FALKLAND ISLANDS

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Immigration (General) Regulations 2021

(No. 7 OF 2021)

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FALKLAND ISLANDS

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Immigration (General) Regulations 2021

(made: 7 June 2021)
(commencement: in accordance with regulation 2)
(published: 11 June 2021)

I make these Regulations under sections 5A(2), 26(2)(b), 38A, 40 and Schedule 2(4) of the Immigration Ordinance 1999 on the advice of Executive Council.

PART 1 - INTRODUCTORY

1. Title

These Regulations are the Immigration (General) Regulations 2021.

2. Commencement

(1) Regulation 22(2)-(4) and Schedule 1 come into force on 1 July 2021 for the purpose of establishing the Registered Employer Scheme.

(2) These Regulations come into force for all other purposes on 1 September 2021.

3. Interpretation

In these Regulations —

"**education assessment**" means an assessment by the Director of Education of whether an applicant for a permit is likely to be or become a substantial charge on public funds because of the applicant's educational needs if a permit is issued;

"**health assessment**" means an assessment by a medical inspector of whether an applicant for a permit is likely to be or become a substantial charge on public funds because of the applicant's medical, dental or other healthcare needs if a permit is issued;

"**health declaration**" means a declaration in the specified form made by an applicant for a permit at the time of making the application and endorsed by a medical inspector;

"**health insurance**" means medical insurance cover for the holder of a permit —

(a) of such sum as may be determined by the Governor and published in the *Gazette*; and

(b) that includes all the costs of —

(i) emergency medical evacuation, including the costs of transportation and medical care in transit, for treatment of a medical condition or situation that cannot be treated adequately in the Falkland Islands, to the nearest country where adequate and appropriate medical treatment can be provided for the holder of a permit;

(ii) travel by air from the country in which emergency medical treatment is provided to the country of ordinary residence of the holder of a permit; and

(iii) in the event of the death of the holder of the permit, air transportation of the deceased's mortal remains from the place of death to the country in which the deceased was ordinarily resident or, if death occurs in the Falkland Islands, local burial;

"**landing card**" has the meaning in regulation 9(4);

"**migrant worker**" means a person who does not have a right of abode, and works or would like to work, in the Falkland Islands;

"**Ordinance**" means the Immigration Ordinance 1999;

"**parent**" includes any person who has parental responsibility for a child within the meaning of section 6 of the Children Ordinance 2014;

"**prescribed fee**" means the fee payable in accordance with regulations made under sections 38A(2) or 40(1)(d) of the Ordinance;

"**registered employer**" means a sponsor, sponsoring organisation or any other person who is registered under the Registered Employer Scheme and includes any servant or agent of the person who is named in the register of the Scheme;

"**review**" means a review of a decision of the Principal Immigration Officer under section 26 of the Ordinance;

"**seafarer**" means a person who is a member of the crew of a ship; and

"**specified form**" means a form specified by the Principal Immigration Officer from time to time.

4. Application

These Regulations apply to persons who do not have a right of abode in the Falkland Islands.

PART 2 – WATCH LIST

5. Watch List

(1) The Principal Immigration Officer must include in the watch list any person whom the Governor directs to be so included.

(2) Before directing that a person be included in the watch list, the Governor must be satisfied on the balance of probabilities that the person is of a description in section 5A(3) of the Ordinance.

(3) If the person's whereabouts are known or as soon as reasonably practicable after the person's whereabouts are ascertained, the Principal Immigration Officer must notify the person in writing of —

(a) the direction and the reasons for it; and

(b) the person's right to ask for reconsideration of the direction under subregulation (7).

(4) The watch list must include —

(a) the person's name and, where known, date of birth, details of passport or other travel document and contact details including residential or business address, email address and telephone number;

(b) the reason for inclusion in the list by reference to section 5A(3) of the Ordinance; and

(c) any available biometric data about the person.

(5) The watch list must be reviewed annually by the Governor for the purpose of considering whether any person included in the list should be removed.

(6) The Governor must direct the Principal Immigration Officer to remove a person from the list if —

(a) the person has died;

(b) the person was included in the list in error;

(c) the person has ceased to be a person of a description in section 5A(3) of the Ordinance;

(d) the person is a person in respect of whom a deportation order was made and that order has expired or been revoked; or

(e) the Governor has reconsidered the case in accordance with subregulation (8) and rescinded the direction.

(7) A person who is included in the watch list and is outside the Falkland Islands ("**a complainant**") may ask the Governor to reconsider the direction made under subregulation (2) by notice in writing including a statement of the reasons for asking for reconsideration and any documentary evidence in support.

(8) On receipt of notice under subregulation (7), the Governor must reconsider the direction including all the facts and matters relied on in the statement of reasons and any evidence provided by the complainant; and may confirm or rescind the direction.

(9) The Governor must notify the complainant of the outcome of the reconsideration and give reasons for the decision.

PART 3 - ENTRY REQUIREMENTS

Visas

6. Application for and issue of visas

(1) A person who requires a visa to enter the Falkland Islands may apply to a place mentioned in subregulation (3) in the specified form for a visa and must pay the prescribed fee.

(2) An authorised person may require an applicant to answer any questions, orally or in writing, or to provide any additional information reasonably connected with the application.

(3) A visa may be issued by the Principal Immigration Officer or any person expressly authorised by the Principal Immigration Officer to issue visas —

(a) in the Falkland Islands, at the Customs and Immigration office or the place of arrival of the applicant;

(b) at an office that is approved by the Governor for the purposes of this regulation and is—

(i) an overseas office of the Government of the Falkland Islands; or

(ii) an office of the Government of the United Kingdom that is outside the United Kingdom.

(4) A visa must include —

(a) the place of issue, which in the case of a visa issued at a place mentioned in subregulation (3)(a) is Stanley and in the case of a visa issued at a place mentioned in subregulation (3)(b) is the town or city in which the relevant office is located;

(b) the date of issue and the period of validity of the visa;

(c) any conditions that the Principal Immigration Officer reasonably considers to be necessary; and

(d) information identifying the person who issued it.

(5) If an application for a visa is refused, the Principal Immigration Officer must inform the applicant of the reasons for the refusal.

(6) No appeal lies to any person in relation to a refusal to issue a visa.

7. Cancellation of a visa

(1) A visa is cancelled if the person to whom the visa was issued —

(a) had a visitor permit and the visitor permit has been cancelled in accordance with these Regulations or revoked or has expired;

(b) is subject to a deportation order under section 7 of the Ordinance; or

(c) is in breach of any condition included in the visa.

(2) No appeal lies to any person in relation to the cancellation of a visa.

8. Register of visas

(1) The Principal Immigration Officer must keep a register of all visas issued under the Ordinance.

(2) The register must include —

(a) the full name and nationality of the person to whom the visa was issued, as stated in the person's passport or other travel document;

(b) the number of the passport or other travel document, the country or other authority that issued the passport or other travel document and the place where it was issued, if known;

(c) the information included in the visa (if one has been issued) under regulation 6(4) and particulars of cancellation under regulation 7 (if any) including, if cancelled because a new visa was issued to the same person, the date on which the new visa was issued; and

(d) if a deportation order has been made in respect of a person to whom the visa was issued, particulars of the order and the date of departure of the person from the Falkland Islands.

Information required

[S. 26/Ord. 12/25/w.e.f. 27/10/25]

8A. Passenger information required

(1) The information in subregulation (2), is prescribed for the purposes of paragraph 26(2)(a) of Schedule 2 to the Ordinance in respect of a passenger list.

(2) The following information as stated in the passport or other travel document —

(a) full name;

(b) sex;

(c) date of birth;

(d) nationality;

(e) type of travel document held;

(f) number of travel documents held;

(g) expiry date of travel document held; and

(h) issuing State or organisation of travel document.

[S. 26/Ord. 12/25/w.e.f. 27/10/25]

8B. Crew information required

(1) The information in subregulation (2) is prescribed for the purposes of paragraph 26(2)(b) of Schedule 2 to the Ordinance in respect of particulars of members of the crew.

(2) The following information as stated in the passport or other travel document —

(a) full name;

(b) sex;

(c) date of birth;

(d) nationality;

(e) type of travel document held;

(f) number of travel documents held;

(g) expiry date of travel document held; and

(h) issuing State or organisation of travel document.

[S. 26/Ord. 12/25/w.e.f. 27/10/25]

8C. Voyage information required

(1) The information in subregulation (2) is prescribed for the purposes of paragraph 26(2)(c) of Schedule 2 to the Ordinance in respect of particulars of the voyage.

(2) The information is —

(a) name of ship;

(b) name of the owner;

(c) nationality of ship;

(d) name of any agent in the Falkland Islands appointed by the owner;

(e) estimated arrival date, time and proposed port of entry;

(f) estimated departure date, time and proposed exit port;

(g) number of passengers; and

(h) number of crew on board.

[S. 26/Ord. 12/25/w.e.f. 27/10/25]

8D. Flight information required

(1) The information in subregulation (2) is prescribed for the purposes of paragraph 26(2)(c) of Schedule 2 to the Ordinance in respect of particulars of the flight.

(2) The information is —

(a) flight number;

(b) name of the owner, operator (if different from the owner) and any agent in the Falkland Islands appointed by the owner or operator;

(c) scheduled departure date;

(d) scheduled departure time;

(e) scheduled arrival date;

(f) scheduled arrival time;

(g) place and country from which the flight departed immediately prior to arrival in the Falkland Islands;

(h) place in the Falkland Islands into which the flight first arrives from overseas;

(i) number of passengers; and

(j) number of crew on board.

[S. 26/Ord. 12/25/w.e.f. 27/10/25]

8E. Form and manner of provision of information

The responsible person under paragraph 26(2) of Schedule 2 of the Ordinance must provide the information —

(a) in an electronic format and by means of a system, specified by, the Principal Immigration Officer; or

(b) using a method specified by an immigration officer if there is a technical failure which results in it not being possible for the information to be provided in accordance with paragraph (a).

[S. 26/Ord. 12/25/w.e.f. 27/10/25]

8F. Time for provision of information

(1) The responsible person under paragraph 26(2) of Schedule 2 of the Ordinance must provide the information at the relevant time.

(2) In paragraph (1), "**relevant time**" means —

(a) in the case of a ship carrying passengers for reward, not less than twenty-four hours before arrival at the port;

(b) in the case of an aircraft carrying passengers for reward —

(i) not less than twenty-four hours before the scheduled time of arrival in the Falkland Islands (in respect of all passengers and crew known to the responsible person at the time the information is sent);

(ii) at the time when it is no longer possible for further passengers or crew to board the service before its departure for the Falkland Islands; and

(iii) within 30 minutes of departure from the Falkland Islands;

(c) in any other case, at any time before or on arrival at the port.

[S. 26/Ord. 12/25/w.e.f. 27/10/25]

Landing cards

9. Landing cards

(1) A person who does not have a right of abode in the Falkland Islands and seeks to enter the Falkland Islands must complete a landing card to the satisfaction of the Principal Immigration Officer.

(2) The Principal Immigration Officer may waive the requirement to complete a landing card if—

(a) the information required to determine whether the person may be permitted to enter the Falkland Islands is provided by other means or by another person to the satisfaction of the Principal Immigration Officer; or

(b) satisfied that the person is a person in transit whose principal reason for requesting leave to enter the Falkland Islands is for the sole purpose of leaving on a vessel or aircraft different to the one on which they arrived.

(3) For the purpose of this regulation, a person completes a landing card if —

(a) the person or some other person on his or her behalf completes the landing card and the persons signs it; or

(b) the person is a child under the age of 12 years and the child's parent or other adult travelling with the child completes the landing card and signs it on behalf of the child.

(4) In this regulation "**landing card**" means the form specified by the Principal Immigration Officer as such under section 39 of the Ordinance.

Entry without a permit

10. Seafarers

(1) A seafarer has leave to enter under section 9(1) of the Ordinance if the requirements in subregulation (2) are met.

(2) The requirements are that —

(a) the ship arrives, and the seafarer disembarks, at an approved place; and

(b) before the seafarer or any other person disembarks, the master of the ship provides the Principal Immigration Officer with a list of the ship's crew including such particulars of the seafarer as may reasonably be required by the Principal Immigration Officer.

(3) The seafarer must comply with any conditions imposed by the Principal Immigration Officer relating to —

(a) the times when the seafarer is permitted to go ashore; and

(b) the places in the Falkland Islands where the seafarer is permitted to go.

(4) The presence of a seafarer in the Falkland Islands in breach of a condition in subregulation (3) is unlawful for the purposes of section 5D(2)(c)(ii) of the Ordinance.

(5) In subregulation (2) "**approved place**" means —

(a) East Cove at Mare Harbour;

(b) the southside of Stanley Harbour at any facility that exists for the purpose of docking vessels; or

(c) any other place within the Falkland Islands at which the Collector of Customs may permit a ship to embark or disembark a person.

11. Entry in an emergency

A person to whom section 14 of the Ordinance applies must, as soon as reasonably practicable, attend at a Customs and Immigration Office or police station for the purpose of completing a landing card, provided that if the person is detained in hospital this regulation does not apply until the person is discharged from hospital.

12. Offences in relation to persons arriving by sea or air

(1) It is an offence for the owner and any charterer or lessee of any vessel or aircraft to permit any person who requires a visa or a permit to disembark in the Falkland Islands without a valid visa or permit, as the case may be.

Penalty: A fine not exceeding the maximum of level 5 on the standard scale.

(2) It is a defence to any prosecution under this regulation for the owner of a vessel or aircraft to prove that at the relevant time none of the crew of the vessel or aircraft, as the case may be was a person who was in his or her employment.

PART 4 – PERMITS

13. General

(1) This Part makes provision for the form and manner in which an application for a visitor permit, volunteer permit, work permit, accompanying dependent permit, dependent permit or carer permit, an extension of a permit or any other permission may be made and the information to be provided in connection with any such application.

(2) The Principal Immigration Officer may require an applicant to provide additional information before making a decision in relation to any application, whether for a permit or otherwise.

(3) Where the applicant for a permit or any related permission is a child under the age of 16 years, the application must be made and signed by the child's parent on behalf of the child.

(4) The Principal Immigration Officer must not issue any permit, extend a period of validity or grant any permission unless satisfied that the applicant —

(a) meets the requirements of the Ordinance and these Regulations; and

(b) is or will be suitably accommodated.

(5) The Principal Immigration Officer may refuse to issue a permit if an education or health assessment included in an application is that the applicant is likely to be or become a substantial charge on public funds because of the applicant's educational needs or their medical, dental or healthcare needs, as the case may be, if a permit is issued.

(6) The Principal Immigration Officer may impose conditions in relation to the issue of a permit or grant of any permission under the Ordinance that the Principal Immigration Officer considers are reasonably necessary or expedient including conditions to ensure —

(a) the welfare of the holder of a permit;

(b) that the holder of a permit is not, and is not likely to become, a substantial charge on public funds because of the applicant's educational needs or their medical, dental or healthcare needs; or

(c) that the permit holder is suitably accommodated.

(7) The Principal Immigration Officer must inform a person by notice in writing of a decision to refuse —

(a) to issue a permit;

(b) to extend the period of validity of a permit; or

(c) permission to a visitor to do short-term work, or to a worker or accompanying dependent permission to do work not on the Workforce Shortage List.

(8) Any notice given by the Principal Immigration Officer in relation to any decision made under the Ordinance must include —

(a) the reasons for the decision;

(b) if applicable, information regarding the right to request a review of the decision including any form specified for the purpose; and

(c) in the case of a notice of cancellation under regulation 20 or a notice of revocation under section 22A of the Ordinance, the date on which the notice is effective.

(9) A permit holder must, as soon as reasonably practicable, inform the Principal Immigration Officer —

(a) of breach of any condition subject to which the permit was issued or any related permission was given;

(b) of any change in the permit holder's personal circumstances that is relevant to the permit, and in particular of any change of address or, in the case of a worker, an accompanying dependent or the holder of a dependent permit, in the composition of the household in which the permit holder is living; and

(c) in the case of the holder of a carer permit, if the person in respect of whose need for care the permit was issued no longer needs the permit holder's care.

14. Visitor permits

(1) Subject to subregulation (2), a person applying for a visitor permit, to extend the period of validity of a visitor permit or for permission to do short-term work must apply in the specified form, pay the prescribed fee and provide such information and documents as the Principal Immigration Officer may reasonably require for the purposes of considering the application, including (but without limitation) —

(a) the reason for the visit and intended length of stay;

(b) if the applicant is a family member within the meaning of section 17B(10) of the Ordinance, the names of the persons whom the applicant proposes to visit and the nature of their relationship with the applicant;

(c) if the applicant intends to engage in activity listed in section 17C of the Ordinance (permitted activities), details of those activities;

(d) if the applicant requests permission under section 17D of the Ordinance (short-term work), details of —

(i) the work proposed;

(ii) the relevant skills or experience of the applicant; and

(iii) the registered employer;

(e) if the applicant proposes to travel within the Falkland Islands, the proposed itinerary; and

(f) the arrangements for the applicant's accommodation in the Falkland Islands.

(2) The Principal Immigration Officer may waive the requirement to complete the specified form in relation to a person whose intended stay in the Falkland Islands is transient, whether that person arrives —

(a) by ship and intends to leave by aircraft or vice versa;

(b) by ship and intends to leave by the same or another ship; or

(c) by aircraft and intends to leave by the same or another aircraft.

(3) A person applying for a visitor permit may be required to provide evidence of health insurance for the whole of their intended stay in the Falkland Islands.

(4) A visitor permit must specify —

(a) the period of validity;

(b) the permitted activities (if any);

(c) in relation to permission to do short-term work, the nature of the work and the name and contact details of the registered employer; and

(d) any conditions that apply.

15. Volunteer permits

(1) A person applying for a volunteer permit or to extend the period of validity of a volunteer permit must apply in the specified form, pay the prescribed fee and provide such information and documents as the Principal Immigration Officer may reasonably require for the purposes of considering the application, including (but without limitation) —

(a) a health declaration;

(b) evidence of health insurance for the whole of the intended stay in the Falkland Islands;

(c) if requesting a period of validity of 5 months or more, a certificate that includes spent convictions issued by the police authority for the country in which the applicant resides not more than 3 months before the date on which the application for a permit is submitted;

(d) a statement by the sponsoring organisation that —

(i) the post has been advertised in accordance with any requirements under regulation 23;

(ii) no suitable person who has a right of abode in the Falkland Islands is available and willing to do the work to which the application relates without remuneration; and

(iii) the sponsoring organisation is a registered employer; and

(e) details of the arrangements for the accommodation and ordinary living expenses of the applicant in the Falkland Islands.

(2) A volunteer permit must specify —

(a) the period of validity;

(b) the name and contact details of the sponsoring organisation;

(c) the nature of the work to be done by the permit holder; and

(d) any conditions and whether the permit holder or the sponsoring organisation is, or both are, required to comply.

16. Work permits

(1) A person applying for a work permit, an extension to the period of validity of a work permit or for permission under section 17F(7) of the Ordinance must apply in the specified form, pay the prescribed fee and provide such other information as the Principal Immigration Officer may reasonably require for the purposes of considering the application.

(2) A worker must not apply for a new work permit earlier than 6 months before the period of validity is due to expire.

(3) A worker may apply at any time for the period of validity of a permit to be extended.

(4) Subject to subregulation (5), an application for a permit to work for a sponsor must include —

(a) a copy of the applicant's offer or contract of employment in the Falkland Islands and the job description;

(b) an undertaking by the sponsor in the specified form;

(c) a statement by the sponsor that —

(i) the sponsor is registered with the Registered Employer Scheme;

(ii) the post has been advertised in accordance with any requirements under regulation 23; and

(iii) no suitable person who has a right of abode in the Falkland Islands applied for and is willing to be employed in the role to which the application relates;

(d) a health assessment;

(e) if requesting a period of validity of 5 months or more, a certificate that includes spent convictions issued by the police authority for the country in which the applicant resides not more than 3 months before the date on which the application for a work permit is submitted;

(f) evidence of the applicant's skills or training that are relevant to the post;

(g) details of any persons with whom the applicant intends to live in the Falkland Islands as part of the same household, whether such persons have a right of abode and if not, details of the permits they hold or for which they have applied or intend to apply;

(h) details of the arrangements for the accommodation in the Falkland Islands of the applicant and their household.

(5) In relation to an application for a permit to work for a sponsor for a period of not more than 9 months in a 12 month period, the Principal Immigration Officer may accept a health declaration and evidence of health insurance for the relevant period instead of a health assessment.

(6) If the Principal Immigration Officer issues a work permit in relation to an application accepted under subregulation (5) —

(a) the period of validity must not exceed 9 months in a 12 month period;

(b) an accompanying dependent permit must not be issued to enable any person to live with the worker as part of the worker's household; and

(c) the worker must not be permitted to do any work not included in the Workforce Shortage List.

(7) An application for a permit to work on one's own account must include —

(a) a business plan;

(b) a health assessment;

(c) if requesting a period of validity of 5 months or more, a certificate that includes spent convictions issued by the police authority for the country in which the applicant resides not more than 3 months before the date on which the application for a work permit is submitted;

(d) evidence of skills or training that are relevant to the work;

(e) details of any persons with whom the applicant intends to live in the Falkland Islands as part of the same household, whether such persons have a right of abode and if not, details of the permits they hold or for which they have applied or intend to apply;

(f) details of the arrangements for the accommodation in the Falkland Islands of the applicant and their household;

(g) evidence of sufficient financial resources to support the applicant and the applicant's household during the period of validity and to cover all the costs of repatriation at the expiration of the period of validity or in the event of earlier cancellation or revocation of the permit.

(8) A work permit may include conditions —

(a) that relate either to the worker or any accompanying dependents; or

(b) to be complied with by a sponsor, if relating to minimum remuneration hours of work or other terms of employment of the worker.

(9) Except in a case to which section 17F(4) of the Ordinance applies, the Principal Immigration Officer may require a worker to lodge with the Principal Immigration Officer a sum of money or provide other security sufficient to cover the costs of repatriating the worker and any accompanying dependents.

(10) A work permit must specify —

(a) the work to which it relates and whether the work is to be done for a sponsor or on the applicant's own account;

(b) the name and contact details of the sponsor (if any);

(c) the period of validity;

(d) in the case of a permit issued in relation to an application made under subregulation (5), that —

(i) the period of validity will not exceed 9 months in a 12 month period;

(ii) the worker must have health insurance for the period of validity; and

(iii) the worker is only permitted to do work included in the Workforce Shortage List;

(e) any conditions that apply, whether the permit holder or the sponsor is, or both are, required to comply and including any conditions relating to the hours of work of, or remuneration paid to the worker; and

(f) any security required under subregulation (9).

17. Accompanying dependent permits

(1) A person applying for an accompanying dependent permit, to extend the period of validity or for permission to do work not included in the Workforce Shortage List or on their own account must apply in the specified form, pay the prescribed fee and provide such other information or documents as the Principal Immigration Officer may reasonably require for the purposes of considering the application.

(2) An application for an accompanying dependent permit must include —

(a) information establishing the relationship of the applicant with a worker;

(b) a health assessment;

(c) if the permit is to last 5 months or more and the applicant is aged 16 years or more, a certificate that includes spent convictions, issued by the police authority for the country in which the applicant resides not more than 3 months before the date on which the application for an accompanying permit is submitted;

(d) if the applicant is aged 3 years or over or under 16 years, an education assessment; and

(e) subject to subregulation (3), if the undertaking given by the worker's sponsor does not include the applicant, an undertaking from the worker's sponsor in the specified form.

(3) If the applicant is not able to provide an undertaking, the Principal Immigration Officer may require the worker to lodge a sum of money or provide other security sufficient to cover the costs of repatriating the accompanying dependent with the Principal Immigration Officer.

(4) The Principal Immigration Officer must not issue an accompanying dependent permit to a person to live with a worker to whom regulation 16(5) applies.

(5) An accompanying dependent permit must specify the period of validity, the name of the worker, details of the worker's sponsor (if any), any conditions that apply and any security required under subregulation (3).

(6) In this regulation "**worker**" includes a person who has applied for a work permit with whom an applicant for an accompanying dependent permit proposes to live in the Falkland Islands as part of the person's household.

18. Dependent permits

(1) A person applying for a dependent permit or to extend such a permit must apply in the specified form, pay the prescribed fee and provide such other information and documents as the Principal Immigration Officer may reasonably require for the purposes of considering the application, including (but without limitation) —

(a) information establishing the relationship of the applicant with a resident;

(b) a health assessment;

(c) if requesting a period of validity of 5 months or more and the applicant is aged 16 years or more, a certificate that includes spent convictions issued by the police authority for the country in which the applicant resides not more than 3 months before the date on which the application for a dependent permit is submitted; and

(d) if the applicant is aged on or over 3 years or under 16 years, an education assessment; and

(e) evidence that the resident has a right of abode in the Falkland Islands.

(2) The Principal Immigration Officer may require the resident to lodge a sum of money or provide other security sufficient to cover the costs of repatriating the dependent with the Principal Immigration Officer.

(3) A dependent permit must specify the name of the resident, the period of validity, any security required under subregulation (2) and any conditions that apply.

(4) In this regulation "**resident**" means a person having right of abode in the Falkland Islands and with whom the applicant lives or intends to live as part of the resident's household.

19. Carer permits

(1) A person applying for a carer permit must apply in the specified form, pay the prescribed fee and provide such other information and documents as the Principal Immigration Officer may reasonably require for the purposes of considering the application, including (but without limitation) —

(a) information establishing the relationship of the applicant with the person who needs the applicant's care;

(b) a health assessment;

(c) if requesting a period of validity of 5 months or more and the applicant is aged 16 years or more, a certificate that includes spent convictions issued by the police authority for the country in which the applicant resides not more than 3 months before the date on which the application for an accompanying permit is submitted;

(d) if the person who needs the applicant's care is under 18 years, the person's birth certificate;

(e) if the person who needs the applicant's care is over 18 years and has a disability or health condition, an assessment by a medical inspector of the person's need for personal care; and

(f) evidence that the person who needs care has a right of abode in the Falkland Islands.

(2) A carer permit must specify the name of the person who needs the permit holder's care, the period of validity and any conditions that apply.

20. Cancellation of permits on notice

(1) A permit ceases to have effect during the period of validity if cancelled by the Principal Immigration Officer.

(2) The Principal Immigration Officer may cancel a permit on notice if —

(a) the permit holder —

(i) is in breach of the Ordinance or any condition imposed by or under the Ordinance;

(ii) is or is likely to become a charge upon public funds;

(iii) is not suitably accommodated; or

(b) the permit was issued in error;

(c) in the case of a visitor permit, the visitor no longer meets the requirements in section 17B(3) of the Ordinance;

(d) in the case of a volunteer permit —

(i) the permit holder has ceased to work for the sponsoring organisation;

(ii) the requirements in section 17E(2) of the Ordinance are no longer met;

(iii) the sponsoring organisation is in breach of any condition specified in the permit that applies to that organisation; or

(iv) the sponsoring organisation is removed from the Registered Employer Scheme;

(e) in the case of a work permit —

(i) the worker has ceased to work for the sponsor, or to work on his or her own account, as specified in the permit;

(ii) the sponsor (if any) is in breach of an undertaking or any condition with which the sponsor is required to comply; or

(iii) the sponsor is removed from the Registered Employer Scheme;

(f) in the case of an accompanying dependent permit —

(i) the accompanying dependent has ceased to live with a worker as part of the worker's household; or

(ii) the sponsor is in breach of the undertaking;

(iii) the permit of the worker in whose household the accompanying dependent lives is cancelled or revoked.

(g) in the case of a dependent permit —

(i) the dependent has ceased to live with a person who has right of abode in the Falkland Islands as part of that person's household;

(ii) the status of Falkland Islander of the person with whom the permit holder lives is revoked under section 5 of the Falkland Islands Status Ordinance 1998; or

(iii) the permanent residence permit of the person with whom the permit holder lives is revoked;

(h) in the case of a carer permit —

(i) the permit holder has ceased to live with the person who needs their care or to provide the personal care that person needs;

(ii) the person who needed or needs personal care has ceased to need the care of the permit holder; or

(iii) issued to enable the permit holder to care for person who was under the age of 18 years, that person is now aged 18 years or more.

(3) Notice of cancellation must be given in writing to the permit holder.

(4) On receipt of notice of cancellation, a permit holder who is not a visitor may request a review of the decision under section 26 of the Ordinance.

(5) If the Governor rescinds a decision to cancel a permit, the permit is deemed never to have been cancelled.

(6) Notice of cancellation has effect to cancel a permit —

(a) in the case of a visitor permit, immediately;

(b) in any other case, whichever is the earlier of expiry of the period of validity and either —

(i) if the holder of the permit does not request a review, the 28th day after the date on which the notice is given; or

(ii) if the person requests a review and the review is unsuccessful, the date of determination of the review.

21. Cancellation of permits without notice

(1) A permit is cancelled with immediate effect if —

(a) in the case of a visitor permit, the visitor leaves the Falkland Islands;

(b) the Principal Immigration Officer issues a new permit of the same type or a permit of a different type to the holder of a permit; or

(c) the permit holder becomes a Falkland Islander.

(2) There is no right to seek a review of the cancellation of a permit under this regulation.

PART 5 – EMPLOYMENT OF MIGRANT WORKERS

22. Registered Employer Scheme

(1) Before employing or otherwise engaging a migrant worker, a person must be registered under the Registered Employer Scheme ("**the register**").

(2) A person who wishes to be included in the register must pay the prescribed fee and provide the information listed in Schedule 1 to the Principal Immigration Officer and such other information concerning the person's business as the Principal Immigration Officer may reasonably require for the purposes of determining whether the person should be registered or not.

(3) The Principal Immigration Officer must not include a person in the register unless satisfied that the person is capable of performing the duties of a registered employer set out in regulation 24.

(4) The register must include the information listed in paragraphs 1-5 of Schedule 1 about each registered employer and be open for inspection during normal business hours at the Customs and Immigration Office.

(5) Subregulation (1) does not apply in relation to migrant workers employed or engaged before that subregulation comes into force.

23. Advertisement of employment opportunities and related matters

(1) The Principal Immigration Officer may by notice published in the *Gazette* require a registered employer or a specified category of registered employers to advertise employment vacancies in the Falkland Islands for a specified period before employing migrant workers to fill those vacancies.

(2) The Principal Immigration Officer must not issue a work permit to a person in respect of a post that person has filled for 3 years 6 months or more unless the registered employer has advertised the post in the Falkland Islands.

(3) Subregulation (2) does not apply in relation to an application for a work permit made by a worker —

(a) before this regulation comes into force; or

(b) whose existing work permit is due to expire within 6 months after this regulation comes into force, provided the application is made before the existing work permit expires.

24. Duties of registered employers

(1) A registered employer must advertise employment vacancies in accordance with any requirements published under regulation 23(1).

(2) A registered employer must not employ a migrant worker to fill an employment vacancy if a suitable person who has a right of abode in the Falkland Islands and who has applied as a result of an advertisement or otherwise to fill the vacancy is available and willing to do the work.

(3) A registered employer must not employ a migrant worker unless —

(a) the migrant worker holds a permit or other permission from the Principal Immigration Officer that permits the migrant worker to do the work in question; and

(b) the migrant worker is appropriately qualified or skilled and experienced to do the work in question.

(4) A registered employer must maintain an up-to-date record of the information listed in Schedule 2 to these Regulations for each migrant worker employed by them.

(5) The record referred to in subregulation (4) must be kept for not less than 3 years after the date on which the migrant worker ceased to work for the registered employer.

(6) A registered employer must permit the Principal Immigration Officer to inspect records kept under subregulation (4) without notice during normal business hours and must provide the Principal Immigration Officer with copies of the records or any part of them, if requested to do so.

(7) A registered employer who is the sponsor or sponsoring organisation for a migrant worker must —

(a) notify the Principal Immigration Officer within two working days if the migrant worker, without sufficient excuse, does not start work on the date expected; and

(b) ensure that the migrant worker is suitably accommodated until —

(i) the migrant worker has ceased to work for the registered employer and the migrant worker and any accompanying dependents have left the Falkland Islands of their own accord;

(ii) a new work permit is issued to the migrant worker to work for a different sponsor;

(iii) a permit of a type that does not require sponsorship is issued to the migrant worker;

(iv) the migrant worker becomes a Falkland Islander; or

(v) the Principal Immigration Officer has released the registered employer from the duty.

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(8) A registered employer who is not the sponsor or sponsoring organisation for a migrant worker must notify the Principal Immigration Officer within five working days of a migrant worker starting work for them.

(9) A registered employer must notify the Principal Immigration Officer —

(a) within five working days —

(i) of becoming aware of any significant changes in a migrant worker's personal circumstances that are relevant to the permit and in particular of any change of address or contact details or, in the case of a worker, an accompanying dependent or a dependent, in the composition of the household in which that person is living;

(ii) if the registered employer makes any significant change to the migrant worker's job description;

(iii) of any breach of condition of the migrant worker's permit or permission to work, whether by the registered employer or by the migrant worker; or

(iv) of the migrant worker ceasing to work for the registered employer.

(b) within twenty-eight days of —

(i) any change to the information provided under regulation 22(2);

(ii) any sale of all or part of the business; or

(iii) any acquisition or takeover of, or any merger with, any other person in the Falkland Islands;

(iv) the business ceasing to trade; or

(v) the registered employer being declared bankrupt or, in the case of a corporate body, insolvent or having a winding up order made in respect of it.

25. Removal from the register

(1) The Principal Immigration Officer may remove a registered employer from the register if the registered employer so requests in writing and does not employ any migrant workers; and in those circumstances removal is immediately effective.

(2) The Principal Immigration Officer may remove a registered employer on one or more grounds set out in subregulation (3).

(3) The grounds for removal from the Registered Employer Scheme are that the registered employer —

(a) so requests in writing and subregulation (1) does not apply;

(b) in the case of a registered employer that is a body corporate, is declared insolvent or has a winding up order made in respect of it;

(c) in the case of a registered employer that is an individual, is declared bankrupt;

(d) in the case of a registered employer that is an unincorporated body of persons, is dissolved or declared bankrupt;

(e) is in breach of an undertaking;

(f) is in breach of a duty in regulation 24;

(g) is in breach of a condition in the migrant worker's permit with which the employer is required to comply;

(h) fails to comply with any other requirement relating to the conduct of the business under Falkland Islands law; or

(i) in connection with an application for registration or with a view to procuring the issue of a permit or the grant of permission to any person, wilfully or recklessly gave false or misleading information or withheld information that was material in relation to its issue.

(4) Before removing a registered employer from the Registered Employer Scheme under subregulation (2) —

(a) the Principal Immigration Officer must give not less than twenty-eight days written notice ("**notice of removal**") to the registered employer of the proposed grounds for removal from the register and any facts or matters relied on in support of those grounds;

(b) the registered employer may, within fourteen days of receipt of a notice of removal make written representations to the Principal Immigration Officer of the reasons why the registered employer should not be removed from the register and the Principal Immigration Officer must consider those representations;

(c) the Principal Immigration Officer must confirm or withdraw the notice of removal in writing to the registered employer before the end of the period referred to in paragraph (a); and

(d) if the removal notice is confirmed, the registered employer may within five working days request a review under regulation 26.

(5) If the registered employer does not request a review, removal from the register under subregulation (2) has effect on whichever is the later of —

(a) the fifth day after the date on which confirmation of a removal notice is given; or

(b) the expiration of the twenty-eight day period referred to in subregulation (4)(a).

(6) If the registered employer requests a review and the review is unsuccessful, removal from the register under subregulation (2) has effect upon determination of the review.

(7) The Principal Immigration Officer must, as soon as reasonably practicable after removal from the register has effect, give written notice to any migrant worker known to the Principal Immigration Officer to be working for the former registered employer that —

(a) the person has been removed from the register;

(b) the migrant worker is no longer permitted to work for the person; and

(c) if the person is the migrant worker's sponsor or sponsoring organisation, the migrant worker's permit is cancelled in accordance with regulation 20.

(8) In the case of a person who is a sponsor, removal from the register does not affect any undertakings given by that person.

26. Review of decisions of the Principal Immigration Officer

(1) This regulation does not apply in a case to which regulation 25(1) applies.

(2) Subject to 25(4)(d), a person may request a review by the Governor of a decision of the Principal Immigration Officer to refuse to include them in, or to remove them from, the register.

(3) The procedure set out in section 27(1) to (3) and (5) of the Ordinance applies to a review under this Part as it does to the review of a decision that relates to a permit.

(4) If a decision is rescinded, the Governor may require the Principal Immigration Officer to register the person or to restore the person to the register, as the case may be, and give any directions necessary for giving effect to the determination, including rescinding cancellation of a work permit or volunteer permit under regulation 20.

27. Offences

(1) A person commits an offence if that person employs or otherwise engages a migrant worker and is not registered under the Registered Employer Scheme.

(2) It is an offence for any person knowingly to give false or misleading information or to withhold information in relation to registration under the Registered Employer Scheme or removal from the register.

(3) A registered employer or their servant or agent named in the register who knowingly causes or permits a breach of regulation 24 commits an offence.

Penalty: A fine not exceeding the maximum of level 5 on the standard scale or a term of imprisonment not exceeding 3 months.

PART 6 – INFORMATION SHARING

28. Information sharing

(1) The Commissioner of Taxation or any other public officer acting under the Commissioner's direction may provide information relating to an applicant for, or the holder of, a visa or permit or a registered employer or applicant for registration under the Registered Employer Scheme to the Principal Immigration Officer for the purpose of assisting the Principal Immigration Officer in performing their functions under this Ordinance.

(2) A person who provides information in accordance with subregulation (1) is not guilty of an offence under section 202 of the Taxes Ordinance 1997.

(3) In subregulation (1), "**information**" includes any documents, information or returns relating to the income or items of income of a person.

SCHEDULE 1 - Information to be provided with application for registration under the Registered Employer Scheme

regulation 22(2)

1. Full name and any trading name under which the person operates or proposes to operate in the Falkland Islands.

2. An address for service of documents in the Falkland Islands.

3. An address for service electronically.

4. Any other address from which the person operates or proposes to operate in the Falkland Islands.

5. If the person is not resident in the Falkland Islands, the full name and contact details of a servant or agent who is resident in the Falkland Islands and authorised to engage migrant workers, perform the person's duties as sponsor and provide undertakings on behalf of the person.

6. The most recent accounts of the business.

SCHEDULE 2 - Records to be kept by a registered employer for each migrant worker

regulation 24(4)

1. The full name and date of birth of the migrant worker.

2. The migrant worker's accommodation address and other contact details.

3. Details of any advertisement of the vacancy for which a migrant worker has been recruited or post to which a migrant worker has been appointed.

4. Details of any applications for the vacancy or post received from a person with right of abode in the Falkland Islands and the reasons why the migrant worker rather than that person was appointed.

5. The migrant worker's application for the vacancy or post including evidence of relevant qualifications and references provided by previous employers.

6. A copy of the offer letter and contract or other statement of the terms of employment.

7. A copy of the migrant worker's permit and (if appropriate) grant of permission to do the work in question.

8. If the migrant worker holds —

(a) a work permit, the names of any accompanying dependents who live in the worker's household;

(b) an accompanying dependent permit, the name of the worker with whom the migrant worker lives;

(c) a dependent permit, the name of the person with right of abode with whom the migrant worker lives; or

(d) a carer permit, the name of the person who needs the permit holder's care.

9. If the registered employer is the migrant worker's sponsor or sponsoring organisation, the name and contact details of any other registered employer for whom the migrant worker works; and in any other case, the name and contact details of the sponsor or sponsoring organisation.