



FALKLAND ISLANDS

Immigration (Amendment) Ordinance 2025

(ORDINANCE No. 12 OF 2025)

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FALKLAND ISLANDS

Immigration (Amendment) Ordinance 2025

(assented to: 17 October 2025)

(commencement: on publication)

(published: 27 October 2025)

AN ORDINANCE

To amend the Immigration Ordinance 1999; the Immigration (Permanent Residence Permits) Regulations 2009; the Immigration (General) Regulations 2021; and to provide for connected matters.

ENACTED by the Legislature of the Falkland Islands —

Part 1 - Preliminary

1. Title

This Ordinance is the Immigration (Amendment) Ordinance 2025.

2. Commencement

This Ordinance comes into force on publication in the *Gazette*.

Part 2 - Amendment of Immigration Ordinance 1999

3. Amendment of Immigration Ordinance 1999

This Part amends the Immigration Ordinance 1999.

4. Section 5 amended (general provisions for regulation and control)

Replace section 5(11) with —

“(11) Subject to subsection (11A), all persons travelling on a passport issued by a country or territory specified in Part 1 of Schedule 1 require a visa to enter the Falkland Islands.

(11A) Persons having the right of abode in the Falkland Islands, persons exempted under Part 2 of Schedule 1 and persons exempted by order under subsection (4), do not require a visa to enter the Falkland Islands.

(11B) A visa may be issued by or with the authority of the Principal Immigration Officer and may be issued before a person’s arrival in the Falkland Islands or at the time of or subsequent to arrival.

(11C) A visa may be issued so as to be valid on a single occasion, a specified number of occasions or generally within the period specified in it but does not itself constitute leave to enter or remain in the Falkland Islands.

(11D) Regulations made under section 40 may provide for more details on visa requirements.”.

5. Section 17C amended (permitted activities)

In section 17C(1)(c), after “auditor” insert “translator, interpreter,”.

6. Section 18AA amended (permanent right to remain and permanent residence permits)

In section 18AA after subsection (2), insert —

“(3) A permanent residence permit issued under this section has effect unless it is revoked in accordance with section 23.”.

7. Section 23 replaced (revocation of permanent residence permits granted under section 18 and section 18BB)

Replace section 23 with —

“23. Revocation of permanent residence permits

(1) A permanent residence permit is revoked by the grant to or acquisition by the holder of Falkland Islands status.

(2) The Principal Immigration Officer may revoke a permanent residence permit on the grounds set out in subsection (3), following the procedure set out in subsection (4).

(3) The Principal Immigration Officer may revoke a permanent residence permit if the permit holder, —

- (a) or any other person on the permit holder’s behalf with a view to procuring the issue of the permit, wilfully or recklessly gave false or misleading information or withheld information which was material in relation to its issue; or
- (b) since the grant of the permit, the permit holder —
 - (i) has been convicted in the Falkland Islands or in any other jurisdiction of an offence and has been sentenced to immediate imprisonment or deprivation of liberty of twelve months or more;

- (ii) has been absent from the Falkland Islands for at least two years (unless the absence is for educational or medical reasons or to serve as a member of His Majesty's armed forces); or
 - (iii) appears to no longer be ordinarily resident in the Falkland Islands (unless the absence is for educational or medical reasons or to serve as a member of His Majesty's armed forces).
- (4) The procedure to be followed in relation to the revocation of a permanent residence permit is as follows —
- (a) the Principal Immigration Officer will —
 - (i) give written notice to the permit holder of the intention to consider revoking the permit, stating the grounds on which the revocation is to be considered;
 - (ii) give the permit holder a reasonable opportunity to make written representations in relation to the proposed revocation; or
 - (iii) consider any written representations made under paragraph (a)(ii) before deciding whether to revoke the permit;
 - (b) if the permit is revoked, the Principal Immigration Officer must give written notice to the permit holder of the revocation, stating the grounds for revocation, which must have been included in the notice given in accordance with paragraph (a)(i).
- (5) If a person's permanent residence permit is revoked under this section, unless the person is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands, the person's presence in the Falkland Islands becomes unlawful —
- (a) at the expiration of the time within which the person may appeal against the revocation under section 28, if the person has not already appealed against it; or
 - (b) on determination of the appeal, if the person appeals against the revocation within the time permitted, unless the revocation is quashed.”.

8. Section 23A deleted (revocation of permanent residence permits granted under section 18AA)

Delete section 23A.

9. Section 30 amended (illegal entry and similar offences)

In section 30 —

- (a) replace subsection (1) with —

“(1) A person who does not have a right of abode in the Falkland Islands commits an offence if they knowingly enter the Falkland Islands in breach of a deportation order or

without leave and are liable on conviction to a fine or imprisonment for a term not exceeding five years or both.

(1A) A person who does not have a right of abode in the Falkland Islands commits an offence if, having been granted leave to enter or remain in the Falkland Islands for a specified period, they knowingly remain beyond that period and are liable on conviction to a fine or to imprisonment for a term not exceeding four years or both.

(1B) A person who does not have a right of abode in the Falkland Islands commits an offence and is liable on conviction to a fine or to imprisonment for a term not exceeding six months or both, if, —

- (a) having been granted leave to enter or remain, they knowingly fail to observe a condition of that leave;
- (b) having lawfully entered the Falkland Islands without leave by virtue of section 9(1), they remain without leave beyond the time allowed;
- (c) without reasonable excuse, they fail to comply with any requirement imposed under paragraph 2(3) of Schedule 2 to submit to further medical examination;
- (d) without reasonable excuse, they fail to observe any restriction imposed under Schedule 2 or 3 as to residence, as to their employment or occupation or as to reporting to the police or to an immigration officer;
- (e) they disembark in the Falkland Islands from a ship or aircraft after being placed on board under Schedule 2 or 3 with a view to their removal from the Falkland Islands.”.

(b) in subsection (2), replace “subsection (1)(b)(i)” with “subsection (1)(A)”;

(c) in subsection (3), replace “subsection (1)(d)” with “subsection (1B)(c)”;

(d) in subsection (4), in the introductory words, replace “subsections (1)” with “subsections (1), (1A) or (1B)”.

10. Section 31 amended (assisting illegal entry and harbouring)

In section 31 —

(a) in subsection (1) —

(i) delete “not exceeding the maximum of level 10 on the standard scale”;

(ii) after “years” insert “or both”; and

(b) in subsection (2) —

(i) replace “section 30(1)(b) or (c)” with “section 30(1A), 30(1B)(a) or 30(1B)(b).”;

and

- (ii) replace the words from “not exceeding” to the end, with “or to imprisonment for a term not exceeding seven years or both.”.

11. Section 32 amended (false information)

In section 32(2), replace the words “not exceeding” to the end, with “or to imprisonment for a term not exceeding two years or both.”.

12. Section 33 amended (working or carrying on business without permission)

Replace section 33(4) with —

“(4) A person convicted of an offence —

- (a) under subsection (1), is liable to a fine or to imprisonment for a term not exceeding one year or both;
- (b) under subsection (2), is liable to a fine or imprisonment for a term not exceeding five years or both.”.

13. Section 34 amended (general offences in connection with the administration of the Ordinance)

In section 34(2), replace the words from “not exceeding” to the end, with “or to imprisonment for a term not exceeding six months or both.”.

14. Section 35 amended (offences by persons connected with ships or aircraft or with ports)

In section 35 —

- (a) replace subsection (1)(a)(ii) with —

“(ii) fails, without reasonable excuse to take any steps they are required to take under Schedule 2 in connection with the disembarkation or examination of passengers; or”;

- (b) after subsection (1)(c) insert —

“(d) being the owner, operator, agent or captain of a ship or aircraft, fails without reasonable excuse, to supply the information required by an immigration officer under Schedule 2;”;

- (c) in subsection (2) —

- (i) delete “not exceeding the maximum of level 5 on the standard scale”; and
- (ii) after “months” insert “or both”.

15. Section 38A amended (registered employer scheme)

In section 38A, after subsection (2), insert —

“(2A) Regulations under subsection (2)(d) may provide that the duties of an employer may continue even if the relevant permit expires or otherwise ceases to be valid.”.

16. Schedule 1 replaced (exemptions from the requirement to possess a visa)

Replace Schedule 1 with the new Schedule 1 in the Schedule to this Ordinance.

17. Schedule 2 amended (administrative provisions as to control on entry, etc)

In Schedule 2 replace paragraph 26 with —

“26. (1) This paragraph applies to a ship or aircraft arriving or expected to arrive in, or leaving or expected to leave, the Falkland Islands.

(2) An immigration officer may require a responsible person to supply —

- (a) passenger list with such information in respect of the passengers as may be prescribed by regulations;
- (b) particulars of members of the crew of the ship or aircraft as may be prescribed by regulations; and
- (c) particulars of the voyage or flight undertaken by the ship or aircraft as may be prescribed by regulations.

(3) The Principal Immigration officer may require a responsible person to supply the information prescribed under subparagraph (2) to a person outside the Falkland Islands if the Principal Immigration Officer is satisfied that —

- (a) it is necessary for purposes of border control for the information to be provided by a responsible person to a person outside the Falkland Islands; and
- (b) the information will be subject to protections of personal data which are at least equivalent to the protections which would be applied to the information if it were provided to an immigration officer in the Falkland Islands.

(4) Regulations under subparagraph (2) may specify —

- (a) the form and manner in which the information must be provided; and
- (b) the time at which or period during which the information must be provided.

(5) In this paragraph, “**responsible person**” means, in respect of a ship or aircraft —

- (a) the owner, operator or agent; and
- (b) the captain.”.

Part 3 - Amendment of Immigration (Permanent Residence Permits) Regulations 2009

18. Amendment of Immigration (Permanent Residence Permits) Regulations 2009

This Part amends the Immigration (Permanent Residence Permits) Regulations 2009.

19. Regulation 14 amended (application fee)

In regulation 14(1), replace “or 15A(4)” with “, 15A(4) or 25(3B)”.

20. Regulation 21 amended (consideration of applications)

In regulation 21 —

- (a) delete paragraph (1);
- (b) in paragraph (4), delete “and the application remains eligible for consideration in accordance with regulation 26”; and
- (c) replace paragraph 6 with —

“(6) The notification under paragraph (5) must be in writing and must include reasons for refusal of the application.”.

21. Regulation 25 amended (quota for applications)

In regulation 25 —

- (a) after paragraph (3), insert —

“(3A) The Principal Immigration Officer may stop accepting applications for permanent residence permits for the rest of that quota year, if the annual quota —

 - (a) has been reached; or
 - (b) is likely to be reached having regard to the applications that have already been submitted for that quota year.

(3B) An application which has been accepted will be returned to the principal applicant if considering it would result in the annual quota being exceeded.

(3C) As soon as is reasonably possible after the decision under paragraph (3A) is made, the Principal Immigration Officer must publish a notice in the *Gazette* or through other methods of publication that will reach members of the public, that the annual quota has been reached.”.
- (b) delete paragraphs (5) to (8).

22. Regulation 27 amended (new application)

In regulation 27(6), delete “or regulation 26(2)”.

23. Regulation 28 amended (change in circumstances)

In regulation 28(3)(b), replace “section 23(2)(a)” with “section 23(3)(a)”.

24. Schedule 1 amended (points system)

In Schedule 1, in the heading to paragraph 10, delete “Skills”.

Part 4 - Amendment of Immigration (General) Regulations 2021

25. Amendment of Immigration (General) Regulations 2021

This Part amends the Immigration (General) Regulations 2021.

26. New regulations 8A to 8F inserted

After regulation 8 immediately before regulation 9 insert —

“Information required

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.

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.

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.

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.

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).

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.”.

27. Regulation 24 amended (duties of registered employers)

Replace regulation 24(7)(b) with —

“(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.”.

SCHEDULE - New Schedule 1 to Immigration Ordinance 1999

(section 16)

“SCHEDULE 1 - REQUIREMENT TO POSSESS A VISA

**PART I - PERSONS TRAVELLING ON A PASSPORT OR TRAVEL DOCUMENT
ISSUED BY ONE OF THE FOLLOWING COUNTRIES AND TERRITORIES**

Afghanistan
Albania
Algeria
Angola
Armenia
Azerbaijan
Bangladesh
Belarus
Benin
Bhutan
Bolivia
Bosnia Herzegovina
Burkina Faso
Burundi
Cambodia
Cameroon
Cape Verde
Central African Republic
Chad
People's Republic of China
Colombia
Comoros
Congo
Côte d'Ivoire (formerly Ivory Coast)
Cuba
Democratic Republic of the Congo
Djibouti

Dominica
Dominican Republic
Ecuador
Egypt
El Salvador
Equatorial Guinea
Eritrea
Eswatini (formerly Swaziland)
Ethiopia
Fiji
Gabon
Gambia
Georgia
Ghana
Guinea
Guinea Bissau
Haiti
Honduras
India
Indonesia
Iran
Iraq
Jamaica
Jordan
Kazakhstan
Kenya
Korea (North)
Kosovo
Kyrgyzstan
Laos
Lebanon
Lesotho
Liberia
Libya

Madagascar
Malawi
Mali
Mauritania
Moldova
Mongolia
Montenegro
Morocco
Mozambique
Myanmar (formerly Burma)
Namibia
Nepal
Niger
Nigeria
North Macedonia (formerly Macedonia)
Pakistan
Philippines
Russia
Rwanda
São Tomé and Príncipe
Senegal
Serbia
Sierra Leone
Somalia
South Africa
South Sudan
Sri Lanka
Sudan
Suriname
Syria
Tajikistan
Tanzania
Thailand
Timor-Leste

Togo
Trinidad and Tobago
Tunisia
Turkey
Turkmenistan
Uganda
Ukraine
Uzbekistan
Vanuatu
Venezuela
Vietnam
Yemen
Zambia
Zimbabwe

PART II - PERSONS EXEMPT FROM VISA REQUIREMENTS

1. Persons entering the Falkland Islands in the circumstances provided for by section 9(1).
2. Persons entering the Falkland Islands in the circumstances provided for by sections 14 and 15.
3. Persons who the Principal Immigration Officer accepts to be persons in transit (whether persons arriving on board a ship and intending to leave by aircraft or vice versa, arriving by ship and leaving by the same or another ship or arriving by aircraft and leaving by another aircraft, but in any case, where the principal reason for their landing in the Falkland Islands is such transit).
4. Persons who hold a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit or a carer permit.
5. Persons travelling on an international travel document issued by the United Nations.”.

Passed by the Legislature of the Falkland Islands on 25 September 2025.

CLAIRE ELIZABETH LAW,
Deputy Clerk of the Legislative Assembly.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Assembly and is found by me to be a true and correctly printed copy of the said Bill.

CLAIRE ELIZABETH LAW,
Deputy Clerk of the Legislative Assembly.