

IMMIGRATION (AMENDMENT) ACT, 2018–55

Arrangement of Sections

1. Short title
2. Amendment of section 2 of Cap. 190
3. Amendment of section 12A of Cap. 190
4. Insertion of sections 12B and 12C into Cap. 190
5. Amendment of the *Fourth Schedule* to Cap. 190
6. Repeal and replacement of the *Fifth Schedule* to Cap. 190

SCHEDULE

BARBADOS

I assent
S. MASON
Governor-General
24th December, 2018.

2018–55

An Act to amend the *Immigration Act*, Cap. 190 to revise the provisions of the Act with respect to the submission and receipt of advance passenger information and to provide for other related matters.

[Commencement: 31st December, 2018]

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Immigration (Amendment) Act, 2018*.

Amendment of section 2 of Cap. 190

2. *Section 2 of the Immigration Act, Cap. 190, in this Act referred to as the principal Act, is amended by*

- (a) *deleting the definition of the term “Community” and substituting the following:*

“ “Community” or “CARICOM” means the Caribbean Community established by Article 2 of the Treaty and includes the CARICOM Single Market and Economy signed at Nassau, the Bahamas on 5th July, 2001;” and

- (b) *inserting in the appropriate alphabetical order the following definitions:*

“ “airline designator” means a code assigned to an airline by the International Air Transport Association or the International Civil Aviation Organisation;

“code share information” means an arrangement between 2 or more airlines to publish and market a flight under

- (a) a flight number; and

- (b) an airline designator,

of the airlines as part of the timetable or schedule of the airlines;

“IMPACS” means the CARICOM Implementing Agency for Crime and Security established under the *Agreement Establishing the CARICOM Implementation Agency for Crime and Security, 2006*;

- “intelligence agency” means a law enforcement agency which is established to share information and intelligence and to collaborate and cooperate with any other law enforcement agency on matters of mutual interest;
- “JRCC” means the Joint Regional Communication Centre, a sub-agency of IMPACS, which receives advance passenger information;
- “participating country” means any country which enters into an agreement with JRCC to share advance passenger information;
- “PNR” means passenger name record;
- “split or divided PNR information” means the division of PNR where one or more passenger is moved from an existing reservation on a vessel and is given a new reservation on a vessel;
- “watch list” means a list which is compiled by an intelligence agency and is used to watch or track the activities of criminals, criminal deportees and other persons of interest;”.

Amendment of section 12A of Cap. 190

3. *Section 12A of the principal Act is amended by*

(a) deleting subsection (2) and substituting the following:

“(2) The master of a vessel to which this section applies shall, at such times as is stated in subsections (3) and (4), provide the Chief Immigration Officer and the Chief Operations Officer of JRCC with

- (a)*** the advance passenger information data set out in the *Fourth Schedule* in respect of each person on board the vessel including every member of the crew who is arriving in and departing from Barbados; and
- (b)*** such other information as may be prescribed,

in an electronic format or in a form approved by the Chief Immigration Officer and the Chief Operations Officer respectively.”;

(b) deleting paragraphs (a) and (b) of subsection (3) and substituting the following:

“(a) a commercial aircraft, no later than 40 minutes prior to the departure from the last port of call;

(b) a private aircraft, no later than 40 minutes prior to the departure from the last port of call;”;

(c) deleting subsection (4) and substituting the following:

“(4) Where a vessel has left or is expected to leave Barbados, the data referred to in subsection (2)(a) shall be provided no later than 40 minutes prior to the departure from Barbados.”

Insertion of sections 12B and 12C into Cap. 190

4. *The principal Act is amended by inserting immediately after section 12A the following as section 12B and section 12C:*

“JRCC to share advance passenger information with intelligence agencies

12B. Where advance passenger information is provided to the Chief Operations Officer of JRCC pursuant to section 12A, the Chief Operations Officer shall share that information with intelligence agencies.

Use of advance passenger information by JRCC

12C.(1) Where the Chief Operations Officer of JRCC receives advance passenger information pursuant to section 12A, JRCC shall

use the advance passenger information to conduct screening of persons who are on board a vessel, which enters, departs from or travels within the domestic space.

(2) JRCC shall use the advance passenger information referred to in subsection (1) to conduct screening of persons against a watch list for the purposes of assisting participating countries or intelligence agencies in the furtherance of national, regional and international security.

(3) Where JRCC conducts screening of persons pursuant to subsection (2) and as a result of the screening suspects that a person on board a vessel is

- (a) a criminal;
- (b) a criminal deportee;
- (c) involved in criminal activity; or
- (d) a person of interest to an intelligence agency,

JRCC shall share the information with law enforcement agencies of participating countries and with intelligence agencies.”.

Amendment of the *Fourth Schedule* to Cap. 190

5.*The Fourth Schedule to the principal Act is amended by inserting immediately after paragraph B the following:*

“ **C. *Passenger Name Record Data as Available in a Vessel’s Reservation System***

1. PNR Locator

PNR locator.

2. Date of Reservation or Issue of Ticket

Date of reservation or issue of ticket for passenger.

3. **Date(s) of Intended Travel**
Date(s) of intended travel for passenger.
4. **Surname and Given Name(s)**
Family name and given name(s) of passenger.
5. **Address and Contact Information**
Address and contact information of passenger including telephone number(s) and e-mail address.
6. **Information on Form of Payment for Ticket**
Information on form of payment for ticket of passenger including billing address.
7. **Travel Itinerary**
Complete travel itinerary of passenger.
8. **Frequent Flyer Information**
Frequent flyer information of passenger.
9. **Travel Agency or Travel Agent**
Travel agency or travel agent used to reserve ticket of passenger.
10. **Travel Status of Passenger**
Travel status of passenger including confirmations, check-in status and no show status.
11. **Split or divided PNR Information**
Split or divided PNR information.

12. Ticketing Information

Ticketing information for passenger including ticket number, date of issuance of ticket, one way tickets and automated ticket fare quotations.

13. Seat Information

Seat number and any other seat information for passenger.

14. Baggage Information

All baggage information for passenger.

15. Code Share Information

Where applicable, code share information for passenger.

16. Number and Names of Other Persons

Number and name(s) of person(s) travelling with passenger.

17. General Remarks

General remarks including all available information on unaccompanied minors under 18 years such as the name and gender of the minor, language spoken by the minor, name and contact details of guardian on departure and relationship to the minor, name and contact details of guardian on arrival and relationship to the minor and the departure and arrival agent.

18. Any Advance Passenger Information

Any advance passenger information data collected for passenger.

19. Historical Changes to the PNR

Any historical changes to the PNR listed at 1 to 18.

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Repeal and replacement of the *Fifth Schedule* to Cap. 190

6. *The Fifth Schedule to the principal Act is deleted and the Fifth Schedule as set out in the Schedule to this Act is substituted.*

SCHEDULE

(Section 6)

“FIFTH SCHEDULE

(Section 2)

Domestic Space

1. Anguilla
2. Antigua and Barbuda
3. Bahamas
4. Barbados
5. Belize
6. Bermuda
7. British Virgin Islands
8. Cayman Islands
9. Dominica
10. Grenada
11. Guyana
12. Haiti
13. Jamaica
14. Montserrat
15. St. Kitts and Nevis
16. St. Lucia
17. St. Vincent and the Grenadines
18. Suriname
19. Trinidad and Tobago
20. Turks and Caicos Islands