

**IMMIGRATION BILL, 2018***(Bill No. 9 of 2018)***OBJECTS AND REASONS**

The Bill seeks to revise and consolidate the law relating to immigration and for matters connected therewith or incidental thereto.

The Bill is divided into eight parts.

Part I provides for preliminary matters such as short title, commencement and interpretation.

Part II provides for the appointment of the Chief Immigration Officer and other immigration officers, delegation of powers, powers of immigration officers, liability of carriers introducing prohibited immigrants or inadmissible persons and powers of immigration officers and police officers to arrest deportees from other countries in transit.

Part III provides for entrants to appear before immigration officer, examination of entrants and others, security requirement and power to order passport to be delivered to the immigration officer before leaving a vessel or aircraft.

Part IV makes provisions for persons exempted, dependant's permit, work permit, International Trade Zone work permit, residence permit, permanent residence permit, student's permit, temporary permit, visitor's permit, power of Minister to give direction for revocation of a permit and appeal against refusal or revocation of permit.

Part V makes provisions for prohibited immigrants, provides that prohibited immigrants are required to leave Seychelles, representations against requirements to leave Seychelles, suspected prohibited immigrants, deportation, detention of prohibited immigrants and aircraft or vessel arriving and leaving Seychelles not to call at other islands.

Part VI provides for offences and penalties.

Part VII provides for special airports or ports.

Part VIII provides for miscellaneous provisions such as service of notice, evidence, burden of proof, protection of action taken in good faith, regulations and repeal and savings.

Dated this 6th day of July, 2018.

**FRANK D.R. ALLY**  
ATTORNEY-GENERAL

## IMMIGRATION BILL, 2018

(Bill No. 9 of 2018)

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### IMMIGRATION BILL, 2018

(Bill No. 9 of 2018)



#### A BILL

#### OF

AN ACT to revise and consolidate the law relating to immigration and for matters connected therewith or incidental thereto.

ENACTED by the President and the National Assembly.

#### PART I - PRELIMINARY

1. This Act may be cited as the Immigration Act, 2018 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title and commencement

## Interpretation

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

- (a) “appropriate authority” means any Police or immigration authority of any country;
- (b) “approved educational institution” means an institution authorised by the Government to provide education or offer courses and research facilities in various subjects to students, both local and foreign;
- (c) “Chief Immigration Officer” means the person appointed as the Chief Immigration Officer under section 3;
- (d) “Court” means the Supreme Court of Seychelles;
- (e) “Financial Services Authority” means the Financial Services Authority established by section 3 of the Financial Services Act, 2013;
- (f) “holding facility” means any holding facility used for the purpose of holding inadmissible persons and prohibited immigrants pending their removal from Seychelles;
- (g) “inadmissible person” means a person not being a prohibited immigrant who upon arrival in Seychelles and appearing before an immigration officer is found not to meet the requirements to enter Seychelles;
- (h) “immigration officer” means a person appointed as an immigration officer under section 3 and includes the Chief Immigration Officer;

- (i) “International Trade Zone” means an International Trade Zone in terms of the International Trade Zone Act;
- (j) “International Trade Zone Operator” means a person who holds a license to carry on business under the International Trade Zone Act;
- (k) “land”, as a verb, includes arrival or entry by any form of conveyance and references to landing, unless the context otherwise requires, include attempts to land;
- (l) “Minister” means the Minister responsible for immigration;
- (m) “passport” means a passport or other travel documents of identity—
  - (i) (A) issued by or on behalf of the Government or any sovereign state recognised by the Government or issued by the United Nations or other Organisations recognised by the state;
  - (B) which contains a personal description of the holder, the name of the country in which he was born and the date of his or her birth
  - (C) to which is attached a photograph being a true likeness of the holder wherein his or her features are clearly and correctly depicted; and



- (D) which bears the endorsement of a person authorised by the Government to that end; or
- (ii) of a type as may be prescribed.
- (n) "permit" means a permit issued under this Act;
- (o) "prescribed" means prescribed by regulations made under this Act;
- (p) "Principal Secretary" means the person appointed to be the Principal Secretary responsible for Immigration matters;
- (q) "prohibited immigrant" means a person described in section 24 as a prohibited immigrant;
- (r) "spouse" means a male or female partner of a civil marriage.
- (s) "student" means a person who has been accepted to attend an approved educational institution;
- (t) "undocumented person" means a person not being a Seychelles citizen who upon arrival in Seychelles and upon appearing before an immigration officer is not in possession of a valid travel document issued by a sovereign state recognised by Seychelles;
- (u) "work" means the carrying on of paid or unpaid employment in any profession, trade business or other avocation in Seychelles.

## PART II - APPOINTMENTS AND POWERS

3.(1) There shall be appointed as public officers a Chief Immigration Officer and such immigration officers as may be necessary for the proper and efficient administration of this Act.

Appointment of Chief Immigration Officer, etc.

(2) The Minister may, by order published in the *Gazette*, confer all or any of the powers or impose all or any of the duties of an immigration officer under this Act upon any public officer or class of public officer.

4.(1) The Principal Secretary with the approval of the Minister may, in writing and subject to such restrictions, reservations, exceptions and conditions as he may think fit, delegate his or her functions to an immigration officer.

Delegation of powers and functions

(2) The Principal Secretary or the Chief Immigration Officer may, with the approval of the Minister, by order in writing and subject to such restrictions, reservations, exceptions and conditions as he or she may think fit, delegate to an immigration officer all or any of the powers conferred, or functions imposed, on him or her under this Act.

(3) Without prejudice to subsection (1), the Principal Secretary or the Chief Immigration Officer may, at any time during the period of delegation, exercise the powers conferred, or perform the function imposed, on him or her under this Act.

(4) The Principal Secretary or the Chief Immigration Officer may, with the approval of the Minister, at any time by order in writing, revoke or vary the order of any delegation under subsection (1).

5.(1) An immigration officer may arrest any person whom he or she reasonably suspect of being a prohibited immigrant or to have contravened or is about to contravene any provision of this Act.

Powers of Immigration Officer



(2) For the purpose of discharging his or her functions under this Act, an immigration officer may —

- (a) without warrant stop, enter, and search any aircraft or vessel or vehicle in Seychelles and enter and search any premises;
- (b) require the person in charge, the owner, agent or charterer of any aircraft or vessel prior to arriving or leaving Seychelles to furnish a correct and complete list of the names of all persons in the aircraft or vessel, as the case may be, and such other prescribed information as it is in the power of such person to furnish.

(3) An immigration officer may, if he or she has sufficient information that an aircraft or vessel which is about to leave Seychelles is carrying a person who has not been cleared for departure in accordance with section 11(1) seek necessary practical assistance from any person in the Seychelles Civil Aviation Authority, Port Authority, any branch of the Police Force, or the handling agent to prevent the aircraft or vessel from leaving Seychelles.

(4) Where the manager, representative or handling agent of an aircraft or vessel who has been requested, verbally or in writing, to remove an inadmissible person or a prohibited immigrant arriving from the aircraft or vessel, refuses or fails to comply with the request for the removal of the passenger, the immigration officer may seek necessary assistance of the Seychelles Civil Aviation Authority, the Port Authority, a police officer or the handling agent to prevent the aircraft or vessel from leaving Seychelles.

(5) Any person from whom assistance is sought by the immigration officer under subsection (4) shall take appropriate steps to comply with the request of assistance.

(6) An immigration officer investigating an offence or an alleged suspected offence under this Act shall have all the powers, privileges, protections and authority conferred on a police officer.

(7) An immigration officer performing his or her function under subsection (6) may require any employer, manager or person in charge of an establishment, work places and holder of a work permit or an International Trade Zone work permit to produce on demand the work permit of any foreign employee working in the establishment or work place.

6.(1) The person in charge of any aircraft or vessel bringing into Seychelles any person found, on appearing before an immigration officer in accordance with section 8 to be a prohibited immigrant or an inadmissible person, and the owners, agent and charterers of such aircraft or vessel shall, upon being required to remove such prohibited immigrant or inadmissible person from Seychelles, be responsible for such removal to the satisfaction of the immigration officer, and in default thereof shall be liable to pay the Government all expenses incurred by the Government in connection with the detention and removal of such prohibited immigrant or inadmissible person from Seychelles.

Liabilities of carriers introducing prohibited immigrant or inadmissible persons

(2) The person in charge, the owner, agent or charterer of any aircraft or vessel shall, prior to the arrival of the aircraft or vessel in Seychelles, report to the Chief Immigration Officer about the presence of any stowaway, undocumented person or any deportee on board such aircraft or vessel.

(3) The person in charge, the owner, agent or charterer of any aircraft or vessel shall ensure that all persons arriving in Seychelles to be in possession of a valid Travel Document or permit recognized by the Republic of Seychelles or any other requirements notified in writing from time to time.

(4) Where the person in charge, the owner, agent or charterer of any aircraft or vessel shall not be liable to all the



expenses specified under subsection (6), if he or she submit sufficient evidence to the satisfaction of the Chief Immigration Officer that he or she had taken adequate precautions to ensure that every person arriving in Seychelles is in possession of a valid travel document, permit or other document referred to in that subsection.

(5) The person in charge of any aircraft or vessel bringing into Seychelles any person found, on appearing before an immigration officer in accordance with section 8, to be a prohibited immigrant whom the person in charge, the owner, agent or charterer of the aircraft or vessel has been notified in writing by an immigration officer not to bring the notified prohibited immigrant into Seychelles commits an offence.

(6) The person in charge, the owner, Agent or charterer of the aircraft or vessel mentioned in subsection (5) shall upon request immediately remove or make arrangements to the satisfaction of the immigration officer to remove the prohibited immigrant mentioned in section 5 from Seychelles and in default thereof shall be jointly and severally liable to pay to the Government all expenses incurred by the Government in connection with the detention, maintenance and the removal of such prohibited immigrant from Seychelles.

7.(1) Where any person has been ordered to be deported by the appropriate authority and such person enters Seychelles on his or her way to his or her final destination, an immigration officer or police officer may arrest such person without warrant and detain in a detention facility or in police custody until such time to the satisfaction of the Chief Immigration Officer that the arrangements have been made for the continuation of his or her journey.

(2) The Chief Immigration Officer may refuse entry into Seychelles of a person mentioned in subsection (1) if he or she is of the opinion that there are inadequate arrangements for the proper continuation of the person's journey out of Seychelles.

Powers of immigration officers and police officers to arrest deportees from other countries in transit

(3) Any person detained in pursuance of this section shall be deemed to be in lawful custody.

(4) The person in charge of an aircraft or vessel about to call at any port or place outside Seychelles shall, if so required by an immigration officer, receive a person to whom this section applies on board the aircraft or vessel and, on payment, convey him or her towards his or her final destination and provide proper accommodation and maintenance during the journey.

### PART III - EXAMINATION OF PERSONS ENTERING AND LEAVING SEYCHELLES AND OTHERS

8. Every person who arrives in Seychelles shall forthwith proceed and appear before an immigration officer.

Entrants to appear before immigration officer

9.(1) An immigration officer may examine any person appearing before him or her in accordance with section 8, and any person whom he or she reasonably suspects to be a prohibited immigrant or an inadmissible person for the purpose of ascertaining in relation to such person—

Examination of entrants and others

- (a) his or her identity;
- (b) the object of his or her entry;
- (c) the nature and credibility of his or her claim to remain in Seychelles;
- (d) whether he or she is a prohibited immigrant or an inadmissible person; or
- (e) whether his or her presence in Seychelles may cause any health hazard.

(2) For the purpose of subsection (1), an immigration officer may require any person to whom that section relates—



- (a) to produce his or her passport;
- (b) to make and sign such declaration as may be prescribed;
- (c) to produce documentary or other evidence relating to his or her claim to enter or remain in Seychelles;
- (d) to answer, in writing or otherwise, such questions as the immigration officer may put to him or her; or
- (e) to submit to the taking of his or her biometric details.

(3) An immigration officer may refuse leave to enter Seychelles to any person not being a citizen of Seychelles who upon appearing before the immigration officer found to be an inadmissible person or fail to establish that he or she is the holder of a valid permit.

(4) For the purpose of subsection (1), an immigration officer may cause the person seeking entry in Seychelles to be physically examined and also of his or her luggage.

10.(1) The Chief Immigration Officer may require in respect of any person entering into Seychelles as a condition of his or her remaining therein, the deposit of a sum of money, medical insurance or the furnishing of such guarantee as the Chief Immigration Officer may accept in lieu of such deposit.

- (2) The Chief Immigration Officer shall specify—
  - (a) the sum of money to be deposited or guaranteed; and
  - (b) the period for which the deposit or guarantee is required.

Security may be required.

(3) Any sum deposited or guaranteed in accordance with this section may be applied by the Chief Immigration Officer to meet any expenses incurred by the Government in connection with the care, treatment or maintenance within or the removal from Seychelles of the person concerned.

11.(1) Every person departing from Seychelles, except a person in direct transit through Seychelles by air not having left the precinct of such airports as may be prescribed, shall appear before an immigration officer.

Examination of persons leaving Seychelles

(2) An immigration officer may require any person to whom subsection (1) applies—

- (a) to produce his or her passport and any permit issued under this Act and to surrender any such permit which has ceased to be valid;
- (b) to make and sign such declaration as may be prescribed; or
- (c) to answer, in writing or otherwise, such question relating to his or her identity or departure as the immigration officer may put to him or her.

12.(1) An immigration officer may require a person who is the holder of a passport issued other than by the Government of Seychelles to deliver his or her passport to the immigration officer before leaving the vessel or aircraft in which he or she enters Seychelles or at any time while the person is in Seychelles.

Power to order passport to be delivered

(2) An immigration officer to whom a passport has been delivered under subsection (1) may retain the passport until the person leaves Seychelles.



#### PART IV - ISSUE, VARIATION AND REVOCATION OF PERMITS

Persons  
exempted

13.(1) This Part shall not apply to—

- (a) citizens of Seychelles;
- (b) employees of, persons working with, or persons working as consultants to, the Government;
- (c) members of the crew of any foreign aircraft or vessel engaged in their duties as such;
- (d) any persons accredited to Seychelles by or under the authority of the Government of any sovereign state;
- (e) any person who under any written law is entitled to any diplomatic immunities or privileges by reason of his association with an organisation of which the Republic or the Government and one or more states or the Government or Governments thereof are members; and
- (f) any member of the official staff or of the household of a person described in paragraphs (d) or (e).

(2) Any spouse or minor children or member of the household of a person to whom subsection (1) (b), (d) or (e) applies shall be issued with a dependant's permit or a residence permit.

(3) The Chief Immigration Officer shall issue a Certificate of Exemption to a person referred to in subsection (1) (b), (d) or (e).

(4) The form and manner of issue of the Certificate of Exemption shall be such as may be prescribed.

14.(1) The Principal Secretary may, on an application made in the prescribed form and manner, cause to be issued a dependant's permit to any non-Seychellois spouse and minor children of a citizen of Seychelles and non-Seychellois spouse and minor children of holders of Work Permit, International Trade Zone Work Permit, Residence Permit, Permanent Residence Permit and Certificate of Exemption who is not —

Dependant's  
permit

- (a) a prohibited immigrant; or
- (b) the holder of or any permit other than visitor's permit issued under this Act.

(2) A dependant's permit shall be issued for such period and subject to such terms and conditions as the Principal Secretary may determine.

(3) A dependant's permit shall cease to be valid if —

- (a) the holder is absent from Seychelles for a continuous period exceeding 12 months;
- (b) the holder is in breach of any condition of the permit;
- (c) the holder is convicted of any offence under this Act;
- (d) the holder is deported from Seychelles under section 28;
- (e) the marriage of the holder has been dissolved through a decree of divorce by a Court;
- (f) the holder has reached the age of 18 years; or

- (g) the permit has been revoked under subsection (6).

(4) A dependant's permit shall not permit the holder to work in Seychelles.

(5) The Principal Secretary may, with due cause, vary or modify the terms and conditions of a dependant's permit.

(6) The Principal Secretary may revoke a dependant's permit if —

- (a) there has been a breach of any condition of the permit; or
- (b) he or she is satisfied that the marriage is not subsisting and that both parties are living separately.

(7) The form and manner of the Dependent permit shall be as provided in the regulations.

## Work permit

15.(1) Subject to sections 13 and 16 no person shall work in Seychelles except under and in accordance with the conditions of a work permit.

(2) An application for a work permit shall be made in such form, manner and accompanied with such fees or documents as may be prescribed.

(3) Every application for work permit, variation of condition or extension of period of a work permit shall be placed before the Principal Secretary for consideration.

(4) The Principal Secretary in considering an application under subsection (3) may take into account, in particular —

- (a) the character, reputation and health of the person for whom the work permit is being

sought and where relevant, any member of his or her household;

- (b) the professional or technical qualifications of the applicant;

- (c) the Government policy on immigration in force;

- (d) the professional or technical qualifications of the applicant; and

- (e) generally the requirement of the community as a whole, and such other matters as may arise from the application.

(5) A work permit shall be issued for such period and on such term and conditions as may be determined by the Principal Secretary.

(6) The Principal Secretary may refuse to grant a work permit to a person, if the person —

- (a) is a prohibited immigrant;
- (b) has been deported under section 25 of this Act;
- (c) in the opinion of the Principal Secretary, is not of good character;
- (d) already holds a valid work permit which has not been revoked;
- (e) has been asked to leave Seychelles; or
- (f) the Principal Secretary is satisfied that it is in the public interest to do so.



(7) The spouse and minor children of the permit holder, for whom permission has been granted to reside with the permit holder for the duration of the work permit, will be issued with a Dependant's Permit Card.

(8) Upon attaining 18 years of age a child shall no longer be considered as a minor dependant of the permit holder.

(9) The spouse of the holder of a work permit shall cease to be a dependant of the work permit holder if—

- (a) the marriage is not subsisting;
- (b) both the parties are living separately; or
- (c) there is a legal separation by the order of the Court.

(10) The responsibility of repatriating the holder of a work permit and his or her dependants endorsed on the work permit shall be of the employer.

(11) The form and manner of issue of a work permit shall be as provided in the Regulations.

(12) A work permit shall permit the holder—

- (a) to reside in Seychelles; and
- (b) work in Seychelles during the validity of the work permit.

(13) The Principal Secretary may revoke a work permit if—

- (a) there has been a breach of any condition of the permit;

(b) he or she is of the opinion that false information has been provided for obtaining the permit; or

(c) the holder of the permit is in violation of any written law of Seychelles; or

(d) he or she is satisfied that it is in the public interest to so.

(14) A work permit shall cease to be valid—

(a) at the end of the period for which it was granted;

(b) in the case of a person ceasing to operate the business or occupation for which the permit was granted or where the business has no valid license;

(c) upon the holder of the permit—

(i) ceasing to be employed by the company, or organisation which applied for the permit on his or her behalf; or

(ii) the company which applied for his or her permit has ceased to operate;

(d) if the permit is revoked under this Act;

(e) if the holder of the permit is convicted of any offence under this Act;

(f) if the holder of the permit or employer is in breach of any condition of the permit;

(g) if the holder of the permit is deported from Seychelles under section 28.



(15) The employer of a holder of the work permit shall forthwith notify the Principal Secretary in writing of the occurrence of an event specified in subsection (14)(c).

(16) Where the holder of the work permit operates a business, he or she shall forthwith notify the Principal Secretary in writing of the occurrence of an event specified in subsection (14)(d).

International  
Trade Zone  
work permit

**16.(1)** A person who is not a Seychellois shall not work in an International Trade Zone except under and in accordance with the condition of an International Trade Zone work permit.

(2) An application for International Trade Zone work permit shall be made to the Principal Secretary through the Financial Services Authority in such form, manner and accompanied with such documents as may be prescribed.

(3) On receipt of an application under subsection (2), the Principal Secretary may, after consultation with the Financial Services Authority, grant to the applicant or the person in respect of whom an International Trade Zone Operator has made an application for an International Trade Zone work permit.

(4) In considering an application under subsection (3) the Principal Secretary may take into account, in particular —

- (a) the character, reputation and health of the person for whom the work permit is being sought and where relevant, any member of his or her household;
- (b) the professional or technical qualifications of the applicant;
- (c) Government Policy on immigration in force;
- (d) generally the requirement of the community

as a whole, and such other matters as may arise from the

- (e) he or she is satisfied that it is in the public interest to do so.

(5) An application referred to in subsection (2) may include a request for the spouse and minor children of the holder of the international Trade Zone work permit to be authorised to reside with the holder of the permit during the currency of the permit, and where the application is granted the Principal Secretary shall issue the spouse and minor children, if any, with a Dependant's Permit.

(6) Upon attaining 18 years of age a child will no longer be considered as a minor dependant of the holder of the International Trade Zone permit.

(7) The spouse of the holder of an International Trade Zone work permit shall cease to be a dependant of the holder of the International Trade Zone work permit holder if —

- (a) the marriage is not subsisting;
- (b) both parties are living separately; or
- (c) there is a legal separation by the order of a Court.

(8) The Principal Secretary may refuse to grant an International Trade Zone work permit if —

- (a) the person is a prohibited immigrant;
- (b) has been deported under section 28;
- (c) in the opinion of the Principal Secretary the person is not of good character; or



- (d) the person holds an International Trade Zone work permit; or
- (e) he or she considers that it is in the public interest to do so.

(9) The repatriation of a holder of International Trade Zone work permit and any person endorsed on the International Trade Zone work permit and cost of such repatriation shall be the responsibility of the employer of the holder of International Trade Zone work permit.

(10) An International Trade Zone work permit may be subject to such conditions not inconsistent with this section as the Principal Secretary may think necessary.

(11) An international Trade Zone work permit shall authorise the holder of the permit to —

- (a) reside in Seychelles; and
- (b) work in the international Trade Zone specified in the permit on conditions specified in the permit.

(12) The Principal Secretary may, after consultation with the Financial Services Authority, revoke an International Trade Zone Work Permit where the Principal Secretary is satisfied that there has been a contravention of this Act or a condition of the permit;

(13) An International Trade Zone work permit shall cease to be valid —

- (a) at the end of the period for which it was granted;
- (b) in the case of a person who is an International Trade Zone Operator, on the person ceasing

to carry on business in an International Trade Zone;

- (c) in the case of a person who is employed by an International Trade Zone Operator, on the person ceasing to be employed by the Operator or on the Operator ceasing to do business in an international Trade Zone; or
- (d) if revoked by the Principal Secretary under subsection (8) or subsection (9).

(14) An International Trade Zone Operator shall forthwith notify the Principal Secretary through the Financial Services Authority where the Operator is —

- (a) the holder of an International Trade Zone work permit, of the occurrence of an event specified in subsection (10) (a) or (b);
- (b) the employer of a person who is the holder of an International Trade Zone Work Permit, of the occurrence of an event specified in subsection (10) (a) or (c).

(15) The form and manner of issue of an International Trade Zone work permit shall be as provided for in the Regulations.

17.(1) The Principal Secretary may, on an application made in such form, manner and accompanied with such fees and documents as may be prescribed, cause to be issued a Residence permit to any person whom he or she is satisfied —

- (a) is not a prohibited immigrant;
- (b) has a family or connection or owns an immovable property in Seychelles; or

Residence  
permit



- (c) has made or will make, in the opinion of the Principal Secretary, special contribution tangible or intangible to the economic, social or cultural life of Seychelles.

(2) A Residence permit shall be valid for such period, and subject to such terms and conditions, as the Principal Secretary may determine.

(3) A Residence permit shall cease to be valid if the holder—

- (a) is absent from Seychelles for any period in excess of 12 months;
- (b) is in breach of any condition of the permit;
- (c) is convicted of an offence under this Act; or
- (d) is deported from Seychelles under section 28.

(4) The non-Seychellois spouse and minor children of a Residence permit holder of whom permission has been granted by the Principal Secretary to reside with the permit holder during the currency of the Residence permit shall be issued with a Dependant's Permit.

(5) Upon attaining 18 years of age a child will no longer be considered as a minor dependant of the Residence permit holder.

(6) An application for a Residence permit shall contain the name of the non Seychellois spouse and minor children of the permit holder.

(7) The form and manner of issue of a Residence permit shall be as provided for in the Regulations.

18.(1) The Minister shall appoint a committee consisting of five members, of which one of the members to be the chairperson, to consider applications for Permanent Residence permit and make recommendation to the Minister.

Permanent  
Residence  
permit

(2) The Minister may, on the recommendations of the committee constituted under this subsection (1), cause to be issued a Permanent Residence permit to any person recommended by the committee.

(3) An application for Permanent Residence permit shall be made to the Principal Secretary in such form and manner and be accompanied with such fees or documents as may be prescribed.

(4) The Principal Secretary shall, on receipt of an application under subsection (3), place the application before the committee appointed by the Minister for considering of such applications and make recommendations to the Minister for decision.

(5) The committee shall, while considering an application for a Permanent Residence permit, take into account that the applicant—

- (a) is not a prohibited immigrant;
- (b) intends to continue to reside in Seychelles; and
- (c) meets the criteria and not disqualified for the grant of the Permanent Residence permit set forth in the Schedule to this Act.

(6) The Permanent Residence permit shall be subject to the terms and conditions stipulated under the Schedule to this Act.



(7) An application for a Permanent Residence permit shall contain the names of the non Seychellois spouse and minor children of the permit holder.

(8) The spouse and minor children of a Permanent Residence permit holder of whom permission has been granted by the Principal Secretary to reside with the Permanent Residence permit holder during the currency of the permit shall be issued with a Dependant's Permit.

(9) The Minister shall appoint an Appeal Board consisting of three members to consider appeals filed by aggrieved persons against an order issued or a determination made under this Act.

Student's  
permit

19.(1) The Principal Secretary may, on an application, cause to be issued a student's permit to any person to enter and reside in Seychelles for the purpose of pursuing studies in an approved educational institution.

(2) An application for student's permit shall be in such form and manner and be accompanied with —

- (a) the fees as may be prescribed;
- (b) documentary proof of the fact that the applicant has been informed by an approved educational institution that the applicant would be enrolled as a student; and
- (c) documentary proof of the fact the applicant has sufficient funds and satisfactory arrangements to meet the expenses that the applicant would incur while in Seychelles.

(3) The Principal Secretary may not issue a student's permit to a minor child who is the holder of a visitor's permit and whose parent or guardian is not the holder of a work permit, an International Trade Zone work permit, Residence

permit, dependant's permit or Permanent Residence permit or a Certificate of Exemption.

(4) A student permit shall be valid for such period and subject to such terms and conditions as the Principal Secretary may determine.

(5) A student who is granted with a student's permit under subsection (1) shall not work in Seychelles:

Provided that a student who is on internship for 90 days or more may work in Seychelles subject to the provisions of the Employment Act (Cap 69):

Provided further that a student who is on internship for less than 90 days may work in Seychelles with the permission of the Principal Secretary subject to the provisions of the Employment Act (Cap 69).

(6) The Principal Secretary may revoke a student's permit if the holder of the permit —

- (a) is in breach of any condition of the permit;
- (b) is sentenced for a serious offense under any law of Seychelles; or
- (c) the Principal Secretary considers it in the public interest to do so.

(7) The form and manner of issue of a Student permit shall be as provided for in the Regulations.

20.(1) The Chief Immigration Officer may, with approval of the Principal Secretary, issue a temporary permit to a prohibited immigrant.

Temporary  
permits

(2) The Chief Immigration Officer, with the approval of the Principal Secretary, may, before the issue of a temporary



permit, require the prohibited immigrant as a condition to deposit such sum as may be considered necessary for the purpose of securing the compliance with the conditions specified in the permit.

(3) Where the holder of a temporary permit fails to comply with any conditions of the temporary permit, the sum deposited under subsection (2) shall be forfeited.

(4) A temporary permit shall specify —

- (a) such conditions to be complied with by the holder as the Chief Immigration Officer thinks fit; and
- (b) the period of its validity.

(5) Where the temporary permit is issued for a period exceeding 30 days in aggregate, the Chief Immigration Officer shall obtain prior approval in writing of the Minister.

(6) A temporary permit, subject to the conditions specified therein, authorises the holder of the permit to enter into and remain in Seychelles until the period specified in the permit.

(7) The Chief Immigration Officer may revoke a temporary permit if there has been a breach of any condition of the permit.

(8) The form and manner of issue of a Temporary permit shall be as provided for in the Regulations.

21.(1) An Immigration Officer may, on an application made in writing, issue a visitor's permit, subject to conditions as he or she may deem necessary, to any person who —

- (a) is not a prohibited immigrant or inadmissible person; and

Visitor's  
permit

- (b) is not the holder of a dependant's permit, student's permit, work permit, International Trade Zone work permit, residence permit, Permanent Residence permit or Certificate of Exemption.

(2) A visitor's permit shall specify the period of its validity, being a period not exceeding 3 months from the date of its issue.

(3) The Chief Immigration Officer may, on an application made in writing, extend, from time to time, the period of a visitor's permit for such further period not exceeding 3 months subject to a maximum period of 6 months within a period of 12 months.

(4) The Chief Immigration Officer may revoke a visitor's permit if there has been a breach of any condition of the permit.

(5) A visitor's permit, subject to the conditions specified therein, authorises the holder of the permit to enter into and reside in Seychelles until the period specified in the permit.

(6) A visitor's permit does not allow the holder of the permit to take up employment, with or without remuneration, in Seychelles.

22. The Minister may, if he or she considers necessary in the public interest to do so, direct the Principal Secretary or the Chief Immigration Officer, as the case may, to revoke a permit granted under this Act.

Power of  
Minister to  
give direction  
for revocation  
of a permit

23. An applicant or the holder of a permit under this Act who is aggrieved with any decision of the refusal or revocation of any permit may within 7 days of the receipt of the decision make an appeal to the Minister.

Appeal against  
refusal or  
revocation  
of a permit



**PART V - PROHIBITED IMMIGRANTS**Prohibited  
immigrants

24.(1) The following persons, not being citizens of Seychelles, are prohibited immigrants—

- (a) any person who is infected or inflicted with or is a carrier of a disease declared in writing by the Public Health Commissioner from time to time and who is capable of infecting another person with such disease or of transmitting to him such disease;
- (b) any person who under any law in force at the time has been deported or removed from, required to leave, or prohibited from entering or remaining within Seychelles;
- (c) any person who—
  - (i) has been sentenced to a term of imprisonment on conviction for an offence in any country including Seychelles and has not received a free pardon; and
  - (ii) in the opinion of the Chief Immigration Officer is not of good character;
- (d) any person whose presence in Seychelles is declared in writing by the Minister to be or has been inimical to the public interest;
- (e) any person in Seychelles who does hold any permit under this Act or in respect of whom the permit has been revoked or expired;
- (f) any person who—
  - (i) is likely to become a charge on the Republic in consequence of his or her

inability to support himself or herself or any of his or her dependants in Seychelles and to provide for the removal of himself or herself or such dependants from Seychelles;

- (ii) has contravened any provision of the Act or has failed to comply with any lawful requirement made under this Act or;
- (iii) has made any false representation to or concealed any information from an immigration officer which is relevant to his entry into or presence in Seychelles;
- (g) any person appearing before an immigration officer on entering into Seychelles who, on demand by the immigration officer, fails to establish that he or she is the holder of a valid passport issued by a sovereign state or International organisations recognise by Seychelles;
- (h) any person entering into Seychelles who is required under section 8 to appear before an immigration officer and who fails to comply with that section;

(2) Where the grounds on which any person whose presence in Seychelles has been declared inimical to the public interest under subsection (1)(d) cease to exist or no longer applies to that person, the person shall no longer be a prohibited immigrant.

(3) Notwithstanding subsection (1), the Minister may exempt any person from the provision of that section and until such exemption is revoked such person shall not be deemed to be a prohibited immigrant.



Prohibited  
immigrants  
required to  
leave  
Seychelles

25.(1) An immigration officer may, and in the case of a person to whom section 24(1)(f) relates shall, by notice served on any prohibited immigrant, require him or her to leave Seychelles.

(2) A notice served under subsection (1) shall specify in relation to the person on whom it is served —

- (a) the reason why he or she is considered to be a prohibited immigrant;
- (b) the period within which he or she is required to leave Seychelles; and
- (c) may specify the manner or route by which he or she shall travel in leaving Seychelles.

(3) The period within which a person shall be required to leave Seychelles, except in the case of a person who within 7 days of his or her appearing before an immigration officer in accordance with section 8 has been served with a notice under this section, be not less than 48 hours and shall commence —

- (a) in the case where such person does not make representations under section 26, from the time he or she is served with a notice requiring him or her to leave Seychelles; or
- (b) in the case where such person make representations under section 26, from the time he or she is advised such representations have not been successful.

(4) An immigration officer, may without warrant, arrest and detain a person on whom a notice under subsection (1) has been served while arrangements are made for such person to leave Seychelles.

26.(1) Any person served with a notice under section 25 to leave Seychelles who, on receipt of such notice, has lawfully

Representations  
against  
requirement to  
leave Seychelles

remained in Seychelles longer than 7 days, may, within 48 hours of receiving such notice, deliver to any immigration officer, Police officer or prison officer written representations to the Minister against such notice and such representations shall be decided by the Minister without delay.

(2) If, after considering such representations, the Minister does not think fit to issue a permit or exempt the person under section 24(2) or (3), the person who has made such representations shall be notified that his or her representations have not been successful.

27.(1) An immigration officer may detain a person whom he or she reasonably suspects to be a prohibited immigrant or inadmissible person for such reasonable period not exceeding 14 days as may be required for the purpose of making inquiry relating to such person.

Suspected  
prohibited  
immigrants

(2) An immigration officer may require any person whom he or she reasonably suspects to be a prohibited immigrant or inadmissible person by virtue of any physical or mental condition to submit to examination by a prescribed medical practitioner and for the purpose of such examination to answer such questions and to undergo examination as the medical practitioner may require.

(3) An immigration officer may require any person he or she reasonably suspect of being a prohibited immigrant by virtue of section 24(1) (c) to submit to the taking of his or her measurements, photograph and finger print, palm prints and biometric details.

28.(1) Any person, not being citizen of Seychelles, who in the opinion of the Minister is, by his or her presence or conduct, likely to be a danger to peace, security and good order in Seychelles, may be deported from Seychelles pursuant to a warrant under the hand of the Minister.

Deportation



(2) Any immigration officer or police officer may, without warrant arrest detain and deport from Seychelles any prohibited immigrant or inadmissible person who —

- (a) having been required under section 25 to leave Seychelles, fails to do so within the prescribed period; or
- (b) fails to comply with any condition in any temporary permit issued to him or her.

(3) An immigration officer may, without warrant, arrest, detain and deport from Seychelles any person whom, within 7 days of such person appearing before an immigration officer in accordance with section 8, the immigration officer reasonably believes to be a prohibited immigrant or an inadmissible person —

- (a) who is not the holder of a valid temporary permit;
- (b) who has not been served with a notice under section 25 requiring him or her to leave Seychelles, and
- (c) with respect to whom the procedure provided in section 25 is inadequate to ensure the departure from Seychelles of such person.

(4) A warrant under subsection (1) shall be sufficient authority for —

- (a) the detention of the person named therein pending completion of the arrangements for his or her deportation from Seychelles at the first reasonable opportunity; and
- (b) the removal from Seychelles in custody or otherwise of such person.

(5) For the purpose of establishing, in relation to a person liable to be deported under this section, his or her identity, citizenship and the country of origin, an immigration officer may require such person —

- (a) in writing or otherwise to answer such question as the immigration officer may put to him or her; and
- (b) to produce his or her passport and any other relevant document in his or her possession and submit to the taking of his or her biometric details.

(6) A person who has been served with a warrant under subsection (1) or who has been defined under subsection (2) may make an appeal before the Supreme Court against the order of removal from Seychelles.

29.(1) An immigration officer who detains a person under section 27 or section 28 may, by warrant under his or her hand, cause such person to be detained in a place where facilities exist for the detention of persons.

Detention of  
Prohibited  
immigrant

(2) The officer in charge of any place specially provided for the detention of persons under this Act, or any place where facilities exist for the detention of persons, shall receive into his or her custody any person in respect of whom a warrant has been issued under subsection (1).

(3) Any person detained under the Act and not serving a sentence of imprisonment shall be treated as a person awaiting trial.

30.(1) Unless there is an emergency or is authorised by an immigration officer, any aircraft or vessel arriving or leaving Seychelles shall not call on any of the Islands of Seychelles except at the designated points of entry.

Aircraft or  
vessels arriving  
or leaving not  
to call at other  
Seychelles  
islands without  
permission



(2) The person in charge, agent or charterer of an aircraft or vessel involved in an emergency which necessitate the aircraft or vessel arriving or leaving any Islands of Seychelles except at the designated points, shall as soon as practicable notify the Chief Immigration Officer of the said call.

(3) An aircraft or vessel shall leave the airport or port within the specified time after being cleared for departure by an immigration officer, unless the time is extended or differed by the immigration officer.

(4) No unauthorised person shall board any vessel or aircraft after it has been cleared for departure as per subsection (3).

(5) The Chief Immigration Officer or an immigration officer may request for any assistance from the Police, the Seychelles Ports Authority, the Seychelles Civil Aviation Authority or the Seychelles People's Defence Force for ensuring the compliance of any direction under this section.

#### PART VI - OFFENCES AND PENALTIES

31.(1) Any person who—

- (a) for the purpose of obtaining for himself or herself or for any other person or of assisting any other person to whom any permit under this Act, or with intent to deceive any immigration officer, makes or cause to be made any declaration, return or statement which he or she knows or has reasonable cause to believe to be false or misleading;
- (b) alters or defaces or destroys any permit or entry permit or endorsement in any permit or any passport made under or in pursuance of

this Act, or any official or certified copy of any such permit;

- (c) resists, hinders or obstruct any immigration officer or other officer or person in lawful execution of his duty or in the lawful execution of his or her powers under this Act;
- (d) knowingly misleads or attempts to mislead any immigration officer in relation to any matter or material to the performance or exercise by an immigration officer of any function, power, duty or discretion under this Act;
- (e) uses, or without lawful authority has in his or her possession, any forged or unlawfully altered or unlawfully issued or howsoever irregular passport, certificate, permit, endorsement or written authority, approval or other document issued or purported to have been issued under this Act, or any passport in which any visa entry or endorsement has been forged or unlawfully altered;
- (f) refuses or fails to submit to a medical examination, or to undergo or assist in carrying out any test or investigation in connection with a medical examination when so required under this Act;
- (g) fails to furnish any information required to be given under this Act or furnishes such information knowing or having reasonable cause to believe the same to be false;
- (h) unlawfully enters or is unlawfully present in Seychelles in contravention of this Act;



shall on conviction be liable to a fine of SCR25,000 for each non-Seychellois found working without a work permit or an International Trade Zone work permit.

(8) An employer who makes a holder of a work permit to perform duties or deploys at other places of work other than those specified on his or her work permit commits an offence and shall on conviction be liable to a fine not exceeding SCR10,000.

(9) A person convicted of any offence under subsection (6), (7) or (8) shall, in addition to the fine imposed therein, be liable to pay —

- (a) a penalty equivalent to twice the amount of the fees applicable for the relevant work permit for the period that the non-Seychellois has worked; and
- (b) to pay all costs in connection with the repatriation of the employee.

(10) A person in charge, agent or charterer of an aircraft or vessel who fails to notify the Chief Immigration Officer as required under section 30(2), commits an offence and shall on conviction be liable to a fine not exceeding SCR10,000.

(11) Where any prohibited immigrant enters Seychelles on or from a aircraft or vessel, whether or not with the knowledge of the person in charge of the aircraft or vessel or any agent thereof, the person in charge of the aircraft or vessel and the agent commits an offence and shall on conviction be liable to a fine not exceeding SCR25,000 and the aircraft or vessel may, by order of the court, be detained until provision has been made by the person in charge of the aircraft or vessel to the satisfaction of the Chief Immigration Officer for the conveyance out of Seychelles of such prohibited immigrant:

Provided that it shall not be an offence under this subsection in any case where the prohibited immigrant is at the time of entry in possession of a permit purporting to authorising him or her to enter into Seychelles and purporting to be issued under this Act.

(12) Where any fine is imposed under this Act upon the person in charge of any aircraft or vessel or any agent thereof, such aircraft or vessel, may by order of the court, be detained until such fine has been paid and the court when imposing such fine may order execution against such aircraft or vessel in payment of such fine.

(13) In any proceedings for an offence under this section, a person shall be deemed to know the content of any declaration or statement which he or she has signed or marked, whether he or she has read such declaration or statement or not.

#### PART VII - SPECIAL AIRPORTS OR PORTS

32.(1) Where the Minister is of the opinion that in cases of emergencies, special designated airports or ports be established for the purpose of clearing in or out of yachts, cruise ships, cargo vessels and aircrafts.

Power of  
Minister to  
designate special  
airports or ports

(2) Any airport or port under subsection (1) shall be referred to as a special airport or port.

#### PART VII - MISCELLANEOUS

33. Any written notice required by this Act to be served on any person may, if such person cannot be found, be published in the *Gazette* or any other appropriate media or publication and shall be deemed to have been duly and properly served on the commencement of the day following the date of the publication.

Service of  
notice

34.(1) Any document purporting to be —

Evidence



- (a) a warrant, notice, certificate or other document properly issued under this Act; or
- (b) a certified true copy of any record kept by the Chief Immigration Officer,

shall in any prosecution or other proceedings under or arising of this Act be *prima facie* evidence of the facts contained therein and shall be receivable in evidence without proof of the facts, signature or the official character of the persons appearing to have signed or certified the same.

(2) Without prejudice to subsection (1), the court before which the proceedings are brought may direct that the oral evidence be brought relating to such facts, signature or official character.

Burden of proof

**35.** In any proceedings under or for any of the purposes of this Act, the burden of proving with respect to any person—

- (a) his or her status as a person to whom section 13 relates; or
- (b) that he or she is the holder of a permit issued under this Act from any provision thereof,

shall be on that person.

Protection of action taken in good faith

**36.** A suit or other legal proceeding shall not lie against the Government, Minister or immigration officer or public officer for anything which is in good faith done or intended to be done under this Act or regulations made thereunder.

Regulations

**37.(1)** The Minister may make regulations for carrying out the provisions of this Act.

(2) Without prejudice to the generality of sub section (1), such regulations may provide for all or any of the following matters, namely—

- (a) anything which is to be or may be prescribed under this Act;
- (b) the form of warrants, permits, and other documents to be used for the purpose of this Act;
- (c) the fees to be paid for any permit or other document issued under this Act, the claim for and refund of permit fees and conditions therefor;
- (d) the places which immigration controls shall be situated and the hours during which such controls shall operate;
- (e) the period during which time a vessel has to leave the designated port of departure;
- (f) the payment and recovery of any expenses incurred by the Government in connection with the detention, maintenance, medical treatment and removal of any person under the provision of this Act;
- (g) introducing from time to time any additional criteria for the purpose of entry in the country;
- (h) amending the Schedule.

**38.(1)** The Immigration Decree (Cap 93) is hereby repealed.

Repeal and savings

(2) Notwithstanding the repeal of the Immigration Decree—

- (a) all regulations made, directions issued and notifications made under the repealed Immigration Decree shall continue in effect



until they are repealed or amended under the provisions of this Act;

- (b) all permits, certificates or exemptions issued under the repealed Immigration Decree shall be deemed to be the permits, certificates or exemption issued under this Act;
- (c) any proceedings instituted or commenced in any court before the commencement of this Act shall be continued under the repealed Immigration Decree as if this Act has not come into operation.

#### SCHEDULE

[Section 18(5)]

#### CRITERIA FOR ELIGIBILITY AND CONDITIONS FOR PERMANENT RESIDENCE PERMIT

##### PART A - CRITERIA FOR GRANT OF PERMANENT RESIDENCE PERMIT

1. Marriage to Seychelles citizen —
  - (a) a non-Seychellois married to a citizen of Seychelles for not less than five years and the marriage is subsisting and the non- Seychellois has resided in Seychelles for an aggregate period of not less than five years as a legal resident;
  - (b) a non- Seychellois married to a citizen of Seychelles for not less than five years, the marriage is no longer subsisting and has resided in Seychelles for an aggregate period of not less than five years as a legal resident; or
  - (c) a non-citizen married to a Citizen of Seychelles for less than five years in which marriage were born a Seychelles citizen, has resided in Seychelles for an

aggregate period of five years and the marriage no longer subsist will upon application be eligible for Permanent Residence permit.

##### 2. Employment —

###### (a) priority workers —

- (i) a foreign citizen with extraordinary ability in science, arts, education, economics, business or sports;
- (ii) a foreign citizens that are outstanding professor, teacher, medical practitioner, engineer or researcher with at least five years' experience in his or her respective field;
- (iii) a foreign citizen who have made significant contribution to the Public Service of Seychelles; or
- (iv) a foreign citizen holding a University degree at Doctorate, Masters or Bachelor levels in areas likely to significantly contribute to the development of Seychelles; and

- (b) the priority workers specified in subparagraph (a) (i) to (iv) who have served an aggregate period of at least five years in Seychelles and resided in Seychelles as a legal resident.

##### 3. Students —

A foreign citizen who have resided and studied in Seychelles for at least five years up to secondary level and who have graduated from University and returned to work in Seychelles for a continuous period of two years immediately prior his application for a Permanent Residence permit.

##### 4. Investors —

A person who have invested US\$ 1,000,000 or more under the laws of Seychelles as a business investment and have demonstrably had the means to support themselves during their five years aggregate period as a legal resident.

#### PART B - DISQUALIFICATIONS

5. A person referred to in paragraphs 1 to 4 shall not be eligible if the person —
  - (i) has been convicted in Seychelles or out side Seychelles for an

offence punishable by imprisonment for a period of one year or more;

- (ii) after due diligence has been or is deemed to be unfit for Permanent Residence permit; or
- (iii) is absent from Seychelles for a continuous period of twelve months or more.

#### **PART C - TERMS AND CONDITIONS OF PERMIT**

6. The permit holder, his or her spouse and minor children are permitted to reside in Seychelles and the permit holder shall not be required to hold a work permit.

7. The permit holder and his or her dependants endorsed on the permit shall not be entitled to free medical services in Seychelles or to any social security benefits under the Agency for Social Protection Act or any other written law relating to social security.

8. The Permit shall cease to be valid—

- (i) in the case of an investment by an investor, if he or she disposes of his or her investment within the first ten years following the issue of the permit or the value of the investment is voluntarily reduced to an amount below US\$ 1,000,000 or he or she is declared bankrupt;
- (ii) if the permit holder is found to have knowingly provided false information for the purpose of obtaining the permit;
- (iii) if the holder is declared a prohibited immigrant or is deported under this Act;
- (iv) the minor children will cease to be endorsed on the permit upon attaining 18 years of age;
- (v) if the holder is absent from Seychelles for a continuous period of 12 months or more, except where the Minister directs otherwise if the Minister in a particular circumstances considers expedient to do so.