 15 to 64. At the end of February 2024, the rate was 47.3.⁵ Monaco and Japan have the highest rates in the world: 70 and 51 respectively, in 2022. The UK rate was 30 in 2022.⁶ Table 1.3.c sets out permit application statistics for the last three years.

⁴ A policy is a plan or course of action by government. Legislation is law. Policies must always comply with existing law, but may also lead to the proposal of new laws. Policy analysis investigates the effectiveness of policy to deliver government intentions.

⁵ Source, Statistics Office,

⁶ Statistics 2023, *State of the Nation, December 2023*, Jamestown, SHG

Diagram 1.3a Average number of arrivals less departures of St Helenian residents per year (Nov 2018 to Oct 2022)

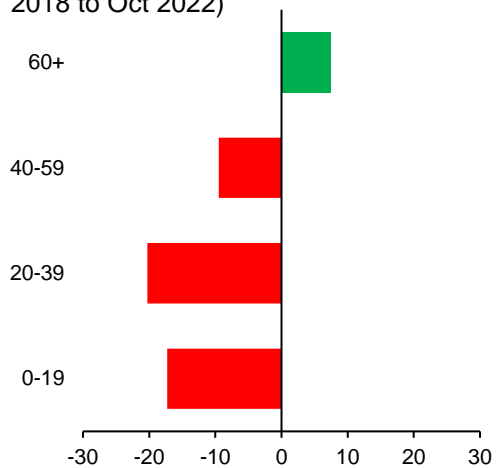
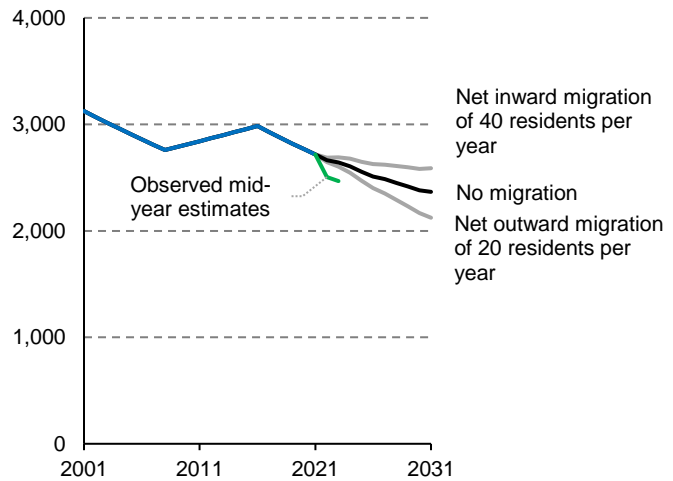


Diagram 1.3b Resident working age population (15-64): 2001 to 2021 observed, and 2021 to 2031 projection

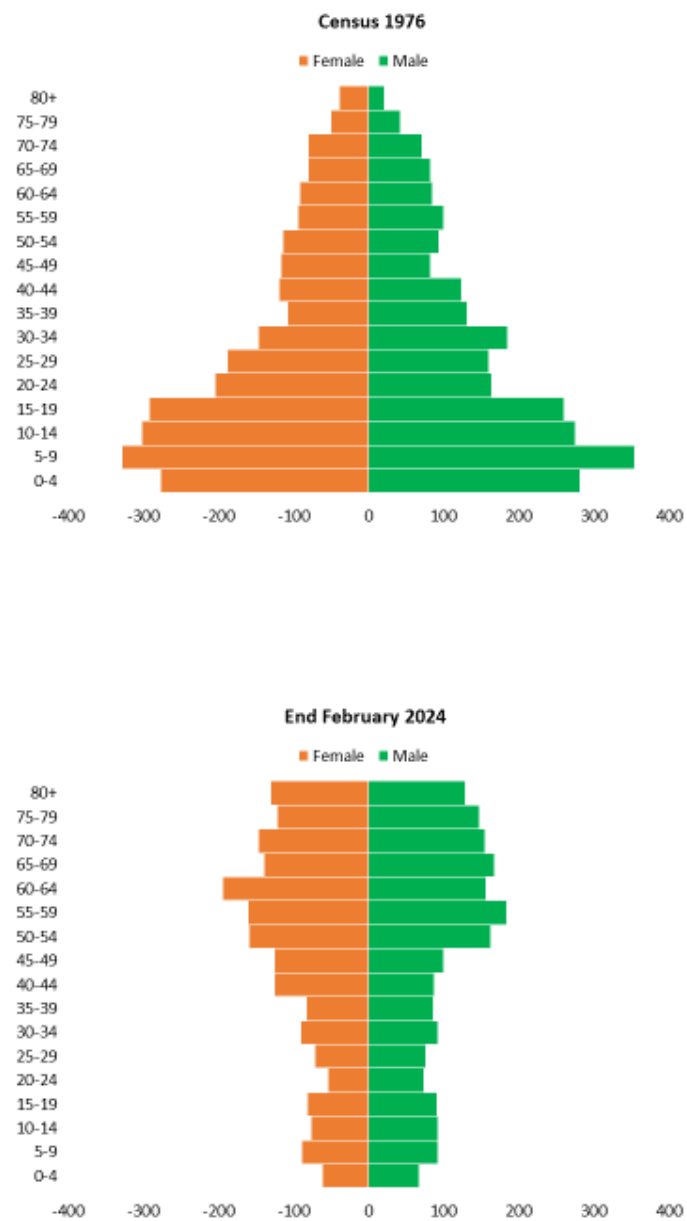


Source: Statistics Office.

In Diagram 1.3a, the red represents more departures than arrivals by age group. While green represents more arrivals than departures – only of the 60+ years.

Diagram 1.3c demonstrates the dramatic fall in the number of children and the working age population and an increase in the older population.

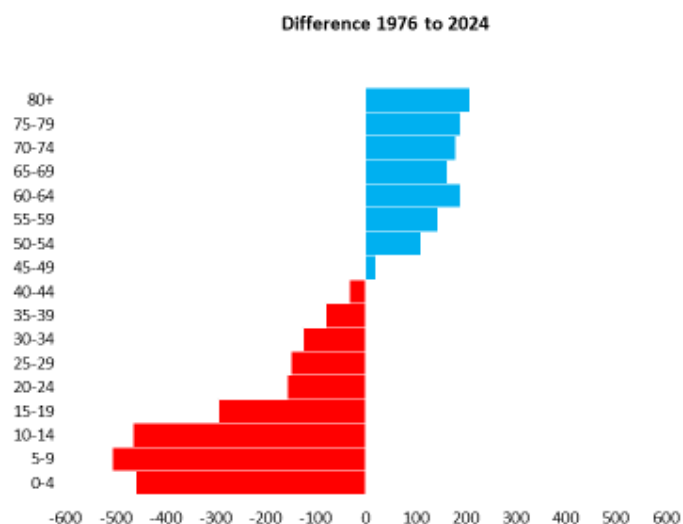
Diagram 1.3c: Comparison of population structure in 1976 and 2024.



Source: Statistics Office

Diagram 1.3d: Population decline and gain by age group.

The diagram below shows how much each age group has changed since 1976. Red is negative/ loss and blue is positive/ gain.



Source: Statistics Office

Table 1.3e: Immigration Statistics – Selected applications for entry to St Helena over the last three years.

	2021	2022	2023 (to November)
Long Term Entry Permit	40 approved	36 approved	23 approved 2 not approved 2 withdrawn
Immigration Employment Certificate	4 approved	15 approved	12 approved
Work Permit	19 approved	10 approved	7 approved
Declaration of St Helenian Status by right of birth	12 approved	15 approved	13 approved
St Helenian Status by right or grant via 5 year route	24 approved (includes 7 dependants) 1 not approved 6 have since left the island	12 approved (includes 5 dependants) 6 not approved 2 have since left the island	22 approved (includes 5 dependants) 2 not approved
St Helenian Status by right or grant via 3 year route (spouse or life partner)	7 approved	9 approved (includes 2 dependents)	4 approved
Declaration of exemption from entry permit requirements			1 approved

Source: Immigration Department

The Marlow Report, 2018, proposes a doubling of the island's current population by 2050, i.e. increasing it from approximately 4,000 to 8,000. *To double and sustain this level of population requires returning St Helenians and new migrants to have reasonable expectation of the economic opportunities, education and medical services available to them and their families. An island of 8,000 residents will look very different to one of +/-4,000 – and will require major economic, social, labour market and immigration reforms to achieve.*⁷ To increase the population by 4,000 over the next 25 years, needs an average annual immigration rate of 180 to mitigate the impact of out migration which is averaging 40 people annually⁸. These figures are based on various assumptions and must be treated as fairly rough and ready stuff: they are estimates for general guidance only.

Changes to immigration legislation and practice are not a magic bullet which will itself make the necessary difference to attracting people to work on the island, but they can facilitate entry, welcome immigrants while maintaining border security. Other policies could seek to attract working age St Helenians back to the island.

The IEI report of 2018 identified risks to the island and made a series of recommendations for the Immigration Department. Progress has included the following.

- a) Putting more responsibility for checks on the sponsors of employment visas.
- b) A review of the Immigration Control Board with the view that it is disbanded and that decisions relating to immigration rest with Immigration Officials.
- c) Improving passenger assessment and checking equipment and a suitable interview and short term holding space inside of the airport is in use.
- d) Closer working partnerships with relevant partners to ensure inadmissible passengers are dealt with.
- e) All staff visiting the Pretoria Immigration Service for on the job training.
- f) Support from the UK National Border Targeting Centre to undertake watch list checks on behalf of St Helena and to provide responses which can help inform local decisions. This was secured on the 24 April 2024.

Work on a review of the current immigration database has still to be completed. Also securing security clearance (UK Official Sensitive equivalent) was achieved, but this was not renewed on expiry.

⁷ Marlow, David, 2018, *Economic Reform, Infrastructure and Investment Opportunities*, Jamestown, SHG.

⁸ Source email from Statistics, 19th December 2023.

Some risks are still active. To better keep up with increasingly sophisticated criminal activity and fraudulent documentation the following were considered necessary.

- a) Access to FCDO Firecrest systems and intelligence/ Home Office data bases.
- b) Expansion of the staffing complement and ongoing extensive training of staff.
- c) The identification of suitable detention options for long and short term stays.

As noted above since the online portal system was introduced there have been applicants who have submitted false documents using aliases and attempting to mislead Immigration as to their true circumstances. Table 1.3.d sets out the number of permits issued and refused, which gives an indication of the scale of this threat and illustrates the effectiveness of border control, 47% of E-visas were not approved, mostly for fraudulent documentation.

Table 1.3.f: Numbers of E-visas for visa nationals issued and refused, 2018 to 2023

	Short term and long term permits (which are being replaced)	
	Number approved	Number refused
2018	24	46
2019	62	48
2020	8	24
2021	7	20
2022	52	19
2023 to November	48	24
Total	201	181

2 OVERARCHING POLICY FRAMEWORK

A robust immigration system is a core function of national governments. It is necessary to create an immigration policy which will subsequently inform changes to immigration legislation to address the issues above. An immigration policy is seen to be one way of addressing the labour shortage experienced on the island. Additionally, immigration was an area identified for reform in the 2010 Memorandum of Understanding with the UK Department for International Development, which led to the development of the airport and opening up access to the island. A motion was carried in Formal Legislative Council on 18 March 2016 which provided the mandate for a review of existing immigration legislation.

2.1 Strategic Objectives

The immigration policy is intended to address a number of strategic objectives identified in SHG's Vision and Strategy (April 2022 to March 2025) and the draft SEDS, 2023.

- Altogether wealthier – our communities feel the benefits of economic growth by being in-work and enjoying a good quality of life. St Helena works towards becoming more financially sustainable and less reliant on aid. *We will continue to*

reform our policies and legislation, particularly those relating to.... Immigration.....

(SHG Vision and Strategy)

- Altogether safer- we live our lives safe from crime, disorder and danger and our older and vulnerable residents are safe and supported with choices to live independently. *Enhancing border control* (SHG Vision and Strategy).
- An open and accessible island — we will make the island open and accessible, for people and culture, capital and finance (SEDS).
- A productive island — increase productivity, labour force participation and capital investment (draft SEDS).
- Supporting inward immigration that complements rather than competes with local labour, particularly in sectors where there are skill or labour shortages (SEDS)
- Increasing the population living and working in St Helena.

2.2 Policy Rationale and Context

Increasing the population, in particular the working age population, is critical to growing the economy and sustainable prosperity for the island.

Put simply, the declining population and increasing age dependency ratio poses an existential threat to the current economic, social and cultural structure of the island. If current trends continue, the island will not grow its economic autonomy, and the island will become beholden to external forces, such as the strategic priorities of the UK, uncontrolled migration, or the wishes of foreign investors to whom the island may become beholden. If this occurred, **the island's failure to embrace inward migration would not (unlike as is sometimes feared) protect the island's identity, but would instead fundamentally threaten it.**

The current inability, however, of the island to attract the modest inward migration required to boost the population and grow the economy is peculiar given the large scale global migration that has occurred in the recent past. Put simply, **there is no lack of prospective migrants in the world, they just do not currently migrate to St Helena.**

Anecdotally, the island's current immigration legislation and administrative practices are said to be burdensome, inefficient and impose barriers: they do not encourage migrants to choose St Helena over other possible destinations. This is read to mean that, in the global market for talent, St Helena is losing out. It should be noted, however, that the overall numbers of people wishing to migrate to St Helena remains low in the context of significant people movements globally. Even if the most permissive set of immigration policies (no

controls) were to be adopted, the island would need to do more to make itself attractive. Even with the modest reforms proposed, **there is no real risk of the island being “inundated” with migrants.** At the same time the “burdensome” documentation required by St Helena (Annex 2) is not out of step with other jurisdictions, but the fact that the Immigration Control Board only meets monthly is a significant inconvenience for quick decisions over permits.

Areas for further improvement include improving the range of economic and business opportunities on the island, and enhancing the quality of life via improvements to island access and connectivity with the rest of the world.

2.3 Scope

This immigration policy will apply to all foreign nationals seeking to enter, live or work on St Helena, and to the Immigration Department in Safety, Security and Home Affairs (SSHA).

This immigration policy directly relates to the Immigration Ordinance. Attracting labour (Section 3) is policy not for legislation. Section 4 (Streamline application process) and some of Section 5 (Prescriptive and streamline immigration procedures) is for legislation.

2.4 Policy Objective/s and Principle/s

The objectives of the immigration policy are set out below.

- a) Support the efforts of other enabling policies aimed at growing the population to balance the current demographic structure whereby the proportion of the working aged population on island is considerably lower than the older non-working population aged 65+. The Immigration Department cannot grow the population – this needs dynamic promotion – it can only enable ease of entry through permit processes. Reversing population decline is the combined responsibility of many policies and actions of which immigration policy is only one.
- b) Address the “now” issues, but the policy will be reviewed after a trial period and may be amended to reflect the needs of the economy as the island develops.
- c) Create a robust immigration system that allows the flexibility required by St Helena’s unique characteristics (e.g. remoteness and strong bonds of community life).
- d) Ensure that all applications for immigration are processed fairly, consistently and transparently.
- e) Simplify, clarify and introduce processes in order to make them more streamlined and user friendly to support and encourage people coming on holiday, to work and to invest for economic growth.

- f) Reduce opportunities which sometimes exist in less than clear intentions leaving space for discretion on the part of the immigration officers, for example the additional documents sometimes required by visa nationals are not listed on the immigration website (Annex 2).
- g) Protect the borders to ensure the island is safe and secure.

2.5 Principles / guidelines

- a) An ethical approach to immigration policy and administration that complies with primary and secondary legislation. In particular protection against discrimination as set out in the Constitution, *the expression 'discriminatory' means affording different treatment to different persons on any ground such as sex, sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, age, disability, birth or other status.* This ethical approach also seeks to uphold the Joint Declaration of Governments⁹ of the United Kingdom and Overseas British Territories: A Modern Partnership for a Stronger British Family:
 - i. *We uphold the strong democratic values which underpin our global British family: free and open democracies that respect human rights and the rule of law.*
 - ii. *We believe that the strongest, safest, and most prosperous societies are those in which all people can live freely without fear of unlawful discrimination and play a full and active part in society.*¹⁰
- b) That the island in its promotion and recruitment to attract workers and its recruitment will target St Helenians overseas and foreign workers equally.
- c) That all people economically contributing (employed, in business or investors) to the island are entitled to the same conditions of services, including medical and education.
- d) Protection of cultural identity.
- e) Elements of the Immigration Ordinance 2011 which are deemed to be effective will remain. For agile policy allowing SHG to change its practice proactively and

⁹ The St Helena Constitution Order 2009, Protection from Discrimination 21 (3)

¹⁰ Joint Declaration of Governments of the United Kingdom and Overseas British Territories: A Modern Partnership for a Stronger British Family. <https://www.gov.uk/government/publications/uk-overseas-territories-joint-declaration-a-modern-partnership-for-a-stronger-british-family/joint-declaration-of-governments-of-the-united-kingdom-and-british-overseas-territories-a-modern-partnership-for-a-stronger-british-family#:~:text=We%20recognise%20and%20celebrate%20the,intricate%20bond%20between%20our%20communities.>

reactively to promote and control immigration to protect the island's borders, as much legislation as practical will be in regulations.

- f) Improving border control and maintaining SHG's reputation for border security.

Assumptions

- a) That the Immigration Department can reduce bureaucracy and improve efficiency to deliver timely processing of visa and permits to open up the island.
- b) That SHG will dynamically promote the island to encourage the return of St Helenians and for inward migration, and that the private sector will take advantage and require more direct and indirect labour.
- c) That opening up with the permission to stay and work permit (subject to Immigration Department checks) will increase the working population and children on the island which is needed for economic development, and thereby will create employment directly and indirectly.
- d) That rights and entitlements are important drivers for inward migration, and all people contributing to economic development should be afforded these equally.
- e) That the complementary policies in Section 6 are developed and implemented in a timely manner and in such a way to support increasing the population. Seamless progression across policies and traction in their development and implementation are necessary for public confidence that immigration is successful and also benefiting St Helenians.

3 POLICY OUTLINE: ATTRACTING LABOUR

All of these are policy issues and do not require legislation changes

3.1 Open to all nationalities with dynamic promotion of the island

This is also the current situation, but growing the population will require a more dynamic corporate approach to attracting workers – promotion to deliver on *St Helena - a great place to live, learn, work, visit and invest*. All the Immigration Department can do to support a more dynamic corporate approach is to ensure the structure of the permit system and its requirements ease progression through holiday permits and permission to stay and work permit to the acquisition of St Helenian Status. Specifically that the immigration process is quick, efficient and robust. See sections on the holiday permit and permission to stay and work permit.

This therefore assumes dynamic promotion and recruitment of workers, the self-employed and investors etc., which is outside the control of the Immigration Department. However SHG is appointing a head of marketing who will focus on promotion to attract workers as well as tourism (which is the current focus of marketing). The head of marketing could use the experience of non-St Helenians who have settled on the island as part of promoting the island.

Lead SHG Officer: Head of Marketing

Start: 1 June 2024

3.2 Reciprocity to attract UK passport holders

This could focus on promoting *St Helena - a great place to live, learn, work, visit and invest* in the UK. UK passport holders could live and work freely on the island without the need for permits in the same way St Helenians with British passports can live and work in the UK. Reciprocity is the guiding principle behind this option.

Lead Officer: Strategic and Social Policy Coordinator

Start: Mid September 2024

3.3 Targeting internationally displaced people

Through the services of a vetting agency St Helena will target displaced people/ asylum seekers/ refugees who want to leave their current legal place of residence and have difficulty securing work.

Refugees have skills, but lack opportunities. Refugees are doctors, engineers, skilled trade workers, software developers, and more. Yet many find themselves in countries where they don't have the right to work locally and are locked out of skilled migration systems.¹¹

Organizations such as Talent Beyond Boundaries work with governments, the private sector, impacted communities, and refugee-serving organisations, to open up safe, regular pathways to ensure displaced people have equitable access to skilled migration.¹² This organisation or another similar could be used by SHG in recruitment.

¹¹ <https://www.talentbeyondboundaries.org/mission-vision?>

¹² <https://www.talentbeyondboundaries.org/mission-vision?>

In July 2021, the UK Government launched the Displaced Talent Mobility Pilot, designed in collaboration with Talent Beyond Boundaries. In this pilot Talent Beyond Boundaries has been addressing administrative and legal barriers that refugees and other forcibly displaced job seekers face when seeking to move internationally as skilled workers. In the pilot, employers who hire through a competitive, remote recruitment are able to sponsor candidates via the UKG Skilled Worker Route which provides a renewable visa of up to five years at a time (with the right to apply for Indefinite Leave to Remain in the UK). Successful applicants receive priority processing, and case management support to overcome administrative barriers such as accessing passports or travel documents, employment references, and tax records. On their part candidates have access to safeguards in the event that they lose their job to ensure they are not returned to a country where they may face danger.¹³

Further investigation of using a vetting (recruitment) agency such as Talent Beyond Borders has identified that:

- a) This may be a take a lot of human resources for little gain. Talent Beyond Borders has a database of job candidates of 78,000 and covers the UK, Canada, the USA and Australia. There is a target of 200 to 250 candidates for the UK and only 25 candidates have found work, this does not bode well for St Helena which is remote and culturally very different to the countries of the middle east where most candidates come from. The UK is losing out to, for example, Ireland and Canada.
- b) To recruit from the labour market of displaced persons it will be more efficient to target job advertisements to niche markets such as displaced persons. However the services of an agency such as ECCTIS^[6] which provides comparison statements for people with international qualifications planning to work in the UK may be required to judge the appropriateness of a qualification for St Helena. Most candidates employed in the UK are in for example engineering and nursing: Talent Beyond Borders has not made their model work for doctors due to problems with equivalent qualification requirements.

Lead Officer: Head of Marketing for promotion and SHG Head of Organisational Development and Human Resources for the island, not just SHG.

Operationalisation: 1 June 2024

¹³ <https://www.talentbeyondboundaries.org/mission-vision?>

^[6]

<https://www.ecctis.com/about%20us/Default.aspx#:~:text=Services%20for%20individuals%3A%20we%20provide,through%20the%20UK's%20immigration%20system.>

4 POLICY OUTLINE: STREAMLINED APPLICATION PROCESSES

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

- a) Those with automatic right of entry to St Helena (St Helenian Status);
 - b) Those exempted from entry controls;
 - c) Those who are required to make application for or obtain a permit. Immigration will have a streamlined three step process of:
 - Holiday permit (no work allowed).
 - Permission to stay and work permit (which can be applied for if a visitor is on a holiday permit).
 - St Helenian Status.
- Plus**
- A landing permit for 72 hours

The holiday permit, the permission to stay and work permit and the landing permit need legislation changes. There are no changes to St Helenian Status.

Frequent visitors to the island, for example consultants and contractors, especially those from visa countries, will not be required to submit the full documentation every time after the first visit. Their record will be retained in the Immigration Department.

The Immigration Department will notify permit holders in advance of the expiry date of their permit to reduce the risk of a permit holder unknowingly allowing their permit to lapse.

All permits fees will be revised for full cost recovery, while taking into consideration affordability to attract visitors and those coming to stay and to work.

4.1 Persons exempt from entry control

St Helenians and their dependents are exempt from entry control.

Otherwise

- Exemption provision will be considered for urgent or critical posts that may be required in an unexpected timeframe, for example, doctors in an emergency situation.
- UK Government officials on duty in St Helena will remain exempt from entry controls.

- A consular officer within the meaning of the Vienna Convention on Consular Relations, 1963, and as recognized by St Helena may be exempt.

No-one else is exempt, all other non St Helenians travelling to St Helena will require landing permission or a holiday permit or a permission to stay and work permit.

4.2 Application process for non-visa and visa nationals and the online portal for applications¹⁴

The term “visa” is used with respect to:

- a) Non-visa nationals who because of the situation of the country of their passport are considered a low risk to the island.
- b) Visa nationals, people with passports of the countries listed in Annex 3 who because of the circumstances of the country of their passport are considered a higher risk to the island.

Currently there is a clear distinction between non-visa nationals who require a short-term entry permit, and visa nationals¹⁵ who have to provide additional evidence for a short term entry permit – additional due diligence. Non-visa nationals can arrive without an advance short term entry permit, which is issued at the border. The term “E-visa” is only used in this paper to refer to the current system as only visa nationals are required to use it.

The new policy will use the term “on-line portal” because it will be used:

- a) By non-visa nationals to register their intention to come to the island on a holiday permit, which can be granted at the border. When registering they will be directed to the island’s due diligence requirements should they wish to work, i.e. what is needed for a permission to stay and work permit. As currently, non-visa nationals will not need the same level of documentation to visit the island on a holiday permit as visa nationals (see annexes 1 and 2)
- b) For visa nationals to submit their documentation on the online portal for:
 - a holiday permit;
 and for non-visa and visa nationals to apply for
 - a permission to stay and work permit.

¹⁴ The UK has introduced an online portal for all non-UK passport holders to submit an application. The USA has been doing this for longer.

¹⁵ See List in Annex 3.

The only difference between the current application requirements and the proposed requirements is that non-visa nationals will be expected to register. This will facilitate communicating the changes whereby they will not be permitted to work on a holiday permit and require the documentation in Annex 2. They will know in advance what documents are required.

The due diligence information required is extensive¹⁶. This is justified on the grounds of the extent of fraudulent documentation submitted for E-visas. But currently the Immigration Department's website does not state all the documents which it can require for added due diligence, neither are these included in legislation. See Annex 2. This can give rise to a criticism of a lack of transparency and subjectivity on the part of the immigration officer. The website, on-line portal and legislation needs to be amended to refer to this full list. See annexes 1 and 2.

Anecdotal evidence suggests that this amount of personal information required is a barrier to prospective visitors and immigrants from visa countries. At the same time 47% of E-visa applications have been refused between 2018 and November 2023 (Table 1.3d), mainly because of fraudulent documents. Therefore reducing the documentation could increase the security risk to the island if there is not a commensurable improvement in immigration systems and technology to vet online portal applications and at the border. This is also a conundrum given local salaries will be more attractive to potential immigrants from many of the countries on the visa national list. Notably the visa list does not include the UK, most countries in Europe, the USA and South Africa. Combined with the 47% of E-visa declination rate for visa nationals which bodes well for continuing to protect the island's borders, this due diligence manages the risk of undesirables obtaining a holiday permit and/ or a permission to stay and work permit and then acquiring St Helenian Status, and thereby a BOTC passport. The risk cannot be removed, all jurisdictions face risk with immigration, but it can be mitigated with due diligence checks.

Table 4.2a: Summary of documentation requirements and fees by permit category. These fees are current and may be increased with full cost recovery principles.

	Holiday permit	Permission to stay and work permit
Non-visa national	<ul style="list-style-type: none"> • Register on portal • Annex 1 limited due diligence applies • Fee of £20.00 payable on-line. 	<ul style="list-style-type: none"> • Complete form on online portal. • Annex 2 due diligence applies. • Fee of £50.00 payable on line if applying at least 22 days in

¹⁶ <https://online.portal.sainthelena.gov.sh/faq>

		advance, or a £100 for an expedited permit in 10 days.
Visa national	<ul style="list-style-type: none"> • Complete form on online portal. • Annex 2 due diligence applies. • Fee of £50.00 payable on line if applying at least 22 days in advance, or a £100 for an expedited permit in 10 days 	<ul style="list-style-type: none"> • Complete form on online portal. • Annex 2 due diligence applies. • Fee of £50.00 payable on line if applying at least 22 days in advance, or a £100 for an expedited permit in 10 days

By comparison with the UK, its equivalent of the holiday permit for visa nationals is a standard visa which is valid for six months and the applicant must be able to show that:

- They will leave the UK at the end of their visit
- They are able to support themselves and their dependants during their trip (or have funding from someone else to support them)
- They are able to pay for the return or onward journey (or have funding from someone else to pay for the journey)
- They will not live in the UK for extended periods through frequent or successive visits, or make the UK their main home.

The applicant must apply online at least three months before travel to the UK and attend an appointment at a visa application centre.

This appointment is an additional screening which is not practical for St Helena, hence SHG will continue with the current documentation (annexes 1 and 2) with phone or video link live communications for further inquiries.

In addition St Helena does not have a biometric screening system for identity checks. Therefore it has to take other security measures, which can be in the form of due diligence documentation.

Information on permit regulations will be posted on the SHG official website, in social media and yacht clubs in South Africa and Namibia to ensure visitors and foreign national workers planning on working on the island know of and meet application conditions. This information will be made known to all hospitality providers who will be expected to communicate the website to visitors and through the Tourism Office and print media.

All fees will be reviewed in the light of inflation and administration costs. This will include reviewing whether full cost recovery is affordable for those applying for permits.

4.3 Holiday permit

Holiday permit for up to 183 days with no right to work. This permit can serve as an entry permit for prospective residents who could then apply for a permission to stay and work permit, then, if they wish, for St Helenian Status. It could be extended up to a maximum of 365 days.

This permit will also cover voluntary work, with evidence that any payment for voluntary work would be at the most for expenses only. The right to work voluntarily without a work permit is limited to up to one month, after which a permission to stay and work permit is required. This would be in line with a permission to stay and work permit requirements for researchers, journalists, consultants and short term contractors.

Current fees

Holiday permit fee for non-visa nationals of £20.00 per person, paid on-line.

On-line portal fees for visa nationals:

- £50.00 per person, if applied for at least 21 days in advance (as current).
- £100.00 per person, if applied for less than 21 days in advance and at least ten days before arrival on the island (new service). Access to the information on the UK Watch List through UK Border Control which was secured on the 24 April 2024 could facilitate quicker processing. Establishing these fees and time periods as a regulation in the legislation should allow for timely changes.

Conditions, see

Annex 1: Non-visa nationals: conditions for a holiday permit.

Annex 2: Visa nationals: conditions for a holiday permit

The holiday permit could be sponsored by family/ friends on island.

The applicant must not fall for refusal under the General Grounds for Refusal (Annex 4), and provided that there is a satisfactory outcome to immigration security checks

This will replace the short term entry permit.

Lead for drafting legislation: AG's Chambers.

Start date for drafting legislation: 1 June 2024.

Operationalisation: Head of Customs and Immigration

4.4 Permission to stay and work permit

Permission to stay and work permit for up to five years, which could either be extended (presumption of renewal) or an application made for St Helenian Status. This requirement applies to immigrants who want to live on the island and be employed, in business or be an investor. If not in these categories they will have no recourse to public funds and will not be

eligible for medical care at local rates. Both categories, those working and those not working, will require a satisfactory criminal vetting certificate, which has now been added to required documents in Annex 2.

The permission to stay and work permit will allow an individual and their family to take paid employment as employed, self-employed/ self-sponsored or to work as a business owner, independent contractor or as the representative of a company operating outside of St Helena or an investor. It will also cover digital nomads, entrepreneurs, long term researchers, long term contractors and consultants, locum appointments and creative workers¹⁷. Short term researchers¹⁸, journalists, consultants and contractors working on island for less than a month will be exempt from the documentation requirements for a permission to stay and work permit (Annex 2). But they will be required to provide the documentation for a permission to stay and work permit if staying over one month. In other words they will be exempt from the documentation, but will still be issued with a one month permission to stay and work permit.

There is a current loophole whereby dependents of a person with a current work permit are not subject to the same level of screening, but are exempted. This will be closed. For families the process will require all documents in Annex 2 for all members (10+ years¹⁹) of a family at the start and automatically allow all family members to work without further checks (reducing administration and provided a faster route into work).

The onus is on the prospective worker to apply for a permit, not the employer. To attract labour may still require employers to meet the costs of relocation (sponsorship).

Previous exemptions for SHG staff will be removed.

Conditions

- Permission to stay and work permits will require documentation in Annex 2.
- The permission to stay and work permit provides permission to work but in the event a person chose not to work or to discontinue work, they could remain on island for

¹⁷ For example musicians, artists, writers etc.

¹⁸ This would also need to be approved by the St Helena Research Institute.

¹⁹ The age of criminal responsibility in England and Wales is 10 years old and St Helena is consistent with this. Therefore in the UK a record of childhood conviction is recorded on the database on the Policy National Computer, and a criminal vetting certificate is available. In other countries this information may not be available and rely on the availability of school records.

the time of their permit but without recourse to public funds, including social security and medical care at local rates. Therefore someone coming for work, a business or an investment assumes the financial risk of not securing these.

- In the absence of medical insurance from Solomon and Company Plc **medical services at local fees and charges will be linked to registration as employed, a business or investor status after 30 days of registration**²⁰. This qualification will continue so long as at least one member of the family is registered under these categories, and eligibility will cease immediately when not active under these categories. In these circumstances medical insurance or evidence of sufficient funds for the medical evacuation of the family will be required. The rationale for this is that to support growth of the working age population on local salaries – the policy intent - medical insurance, which is difficult to get for more than a year at a time and has to be applied for from one's place of residence, would be a deterrent to working for a local salary. There will be a grace period in the event of medical care required which led to the loss of employment, a business or an investment. The length of this grace period will depend on the medical situation. People on a permission to stay and work permit in employment, a business or an investment will be issued with a colour coded card to demonstrate their entitlement to health care at local rates.

Employers will be required to notify the Immigration Department of any employees on a permission to stay and work permit. Those on a permission to stay and work permit will be required to notify the Immigration Department of changes in their employment, business or investment to allow the Immigration Department to monitor rights to medical care at local rates. In the event of a permission to stay and work permit someone claiming health care at local rates when they are not entitled, will pay a penalty in addition to being charged at visitor rates. The Immigration Department will have the authority to do post assurance checks of immigrants to provide ministers with assurance around the management of immigration and the assessment of potential offenders.

As for the holiday permit for visa nationals, the on-line portal fee for a permission to stay and work permit would be:

- £50.00 per person, if applied for at least 21 days in advance (as current).
- £100.00 per person, if applied for less than 21 days in advance and at least ten days before arrival on the island (new service). To facilitate quicker processes this could ideally be applied for less than 10 days in advance, Access to the information on the

²⁰ 30 days is consistent with Solomon and Company Plc only providing medical insurance for up to 30 days.

UK Watch List through UK Border Control which was secured on the 24 April 2024 could facilitate quicker processing. Establishing these fees and time periods as a regulation in the legislation should allow for timely changes.

The applicant must not fall for refusal under the General Grounds for Refusal (Annex 4), and provided that there is a satisfactory outcome to immigration security checks.

This will replace the long term entry permit, the employers' immigration certificate and the self-employed work permit.

The permission to stay and work permit will be key to growing the working age population and the economy.

Lead for drafting legislation: AG's Chambers.

Start date for drafting legislation: 1 June 2024.

Operationalisation: Head of Customs and Immigration

4.5 St Helenian Status – no change

The right to St Helenian Status by descent and by grant remains the same: no change.

Persons having by right or by grant St Helenian status²¹

15. (1) *A person has St Helenian status by right of birth if the person—*

(a) is an islander; or

(b) was born in St Helena on or after 18th October 1999 and, at the time of his or her birth, his or her father or mother had St Helenian status.

(2) *A person has St Helenian status by right of descent if he or she was born outside St Helena on or after 18th October 1999 and, at the time of his or her birth his father or mother had St Helenian status—*

(a) by right of birth;

(b) by descent, or by virtue of a declaration made under subsection (3), and was ordinarily resident in St Helena; or

(c) by right of descent, which he or she acquired by having at least one parent who had St Helenian status by right of birth.

²¹ *Immigration Ordinance, 2011 Part 3, St Helenian Status*

(3) *If, on an application for the grant of St Helenian status made by a person of full age and capacity, the Board is satisfied that the applicant fulfils the requirements of Schedule II²², it must grant the person a declaration that he or she has such status.*

(3A) *If the Board issues, or has issued, a declaration under subsection (3) to an applicant (“the primary applicant”) it may grant such a certificate also to a person who—*

(a) is a child 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.

(4) *A person who claims to have St Helenian status under subsection (1) or (2) may apply to the Board for a declaration that he or she has such status, and the Board—*

(a) if satisfied, after making such enquiries as the Board thinks fit, that the person has such status, must issue a declaration to that effect;

(b) in any other case, must refuse the application.

(5) *An application may be made under subsection (4) by a parent or guardian of any minor whom the parent or guardian believes to have St Helenian status.*

Deprivation and loss of status

16. (1) *Subject to this section, the Board may, if it is satisfied that a declaration granted under section 15(3) or section 15(4) 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 Board at the time of application, would, in the opinion of the Board, have justified refusal of such a declaration, revoke the declaration.*

(2) *Regulations made under section 43 must provide for the procedure to be adopted by the Board in relation to the power conferred by subsection (1), and such rules must, in particular, require that the person to whom the relevant declaration was granted must have an opportunity to make representations to the Board before the power is exercised.*

(3) *A person to whom a certificate of St Helenian status has been granted under section 15(3) or (3A) ceases to have such status if he or she is absent from St Helena for a continuous period of 10 years.*

By grant

St Helenian status requirements are complex and are dealt with on a case-by-case basis. It can be acquired by application if the applicant:

²² Annex 5.

- is of good character;
- intends, in the event of a certificate being granted to him, that his home or his principal home will be in St Helena;
- was in St Helena at the beginning of period of five years ending with date of application
- meets the requirement in relation to time spent in St Helena;
- was not in that period undergoing a sentence or in breach of any laws in relation to Immigration.

Grant of St Helenian status can be acquired by a spouse/ life partner of a person having St Helenian status, providing that the applicant meet the above requirements, but was in St Helena at the beginning of period of three years ending with date of application.

These permissions and conditions are in line with the *British Nationality Act, 1981*, Schedule 1. By the acquisition of St Helenian Status through these time periods there is a smooth pathway to a BOTC passport and potentially UK citizenship. Not to keep these periods could invite a legal challenge, and this act falls under UK jurisdiction.

St Helenian Status by grant is lost if off-island for more than ten years.

Passport stamp showing St Helenian Status

Many St Helenians use a UK passport rather than a St Helenian passport, they will be entitled to a stamp in their passport indicating St Helenian status. This will speed up airline and immigration processes for travellers. Information on the advantages of a stamp will be provided through the SHG website, social media and press and radio on the island.

4.6 The partners exemption certificate – no change

This certificate is for the spouses or partners of St Helenians who have been in a subsisting relationship of marriage, or akin to marriage for at least three months. A Certificate of Exemption from immigration controls is issued to a person who is the dependant of a person with St Helenian Status. In the case of any change of circumstances regarding the relationship, notification should be made to the Immigration Department. A certificate will generally be granted to a person who:

- is the spouse or life partner of a person with St Helenian Status;
- is the dependent child or young person falling under the definition of dependant²³.

²³ In relation to a person, a dependant means:
(a) the spouse or life partner of that person; and

For the spouse or partner of a St Helenian

- a) The couple must have met in person.
- b) The marriage/civil partnership should not be a sham marriage.²⁴
- c) The couple must be in a genuine and subsisting relationship.²⁵
- d) Neither the applicant nor their partner must be married to, or in a civil partnership with another person at the date of application.
- e) Each application will receive consideration of the family and individual circumstances, taking into account all matters raised on a case-by-case basis.
- f) 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).
- g) 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. If a foreign marriage certificate is produced it would need to be apostilled or legalised with an official confirmation that a signature, seal or stamp on a document is genuine and each case will be assessed on its own merit at the time.

4.7 Miscellaneous: extend landing permission to 72 hours

Current landing permission will be increased to 72 hours to encourage cruise ships and private planes to stay longer. It could also help the island manage cruise ship visitors more efficiently by spacing landings over several days.

(b) a child, step-child or adopted child of that person, who is under the age of 18 years or who is over that age and-

- (i) in full time education; and
- (ii) under the age of 25 years

²⁴ 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.

²⁵ The couple are in a current, long-term relationship and provide satisfactory evidence of this, such as: The couple have been or are co-habiting for at least two years and provide satisfactory evidence of this, or

- (i) The couple have children together (biological, adopted or step-children) and shared responsibility for them
- (ii) The couple share financial responsibilities, for example a joint mortgage or tenancy agreement, a joint bank account, savings, utility bills in both their names;
- (iii) Other evidence that would reflect that the relationship is genuine and subsisting

The landing permission has been designed with passengers of cruise ships, other vessels and planes in mind. The landing permit is non-renewable.

The landing permission 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 Permission referenced to this list which will give the persons listed the right of entry to St Helena for up to 72 hours.

The landing permission fee of £12.00 is less than the current short-term entry fees, but meets a similar registration and revenue purpose. It is proposed to increase this to that of the holiday permit fee per person. Currently the practice is to charge only the number of passengers who disembark the vessel. This was agreed by a previous Council but the practice of charging every passenger will be re-instated in keeping with legislation: that apart from St Helenian passengers and their dependents all persons on board in St Helena's waters will be charged regardless if they disembark the vessel or not.

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 or the airline by which the individual arrived at St Helena.

Lead for drafting legislation: AG's Chambers.

Start date for drafting legislation: 1 June 2024.

Operationalisation: Head of Customs and Immigration

4.8 Persons with automatic right of entry to St Helena

A person is considered to have the automatic right of entry to St Helena if they possess St Helenian Status by birth, descent or grant (If in doubt they may be asked to provide proof of such status).

4.9 Curtailment of an immigration permit

Where a permit or exemption has been granted, the permit holder is required to, as soon as is reasonably practicable, inform the Immigration Department of any change in circumstances which may affect the initial decision of their permit, permission or exemption to stay in St Helena.

The immigration officer will, upon assessment, determine whether a permit, permission or exemption should be curtailed. The permit holder is not precluded from applying for permission to remain on St Helena under a different route.

4.10 Special Leave

Special leave implies this will only be granted on the discretion of the Immigration Officer. It is not a must that 'special leave' is granted as the alternative is that an immigration officer can also refuse entry.

No immigrant may enter or remain in St Helena unless they are authorised to do so by either:

- a) a holiday permit
- b) a permission to stay and work permit.
- b) landing permission; or
- c) special leave

An Immigration Officer may, in certain circumstances, give permission 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 access to public funds or 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 their 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 Immigration 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 Immigration Ordinance or regulations, or to make arrangements for onward passage to another destination;
- b) requires temporary admittance for medical assessment or treatment;
- c) 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;
- d) following a decision by the Immigration Officer to deny an application for an extension, is left without a valid entry visa or other permission to stay in St Helena, in which case any special leave is valid only—

- i. pending further representations to the Chief Immigration Officer
- ii. pending an appeal to the Chief Magistrates Court
- iii. pending departure on the next available means of travel
- iv. despite not strictly complying with the definition of a Consular officer, is serving in or supporting His Majesty's forces or those of any other United Nations member nation
- e) in other exceptional circumstances.

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

5 POLICY OUTLINE: PRESCRIPTIVE AND STREAMLINED IMMIGRATION PROCEDURES

This section focus on issues highlighted in Section 1.3, Baseline Evidence which are not covered in the analysis above. The biggest challenge could be shifting the perception on the island that the Immigration Department is a hurdle rather than a facilitator of growing the working age population. Being a hurdle has been associated with blaming immigration for not attracting people to the island when improvements in the delivery of the immigration service will not be a magic bullet. Attracting people to work in St Helena will be the combined result of many other enabling policies (Section 6) and economic development as well.

5.1 Immigration Control Board

All immigration matters will reside in the Immigration Department, and not with the Immigration Control Board, apart from the immigrants' land holding license. The latter will either continue to reside in the Immigration Control Board or an alternative authority. As the Immigration Control Board meets only monthly this change will allow for speedier processing: the Immigration Department will process holiday permit and permission to stay and work permit applications as set out in sections 4.3 and 4.4.

This requires a repeal of the Immigration Control Board in the legislation.

Lead: Chief Secretary, the removal of the Immigration Control Board has to be approved by the Governor.

Lead for drafting legislation: AG's Chambers.

Start date for drafting legislation: 1 June 2024.

Operationalisation: Head of Customs and Immigration

5.2 Appointment of immigration officers.

Immigration officers will no longer have the powers of police officers. Police officers will continue to be able to act as immigration officers. Immigration capacity will also continue to be augmented when necessary through additional auxiliary officers. The Head of Customs and Immigration will be responsible for the training of immigration officers.

5.3 Expanded, and a more automatic, online portal.

This will be expanded from the current arrangement of only handling E-visas for visa nationals to handle and process:

Entry requirements for:	Non-visa national	Visa national
Holiday permit	Annex 1 of Policy	Annex 2 of Policy
Permission to stay and work permit	Annex 2 of Policy.	Annex 2 of Policy

The documentation required will be uploaded to the online portal by the applicant for it to be reviewed by the Immigration Department which will respond according to the fee rate:

- £50.00 per person, if applied for at least 21 days in advance (as current).
- £100.00 per person, if applied for less than 21 days in advance and at least ten days before arrival on the island (new service). To facilitate quicker processes this could ideally be applied for less than 10 days in advance. Access to the information on the UK Watch List through UK Border Control which was secured on the 24 April 2024 could facilitate quicker processing. Establishing these fees and time periods as a regulation in the legislation should allow for timely changes.

All fields in the online portal will be mandatory and follow a logical order. This will include checking a declaration box that the applicants is aware of permit conditions and requirements²⁶. Applicants will be informed of the documentation required for uploading at the start and all fields will need to be completed (marking those as not appropriate as N/A). This means that one section has to be completed before proceeding to the next and all have to be completing before allowing submission. This will be more user friendly than the current system. Applicants will be advised at the start what documents they will need to upload.

For yacht and other boat people this will require access to the online portal site in the Immigration Department. Documents required for a holiday permit or a permission to stay and work permit will be uploaded onto the online portal site for the Immigration Department

²⁶ This is particularly important given work will no longer be permitted on a holiday permit, but that a permission to stay and work permit can be expedited on island if the required information is provided,

to review. Computerisation will support faster and more efficient processing at the border and facilitate monitoring for statistical purposes.

A budget will be needed in 2025/26 to modify the online portal site. Potential holiday permit and permission to stay and work permit applicants will be alerted to the site through for example:

- The SHG web site.
- St Helena Tourism site.
- St Helena Airport Limited site.
- Timatic²⁷
- Notices to accommodation providers on the island.
- Various social media sites.
- Notices emailed to Capetown, Simonstown, Luderitz and Walvis Bay yacht clubs for their notice boards.

Forms.

There will no longer be a need for:

- A paper based entry form, only for documentation for a holiday permit and permission to stay and work permit to be uploaded on the online portal.
- A letter to confirm the exemption of a person in service to the Crown and their dependents as they will no longer be exempt.
- The three points based assessment forms (entrepreneur/ investor, working migrant and self-employed) as the island is opening up to everyone.
- The administration of the immigrant's landholding licence by the Immigration Department. This will be administered by the Economic Development Portfolio.

Replacements

- The short term entry permit will be replaced with a holiday permit.
- The long term entry permit, the immigrant employment certificate and the current work permit for the self-employed will be replaced with the single permission to stay and work permit. This will simplify the application process.
- The landing permission will need updated to state 72 hours.
- A new appeal form will be needed - revised to reflect the permission to stay and work permit and to state the appeal process.

²⁷ This is a real-time provider of information on travel document requirements for international air travel.

To remain

- Declaration of St Helenian Status
- Application for a grant of St Helenian Status.
- The declaration of exemption from the requirement for an entry permit as the spouse/ life partner or other dependent relative of a person with St Helenian Status.

The online portal requirements need to sit in regulations, policy and guidelines.

Consideration should be given to the introduction of **a biometric information system**, and included in the 2025/26 budget and/ or sourced from the Essential Equipment Programme²⁸, to strengthen due diligence. This could include asking applicants on the online portal and their families (aged 10+) to upload their finger prints and a digital photo for facial recognition, which can be checked by biometric screening at the border of St Helena. This could support a reduction in the documentation required for a permission to stay and work permit and for a visa visitor seeking a holiday permit (Annex 2). It would strengthen the accuracy of identity verification, reduce the risk of identity theft, and expedite processing times at the border. Currently all documents have to be re-checked at the border. A biometric information system would be more secure and improve efficiency, benefiting both the applicants and the government. It could also mean Immigration Officers do not have to check all documentation at the border. How biometric information is used will be covered in legislation.

Start: 1 September 2024, Head of Customs and Immigration to identify a web-design consultancy, assuming this cannot be designed in-house.

Lead for drafting legislation: AG's Chambers.

Start date for drafting legislation: 1 June 2024.

Start of operationalisation: Immigration Department when portal developed.

5.4 Minimising risk of subjectivity

Currently because the additional documentation which may be required (Annex 2) is not known in advance this can be read by applicants as a lack of transparency and give rise to a public perception of subjectivity by an Immigration Officer²⁹ - specifically of creating obstacles. *This may make the immigration process less fair, consistent, and transparent unless SHG is more up front about what documents it requires during the application*

²⁸ This is a FCDO fund managed by the Project Management Office in SHG.

²⁹ <https://www.sainthelena.gov.sh/public-services/immigration/long-term-entry-permit/>

process.³⁰ The intention of making clear what documentation is required, accompanied by the stringent checks for fraudulent documents, will make for a clearer system minimising the risk of criminal activity to the island.

The main list of documents – due diligence - required of visa nationals for a holiday permit and for all applicants for a permission to stay and work permit is transparent in this policy and the same for all. The Immigration Department has the authority to ask for additional documentation if unsure about the legitimacy of an applicant or the documents asked for in the main list (Annex 2). This is not unusual for governments³¹. The Immigration Department maintains a complete record of documents required in the case of an appeal or judicial review.

Lead: Head of Customs and Immigration

Operationalisation: Immigration Department

Start: 1 June 2024.

5.5 The procurement of modern systems and technology.

This includes the use of biometric security, hand scanners and e-gates, which will allow for quicker data collection from databases such as the OTRICS and allow for automatic recording. This could also mean more sophisticated means of identifying false documents as false documents are becoming more sophisticated. These costs will be included in the 2025/26 budget.

Budget lead and start date: Mid May 2024 Portfolio Director of SSHA to make an application to the 2024/25 Essential Equipment Programme budget. If this is unsuccessful to include this in the 2025/26 portfolio budget.

Operationalisation: Immigration Department

5.6 Appeal procedure

Unsuccessful applicants for a permission to stay and work permit or St Helenian Status will have a right of appeal. In the first instance this will be a review of how they have been dealt with by the Immigration Department (an administrative review by an Immigration Officer not involved in the original decision) with a further right of appeal to the Chief Magistrate.

³⁰ TISD, 2023, *Strategic Response to the Draft Immigration Policy Proposal v.0.16 August 2023*, Jamestown, SHG.

³¹ <https://iasservices.org.uk/>

Otherwise no substantial changes are proposed to the appeals section of the ordinance.

Lead for drafting regulation: AG's Chambers.

Date for drafting regulation: 1 June 2024.

Operationalisation: Head of Customs and Immigration

6 COMPLEMENTARY ENABLING POLICIES

This list is not exhaustive and it will be discussed and extended by ministers and the Senior Leadership Team after this immigration policy is considered by ExCo in May 2024. After this a strategy will be developed³², with ministers and the Senior Leadership Team, which will set out immigration and complementary policy issues with tasks, responsibilities and timelines.

The **Sustainable Economic Development Strategy, 2024** has an objective to increase the productivity of labour, capital and land on the island to increase wages and business profits. This will support delivering one its main goals which is growth of the working-age population.

A review of **health fees and charges** to address anomalies in the current system for St Helenians returning to the island, which will be highlighted by entitlement of health care at local rates in the permission to stay and work permit of this policy.

A new **minimum wage** trajectory to increase the minimum wage will be developed later in 2024 and will have a positive knock-on effect on salaries. Increasing salaries is key to the retention of St Helenians and attracting labour.

A **Renewable Energy Policy** has been developed to provide access to affordable, reliable, sustainable modern energy - and also by the desire to develop green tourism (green marketing of hotels and other services). A growing population will increase the customer base of Connect Saint Helena which has been undermined by the proliferation of private photo-voltaic systems.

A **Public Transport Policy** is under development, which in the immediate future is seeking to secure a public transport system from the 1 August 2024. But it is also aimed at developing a sustainable transport service for the long run for the benefit of the public.

³² The SHG policy development process is staged into options for policy, policy, the collective strategy to be followed supported by implementation plans of individual portfolio directorates.

Landholding by Immigrants legislation is currently in the Immigration Ordinance, 2011 Part 6. This was reviewed in 2023 at the time of the development of the *Immigration Policy Proposal, August 2023*. Depending on the decision made about immigration policy it will need a fresh review and removed from immigration legislation. The objectives and principle of the Immigrants Landholding Policy should closely reflect that of immigration policy (Section 2.1), which is to open up the island.

A **Property Disposal and Purchase Policy** is under development. This includes making it easier for people to purchase land for housing and business.

A **Stamp Duty Policy** is under development which aims to improve the offer to first time buyers and returning Saint Helenians to support increasing the working age population of the island.

If the population grows there will be additional demands on infrastructure, including housing, health, education and services. The carrying capacity of the island is a situation which will be monitored by SHG.

7 POLICY IMPACT

As noted in Section 2.2, Policy Rationale, continuing with the current situation is not tenable to grow the economy and build sustainable prosperity for the island. While the island faces many economic limitations, the size of the island's labour force is one of the few (capital investment being the other) fundamental drivers of economic growth that can be influenced by government policy. More people means more workers, which leads to more economic activity.

This policy should have a positive impact on the island as it will ease immigration controls and incentivise inward migration, whilst at the same time enhance border security. It presents an opportunity for a stronger enabling environment to turn around the current population decline and increase border security, which in turn could lead to an eventual uplift in living standards for all on island which could benefit the community.

Not increasing the working age population will be commensurable with a decline in revenue. Financial Aid is unlikely to meet the gap which the public would want to be filled, particularly in SHG service delivery.

An increase in population could have an impact on the built and natural environment of the island. An increase in population will lead to an increase in the demand for housing and the utilisation of utilities and natural resources including land which could lead to negative environmental impacts. Environmental legislation and policies and planning can help mitigate this impact. On the other hand an increase in the working population could help to address the skills shortage and capacity issues within the environment sector leading to positive impacts through having an increased resource available to contribute to the protection and conservation of St Helena's natural and built environment

8 POLICY RISKS

The biggest risk is that the island fails to attract sufficient labour to grow the economy and to increase locally generated revenue. There is also a risk in the immigration process that individual officers apply their own discretion which would discredit the intended objectivity, but more prescriptive and streamlined processes will mitigate this, supported by a final independent appeal to the Chief Magistrate.

There is also a risk that the health budget will need to increase, but this will be mitigated by attracting working age labour which does not carry the same level of risk as an ageing population. An increased working age population building the economy will also increase the revenue base of SHG, in turn creating more jobs and therefore revenue.

Entry requirements for:	Non-visa national	Visa national
Holiday permit	Annex 1 of Policy	Annex 2 of Policy
Permission to stay and work permit	Annex 2 of Policy.	Annex 2 of Policy

Annex 1: Non-visa nationals: conditions for a holiday permit.

1. Passport.
2. There will be no recourse to public funds.
3. A return ticket.
4. Medical insurance will be mandatory. Insurance for up to 30 days is available from Solomon and Company Plc, but insurance for longer periods will need to be secured before travelling to the island.

Annex 2: All other entry requirements for non-visa and visa applicants using the on-line portal

- Non-visa nationals: requirements for a permission to stay and work permit.
 - Visa nationals: requirements for a holiday permit and a permission to stay and work permit.
1. Passport.
 2. If you are applying for a holiday permit, your onward travel itinerary (travel dates for coming and leaving St Helena).
 3. Address of your place of stay in St. Helena.
 4. If applying for a permission to stay and work permit, a criminal vetting record from your country of normal residence, and if appropriate from your last country of temporary residence.
 5. If applying for a permission to stay and work permit, evidence of fluency in spoken and written English.
 6. Medical insurance if necessary. Medical care at local rates is tied to whether you are employed, have a registered business and/ or if you are an investor.
 7. Financial documents showing that you have sufficient funds available. These must clearly show that you have access to the funds, such as:
 - bank statements
 - building society book
 - proof of earnings such as a letter from employer confirming employment details (start date of employment, salary, role, company contact details)
 - where a third party (who is either in St. Helena or who will be legally in the St. Helena at the time of your visit) is providing financial support to you e.g. a business, a friend or a relative, documents to show they have sufficient resources to support you in addition to themselves and any dependant family should be provided
 8. Confirmation of legal country of residence, if you are not a national of the country in which you are applying or your right to reside there is not included in your passport.
 9. Two documents of proof of current home address and how long you have lived there are required.
 10. If you are travelling with a child under the age of 18 years and you are not the child's parent, or who may appear not to be the parent you may be asked at the border to prove the relationship between yourself and the child. This may be proven with:
 - Original or certified copy of a birth or adoption certificate showing the relationship with the child, and

- Original or certified copy of divorce decree or marriage certificate in the case of a parent who has a different surname to the child, and
 - If applicable, a letter from the child's parent(s) giving permission for the child to travel with a person who is not the parent and providing contact details for the parent(s) as well as certified copies of the parent(s) passports/proof of identity.
11. Details of employment or studies where you are either employed or in full-time studies. This could include:
- a letter from your employer on company headed paper, detailing your role, salary and length of employment
 - a letter from your education provider, on headed paper, confirming your enrolment and leave of absence
12. If self-employed: business registration documents confirming the business owner's name and the date the business started trading.
13. Business activities – where you are coming to St. Helena in order to undertake activities relating to your occupation/employment outside of St. Helena you should submit information regarding what you will be doing in St. Helena, including any letters from inviting organisations. For example:
- a. any business activities, e.g. letter from your employer outlining the reason for your visit, who you will be meeting and details of any payment/expenses;
 - b. for performances and entertainment visitors, whether you work in this area as a professional or amateur, and what and where you will be performing.

Depending on your circumstances, you might also need to provide:

- Details of your travel history for the past five years
- Your employer's address and telephone number
- Your partner's name, date of birth and passport number
- The name and address of anyone paying for your trip
- The name, address and passport number of any family members you have in St Helena
- A declaration that you are free of any communicable disease
- A declaration that you have not committed a crime against humanity or one of terrorism.

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.

You are also advised that depending on your passport you may need a multi entry visa for countries you are travelling through to reach St Helena, e.g. South Africa.

Annex 3: Visa national countries:

The holders of the following passports require an e-visa currently, and will require a holiday permit and a permission to stay and work permit, applied for in advance through the online portal.

1. Afghanistan, Albania, Algeria, Angola, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Bhutan, Bolivia, Bosnia Herzegovina, Burkina Faso, Burma, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, People's Republic Of China, Colombia, Comoros, Congo, Cuba, Democratic Republic Of The Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Georgia, Ghana, Guinea, Guinea Bissau, Guyana, Haiti, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kazakhstan, Kenya, Korea (North), Kosovo, Kuwait, Kyrgyzstan, Laos, Lebanon, Lesotho, Liberia, Libya, Macedonia, Madagascar, Malawi, Mali, Mauritania, Moldova, Mongolia, Montenegro, Morocco, Mozambique, Nepal, Niger, Nigeria, Oman, Pakistan, Palestinian Territory, Peru, Philippines, Qatar, Russia, Rwanda, Sao Tome E Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Somalia, South Sudan, Sri Lanka, Sudan, Surinam, Swaziland, Syria, Taiwan, Tajikistan, Tanzania, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, Uzbekistan, Venezuela, Vietnam, Yemen, Zambia, Zimbabwe.
2. The territories formerly comprising the Socialist Federal Republic of Yugoslavia.
3. Persons who hold passports or travel documents issued by the former Soviet Union or by the former Socialist Federal Republic of Yugoslavia.
4. Stateless persons.
5. Persons travelling on any document other than a national passport regardless of whether the document is issued by or evidences nationality of a state not listed in paragraph (1), except where that document has been issued by UK, St Helena or Ascension Island.

Annex 4: 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 them to supply within a reasonable time following request by the Immigration Officer, any information, documents, copy documents or medical insurance or adequate funds to meet medical costs if applicable.
- c) Deliberate concealment of information which may have led to refusal of entry, for example a criminal record or a history of deportment.
- d) 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 they seek leave to enter for the same purpose as that for which the earlier leave was refused.
- e) 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. This does not apply to any persons with St Helenian status by birth, descent or grant.
- f) 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 Visa, 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).
- g) Where false representations have been made or fraudulent 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.
- h) 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).
- i) 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.
- j) 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.
- k) 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.
- l) 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.
- m) 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.
- n) 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.
- o) The person has been convicted of an offence for which they have been sentenced to a period of imprisonment of at least four 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 four 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. This will not apply to a person who has St Helenian status by birth, decent or grant.

- p) 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.
- q) If a person has an adverse immigration history in St. Helena or the United Kingdom, any British Overseas Territory or any other country.
- r) 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
- s) 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.
- t) If a person has been involved in or associated with war crimes, crimes against humanity or genocide.
- u) The Immigration Officer must be satisfied that the applicant is genuinely seeking entry for the specific purpose applied for.

Annex 5: Requirements for the granting of St Helenian Status³³

1. *Except where paragraph 2 applies, and subject to paragraphs 3 and 4, the requirements for the grant of St Helenian status are that the applicant—*

- (a) is of good character;*
- (b) intends, in the event of a certificate being granted to him or her, that his or her home or (if he or she has more than one) his or her principal home will be in St Helena; and*
- (c) was in St Helena at the beginning of a period of 5 years ending with the date of the application, and—*
 - (i) the total number of days on which he or she was absent from St Helena in that period does not exceed 500;*
 - (ii) the number of days on which he or she was absent from St Helena in the period of 12 months so ending does not exceed 100; and*
 - (iii) he or she was not in either of those periods undergoing a sentence of imprisonment nor in breach of any of the laws relating to immigration; or the Governor in Council has granted (under paragraph 4) a dispensation from the requirements of sub-paragraphs (i) and (ii) (or either of them) of this paragraph.*

2. *Subject to paragraphs 3 and 4, the requirements for the grant of St Helenian status in the case of a person who is the spouse or life partner of a person having St Helenian status are that—*

- (a) the marriage or life partnership has been in existence for at least 3 years;*
- (b) the applicant is of good character;*
- (c) the applicant was in St Helena at the beginning of a period of 3 years ending with the date of the application and that—*
 - (i) the total number of days on which the applicant was absent from St Helena in that period does not exceed 150;*
 - (ii) the number of days on which the applicant was absent from St Helena in the period of twelve months so ending does not exceed 100; and*
 - (iii) the applicant was not in either of those periods undergoing a sentence of imprisonment nor in breach of any of the laws relating to immigration; or that the Governor in Council has granted (under paragraph 4) a dispensation from the requirements of sub-paragraphs (i) and (ii) (or either of them) of this paragraph;*

³³ *Immigration Ordinance 2011, Schedule 2*

but nothing in this paragraph prevents a person who is the spouse or life partner of a person having St Helenian status from applying for status under paragraph 1.

3. Regulations made under section 43 may provide that—

- (i) periods of time spent in St Helena are to be counted as time spent outside St Helena; or*
- (ii) periods of time spent outside St Helena are to be counted as time spent in St Helena.*

4. The Governor in Council may grant a dispensation from the requirements of paragraph 1 or 2 (as the case may be) as to the number of days absent from St Helena, if he or she is satisfied that—

- (i) that the applicant for the dispensation has a substantial economic, social or historical connection with St Helena;*
- (ii) there are exceptional circumstances (such as, but not limited to, shipping schedules or illness) why strict compliance with the requirements should be dispensed with; and*
- (iii) it would be in the public interest to grant the dispensation.*