



BELIZE

**IMMIGRATION ACT
CHAPTER 156**

**REVISED EDITION 2011
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

This edition contains a consolidation of amendments made to the Act by Act No. 15 of 2004.

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CHAPTER 156

IMMIGRATION

Ch. 163,
 R.L., 1958.
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 7 of 1963.
 40 of 1963.
 3 of 1965.
 1 of 1966.
 12 of 1986.
 7 of 1987.
 22 of 1987.
 11 of 1998.
 17 of 1999.
 15 of 2004.

[1st January, 1958]

PART I

Preliminary

1. This Act may be cited as the Immigration Act.

Short title.

2.-(1) In this Act, unless the context otherwise requires,

Interpretation.

“alien” means a person who is neither a citizen of Belize nor a Commonwealth citizen;

“CARICOM Member State” means a state which is a party to The Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy;

15 of 2004.

“departs” or “leaves” includes departure or leaving by any form of conveyance or on foot and references to departure and leaving shall, unless the context otherwise implies, be deemed to include references to attempting to depart or leave;

“dependent”, in relation to another person, means,

- (a) the wife of such person, unless she is living apart from him under a deed of separation or the decree of a competent court;

- (b) the child or step-child under the age of sixteen years, of such person;
- (c) an adopted child under the age of sixteen years having been adopted by such person in a manner recognised by law;

“Director of Immigration and Nationality Services” means a person appointed as such by the Governor-General acting in accordance with the advice of the Prime Minister;

“domicil” means the place in which a person has his present home or in which he resides or to which he returns as his place of present permanent abode and not for a mere special or temporary purpose;

“emigrant” means a person who leaves Belize for a place outside Belize, whether for the first or at any subsequent time;

“immigrant” means a person who enters Belize from a place outside Belize, whether for the first or at any subsequent time;

“immigration officer” means an immigration officer appointed under this Act, the Senior Immigration Officer, or any police officer authorised by the Director of Immigration and Nationality Services to act on his behalf, and includes where the context permits the Director of Immigration and Nationality Services;

“lands” or “enters” includes arrival or entry by any form of conveyance or on foot or by swimming, and references to landing or entering shall, unless the context otherwise implies, be deemed to include references to attempting to land;

“master” means the person having command or charge of a vessel;

“passport” means a valid passport referring to the person producing it, furnished with a photograph of such person and duly issued to him by or on behalf of the Government of the country of which he is a subject or a citizen, and for a period which, according to the laws of that country, has

not expired, and includes a certificate of identity or a travel permit and any other documents establishing to the satisfaction of the immigration officer the nationality and identity of the person or persons to whom it refers;

“stowaway” means any person arriving in Belize on board any vessel who, by secreting himself on board the vessel, or by getting or remaining on board the same without the consent of the owner, consignee, master or other person entitled to give that consent, has obtained a passage on the vessel without having paid for it;

“vessel” includes any steamship, ship, vessel, sloop, boat or other floating craft and any description of aircraft, motor vehicle or any animal drawn cart.

(2) For the purposes of this Act,

- (a) a person shall not be deemed to have acquired a domicile in Belize unless he has resided therein for at least two years otherwise than,
 - (i) under terms of conditional or temporary residence permitted by this Act or any other enactment in Belize;
 - (ii) as a person under detention in a prison or reformatory, or other place for the reception of prisoners found guilty of offences; or
 - (iii) as a person under detention in an orphanage, mental hospital or a leprosy asylum;
- (b) a person shall be deemed to have lost his domicile in Belize if he voluntarily goes and resides outside Belize (except for a special or temporary purpose) with the intention of making his home outside Belize; and “domiciled” shall have a corresponding meaning.

(3) For the purposes of this Act a person shall be deemed to belong to Belize,

- (a) if he is a citizen of Belize; or
- (b) if he is a Commonwealth citizen and
 - (i) was born in Belize or of parents who at the time of his birth were domiciled or ordinarily resident in Belize; or
 - (ii) has been ordinarily resident in Belize continuously for a period of seven years or more and since the completion of such period of residence has not been ordinarily resident in any place outside Belize continuously for a period of seven years or more.

Provided that any person who,

- (a) falls within the definition of “convicted persons” in section 2 of the Deportation (British Subjects) Act, CAP. 136, the offence for which he is convicted being one which, in the opinion of the Minister, indicates that he is or has been conducting himself in a manner dangerous to peace, order and good government; or
- (b) falls within the definition of “undesirable persons” in section 2 of the Deportation (British Subjects) Act, Cap. 136 by reason of the fact that, in the opinion of the Minister, he is or has been conducting himself in a manner dangerous to peace, order or good government, shall not be deemed to belong to Belize, if the Minister so directs;
- (c) if he has obtained the status of a British subject by reason of the grant by the Governor of a certificate of naturalisation under the British Nationality and Status

of Aliens Act 1914, 4 & 5 Geo, 5, c.17 or the British Nationality Act 1948, 11 & 12 Geo. 6, c. 56;

- (d) if he is a dependent of a person to whom any of the foregoing paragraphs applies.

(4) For the purposes of this Act, a person shall be deemed to belong to a particular place outside Belize if he is a national of the country or state of which that place forms part or of which it is a dependency and,

- (a) was born in that place or of parents who at the time of his birth were domiciled or ordinarily resident in that place; or
- (b) is domiciled in that place;
- (c) has been ordinarily resident in that place continuously for a period of seven years or more and since the completion of such period of residence has not been ordinarily resident in any other place continuously for a period of seven years or more; or
- (d) is a dependent of a person to whom any of the foregoing paragraphs applies.

(5) For the purposes of this Act, a person enters Belize if he arrives therein by land, sea or air; and a person leaves Belize if he departs therefrom by land, sea, or air.

PART II

Powers, Duties, etc., of Immigration Officers

3.–(1) There shall be a Director of Immigration and Nationality Services officers who shall be a public officer appointed by the Governor-General acting in accordance with the advice of the Prime Minister.

Immigration of-
ficers.
12 of 1986

(2) There shall be appointed by the Public Services Commission a Senior Immigration Officer who shall, subject to the direction of the Director of Immigration and Nationality Services, exercise the powers and perform the functions of the Director of Immigration and Nationality Services.

(3) The Public Services Commission shall appoint immigration officers for all or any specified part of Belize for the purpose of carrying out the provisions of this Act. An immigration officer may perform any function required to be performed by the Director of Immigration and Nationality Services if authorised to do so by the Director of Immigration and Nationality Services.

(4) Any police officer shall, when called upon by an immigration officer, render such assistance as such immigration officer may need in the performance of his functions under this Act.

4.—(1) Every immigration officer shall have the authority and powers of a police officer to enforce any provision of this Act, the regulations or any order lawfully made under this Act or the regulations relating to the arrest, detention and deportation of any person.

(2) For the purposes of subsection (1) of this section, every immigration officer may, in cases of emergency, employ such temporary assistants as he considers necessary to enable him to carry out his duties under this Act and the regulations, and such temporary assistants shall, during their employment, have the authority and powers referred to in subsection (1) of this section, but no such employment shall continue for a period exceeding forty-eight hours unless approved by the Minister.

(3) Every immigration officer has the authority to administer an oath and take evidence under oath or affirmation in any matter arising under this Act.

(4) An immigration officer shall not disclose any information obtained by virtue of this Act directly or indirectly to any person except,

General powers of
immigration of-
ficers.
12 of 1986.

- (a) the Minister or a person authorised by him to be privy to the information; or
- (b) an official of the immigration service.

(5) For the purposes of exercising his powers and carrying out his duties under this Act, an immigration officer may,

- (a) without a warrant enter upon and search any vehicle, vessel, aircraft or other means of conveyance in or arriving or departing from Belize;
- (b) question within the scope of his functions under this Act any person who desires to enter or leave Belize or whom he believes is in Belize otherwise than in accordance with the provisions of this Act.

5.-(1) Subject to section 2 (3) of this Act, the following persons are prohibited immigrants,

Categories of prohibited immigrants. 12 of 1986.

- (a) any person who is likely if he enters Belize to become a charge on public funds by reason of infirmity of body or mind or of ill health or who is not in possession of sufficient means to support himself and such of his dependants as he shall bring with him to Belize;
- (b) any idiot or any person who is insane or mentally deficient or any person who is deaf and dumb or deaf and blind, or dumb and blind, unless in any such case he or a person accompanying him or some other person gives security to the satisfaction of the Director of Immigration and Nationality Services for his permanent support in Belize or for his removal therefrom whenever required by the Director of Immigration and Nationality Services;
- (c) any person certified by a medical practitioner to be suffering from a communicable disease which makes his entry into Belize dangerous to the community;

40 of 1963.

- (d) any stowaway;
- (e) any prostitute or homosexual or any person who may be living on or receiving or may have been living on or receiving the proceeds of prostitution or homosexual behaviour;
- (f) the children under the age of sixteen years, being dependents of a prohibited immigrant;
- (g) any member of a class of persons deemed by the Minister on economic grounds or on account of standard or habits of life to be undesirable immigrants and so declared by Order published in the *Gazette*;
- (h) any person who, from information or advice which in the opinion of the Minister is reliable information or advice, is deemed by the Minister to be an undesirable inhabitant of or visitor to Belize;
- (i) any person who, not having received a free pardon, has been in any country convicted of an offence for which a sentence of imprisonment has been passed and who for this reason is deemed by the Minister to be an undesirable immigrant;
- (j) any person who has been refused a visa to enter Belize by a Belize Consular Officer, or in the case of a country where there is no Belize Consular Officer, then by the British Consular Officer or by any person authorised by the Belize Government to grant visas to enter Belize;
- (k) persons who are engaged or at any time have been engaged or are suspected on reasonable grounds of being likely to engage in any unlawful giving, using or inducing other persons to use, distributing, selling, offering to sell or exposing for sale, buying, trading or trafficking in drugs;

- (l) persons concerning whom there are reasonable grounds for believing that they are likely to engage in espionage, sabotage or other subversive activity of any kind directed against Belize or detrimental to the security of Belize;
- (m) persons who have been reasonably suspected of engaging in treasonable activities against Belize or of assisting her enemies in times of war;
- (n) any person who enters or leaves Belize or remains in Belize in contravention of any of the provisions of this Act.

(2) Notwithstanding anything to the contrary contained in this Act, the Minister may exempt any person from the provisions of paragraphs (a) to (g) of subsection (1) of this section.

40 of 1963.

(3) No appeal shall lie against the decision of the Minister in regard to any of the persons mentioned in paragraphs (g), (h) and (i) of subsection (1) of this section, unless such appeal be directed to identify only of the person affected by the decision.

(4) Notwithstanding anything contained in this Act, the Minister may prohibit or permit the entry of any immigrant into Belize.

40 of 1963.

(5) In this section, “drugs” means any plant or substance the cultivation, manufacture, transport, import, export, possession, sale or use of which is prohibited by the Misuse of Drugs Act, Cap. 103.

12 of 1986.

6.—(1) A magistrate who is satisfied that any expenses have been or will be incurred by the Government of Belize in connection with the detention, maintenance, medical treatment or deportation of any prohibited immigrant and his wife, children or other dependents, if any, may issue a warrant for the levy of the amount by distress and sale of any movable property belonging to such prohibited immigrant.

Recovery of expenses incurred in respect of prohibited immigrants.

(2) Such a warrant may be executed in the same manner as a warrant for the levy of the amount of a fine under the Summary Jurisdiction (Procedure) Act, Cap. 99.

(3) The partial recovery of expenses under this Act shall not prejudice the liability of any surety for the balance nor shall the issue or execution of a warrant under such section be a condition precedent to the liability of a surety.

Who are not prohibited immigrants.
12 of 1986.

7. The following persons or classes of persons shall not be prohibited immigrants for the purposes of this Act,

- (a) persons who belong to Belize as defined by section 2(3) of this Act;
- (b) persons in the service of the Government;
- (c) persons who come to Belize on official business with the Government;
- (d) members of Her Majesty's regular, naval, military or air forces;
- (e) persons who are duly accredited to Belize by or under the authority of Her Majesty or the Government of any foreign state, and the staff of any such persons;
- (f) the dependents of the persons enumerated in the previous paragraphs of this section;
- (g) any other persons or class of persons to whom this section may be applied by regulation.

PART III

Issuance of Passports, Permits, etc.

Passports.

8.—(1) Subject to this Act and to any regulations made under this section, every person entering or leaving Belize shall be in possession of a valid passport which he shall present to the immigration officer at a place of entry or departure for examination and for making therein the appropriate entry,

Provided that in the case of persons under sixteen years of age who t in possession of their own passports they must be included in the passport of one or other of their parents.

(2) A person entering Belize without a passport shall be deemed to be a prohibited immigrant unless and until he explains why he has no passport, and establishes his identity and nationality, to the satisfaction of the immigration officer.

(3) The Minister may, by regulations,

- (a) order that the passport of a national of any foreign country shall not be accepted unless it bears a visa issued by a Belize Consular Officer or, in the case of a country where there is no Belize Consular Officer, then by the British Consular Officer, or by a person authorised by the Belize Government to grant visas to enter Belize;
- (b) exempt any class of persons entering Belize from the provisions of this subsection either unconditionally or subject to such conditions as may by such regulations be imposed.

9.—(1) The principal immigration officer may issue to any prospective immigrant a permit to enter or remain in Belize subject to such conditions as to occupation, security to be furnished, or any other matter or thing as the principal immigration officer may think expedient.

Entry permits.

(2) Upon arrival in Belize, the immigrant shall forthwith present such entry permit to the immigration officer at the place of entry and if required to do so produce the sum of money stated as security in the entry permit.

(3) If an immigrant fails to furnish on demand the security required by his entry permit, he may be refused leave to land by the immigration officer and, if he arrives by any vessel, the master of such vessel shall be notified of such fact.

1 of 1966.

(4) If any immigrant after having been landed fails to comply with the conditions of the permit issued to him to enter or remain in Belize, he shall be deemed to be a prohibited immigrant and may be dealt with as such.

Permanent resi-
dency.

11 of 1998.

10. Without prejudice to any other provision of this Act, a person who entered Belize as a minor (whether legally or illegally) and has been continuously residing in Belize for a period of at least ten years shall be eligible to apply for permanent residency.

Immigrants for
permanent em-
ployment.
40 of 1963.

11.—(1) An immigrant for employment who has been admitted on a permanent basis and the members of his family who have been authorised to accompany or join him shall not be returned to their territory of origin or the territory from employment which they emigrated because the immigrant is unable to follow his occupation by reason of illness contracted or injury sustained subsequent to entry, unless the person concerned so desires or an international agreement to which Belize is a party so provides.

(2) When immigrants for employment are admitted on a permanent basis, upon arrival in Belize, the Minister may determine that the provisions of subsection (1) of this section, shall take effect only after a reasonable period which shall in no case exceed five years from the date of admission of such immigrants.

(3) For the purposes of this section, an “immigrant for employment” mean a person who migrates to this country with a view to being employed otherwise than on his own account and includes any person regularly admitted as an immigrant for employment.

Revocation of per-
mits .
40 of 1963.

12.—(1) A permit granted under this Act may at any time be revoked by the Minister in his discretion or by an immigration officer acting on the direction of the Minister, and may also be revoked where the terms of the permit so provide.

(2) Where a permit is revoked, the immigrant may be arrested and brought before a court of summary jurisdiction to be dealt with for any infringement of this Act in respect of which he may be charged,

Provided that the court may, if the permit was not revoked by or by the direction of the Minister, order the permit to be restored and the immigrant to be released.

13.—(1) The kinds of permits which may be issued to a person entitling such person to enter and remain temporarily within Belize shall be as follows,

Kinds of temporary permits.

- (a) an in transit permit;
- (b) a dependent's permit;
- (c) a temporary employment permit;
- (d) a student's permit;
- (e) a special permit;
- (f) a visitor's permit.

(2) The issue of any permit of a kind mentioned in this section, shall be in the absolute discretion of the Director of Immigration and Nationality Services.

(3) If for any reason a permit is revoked or cancelled or expires or the person to whom such permit was issued fails or neglects to comply with the provisions thereof, such person shall be deemed to be a prohibited immigrant and may be dealt with as such.

14.—(1) An in transit permit may be issued by the Director of Immigration and Nationality Services to any person who satisfies him that he desires to enter Belize for the purpose of passing through Belize to a destination outside Belize, and that he is in possession of a ticket entitling him to travel to his destination, and of such valid documents as will permit him to enter the country of his destination and is otherwise qualified under the law in force in that country to enter it.

In transit permit.

(2) An in transit permit shall entitle the holder to enter Belize and to remain therein for such period not exceeding seven days as may be stated in the permit,

Provided that the Director of Immigration and Nationality Services may from time to time extend such period if he considers it expedient to do so.

Dependent's permit.

15.—(1) A dependent's permit may be issued by the Director of Immigration and Nationality Services upon application by a resident of Belize in respect of any person as to whom the Director of Immigration and Nationality Services is satisfied that.

- (a) such person is a dependent of such resident;
- (b) such resident is able to provide and to continue to provide adequate accommodation for such dependent; and
- (c) such resident has in his own right and his full and free disposition an assured income sufficient adequately to maintain and to continue to maintain the dependent.

(2) A dependent's permit shall entitle the person in respect of whom the permit is issued to enter Belize within the period stated in the permit and to remain therein for such time only as,

- (a) the resident upon whose application the permit has been issued remains a resident of Belize; and
- (b) such person remains a dependent of such resident.

Temporary employment permit.
7 of 1963.

16.—(1) A temporary employment permit may be issued by the Director of Immigration and Nationality Services to any person who satisfies the Director of Immigration of Nationality Services that he wishes to enter Belize for the purpose of employment there and is the person described in a current voucher issued for the purposes of this section by or on behalf of the Minister responsible for Labour.

(2) A temporary employment permit shall entitle the holder thereof to enter Belize within the period stated in the permit, and to remain therein for the purpose of engaging in the employment specified in the permit for such period as is stated in the permit.

3 of 1965.

(3) The Director of Immigration and Nationality Services may cancel a temporary employment permit, if the person to whom such permit was issued fails to take up such employment or to continue therein.

(4) Notwithstanding anything contained in subsections (1) to (3) of this section, the Director of Immigration and Nationality Services may, subject to such conditions as he may impose, permit the holder of a temporary employment permit to work for an employer other than the employer specified in the permit.

17.—(1) A student's permit may be granted by the principal Director of Immigration and Nationality Services to any person who satisfies him that he has been accepted as a student by any training establishment in Belize and that suitable arrangements have been made for his accommodation whilst in Belize.

Student's permit.

(2) A student's permit shall entitle the holder to enter Belize within the period stated in the permit and to remain therein for such period as is stated in the permit.

(3) The Director of Immigration and Nationality Services may cancel a student's permit, if the person to whom such permit was issued fails to enter and undergo training in the training establishment for which he has been accepted, or having entered such training establishment, fails to remain or to be retained as a student therein.

18.—(1) A special permit may be issued by the Director of Immigration and Nationality Services to any person without prejudice to the question whether he is a prohibited immigrant, if he considers the issue of such a permit desirable,

Special permit.

- (a) in order to afford an opportunity of making inquiry for the purpose of determining whether such person is entitled to an entry permit or is otherwise entitled

to enter Belize under the provisions of any Act, order or regulation, or whether such person is a prohibited immigrant;

- (b) in order to enable such person to enter Belize temporarily for the purpose of obtaining medical treatment for any contagious or infectious disease from which such person is suffering;
- (c) in order to afford such person a reasonable opportunity of applying for and obtaining an entry permit other than a special permit or of completing any immigration formality; or
- (d) in order to afford time for the Director of Immigration and Nationality Services to consider an application by a prohibited immigrant for a permit to enter and remain in Belize.

(2) A special permit shall entitle the holder thereof to enter Belize and remain therein for such period not exceeding two months as is stated in such permit,

Provided that the Director of Immigration and Nationality Services may, from time to time, extend such period, if he considers it expedient to do so.

(3) A special permit may at any time be cancelled by the Director of Immigration and Nationality Services.

(4) A person to whom a special permit has been issued under paragraph (b) of subsection (1) of this section shall be subject to the observance of such conditions as a Government medical officer may think necessary for the protection of the community, and any person failing to comply with, or observe, any such condition shall be deemed to have acted in contravention of this Act.

19.—(1) A visitor's permit may on application be issued by the Director of Immigration and Nationality Services to any prospective visitor to Belize who satisfies the Director of Immigration and Nationality Services that he wishes to enter Belize for the purpose of,

Visitor's permit.

- (a) spending a holiday;
- (b) travelling;
- (c) temporarily carrying on any business, trade or profession; or
- (d) investigating the possibilities of settlement in Belize.

(2) A visitor's permit shall entitle the holder to enter Belize within the period stated in such permit and to remain therein for such period not exceeding six months, as is stated in such permit,

Provided that the Director of Immigration and Nationality Services may extend such last-mentioned period, if he considers it expedient to do so, for any further period or periods not exceeding six months in the aggregate.

(3) It shall be a condition of issue of every visitor's permit that the holder shall not accept employment within Belize without the permission in writing of the Minister, and if the holder of any such permit accepts employment without such permission, he shall be deemed to have acted in contravention of this Act, and the permit may be cancelled by the Director of Immigration and Nationality Services.

19A Sections 11, 12, 13, 15 and 16 of this Act do not apply to nationals of CARICOM Member State who qualify under the Caribbean (Free Movement of Skilled Persons) Act and to their spouses and dependants.

Application to CAR-
ICOM Nationals.
15 of 2004.

20.—(1) Any person may, as a condition precedent to the issue of any of the permits enumerated above, be required by the Director of Immigration and Nationality Services to deposit with him a sum sufficient to defray the cost of his maintenance and repatriation not exceeding one thousand two hundred dollars in respect of each permit so issued and any such

Security.

deposit may, if necessary, be used for the purpose of defraying any expenses incurred by the Government of Belize in connection with the maintenance or repatriation of the person in respect of whom the entry permit has been issued and his dependents.

(2) A deposit made under subsection (1) of this section shall, unless the person in respect of whom the entry permit has been issued is ordered to leave or is deported from Belize and the money so deposited is used for the purpose of maintaining or repatriating such person and his dependents, if any, be refunded to the depositor when the Director of Immigration and Nationality Services is satisfied that,

- (a) the person in respect of whom the deposit was made and his dependents, if any, are leaving Belize permanently; or
- (b) the person in respect of whom the deposit was made has entered Belize for permanent residence and has completed three years of residence therein since making his deposit.

(3) The Director of Immigration and Nationality Services may, in *lieu* of requiring a deposit under subsection (1) of this section, require an applicant for an entry permit or some other person on his behalf to give security with or without sureties in a sum not exceeding one thousand two hundred dollars by bond.

(4) A bond entered into under subsection (3) of this section may be enforced before any magistrate in the same manner as a recognizance under section 120 of the Summary Jurisdiction (Procedure) Act, Cap. 99.

Re-entry permit.

21. The Director of Immigration and Nationality Services may issue to any alien domiciled in Belize who desires to proceed therefrom with the intention of returning thereto a re-entry permit to enable such person to prove to the satisfaction of a consular officer or to an immigration officer on his return that he is not a prohibited immigrant.

22. A person to whom a permit is issued or who is held to be a prohibited immigrant shall, if so required by the immigration officer, submit to his fingerprints being taken by the immigration officer.

Finger prints may be taken.

23.—(1) A person to whom a permit or certificate under this Act has been granted shall at all times produce it to any immigration officer or police officer on demand, and shall not lend, transfer, or assign it to any other person.

Conditions and restrictions relating to permits and certificates.

(2) No person shall borrow or make use of a permit or certificate which has been granted under this Act to any other person.

(3) A person having in his possession a permit or certificate appearing to have been granted under this Act shall answer all questions put to him by an immigration officer for the purpose of establishing his identity with the person named in the permit or certificate and shall, if so required by an immigration officer, submit to his fingerprints being taken for that purpose.

(4) Any person who contravenes the provisions of subsection (1), (2) or (3) of this section commits of an offence.

7 of 1987.

24.—(1) No person shall enter Belize elsewhere than at an approved port or place of entry.

Duties of immigrants on entering Belize.

(2) A person entering Belize by sea shall not disembark without the consent of the immigration officer and the master of the ship shall not allow any such person to disembark without any such consent.

(3) Every person entering Belize by land or air shall forthwith present himself to the immigration officer at the place of arrival.

(4) Every person entering Belize shall truthfully answer all questions put to him by the immigration officer for the purposes of this Act, and shall, if required by the immigration officer,

(a) furnish the required security;

- (b) fill out and sign a disembarkation card;
- (c) submit to be examined by a medical officer.

(5) Any person who refuses to answer all questions put to him by the immigration officer for the purposes of this Act, or who fails to furnish the required security on request, or who refuses to fill out and sign the disembarkation card, or to submit to be examined by a medical officer, if so required, shall be refused leave to land in Belize and if he arrives by any vessel the master of such vessel shall be served with a notice of such fact.

(6) Every person entering Belize who willfully supplies any false information in answer to any question put to him by the immigration officer for the purposes of this Act commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

(7) Any person to whom leave to land has been refused shall be removed from Belize by the master of the vessel in which he arrived, or with the consent of an immigration officer, in another vessel within a specified time by the owner or agent of the vessel in which he arrived,

Provided that where permission is granted to the owner or agent to remove such person by another vessel, such owner or agent shall be held responsible for the accommodation of such person until he leaves Belize.

(8) Any person who contravenes subsection (1), (2) or (3) of this section commits an offence.

25.—(1) The master of a vessel, arriving from any place outside Belize or departing from Belize, shall answer truthfully to the best of his ability all questions put to him by the immigration officer relating to the persons on board such vessel, in so far as is necessary for the purposes of this Act, and, if so required, furnish the immigration officer with a list signed by himself of the names of all such persons in the vessel, and such other information as may be required, and every such person shall supply the information necessary for the purpose of the list.

(2) Any master who refuses to answer any such questions or who knowingly and willfully gives an untrue answer thereto or who refuses to

Master to furnish particulars and list of persons on board his vessel.

supply such list commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

26. Except as otherwise specially provided by this Act, no prohibited immigrant shall enter Belize, and an immigration officer shall cause a prohibited immigrant entering or found within Belize (having entered after the commencement of and in contravention of any of the provisions of this Act) to be removed therefrom in the manner hereinafter provided.

Prohibition of entry by prohibited immigrant.

PART IV

Prohibition of Entry, Detention, Removal etc.

27.—(1) An immigration officer who decides that a person is a prohibited immigrant may,

Order for prohibited immigrants to leave Belize.

- (a) order him to leave Belize and proceed immediately in the same vessel in which he arrived;
- (b) order him to leave Belize within sixty days of entering Belize, and, if the immigration officer thinks fit, by a specified vessel; or
- (c) cause him to be arrested and brought before a magistrate's court with a view to an order being made for his removal,

Provided that the Minister or any immigration officer acting under the directions general or special of the Minister may grant a permit to a prohibited immigrant to enter and remain in Belize, subject to such conditions as to duration, place of residence, occupation, furnishing of security, or any other matter or thing, whether similar to those enumerated above or not, as may be deemed expedient.

40 of 1963.

(2) No prohibited immigrant shall have any right of appeal against an order under subsection (1) (a) or (b).

Appeal against detention of a prohibited immigrant.
7 of 1963.

28.—(1) Whenever any person is detained, restricted or arrested as a prohibited immigrant, notice of that fact and the grounds of detention, restriction or arrest shall be given by the officer to such person in the prescribed form.

(2) If such notice is given within seven days of the arrival of the immigrant, the immigration officer giving such notice shall also inform, if known, the master or local agent or owner of the vessel by which the immigrant arrived that such notice has been given.

(3) Every immigrant to whom such notice has been given may appeal to a summary jurisdiction court.

(4) Notice of the appeal must be given to the court and to the immigration officer within seven days of the service of the notice of the immigration officer on the immigrant.

(5) Pending the hearing of an appeal by a summary jurisdiction court, no warrant shall be issued or enforced for the removal as a prohibited immigrant of the person so appealing but should it be held on the hearing of any such appeal that the appellant is a prohibited immigrant a warrant for the removal of the prohibited immigrant shall issue.

(6) No appeal shall lie by or on behalf of an alien from the order of the summary jurisdiction court made under this section,

Provided that the Minister may, on an application made to him by such alien, review the decision of the summary jurisdiction court and, if satisfied that the applicant is not a prohibited immigrant, order him to be released from detention, restriction or arrest.

29.—(1) Whenever a prohibited immigrant is ordered to leave Belize or has delivered a notice of appeal or security as required to be given in respect of an immigrant, the immigration officer may grant a permit for the immigrant to remain in Belize for so long as the officer considers necessary.

Temporary permits pending removal, appeal, etc.

7 of 1987.

7 of 1987.

(2) Instead of granting the permit or on revocation or expiration of the permit, the immigration officer may cause the immigrant to be arrested and brought before a magistrate who may either order the permit to be granted, restored or renewed and the immigrant to be released, or order the immigrant to be detained in custody until an opportunity occurs for him to leave Belize, or until the matter is disposed of, as the case may be.

30.—(1) Subject to this Act, and to the terms of any permit granted hereunder, a summary jurisdiction court may, on application made to it by an immigration officer, order any prohibited immigrant to be removed from Belize and to be detained in custody until such removal,

Removal orders.

Provided that no application for an order shall be entertained in the case a Commonwealth citizen, not being a person who entered Belize in contravention of section 24 (1) of this Act or who, on entering Belize, contravened or failed to comply with section 24 (2) or (3) of this Act, unless the application is made,

7 of 1987.

- (a) if he entered Belize in accordance with a permit granted under sections 13, 14, 15, 16, 17 and 18 of this Act, within two years after the expiry of such permit;
- (b) in any case in which an appeal has been made to a summary jurisdiction court or the Supreme Court, within two years after the determination of the appeal.

(2) An immigrant who is ordered to be removed from Belize shall be removed,

- (a) to the place whence he came, or to any place to which he consents to be removed;
- (b) if he is a Commonwealth citizen, to a place in some part of the Commonwealth to which he belongs; or
- (c) if he is not a Commonwealth citizen, to some place in the country to which he belongs.

(3) Where an immigrant ordered to be removed is serving a sentence of imprisonment, the Minister may give directions as to whether the whole or what part of the sentence is to be served before removal, and in default of such directions, the immigrant shall be removed after completion of his sentence.

(4) An immigrant ordered to be removed may be placed on board a suitable vessel by any police officer or immigration officer, and may be lawfully detained in custody on board so long as the vessel is within the territorial waters of Belize.

(5) The expenses of passage of a prohibited immigrant and his dependents (if any) ordered to be removed from Belize shall be payable from the public funds of Belize in so far as they are not defrayed by the immigrant and his dependents or their sureties.

(6) No appeal shall lie by or on behalf of an alien against a removal order made by a summary jurisdiction court,

Provided that the Minister may, on an application made to him by such alien, review the order of the summary jurisdiction court and if satisfied that the applicant is not a prohibited immigrant, rescind the removal order.

Warrant to convey prohibited immigrant back on vessel.

31. The master of any vessel may, on the desertion of any seaman or the landing of any stowaway or prohibited immigrant from his vessel, apply to a magistrate for a warrant to arrest and convey back on board the vessel such seaman, stowaway or prohibited immigrant, and the magistrate shall grant the application unless there are special reasons for not doing so, and the master shall not incur any liability at law for anything done by virtue of such warrant.

Offences by persons permitting prohibited immigrants to land.

32.—(1) Any master of a vessel who knowingly suffers any prohibited immigrant who arrives in such vessel to land therefrom contrary to the provisions of this Act commits an offence.

7 of 1987.

(2) Any person who knowingly lands or procures to be landed or who aids or assists in landing any prohibited immigrant contrary to the provisions of this Act commits an offence.

(3) Any prohibited immigrant who knowingly and willfully lands or suffers himself to be landed contrary to the provisions of this Act commits an offence.

33.—(1) No person shall leave Belize elsewhere than through an approved port or place of departure.

Duties of emigrants leaving Belize.

(2) Every person departing from Belize shall present himself to the immigration officer at the port or place of departure.

(3) Every person departing from Belize shall truthfully answer all questions put to him by the immigration officer for the purposes of this Act and shall fill out and sign the embarkation card if required to do so.

(4) Any person who refuses to answer such questions put to him by the immigration officer for the purposes of this Act, or who knowingly and willfully gives any untrue answer thereto, or who refuses to fill out and sign the embarkation card if required to do so, commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

PART V

Miscellaneous

34.—(1) Any person who, for the purpose of entering Belize or of remaining therein, or of assisting any other person to enter Belize or to remain therein, in contravention of this Act,

Offences and penalties.

(a) fabricates or falsifies any passport, permit, certificate or other document; or

7 of 1987.

(b) uses, utters or attempts to use or utter-

(i) any passport, permit, certificate or other document which has not been issued by lawful authority or which he is not entitled to use or utter; or

- (ii) any fabricated or falsified passport, permit, certificate or other document, knowing it to have been fabricated or falsified, commits an offence.

(2) Any person who,

- (a) makes a statement which to his knowledge is untrue in a declaration required to be made by an applicant for the issue of a temporary permit to facilitate him to travel to the Mexican and Guatemalan towns and villages as agreed between the Government of Belize and the Governments of Mexico and Guatemala;
- (b) obstructs, hinders or opposes an immigration officer or police officer in the execution of his duty under this Act;
- (c) without lawful excuse knowingly harbours or conceals,
 - (i) any other person who is within Belize in contravention of this Act; or
 - (ii) any other person who, having entered Belize under the authority of a permit issued under this Act, has contravened or failed to comply with any condition subject to which the permit is granted;
- (d) fails to comply with or contravenes the conditions under which any permit, certificate or other document has been issued to him under this Act;
- (e) being a prohibited immigrant, disembarks in Belize without previously obtaining a permit issued under this Act;

- (f) contravenes or fails to comply with any of the conditions subject to which any permit has been granted under this Act;
- (g) directly or indirectly, instigates, commands, counsels, procures, solicits or in any manner purposely aids, facilitates, encourages or promotes the commission of any offence under this Act, whether by his act, presence or otherwise; or
- (h) employs any person who is not in possession of an employment permit, commits an offence. 7 of 1963.
7 of 1987.

(3) Any person who commits an offence against any of the provisions of this Act for which no penalty is prescribed shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment, 7 of 1987.

Provided that the punishment for the first offence under this Act shall not be less than a fine of one thousand dollars, and the punishment for a second or subsequent offence under this Act shall not be less than a fine of three thousand dollars or imprisonment for one year.

Provided further that where a person is found guilty of the offence of employing a person who is not in possession of an employment permit, contrary to subsection (2) (h) of this section, the Court shall, in addition to the penalties prescribed above, order that the employer shall pay the expenses of removing such immigrant from Belize. 17 of 1999.

(4) Without prejudice to any other offence created by this Act, it is hereby declared that the offence under subsection (2) (h) of this section of employing a person not in possession of an employment permit shall be an offence of strict liability and in any prosecution for such offence, 7 of 1987.

- (a) it shall not be necessary for the prosecution to prove that the accused person had knowledge that the employee was not in possession of an employment permit; and

- (b) it shall not be a defence for the accused person to prove that he had no such knowledge.

7 of 1987.

(5) Where any person is convicted of an offence or of an attempt to commit an offence or of soliciting or inciting the commission of an offence under this Act and the court by which such person is convicted finds that any vehicle, vessel or aircraft was used or employed by such person in the commission, or to facilitate the commission, of the offence of which he is convicted, such vehicle, vessel or aircraft shall be forfeited.

7 of 1987.

(6) The owner of any such vehicle, vessel or aircraft in respect of which an order of forfeiture has been made under subsection (5) of this section, shall have all the rights of appeal of an accused person under Part IX of the Supreme Court of Judicature Act, Cap. 91.

7 of 1987.

(7) For the purposes of this section, “vehicle”, “vessel” or “aircraft” respectively include everything contained in, being on or attached to any vehicle, vessel or aircraft, as the case may be, which in the opinion of the court forms part of the equipment of such vehicle, vessel or aircraft.

Penalties on public carriers for bringing illegal immigrants to Belize.
17 of 1999.

35. Every airline, or the master of a vessel, or the driver of a vehicle, who brings an immigrant into Belize contrary to the entry requirements and other provisions of this Act or the regulations made thereunder, commits an offence and the court shall, in addition to any other punishment specified by law, upon conviction order the convicted person to pay the expenses of removing such immigrant from Belize.

Punishment of stow-away.

36.—(1) Every stowaway commits an offence and may be landed with the permission of the principal immigration officer for the purpose of being prosecuted and, in addition to any other penalties imposed by this Act, shall be liable on summary conviction to imprisonment for a term not exceeding three months.

(2) A stowaway not belonging to Belize may be deported therefrom upon the order of the convicting magistrate at the expense of the master or owner of the vessel by which he was brought to Belize, and the imprisonment under subsection (1) of this section shall cease for the purpose of carrying out that order.

(3) The detention of a stowaway shall not be deemed to be illegal if such detention is no longer than is reasonably necessary for the purpose of handing him over to a police officer.

(4) Any police officer may apprehend a stowaway without a warrant for the purpose of taking him before a magistrate.

(5) When a person is charged before any court as being a stowaway, the onus shall be upon that person to prove the consent of the owner, charterer, consignee or master of the vessel or other person entitled to give consent to his obtaining a passage upon the vessel.

37. A person detained in custody under this Act but not serving a sentence of imprisonment may be so detained either in Her Majesty's prison or in any place appointed for the purpose by the Minister, but if detained in Her Majesty's prison he shall be treated as a person awaiting trial.

Place of detention.
40 of 1963.

38. In any proceedings under this Act,

Evidence and burden of proof.
40 of 1963.

- (a) the burden of proof that the person charged belongs to Belize or that he is not likely to become a charge on public funds shall be upon that person;
- (b) a document purporting to be a removal order made under this Act shall, until the contrary is proved, be presumed to be such an order; and
- (c) any order made under this Act shall be presumed, until the contrary is proved, to have been validly made and to have been made on the date upon which it purports to have been made.

39. The Minister may make regulations,

Power to make regulations.

- (a) prescribing the ports or places of entry or exit;
- (b) prescribing the times, places and conduct of the inquiry or examination, medical or otherwise, of

persons entering or desiring to enter Belize or who being found therein are suspected of being prohibited immigrants;

- (c) prescribing lists of communicable diseases, the affliction with which will render a person a prohibited immigrant;
- (d) governing the permits and the certificates which may be issued under this Act, the conditions upon which any such permit or certificate shall be issued, the circumstances under which they may be cancelled and the fees which may be charged for any such permit or certificate;
- (e) regarding the amount and nature of the security to be furnished for the due carrying out of any conditions upon which a permit to enter and reside for a specified period may be issued to a prohibited immigrant;
- (f) prescribing the forms of warrants, permits, certificates or other documents to be issued or used or of the declarations to be made or of the books to be kept for the purposes of this Act, and the particulars to be inserted in any such document, declaration or book;
- (g) generally for the better carrying out of the objects and purposes of this Act.

Deeds free of stamp duty.

40. No stamp duty shall be payable in respect of any deed executed in pursuance of this Act.

Savings.

41. Nothing in this Act shall affect the operation of the Aliens Act, Cap. 159.

Who may institute prosecutions.

42. All prosecutions under this Act and regulations made hereunder shall be made by the Director of Immigration and Nationality Services or by the Senior Immigration Officer, or by any other person authorised in writing by the Director of Immigration and Nationality Services.