

# EXECUTIVE COUNCIL

## CONFIDENTIAL

**Title of Report:** Immigration Update

**Paper No:** 276/10

**Date:** 25 November 2010

**Report of:** Acting Principal Immigration Officer and  
Principal Crown Counsel

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### 1.0 Purpose

The purpose of this paper is to inform Executive Council about:

- (a) an amending Bill to address the need for legislation identified at the October meeting of Executive Council; and
- (b) Falkland Islands status stamp in passports.

### 2.0 Recommendations

Members are recommended to note the information contained in this paper.

### 3.0 Summary of Financial Implications

None

### 4.0 Background

4.1 At the October meeting of Executive Council a paper was considered from the Principal Immigration Officer in relation to an application for a residence permit in relation to a child (261/10, agenda item 32). Members noted that there was an urgent need for legislation to address the matter of the potential for an unreasonable burden to be placed on public resources as a result of the special educational needs of children who are the subject of an immigration application.

4.2 Whilst considering the task list at the Executive Council meeting in October, Members also noted the need for regular updates on immigration matters following the information paper received in September.

### *Immigration Amendment Bill*

4.3 A draft Bill has been produced by the Attorney General's Chambers in relation to the educational needs of immigration applicants, and discussed with the Acting Principal Immigration Officer.

4.4 Whilst there is a clear need to resolve the matter expeditiously, it is not so urgent as to justify the submission of the Bill to the November Legislative Assembly under a certificate of urgency (the provision of a certificate by-passes the fundamental publication process). It is therefore intended that the Bill will be submitted in sufficient time for consideration by the next Legislative Assembly meeting (February 2011). In the mean time, work will be done with the Health and Medical Services and Education departments to ensure that the legislation is supported by appropriate policy guidelines (ie guiding what might properly be judged an unreasonable burden).

4.5 The draft Bill also incorporates amendments to the Immigration Ordinance requested by Members to strengthen the powers to refuse entry under the Immigration Ordinance, which were drafted earlier in the year. Whilst the draft amendments are agreed to be largely satisfactory, further work still needs to be carried out in relation to the question of safeguards, as well as in relation to policy guidelines to support the exercise of the proposed powers. This is work that can be usefully carried out in the time available before the Bill needs to be submitted to Executive Council.

### *Falkland Islands status stamp*

4.5 Work is ongoing in relation to the issues surrounding the Falkland Islands status stamp in passports. A report will be available at the December meeting of Executive Council which provides a short term resolution to the matter in so far as providing passport stamps for the core group of persons for whom it is a simple matter of confirming their Falkland Islands status, as well as providing a timeframe for the further work required on the more complex matters arising from identifying the status of some groups of people.

## **5.0 Financial Implications**

None.

## **6.0 Legal Implications**

None.

## **7.0 Human Resources Implications**

None.