
LAWS OF THE GAMBIA

IMMIGRATION ACT

CHAPTER 16:02

**Act No.
2 of 1965**

Amended by
Act No. 14 of 1966
Act No. 22 of 1969
Act No. 9 of 1976
Act No. 8 of 1988
LN 3 of 1981
Act No. 3 of 1992
Act No. 40 of 1995
LN 14 of 1992
LN 1 of 1996

CHAPTER 16:02**IMMIGRATION ACT****ARRANGEMENT OF SECTIONS****PART I***Preliminary***SECTION**

1. Short title and commencement.
2. Interpretation.

PART II*Special Immigration Status*

3. Acquisition of special immigration status.
4. Loss of special immigration status.

PART IIA*Passports*

- 4A. Issuing authority.
- 4B. Application for a valid passport.
- 4C. Composition of interviewing panel.
- 4D. Interview of applicants.
- 4E. Issue of passport.
- 4F. Passport lost in The Gambia.
- 4G. Passport lost abroad.
- 4H. Passport lost through negligence, etc.
- 4I. Passport of a deportee.
- 4J. Offences and penalties.
- 4K. Emergency passport.
- 4L. ECOWAS travel certificate.
- 4M.

PART III*Control of Entry and Residence*

5. Entry and residence.

SECTION

6. Offences and revocation of passes and permits.

PART IV

Passes

SECTION

7. Visiting Passes.
8. Prohibited Immigrant's Pass.
9. Passes generally.

PART V

Residential Permits

10. Issue of residential permits.
11. Validity of residential permit.

PART VI

Prohibited Immigrants

12. Entry or residence of prohibited immigrants unlawful.
13. Persons who are prohibited immigrants.
14. Prevention of entry and arrest of prohibited immigrants.

PART VII

Deportation

15. Deportation orders.
16. Courts may recommend deportation.

PART VIII

Arrival in The Gambia

17. Persons arriving by sea.
18. Persons arriving by air.
19. Persons arriving other than by sea or air.
20. Failure to comply with this Part an offence.

PART IX

Sailors

21. Discharge of sailors.
22. Punishment or discharge of a member of a crew, stowaway or extra hand.

PART X*Administrative and General***SECTION**

- 23. Waiver of formalities for distinguished visitors and naval crews.
- 24. Armed forces of friendly Powers.
- 25. Contract for the return of a deportee.
- 26. Burden of proof.
- 27. Fees.
- 28. Authorised officers may question persons to establish immigration status.
- 29. Passes and permits to be produced for inspection.
- 30. Certificate may be issued to exempted person.
- 31. Offences.
- 32. Penalties.
- 33. Power to make rules or Orders.

FIRST SCHEDULE*Fees***SECOND SCHEDULE**

IMMIGRATION ACT

An Act to consolidate and make better provision for the control of immigration into and residence in The Gambia, and for connected matters.

[Act No. 2 of 1965 amended by Act No. 14 of 1966, Act No. 22 of 1969, Act No. 9 of 1976, Act No. 8 of 1988, LN 3 of 1981, Act No. 3 of 1992, Act No. 40 of 1995, LN 1 of 1996.]

[Date of commencement: 31st January, 1965.]

PART I*Preliminary***1. Short title and commencement**

This Act may be cited as the Immigration Act, and is deemed to have come into operation on the thirty-first day of January, 1965.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**bank**” means a bank approved by the Director of Immigration for the purposes of this Act by Notice published in the *Gazette*;

“**child**” includes a step-child and a lawfully adopted child;

“**civil servant**” means a public officer in the employment of the Government who is on the permanent and pensionable establishment of the Government or who is serving the Government under a written contract specified to be for a period of three months or more;

“**dependant**” means, in relation to a person, his wife not living apart from him under a decree of court or a deed of separation and any child of his who is under the age of eighteen years;

“**Immigration Officer**” means a police officer of or above the rank of Sub-Inspector, a Governor and any other public officer appointed for the purpose by the Director of Immigration by writing under his or her hand;

“**Minister**” means the Minister responsible from time to time for the administration of this Act;

“**parent**” includes a step-parent, and a person who has lawfully adopted a child in respect of that child;

“**prescribed**” means prescribed by the Minister by rules or by Order, whichever may be the more convenient, published in the *Gazette*;

“undesirable person” means a person or a class or category of persons whose presence in The Gambia is in the opinion of the Minister which shall not be called in question in any Court of law likely to be detrimental to the peace, good order, good government or public morals of The Gambia;

“valid passport” means a passport referring to the person producing the same, furnished with a photograph of the person, and issued to him or her by or on behalf of the country of which he or she is a subject or a citizen and for a period which, according to the laws of that country, has not expired, and includes any other similar document establishing the identity of the person to whom it refers to the satisfaction of the Director of Immigration, and issued by a competent passport control authority and which, except in the case of a Commonwealth citizen or citizen of a country declared by the Minister for this purpose to be exempt, bears the visa of an accredited representative of the Government of The Gambia.

(2) For the purposes of this Act, a person shall not be deemed to be a civil servant after his or her employment with the Government has terminated or during any period of leave pending such termination.

(3) The Director of Immigration and the Deputy Director of Immigration shall be appointed by the President, and the appointments shall be published in the *Gazette*.

(4) The Deputy Director of Immigration shall, subject to the orders and directions of the Director of Immigration, have all the powers and may perform all the functions of the Director of Immigration which are granted or imposed by this Act.

(5) The Director of Immigration may delegate by writing under his or her hand to any Immigration Officer any of his or her powers and functions under this Act except those conferred or imposed on him or her by sections 6, 8, 9 (2), 15, 23 and 27 (5) of this Act.

(6) Wherever in this Act any right or privilege is specified to accrue to any person by virtue of any period of residence in The Gambia, a period during which any such person may have spent in prison pursuant to any lawful sentence of any court shall not count towards the period of residence.

PART II

Special Immigration Status

3. Acquisition of special immigration status

A person shall, for the purposes of this Act, possess special immigration status—

- (a) if he or she is a citizen of The Gambia;

- (b) if, being a person who has rendered outstanding service to The Gambia, he or she is granted special immigration status by the Minister by Notice published in the *Gazette*;
- (c) if he or she is a civil servant; or
- (d) if he or she has been designated a special immigrant under section 8A of The Gambia Nationality and Citizenship Act.

[Cap. 16:01, Act No. 3 of 1992.]

4. Loss of special immigration status

A person who possesses special immigration status shall cease to possess that status—

- (a) if he or she ceases to be a citizen of The Gambia;
- (b) if, being a person who has acquired special immigration status by virtue of section 3 (b) of this Act, he or she is deprived of that status by Order of the Minister published in the *Gazette*; or
- (c) if he or she ceases to be a civil servant.

PART IIA

Passports

4A. Issuing authority

(1) The Director of Immigration shall be sole authority for the issue or replacement of a valid passport.

(2) Notwithstanding subsection (1), a valid passport may be renewed for an additional period of five years on the expiration of the first five years by the following authorities—

- (a) the Director of Immigration; or
- (b) by diplomatic or consular officers of The Gambia in foreign countries where their offices are established.

4B. Application for a valid passport

(1) A person who is a citizen of The Gambia, and who wishes to acquire a valid passport may do so in the prescribed form which shall be supported by his or her birth certificate or a Seyfo's certificate, four passport-size photographs of himself or herself, and his or her National Identity Card.

(2) An application for a valid passport shall contain a declaratory form which shall be completed and signed by—

- (a) a Magistrate;

- (b) a civil servant who is on grade 10 or above;
- (c) a Justice of the Peace; or
- (d) a notary public.

(3) Where there is doubt as to the nationality of the applicant and none of his or her parents is alive, an affidavit sworn to by an adult relative of one of his or her parents shall be required as an additional supporting document.

4C. Composition of interviewing panel

There shall be an interviewing panel which shall compose of—

- (a) a representative of the Director of Immigration;
- (b) a representative of the Director-General of the National Intelligence Agency;
- (c) one representative of each Local Government Council; and
- (d) one other person to be appointed by the Minister.

4D. Interview of applicants

(1) Every applicant for a valid passport shall be invited to an interview and shall appear in person if he or she is applying for the first time.

(2) Notwithstanding subsection (1), if the applicant is sick and has to travel abroad for medical treatment, the Director of Immigration shall request for a medical report of the applicant's health from a registered medical doctor and shall, if satisfied with the medical report, issue the applicant with a valid passport without subjecting him or her to an interview.

4E. Issue of passport

Every applicant shall be screened to ensure that there is no fraud on his or her part and if after the screening exercise nothing adverse is found against the applicant, he or she shall be issued with a valid passport after paying a prescribed fee.

4F. Passport lost in The Gambia

(1) Where an applicant for a valid passport was a holder of a Gambian passport which is lost, his or her application shall be considered only after a police report has been issued.

(2) The police shall be required to investigate into the circumstances surrounding the loss and to make a report addressed to the Director of Immigration which shall be attached to the prescribed application form, supported by a sworn declaration by the applicant explaining the circumstances leading to the loss of his or her valid passport.

(3) There shall be a waiting period of three months after the submission of the application during which further investigations shall be made by the Director of Immigration, and if the Director of Immigration is satisfied that the loss was genuine, he or she shall submit the application to the interviewing panel for the applicant to be interviewed.

4G. Passport lost abroad

(1) Where the applicant for a valid passport lives abroad and was a holder of a Gambian passport which is lost, the applicant shall attach to his or her application a police report from the country where his or her passport got lost, which shall be supported by a sworn declaration by the applicant explaining the circumstances leading to the loss of his or her valid passport.

(2) The Director of Immigration shall make further investigation into the application to ensure that the police report is authentic before submitting the application to the interviewing panel for the applicant to be interviewed.

(3) Where it is not possible for the applicant to appear in person for an interview, he or she shall give an adult relative power of attorney to represent him or her at the interview.

4H. Passport lost through negligence, etc.

(1) Where it is discovered that an alleged lost passport was sold to another person or was deliberately destroyed by the holder the Director of Immigration shall—

- (a) in relation to a passport that was deliberately destroyed refuse to consider any application by the holder until after a period of eighteen months has elapsed; and
- (b) in relation to a passport that was sold to another person refuse to consider an application by the holder until after a period of five years has elapsed.

(2) Notwithstanding paragraph (b), a person who sells his or her passport is liable on conviction to a fine of not less than twenty-thousand dalasis and not more than fifty thousand dalasis.

4I. Passport of a deportee

(1) Where the holder of a valid passport is deported back to The Gambia for a drug related offence, murder, or any other felonious offence, the Director of Immigration shall—

- (a) get a confirmation from INTERPOL that the deportee has a conviction record for the offence charged; and

- (b) that there was a court hearing and the deportee was given the right to defend himself or herself.

(2) Where paragraphs (a) and (b) of subsection (1) have been confirmed by INTERPOL, the Director of Immigration shall not consider any application from such person until after ten years has elapsed, from the date of the deportation.

4J. Offences and penalties

Where a valid passport is obtained—

- (a) through the false declaration pertaining to the applicant's nationality;
- (b) through a false statutory declaration; or
- (c) through the use of a false Seyfo's certificate, or birth certificate the informant who gave the information is liable on conviction to a fine of not less than ten thousand dalasis and not more than twenty thousand dalasis.

4K. Emergency passport

A person of Gambian nationality shall be issued with an emergency passport by a Gambian Consul or diplomatic officer in the country where such person becomes destitute or lost his or her passport to enable him or her to travel back to The Gambia.

4L. ECOWAS travel certificate

The Director of Immigration shall upon application made to him or her in the prescribed form issue an ECOWAS Travel certificate to a Gambian national wishing to travel to ECOWAS countries.

4M.

[Deleted: Spent.]

PART III

Control of Entry and Residence

5. Entry and residence

Subject to the provisions of this Act, a person shall not enter into or reside in The Gambia unless he or she—

- (a) is a person who possesses special immigration status;
- (b) is in possession of a pass or permit issued under the provisions of this Act; or

- (c) is a dependant of a person who falls within the provisions of paragraph (a) of this section:

Provided that nothing in this section shall be construed so as to mean that any person shall be entitled to any pass or permit or shall not in any appropriate case be made the subject of a deportation order.

6. Offences and revocation of passes and permits

(1) A person other than a person possessing special immigration status, or a dependant of any such person, who enters The Gambia without a pass or permit lawfully issued under the provisions of this Act commits an offence against this Act.

(2) Subject to the provisions of this Act, a person other than a person possessing special immigration status, or a dependant of such person, who, having entered The Gambia in pursuance of a pass or permit, remains in The Gambia beyond the time allowed by such pass or permit, or after such pass or permit has been revoked, or who, having entered The Gambia without a residential permit, resides in The Gambia without a residential permit, or who fails to observe or who contravenes any condition of any such pass or permit or of any bond commits an offence against this Act.

(3) The Minister may, on the recommendation of the Director of Immigration, at any time without assigning any reason for his or her decision, which shall be final and shall not be questioned in any court of law, cause the Director of Immigration to revoke any pass or permit issued under the provisions of this Act with effect from a date to be specified by the Minister:

Provided that a reasonable period shall be allowed by the Minister, on the revocation of such pass or permit, for its holder to leave The Gambia.

PART IV

Passes

7. Visiting Passes

(1) The Director of Immigration may on application to him or her on such form as he or she may specify issue a pass, to be known as a Visiting Pass, to any person for the purposes of a temporary visit to The Gambia.

(2) A Visiting Pass shall be in the form prescribed and shall be valid in the first instance for a period of up to one month, but may be renewed by the Director of Immigration in his or her discretion for periods of not exceeding three months at any one time.

(3) As a condition precedent to the granting of a Visiting Pass, the Director of Immigration may in his or her discretion require the intending visitor to deposit with him or her—

- (a) a return ticket to his or her country of origin;
- (b) a sum in cash equivalent to the cost of such ticket; or
- (c) a bond to be guaranteed by a bank unless the bond is taken from a bank for an amount equivalent to the cost of such ticket in such terms as the Director of Immigration may approve.

8. Prohibited Immigrant's Pass

(1) Notwithstanding anything contained in this Act, the Director of Immigration may in his or her absolute discretion in exceptional circumstances issue a pass in the form prescribed to a prohibited immigrant to be known as a Prohibited Immigrant's Pass to enter The Gambia for a specified purpose for a specified period, subject to the deposit by the prohibited immigrant concerned of—

- (a) a return ticket to his or her country of origin; or
- (b) a sum in cash equivalent to the cost of such ticket,

and a bond to be guaranteed by a bank unless the bond is taken from a bank for an amount being not less than one thousand dalasis to be specified by the Director of Immigration for the good behaviour of the prohibited immigrant in such terms, which shall include a requirement to report daily to a specified police or Immigration Officer or other person, as the Director of Immigration may approve.

(2) If the holder of a Prohibited Immigrant's Pass fails to fulfil any condition or requirement imposed by his or her bond or if he or she commits an offence while in The Gambia, his or her bond shall be forfeited at the discretion of the Director of Immigration whose decision shall be final and shall not be questioned by any court.

9. Passes generally

(1) Passes may be issued or renewed subject to such conditions, whether relating to employment, residence or otherwise, as the Director of Immigration may in his or her discretion impose.

(2) For the purpose of issuing outside The Gambia any pass other than a Prohibited Immigrant's Pass to any person wishing to visit or pass through The Gambia, the Director of Immigration may with the approval of the Minister appoint, by writing under his or her hand, any person to be his or her agent for such purpose, and may issue instructions to be followed by such agent in that behalf and any pass issued by such agent shall be valid as if it had been issued by the Director of Immigration.

PART V

*Residential Permits***10. Issue of residential permits**

(1) The Director of Immigration may grant a residential permit to any person in accordance with the provisions of this section and of any rules made under this Act:

Provided that a person possessing special immigration status shall not be required to have a residential permit in order to reside in The Gambia.

(2) A residential permit issued to an immigrant shall specify whether the permit is for residence only or for residence and employment.

(3) The Director of Immigration shall not grant a residential permit for residence only, unless he or she is satisfied that the immigrant is of good character and has sufficient means to live in The Gambia according to his or her station in life.

(4) The Director of Immigration shall not grant a residential permit for residence and employment except in accordance with any directions and instructions of the Government issued to him or her from time to time specifying the Government's immigration policy.

(5) The Director of Immigration shall cause to be endorsed on a residential permit the names of any dependants of the immigrant concerned who are or may be resident in The Gambia, and upon such endorsement such dependants shall for the purpose of section 5 of this Act be deemed to be in possession of a permit.

(6) Except where the Director of Immigration decides in respect of any particular immigrant that the formality is unnecessary, the Director of Immigration shall as a condition precedent to the issue of a residential permit to an immigrant require a bond to be taken from the immigrant or his or her prospective employer or some other person, in any case to be guaranteed by a bank unless the bond is taken from a bank, for a sum equivalent to the cost of air passages for the immigrant and his or her dependants to their country of origin:

Provided that the Director of Immigration may accept a deposit in cash instead of such bond.

11. Validity of residential permit

A residential permit shall, subject to the provisions of this Act, be valid until the thirty-first day of January next following the date of issue of the permit.

PART VI

*Prohibited Immigrants***12. Entry or residence of prohibited immigrants unlawful**

(1) Except as may specifically be provided by this Act, it shall be unlawful for any prohibited immigrant to enter into or reside in The Gambia, and any prohibited immigrant so entering or residing commits an offence against this Act.

(2) A person who becomes a prohibited immigrant while he or she is in The Gambia shall not be prosecuted under the provisions of this section unless he or she remains in The Gambia beyond such reasonable period as an Immigration Officer shall specify to him or her for the purpose of enabling him or her to make his or her departure from The Gambia.

13. Persons who are prohibited immigrants

(1) The following persons, not being citizens of The Gambia, shall be prohibited immigrants—

- (a) a person without visible means of support or who, in the opinion of the Director of Immigration is likely to become a pauper or a public charge except as provided in subsection (5) of section 27 of this Act;
- (b) an idiot or insane person or a person suffering from a communicable disease that may be prescribed as such by the Minister for the purposes of this Act;
- (c) an undesirable person;
- (d) a person who on his or her arrival—
 - (i) does not have in his or her possession a valid passport, or
 - (ii) in the case of a person under the age of eighteen years who does not have in his or her possession a valid passport, or who is not accompanied by an adult person who has in his or her possession a valid passport on which the particulars of such person under the age of eighteen years appear;
- (e) a prostitute or person who, in the opinion of the Director of Immigration, derives his or her livelihood in whole or in part from prostitution or other immoral occupation, whether the prostitute or person is male or female;
- (f) a person who is the subject of a deportation order.

(2) Once a person becomes a prohibited immigrant, he or she shall retain that status until or unless the circumstances which caused him or her to become a prohibited immigrant have ceased to operate and the Minister has, by Notice published in the *Gazette*, declared that he or she is no longer a prohibited immigrant.

(3) A prohibited immigrant shall not be released from the operation of this Act or allowed to be or remain in The Gambia merely because he or she has not been notified that he or she is a prohibited immigrant or because he or she may not have been allowed to enter The Gambia through oversight or through want of knowledge that he or she was a prohibited immigrant.

(4) For the purposes of this section, a person who possesses special immigration status by virtue of paragraph (b) of section 3 of this Act shall not be an exempted person.

14. Prevention of entry and arrest of prohibited immigrants

(1) Subject to the provisions of this Act, any police officer or Immigration Officer may prevent a prohibited immigrant from entering The Gambia and may, unless the prohibited immigrant can be returned to or kept on the vessel, aircraft or other conveyance on which he or she arrived in The Gambia until its departure, arrest such prohibited immigrant and keep him or her in custody pending the making of a deportation order under section 15 of this Act or his or her prosecution under section 12 of this Act or both the prosecution and deportation.

(2) A prohibited immigrant who is returned to or kept on any vessel, aircraft, or other conveyance under the provisions of subsection (1) of this section, shall be deemed to be in the lawful custody of the master or person in charge of the vessel, aircraft or other conveyance or of such other person as may be appointed by the Immigration Officer concerned for the purpose of such custody until the vessel, aircraft or other conveyance has departed from The Gambia.

(3) The master, the owner, the person in charge and the agent of any vessel, aircraft or other conveyance in which a prohibited immigrant arrives at any port or place in The Gambia shall be jointly and severally liable to remove such prohibited immigrant forthwith from The Gambia, or if such course is not, in the opinion of an immigration officer, practicable, to pay to the Government all expenses incurred by the Government in connection with the transport and maintenance of such prohibited immigrant and his or her deportation from The Gambia.

PART VII

Deportation

15. Deportation orders

(1) The Minister may make a deportation order in the prescribed form against any of the following persons, not being citizens of The Gambia—

- (a) a person who is recommended for deportation by a court pursuant to section 16 of this Act;

- (b) a person who is convicted of an offence against this Act whether or not the court convicting such person recommends him or her for deportation;
- (c) a prohibited immigrant who fails to depart from The Gambia within such period as may be specified by the Director of Immigration in accordance with section 12 of this Act, or who is arrested in accordance with the provisions of section 14 of this Act on his or her entering or attempting to enter The Gambia;
- (d) a person from whom the special immigrant status has been withdrawn under the provisions of section 4 of this Act;
- (e) a person who is convicted of an offence against the Income and Sales Tax Act or who fails to comply with any order of any court made pursuant to proceedings taken under that Act.

[Cap. 81:01.]

(2) A deportation order shall specify the period within which the person who is the subject of the order shall remove himself or herself from The Gambia, and may at any time be varied or revoked by the Minister.

(3) A person who is the subject of a deportation order, who does not remove himself or herself from The Gambia within the period specified in that order, or who having removed himself or herself or having been removed from The Gambia, and such order not having been specifically revoked returns to The Gambia commits an offence against this Act.

(4) Notwithstanding the provisions of subsection (3) of this section, a person who is the subject of a deportation order—

- (a) who has not removed himself or herself from The Gambia within the period specified in that order;
- (b) who is in lawful custody awaiting or during trial for any offence; or
- (c) who is serving a sentence of imprisonment,

may, in the discretion of the Director of Immigration in the case of paragraph (a), or with the approval of the Attorney-General in the case of paragraph (b), or the Minister in the case of paragraph (c), of this subsection, forthwith be taken and

placed on board the vessel, aircraft or other conveyance on which he or she is to be deported notwithstanding that any such trial may not have been had or determined or any such sentence completed, and shall be deemed to be in lawful custody whilst he or she is so taken and placed and until the vessel, aircraft or other conveyance has finally left The Gambia.

(5) For the purposes of this section, a civil servant shall cease to possess special immigration status if a deportation order is made against him or her pursuant to the provisions of paragraph (a) or paragraph (b) of subsection (1) of this section.

(6) The Director of Immigration may, subject to any general or special instructions of the Minister in that behalf, exercise any of the powers of the Minister which are conferred by this section.

16. Courts may recommend deportation

If a person other than a person possessing special immigration status is convicted by any court of an offence against any law for which the court has power to impose imprisonment without the option of a fine that court or any court superior to it may so certify that conviction and recommend such person for deportation in the form prescribed.

PART VIII

Arrival in The Gambia

17. Persons arriving by sea

(1) The master of a vessel arriving at any place in The Gambia shall not permit a passenger who has embarked outside The Gambia to disembark from such vessel until such disembarkation has been authorised by an Immigration Officer.

(2) Every passenger arriving by sea intending to disembark in The Gambia shall appear before the Immigration Officer at such time and place as the Immigration Officer shall direct and the Immigration Officer, after such examination as he or she may deem necessary, shall inform the passenger whether or not he or she may enter The Gambia and if the passenger is refused entry, the passenger, if still aboard the vessel, shall not disembark in The Gambia or if disembarked for the purposes of such examination, shall return forthwith to the vessel and remain thereon.

(3) It is the duty of the master of a vessel on which there is a prohibited immigrant or other person who has been refused entry to prevent the prohibited immigrant or other person from disembarking except on the specific instructions of an Immigration Officer.

(4) The provisions of this section shall not apply where a passenger has embarked at any place in The Gambia and disembarks from the same vessel at the same or any other place in The Gambia during or at the end of the voyage which the vessel began or was in the course of when he or she embarked.

18. Persons arriving by air

(1) Every passenger, arriving by air in The Gambia at any airfield or airport where there is an Immigration Officer and intending to leave the precincts of the said airfield or airport, shall appear before the Immigration Officer at such time and place as the Immigration Officer shall direct, and the Immigration Officer, after such examination as he or she may deem necessary, shall inform the passenger whether or not he or she may enter The Gambia and if the passenger is refused entry, the passenger shall not depart from the precincts of the airfield or airport except to a place approved by the Immigration Officer and shall leave and depart from The Gambia by the first available means in accordance with such instructions as may be given by the Immigration Officer.

(2) Where a person arrives by air in The Gambia at any place where there is no Immigration Officer the person shall forthwith proceed to and appear before the nearest Immigration Officer.

19. Persons arriving other than by sea or air

(1) Every person other than a citizen of The Gambia arriving in The Gambia by inland waters or overland, shall enter through and appear before the Immigration Officer at any of the entry points specified in the Second Schedule to this Act.

[Act No. 8 of 1988, Second Schedule.]

(2) The Immigration Officer at each entry point specified in the Second Schedule to this Act, shall if, after such examination of a person who appears before him or her as he or she may deem necessary, he or she considers that the person is a prohibited immigrant, he or she so inform the person and shall, unless he or she arrests the person in accordance with section 14 of this Act, instruct the person to leave The Gambia within a period specified by him or her.

[Act No. 8 of 1988, Second Schedule.]

(3) The Minister may, by Order published in the *Gazette* add to or vary the Second Schedule to this Act.

[Act No. 8 of 1988, Second Schedule.]

20. Failure to comply with this Part an offence

A person who fails to comply with any of the provisions of this Part of this Act, or who wilfully makes a false statement to or who withholds any fact or information which is relevant to his or her entering The Gambia from an Immigration Officer commits an offence against this Act.

PART IX*Sailors***21. Discharge of sailors**

(1) A sailor, unless he or she is a citizen of The Gambia shall not be discharged from a vessel in The Gambia for any reason whatsoever except with the consent of an Immigration Officer, which consent shall not be given unless the master, owner or agent of the vessel makes arrangements to the satisfaction of the Immigration Officer, to ensure that the sailor shall not become a pauper or a public charge in The Gambia, and a person discharging any such sailor without such consent commits an offence against this Act.

(2) A sailor, not being a citizen of The Gambia, who is discharged for any reason whatsoever without the consent of an Immigration Officer under the provisions of subsection (1) of this section or who shall in The Gambia desert from his or her vessel or shall for any reason whatsoever be left behind without the consent of an Immigration Officer, may be deemed to be a prohibited immigrant and thereupon shall be dealt with in the same manner as though he or she had entered The Gambia as a prohibited immigrant, and the master, owner or agent of such vessel and the sailor himself or herself shall be jointly and severally liable to pay to the Government all expenses incurred in the maintenance and deportation of the sailor.

22. Punishment or discharge of a member of a crew, stowaway or extra hand

Where the master of a vessel charges a member of his or her crew or a stowaway or an extra hand before a Magistrate with an offence committed at some time prior to the vessel's arrival or while the vessel is in a port in The Gambia, then unless the person charged is a citizen of The Gambia, the Magistrate, if he or she—

- (a) convicts the person charged, may, in awarding punishment, order that, on the expiration of the sentence or on the sooner readiness of the vessel to proceed to sea, the person shall be conducted in custody aboard the vessel for conveyance away from The Gambia;
- (b) discharges the person charged, shall, in the order of discharge, order the person to be immediately conveyed back to the vessel.

PART X*Administrative and General***23. Waiver of formalities for distinguished visitors and naval crews**

(1) The Director of Immigration is hereby authorised to waive or relax any of the provisions of this Act in his or her discretion in the case of distinguished visitors of high rank, holders of diplomatic passports accredited to The Gambia and any other person to whom the Vienna Convention on Diplomatic Relations applies.

(2) The Minister may make rules waiving or authorising the Director of Immigration to waive any of the requirements of the Act in respect of *bona fide* travellers passing through The Gambia en route from one part of the Senegal Republic to another part of that Republic via the Trans-Gambian road or such other route as the Minister may by the rules prescribe.

(3) The Director of Immigration may in his or her discretion waive or release any of the provisions of this Act and give such instructions as he or she deems fit to Immigration Officers for the purpose of allowing the crew and any passengers in transit of any ships in port to come ashore for recreational purposes while such ship remains in port.

(4) The Director of Immigration may, subject to any general or specific instructions of the Minister in that behalf, waive or relax, wholly or in part, any provisions of this Act in the case of a citizen of a country which affords no less favourable treatment to citizens of The Gambia.

24. Armed forces of friendly Powers

The provisions of this Act shall not apply to a member of any armed force who enters The Gambia with the permission of or at the request of the Government in the course of his or her duties as a member of such armed force for so long as he or she remains a member of such armed force and is not a deserter:

Provided that he or she shall on the request of any Immigration Officer satisfy the Immigration Officer that he or she is a member of such armed force.

25. Contract for the return of a deportee

In any case in which a deportation order has been made, the Director of Immigration may make a contract with the master, person in charge of, owner or agent of any vessel, aircraft, or other conveyance for the conveyance of the person who is the subject of the deportation order to a place outside The Gambia, and the person with his or her personal effects, if any, may be placed by a police or Immigration Officer on board or in such vessel, aircraft, or other conveyance and until such vessel, aircraft, or other conveyance finally leaves The Gambia such person shall be deemed to be in lawful custody.

26. Burden of proof

Whenever in any proceedings under, or for any of the purposes of this Act one or more of the following questions is or are in issue—

- (a) whether a particular person is or is not in possession of a valid passport;

(b) whether a person has or has not special immigration status, the burden of proof shall lie on the person contending the affirmative, and, if such proof is not produced to the satisfaction of the court or of the Immigration Officer or of the authorised officer, as the case may be, the negative shall be presumed.

27. Fees

(1) The fees specified in the First Schedule to this Act shall be levied on the issue of any pass, permit or certificate specified in the Schedule.

[First Schedule.]

(2) The Minister may by Order published in the *Gazette* amend or replace the First Schedule to this Act.

[Act No. 22 of 1969, First Schedule.]

(3) Subject to the provisions of this section, fees in respect of passes and of permits shall be payable to the Director of Immigration for the benefit of the general revenue of The Gambia.

(4) The Director of Immigration may in his or her discretion make arrangement and issue instructions for the issue of passes or permits by, and for the payment of fees to, authorised officers on his or her behalf elsewhere than at Banjul, Banjul International Airport, Kanifing Municipality and the Regions.

(5) Wherever any authorised officer other than an Immigration Officer or a police officer issues any pass or permit and receives any fee on behalf of the Director of Immigration outside the City of Banjul, Banjul International Airport, Kanifing Municipality and the Regions, such fee shall be paid into the treasury of the appropriate Area Council, and such Area Council shall retain one-third of such fee for the benefit of its revenue and shall pay the other two-thirds of such fee to the Director of Treasury Directorate for the benefit of the general revenue of The Gambia.

(6) The Director of Immigration in the case of a person resident in the City of Banjul or the Kanifing Municipality and a Governor in the case of any person resident in his or her Region, may, in the case of any such person who appears to the Director of Immigration or the Governor, as the case may be, to be a pauper of sixty years of age or more, remit the fee payable by such person in respect of his or her residential permit, and in such case he or she shall endorse the permit and the counterfoil, if any, thereof 'fee Nil' and shall sign and date such endorsement.

(7) The Director of Immigration may, in his or her discretion, issue a residential permit or renew a Visiting Pass without payment of the fee prescribed in the Schedule to this Act in respect of members of the staff of quasi-Government educational and other organisations or concerns, *bona fide* religious missions running conventional educational institutions and such other persons whose presence in The Gambia is considered by the Director of Immigration to be of benefit to The Gambia.

28. Authorised officers may question persons to establish immigration status

(1) An authorised officer may at any time require a person to satisfy him or her as to his or her immigration status under this Act, and a person who fails to answer a reasonable question put to him or her by any such officer for such purpose, or who in answering such question makes a statement which is false in a material particular, or who in answering any such question withholds any fact or information which is relevant to his or her immigration status under this Act commits an offence against this Act.

(2) The following persons shall be authorised officers for the purposes of this Part of this Act—

- (a) Immigration Officers;
- (b) Governors within their respective Regions;
- (c) police officers;
- (d) Seyfololu and Alkalolu within their respective Districts or towns or villages as the case may be; and
- (e) any other person appointed for the purpose by the Director of Immigration by writing under his or her hand.

29. Passes and permits to be produced for inspection

(1) A person who has been issued with a pass or a permit under the provisions of this Act shall, on demand by an authorised officer, produce the pass or permit for his or her inspection.

(2) A person failing to comply with the provisions of this section commits an offence against this Act.

30. Certificate may be issued to exempted person

The Director of Immigration shall, on application to him or her in such form as he or she may decide, issue to a person possessing special immigrant status a certificate in the form prescribed showing that such person is a person possessing special immigrant status.

31. Offences

A person who—

- (a) aids or assists any person to enter The Gambia in contravention of the provisions of this Act;
- (b) knowingly harbours any person whom he or she knows or has reasonable grounds for believing to have acted in contravention of the provisions of this Act;
- (c) disobeys or disregards any obligation imposed by the provisions of this Act;

Immigration Act

- (d) makes or causes to be made any false return, false statement or false representation in connection with any obligation imposed by the provisions of this Act;
- (e) resists or obstructs actively or passively any Immigration Officer in the execution of his or her duty;
- (f) wilfully and without lawful excuse hinders or obstructs any deportation under the provisions of this Act;
- (g) gives, sells or lends a passport, or a pass or permit issued to him or her under the provisions of this Act in order that it shall be used by any other person, or uses as a passport, pass or permit issued to him or her a passport, pass or permit issued to any other person;
- (h) by false declaration obtains or attempts to obtain for himself or herself or any other person a passport, pass or permit;
- (i) without lawful authority uses or has in his or her possession any forged, unlawfully altered, or irregular passport, pass or permit or any passport, pass or permit on which any endorsement has been forged or unlawfully altered;
- (j) being the master of a vessel, knowingly permits any person to disembark from such vessel in contravention of the provisions of this Act, or refuses to receive on board a prohibited immigrant who has disembarked from such vessel or with respect to whom a contract has been made in pursuance of the provisions of section 25 of this Act, or neglects to take reasonable measures to keep on board a prohibited immigrant who has disembarked from such vessel and been replaced on board or a prohibited immigrant placed on board in accordance with the terms of any contract made in pursuance of the provisions of section 25 of this Act;
- (k) being the person in charge of an aircraft, aids or abets any person to leave the precincts of the airfield or airport in contravention of the provisions of this Act;
- (l) being the person in charge of an aircraft or other conveyance refuses to receive in such aircraft or other conveyance a prohibited immigrant with respect to whom a contract has been made in pursuance of the provisions of section 25 of this Act or neglects to take reasonable measures to keep in such aircraft or other conveyance a prohibited immigrant placed therein in accordance with the terms of any contract made in pursuance of the provisions of section 25 of this Act; or
- (m) knowingly employs a person not being a person possessing special immigration status without such person being in possession of a pass or permit issued under the provisions of this Act, endorsed for employment,

commits an offence against this Act and when the master of a vessel, or the person in charge of any aircraft or other conveyance, is charged with any such offence, the clearance outward of the vessel shall be refused, and the aircraft or other conveyance shall be detained until the charge has been heard or determined and the fine, if any, has been paid.

32. Penalties

A person who commits an offence against this Act may be arrested without warrant by an authorised officer and shall be liable on conviction to a fine not exceeding two thousand dalasis or to imprisonment for a period not exceeding one year or to both the fine and imprisonment.

33. Power to make rules or Orders

The Minister may make rules or Orders for all or any of the purposes following—

- (a) requiring the master, agent or owner of every vessel and the person in charge or the owner or his or her agent of any aircraft which carries any passenger other than a Gambian from any place in The Gambia to any place outside The Gambia, to furnish to such officer and in such manner as may be prescribed, a return giving such particulars in respect to such passenger as may be prescribed;
- (b) requiring the master of every vessel and the person in charge or the owner or his or her agent of any aircraft which carried any passenger from any place outside The Gambia to any place in The Gambia, to furnish to such officer and in such manner as may be prescribed a return giving such particulars in respect to such passenger as may be prescribed;
- (c) requiring the master of every vessel calling at a port in The Gambia, and the person in charge or the owner or his or her agent of any aircraft calling at any airfield or airport in The Gambia to furnish to such officer and in such manner as may be prescribed a return giving the name and nationality of any member of the crew of any such vessel or aircraft;
- (d) for the issue of passes and permits and for the making of bonds and for all matters connected therewith and related thereto;
- (e) for the keeping of registers by hotel-keepers, lodging house keepers and other persons providing accommodation for gain or reward, for the inspection of such registers and for matters connected therewith;
- (f) for prescribing the offences, and the penalties therefor, in respect of any such rules or Order:

Provided that a penalty shall not exceed in the case of imprisonment, a period of six months;

- (g) prescribing a code of conduct to regulate the discipline, appointment and termination of service of Immigration Officers;
- (h) prescribing anything which, under the provisions of this Act, requires to be prescribed;
- (i) generally for the better carrying out and giving effect to the purposes of this Act.

[Act No. 85 of 1996.]

FIRST SCHEDULE

[Section 27, L.N 3 of 1981, Act No. 8 of 1988, L.N 14 of 1992, L.N 1 of 1996.]

Fees

	<i>D. b.</i>
1. Visa/Visiting Pass	300.00
2. Renewal of Visa/Visiting Pass	200.00
3. Prohibited Immigrant Pass	4,000.00
4. Residential Permit (A) (for Residence only)	300.00
5. Residential Permit (B)—	
(i) for residence and employment ECOWAS Nationals – skilled worker	500.00
(ii) non ECOWAS-Employment – Skilled Worker.....	1,000.00
6. Residential Permit (C) For Residence and Employment ECOWAS Nationals – Unskilled Worker)	200.00
7. Certificate to Persons with Special Immigration Status	4,000.00

SECOND SCHEDULE

[Section 19, Act No. 8 of 1988.]

1. Fatoto	9. Farafenni
2. Basse	10. Jiboro (Selete)
3. Kuntaur	11. Serrekunda
4. Soma	12. Barra
5. Kerewan	13. Brikama
6. Amdalai	14. Janjangbureh
7. Kartong	15. Diabugu
8. Kalaji	16. Bansang

CHAPTER 16:02**IMMIGRATION ACT****SUBSIDIARY LEGISLATION**

List of Subsidiary Legislation

	<i>Page</i>
1. Immigration Rules	31
2. The Immigration (Code of Conduct) Rules	49

IMMIGRATION RULES**ARRANGEMENT OF RULES****RULE**

1. Citation.
2. General forms.
3. Arrival and departure.
4. Hotels and lodging houses.
5. Establishment of business and employment.
6. Miscellaneous.

FIRST SCHEDULE*Forms***SECOND SCHEDULE***Forms***THIRD SCHEDULE****IMMIGRATION RULES**

[L.N 19 of 1965, L.N 14 of 1966, L.N 15 of 1968, L.N 28 of 1969, L.N 4 of 1981,
L.N 29 of 1996.]

[Made under section 33.]

1. Citation

These Rules may be cited as the Immigration Rules, and are deemed to have come into operation on the eighteenth day of February, 1965.

2. General forms

(1) The forms set out in the First Schedule to these Rules shall be used for the purposes for which they are designed with such variations as the circumstances of the case may require.

[First Schedule.]

(2) Wherever a description of holder appears in any such form, the Director of Immigration may require such holder at his or her own expense to provide two identical full-face photographs of himself or herself to the satisfaction of the Director of Immigration for use in connection with the form and the Director of Immigration may vary the form to such extent as may be necessary to accommodate a copy of the photograph.

[L.N 15 of 1968.]

3. Arrival and departure

(1) Every person, not being a citizen of The Gambia, entering The Gambia by inland waterways or overland shall complete and furnish to an Immigration Officer a form containing the particulars specified in Form 1 set out in the Second Schedule to these Rules.

[Form 1, Second Schedule.]

(2) The master of a vessel or the person in charge of an aircraft arriving in The Gambia or the owner of such vessel or aircraft or his or her agent shall furnish an Immigration Officer with a list of passengers intending to disembark in The Gambia and particulars relating to them as specified in Form 2 set out in the Second Schedule to these Rules.

[Form 2, Second Schedule.]

(3) The master of a vessel or the person in charge of an aircraft leaving The Gambia or the owner of such vessel or aircraft or his or her agent shall furnish an Immigration Officer with a list of passengers intending to leave The Gambia in such vessel or aircraft and particulars relating to them as specified in Form 3 set out in the Second Schedule to these Rules.

[Form 3, Second Schedule.]

(4) The master of a vessel or the person in charge of an aircraft arriving in The Gambia or the owner of such vessel or aircraft or his or her agent shall furnish an Immigration Officer with a list of members of the crew of such vessel or aircraft and particulars relating to them as specified in Form 4 set out in the Second Schedule to these Rules.

[Form 4, Second Schedule.]

(5) A person who without reasonable excuse fails to comply with any of the requirements of this rule commits an offence.

4. Hotels and lodging houses

(1) A person who keeps an hotel or lodging house or who provides accommodation for gain or reward shall maintain a register of persons staying in such hotel, lodging house or accommodation in the form set out in the Third Schedule to these Rules and containing the details specified therein.

[Third Schedule.]

(2) Such register shall be open to inspection by an Immigration Officer or police officer at all reasonable times and the Director of Immigration may require any such register to be presented for inspection by the person keeping it, at such time and in such place and to such persons as the Director of Immigration shall decide.

(3) A person who—

- (a) being required under the provisions of this rule to keep a register fails to do so; or

(b) having been required by the Director of Immigration to present such register for inspection fails without reasonable excuse to do so, commits an offence.

(4) A person who—

- (a) wilfully refuses to supply information in respect of the details required under the provisions of paragraph (1) of this rule;
- (b) knowingly supplies false information in respect of the details required under the provisions of paragraph (1) of this rule; or
- (c) knowingly makes a false entry in any register, required to be kept under the provisions of this rule,

commits an offence.

(5) The Director of Immigration may exempt a person who keeps a hotel or lodging house or who provides accommodation for gain from any of the provisions of this rule.

5. Establishment of business and employment

(1) A person who is not a citizen of The Gambia is prohibited from establishing, on his or her own account, or in partnership with any other person, any business or to practice any profession in The Gambia, without the consent in writing of the Director of Immigration.

(2) A person shall not employ the services of any other person who is not a citizen of The Gambia, unless he or she obtains the consent in writing of the Director of Immigration.

(3) Subsection (2) shall not apply to persons who are employed in the service of the Government of The Gambia or any United Nation Agency.

(4) A person who wishes to obtain the consent of the Director of Immigration may do so on the prescribed form T/1 which is obtainable from the Immigration Department.

(5) An investor who wishes to stay in The Gambia pending the consent of the Director of Immigration may apply for a temporary residence and work permit from the Director of Immigration and make a deposit of his or her payroll tax.

(6) Temporary residence and work permit shall be in the prescribed form and shall be valid for three months, but may be renewed by the Director of Immigration for periods not exceeding three months.

(7) An employer shall notify the Director of Immigration of a person who has been discharged from the employer's employment and shall give details of the arrangement made for the repatriation of the employee.

(8) Where an employee has failed to leave The Gambia after arrangements have been made for his or her repatriation and he or she has not obtained the permission of the Director of Immigration, the Director of Immigration may make an order for his or her repatriation.

(9) Notwithstanding subsection (7), an employee may submit an appeal in writing to the Minister of the Interior to request for permission to stay in The Gambia to regularise his or her status, to enable him or her to engage in his or her own business or employment.

(10) The Minister of the Interior may grant such permission for not more than three months if he or she is convinced that the granting of such permission is in the national interest.

(11) A person who is a dependant of a member of staff of a Diplomatic Mission or Embassy, or Consulate of any other country shall not take up employment in The Gambia.

(12) An employer who fails to comply with this rule commits an offence and is liable on conviction to a fine of five thousand dalasis.

(13) An employee who fails to comply with this Rule commits an offence and is liable on conviction to a fine of two thousand dalasis.

[LN 29 of 1996.]

6. Miscellaneous

A person who commits an offence against these Rules is on summary conviction liable to a fine not exceeding five hundred dalasis or to a term of imprisonment not exceeding six months or to both the fine and imprisonment and in the case of a continuing offence to a fine of fifty dalasis in respect of each day the offence continues.

[LN 29 of 1996.]

Immigration Act – Subsidiary Legislation

FIRST SCHEDULE

Forms

[Rule 2.]

FORM 1

THE GAMBIA

IMMIGRATION RULES

Visiting Pass (Face)

PERMISSION IS HEREBY GRANTED subject to the undermentioned conditions to the person hereunder described to enter The Gambia for the purpose of a temporary stay, and to remain therein for a period of months/days from this date and no longer unless this pass be extended by an Immigration Officer.

A deposit of D has been made.

A bond for D has been given.

CONDITIONS OF ISSUE

1. Not to engage in any employment in The Gambia, whether paid or unpaid, without the permission of the Principal Immigration Officer.

2.
.....

DESCRIPTION OF HOLDER

Full name

Date of birth Sex

Married or single Height

Nationality Occupation

(Signed)

(Holder)

Issued at this day of , 20.....

(Signed)

(Immigration Officer)

FORM I

(Back)

THIS IS TO CERTIFY that the holder of this pass left The Gambia at
on the day of, 20

(Signed)

(Immigration Officer)

I ACKNOWLEDGE the receipt of D being refund of the deposit made in
respect of this Pass.

Dated this day of, 20.....

(Signed)

(Witness)

Renewals

1. Now valid until
(date) (signature) (date)

(G.T.R. No.)

2. Now valid until
(date) (signature) (date)

(G.T.R. No.)

3. Now valid until
(date) (signature) (date)

(G.T.R. No.)

N.B.—This pass must be surrendered to an immigration officer by the holder before he
or she leaves The Gambia and then returned to the office of the Director of Immi-
gration, Banjul.

FORM 2

THE GAMBIA

IMMIGRATION RULES

Prohibited Immigrants Pass

THE PERSON TO WHOM this pass is issued, being a prohibited immigrant and whose details appear below, is permitted subject to the under-mentioned conditions to enter The Gambia for a period of from the date of issue, for the express purpose of

DESCRIPTION OF HOLDER

Surname
 Other names
 Nationality
 Sex
 Date of birth
 Place of birth
 Married or single
 Occupation

(Signed)

(Holder)

CONDITIONS

- (a) A return ticket to country of origin to be deposited; or
- (b) A deposit of D to be made; and
- (c) A bond in the sum of D to be entered into and guaranteed by a Bank approved by the Minister.
- (d) The holder is required to report every twenty-four hours to
- (e) The holder is not to conduct any form of business, nor to undertake any form of employment whatsoever, whether paid or unpaid, except as specified above.
- (f) The holder is required to depart from The Gambia not later than midnight on the date of expiry and is to surrender this pass upon departure.

N.B.—This pass expires on

Issued at on the day of , 20.....

(Signed)

Director of Immigration

FEE: D15.00

FORM 3

THE GAMBIA

IMMIGRATION RULES

*Residential Permit "A"**(For Residence Only)*

THE PERSON TO WHOM this permit is issued, whose details appear below, is permitted subject to the undermentioned conditions to enter and reside in The Gambia from the date of issue until 31st January next following.

DESCRIPTION OF HOLDER

Surname
 First Name
 Other Names
 Date of Birth
 Place of Birth
 Nationality
 Married or Single
 Sex Occupation:

(Signed)

(Holder)

CONDITIONS

- (a) D is deposited with the Director of Immigration; or
 (b) A bond in the sum of D is entered into and guaranteed by a Bank approved by the Minister;
 (c) The holder is not to undertake any employment or conduct any business whatsoever, whether paid or unpaid;
 (d) No dependant of holder is permitted to undertake any employment or conduct any business whatsoever, whether paid or unpaid, without the permission of the Director of Immigration;
 (e)
 (f)

DEPENDANTS OF HOLDER

Full Name	Age	Relationship
.....
.....
.....

N.B.—This permit may be revoked at any time.

Issued at on the day of , 20.....

(Signed)

Director of Immigration

FEE: D60.00

FORM 4

THE GAMBIA

IMMIGRATION RULES

Residential Permit "B"
For Residence and Employment
— Skilled Worker

THE PERSON TO WHOM this permit is issued, whose details appear below, is permitted subject to the under-mentioned conditions to enter, reside and undertake employment in The Gambia from the date of issue until 31st January next following.

DESCRIPTION OF HOLDER

Surname
 First Name
 Other Names
 Date of Birth
 Place of Birth
 Nationality
 Married or Single
 Sex
 Occupation

(Signed)

(Holder)

CONDITIONS

- (a) D is deposited with the Director of Immigration; or
 (b) A bond in the sum of D is entered into and guaranteed by a Bank approved by the Minister;
 (c) The holder is permitted to establish residence in The Gambia for the sole purpose of entering into employment with in the capacity of
 (d) The holder is not permitted to vary this employment, nor to engage in any other form of employment or business whatsoever, whether paid or unpaid, without the permission of the Director of Immigration;
 (e) No dependant of holder is permitted to undertake any employment or conduct any business whatsoever, whether paid or unpaid, without the permission of the Director of Immigration;
 (f)
 (g)

FORM 4—continued

DEPENDANTS OF HOLDER

Full Name

Age

Relationship

.....

N.B.—This permit may be revoked at any time.

Issued at on the day of, 20.....

(Signed)

Director of Immigration

FEE: DI 10.00

FORM 5

THE GAMBIA

IMMIGRATION RULES

*Residential Permit "C"**For Residence and Employment — Unskilled Worker*

THE PERSON TO WHOM this permit is issued, whose details appear below, is permitted subject to the undermentioned conditions to enter, reside and undertake employment in The Gambia from the date of issue until the 31st day of January next following.

DESCRIPTION OF HOLDER

Surname

First Name

Other Names

Date of Birth

Place of Birth

Nationality

Married or Single

Sex

Occupation

(Signed)

(Holder)

FORM 5—continued

CONDITIONS

- (a) D is deposited with the Director of Immigration; or
- (b) A bond in the sum of D is entered into and guaranteed by a Bank approved by the Minister;
- (c) The holder is permitted to establish residence in The Gambia for the sole purpose of entering into employment with in the capacity of
- (d) The holder is not permitted to vary this employment, nor to engage in any other form of employment or business whatsoever, whether paid or unpaid, without the permission of the Director of Immigration;
- (e) No dependant of holder is permitted to undertake any employment or conduct any business whatsoever, whether paid or unpaid, without the permission of the Director of Immigration;
- (f)
- (g)

DEPENDANTS OF HOLDER

Full Name	Age	Relationship
.....
.....

N.B.—This permit may be revoked at any time.

Issued at on the day of, 20.....

(Signed)

Director of Immigration

FEE: D80.00

FORM 5A

[LN 29 of 1996.]

THE GAMBIA

IMMIGRATION RULES

Immigration Department Banjul

Temporary Residential and Work Permit

Granted

Dated Fee

Immigration Officer

FORM 6

THE GAMBIA

IMMIGRATION RULES

Deportation Order

IN EXERCISE of the powers conferred upon me by section 15 of the Immigration Act,
I,, Minister/ Director of Immigration of
The Gambia do hereby order that the said be deported
from The Gambia.

AND this order shall remain in force for an unlimited time.

AND the said may of his or her own volition
comply with this order within days from the date hereof.

N.B.—This paragraph to be deleted if the person concerned is in custody.

GIVEN under my hand at on the day of
....., 20.....

(Signed)

*Minister/ Director
of Immigration*

FORM 7

THE GAMBIA

IMMIGRATION RULES

*Certificate and Recommendation for Deportation under
Section 16 of the Immigration Act*

In the Court at
Criminal Case No. of, 20....., against
.....(name of defendant)

I,, Judge/Magistrate of the Court at
..... hereby certify that on the day of
....., 20....., a person, not being a Gambian citizen, by name
was convicted of the offence of under section of
the Criminal Code*and was sentenced to
(or other Act)

AND I recommend that a deportation order should be made in the case of the said convicted person.

Dated at that day of, 20.....

(Signed)

Judge/Magistrate

* Omit these words if no sentence was imposed.

FORM 8

THE GAMBIA

IMMIGRATION RULES

Certificate for an Exempted Person

THIS IS TO CERTIFY that the person to whom this certificate is issued, whose details appear below, is a person possessing special immigration status within the meaning of the Immigration Act.

DESCRIPTION OF HOLDER

Surname

Other names

Nationality

Date of birth

Place of birth

Married or Single

Date of entry into The Gambia

Grounds on which claim to be a person possessing special immigration status within the meaning of the Act is based

.....

.....

.....

N.B.—This certificate will be revoked if the person to whom it is issued ceases to be a person possessing special immigration status.

Issued at..... on the day of , 20.....

(Signed)

Director of Immigration

FEE: D5.00

SECOND SCHEDULE

Forms

[Rule 3.]

FORM I

THE GAMBIA

*The Immigration Rules
Disembarkation Card*

1. *(Please print)* (Mr./Mrs./Miss)
.....
(other names)
2. Date of birth
(Day) (Month) (Year)
3. Place of birth
4. Nationality
5. Occupation
6. Employer
7. Permanent address
8. Port of embarkation
9. Purpose of visit
10. Duration of stay
11. Address in The Gambia

Signature

FOR OFFICIAL USE ONLY

12. Name of ship/aircraft
13. Date of arrival
14. Passport number
15. Place and date of issue

FORM 2

THE GAMBIA

IMMIGRATION RULES

Return of Passengers Disembarking in The Gambia

At on Name of ship
 or flight no. of aircraft Line
 Name of Master of ship or pilot of aircraft

<i>Name of passenger</i>	<i>Sex</i>	<i>Nationality</i>	<i>Port of embarkation</i>	<i>For official use only</i>

FORM 3

THE GAMBIA

IMMIGRATION RULES

Return of Passengers Embarking in The Gambia

At on Name of ship
 or flight no. of aircraft Line
 Name of Master of ship or pilot of aircraft

<i>Name of passenger</i>	<i>Sex</i>	<i>Port of embarkation</i>	<i>Class</i>	<i>Nationality</i>	<i>Occupation</i>	<i>Port at which contracted to land</i>

Immigration Act – Subsidiary Legislation

FORM 4

THE GAMBIA

IMMIGRATION RULES

Return of Crews of Ships and Aircraft

Name of ship or flight no. of aircraft Line

Name of Master of ship or pilot of aircraft Calling at

<i>Name of crew member</i>	<i>Rank or position</i>	<i>Sex</i>	<i>Nationality</i>	<i>Where signed on</i>	<i>For official use only</i>

THIRD SCHEDULE

[Rule 4.]

IMMIGRATION RULES

Register of persons staying at

<i>Serial</i>	<i>Name of guest</i>	<i>Permanent address</i>	<i>Date of arrival</i>	<i>Date of departure</i>	<i>Occupation</i>	<i>Nationality</i>

THE IMMIGRATION (CODE OF CONDUCT) RULES

ARRANGEMENT OF RULES

RULE

1. Citation.
2. Interpretation.
3. Director of Immigration.
4. Appointment of Immigration Officers.
5. Termination of appointment and discipline of Immigration Officers.
6. Discharge of Immigration Officers.
7. Discipline of Immigration Officers.
8. Powers of punishment.
9. Establishment of Rewards and Fines Fund.

SCHEDULE

Immigration Officers

THE IMMIGRATION (CODE OF CONDUCT) RULES

[L.N 26 of 1996.]

[Made under section 33.]

1. Citation

These Rules may be cited as the Immigration (Code of Conduct) Rules.

2. Interpretation

In these Rules, unless the context otherwise requires—

“Department” means the Immigration Department;

“Service” means the service of the Immigration Department.

3. Director of Immigration

(1) The Director of Immigration shall have the full command and supervision of the Department and may delegate his or her powers to his or her Deputy.

(2) The ranks and precedence of the officers of the Department shall be as specified in the Schedule.

[Schedule.]

4. Appointment of Immigration Officers

(1) The Director of Immigration and the Deputy Director of Immigration shall be appointed by the President and the other Senior Immigration Officers specified in the Schedule shall be appointed by the Public Service Commission.

(2) The Junior Immigration officers specified in the Schedule shall be appointed by the Director of Immigration.

5. Termination of appointment and discipline of Immigration Officers

(1) The termination of appointment, except in the case of the Director and Deputy Director, and discipline of Senior Immigration Officers shall be effected by the Public Service Commission.

(2) The termination of appointment and discipline of Junior Immigration officers shall be effected by the Director of Immigration.

(3) Subject to these Rules, the General Orders, the Public Service Commission Regulations, and any administrative instructions issued for the general governance of the Public Service, shall apply to Immigration Officers.

6. Discharge of Immigration Officers

(1) The Director of Immigration may release or discharge any Junior Immigration officer if—

- (a) after investigation and giving the officer an opportunity to make representations, he or she is satisfied that the officer has ceased to be a member of the service or an efficient Immigration Officer, or has otherwise shown himself or herself to be unsuitable for continued employment in the service;
- (b) the officer is certified by a medical officer or by a medical board to be unfit for further service on grounds of mental or physical incapacity.

7. Discipline of Immigration Officers

A Junior Immigration Officer who—

- (a) uses traitorous or disloyal words regarding the Head of State;
- (b) is disrespectful in word, act or demeanour to his or her superior in rank;
- (c) wilfully disobeys any lawful order given to him or her by his or her superior in rank;
- (d) renders himself or herself unfit for duty through drink or by the use of drugs;
- (e) is drunk on duty;

- (f) enters any public bar licensed for the sale of intoxicating liquor when on duty except when his or her presence is required there in the execution of his or her duty;
- (g) sleeps when on duty;
- (h) idles or gossips or sits or lies down without reasonable cause when on duty;
- (i) absents himself or herself without leave or wilfully overstays his or her leave;
- (j) leaves his or her beat, point or other place to which he or she has been ordered, without permission or without sufficient and proper reason;
- (k) being under arrest or in confinement, leaves or escapes from his or her arrest or confinement before he or she is set at liberty by proper authority;
- (l) offers or uses unwarrantable personal violence to or ill-uses any person in his or her custody;
- (m) is guilty of cowardice;
- (n) without reasonable cause fails to appear or appears at any parade or duty appointed by his or her superior officer;
- (o) talks or is inattentive or otherwise misbehaves himself or herself on parade;
- (p) parades for duty dirty or untidy in his or her person, arms, clothing or accoutrement;
- (q) pawns, sells, loses by neglect, makes away with, wilfully damages or fails to report any damage to any of the articles of arms, ammunition, clothing, accoutrement or necessities supplied to him or her, or any medal or decoration granted to him or her for service or good conduct, or any Government property or any exhibit or any lost, stolen, or unclaimed property committed to his or her charge;
- (r) commits an offence of stealing or misappropriating any money or goods being the property of the Government or of any Immigration officer or of receiving any such property, knowing the same to have been stolen or misappropriated from the Government or from any Immigration Officer;
- (s) commits act of plunder or wanton destruction of property;
- (t) solicits or accepts a bribe;
- (u) without the knowledge and permission of the Director of Immigration accepts directly or indirectly any gratuity, present or reward from a member of the public in respect of anything done by him or her in the discharge of the duties of his or her office;
- (v) is slovenly, uncivil or quarrelsome;

- (w) is guilty of any oppressive or tyrannical conduct towards an inferior in rank;
- (x) fails to work his or her patrol properly;
- (y) is guilty of a neglect of duty;
- (z) without due authority discloses or conveys any information concerning any investigation or department matter to any unauthorised person;
- (aa) malingers or feigns sickness or conceals any contagious disease or neglects or fails to report the fact, if he or she is suffering from the same;
- (bb) is guilty of wilful misconduct, or wilfully disobeys, whether in hospital or elsewhere, any orders by which misconduct or disobedience he or she contracts or aggravates any disease or infirmity or delays its cure;
- (cc) incurs debt in or out of the service without any reasonable prospect, or intention, of paying, or having incurred any debt makes no reasonable effort to pay the same;
- (dd) without proper authority demands from any person, carriage, portage or provisions;
- (ee) resists an escort whose duty it is to apprehend his or her or to have him or her in charge;
- (ff) breaks out of, or leaves without lawful excuse, any camp or quarters;
- (gg) refuses, or by culpable neglect omits, to make or tend a report or return which it is his or her duty to make or send;
- (hh) omits to make any necessary entry in any official document, book or paper;
- (ii) makes or signs any false report or statement in any official record or document knowing or having reasonable grounds to believe that the same is false;
- (jj) makes a false accusation against an Immigration officer knowing that such accusation is false;
- (kk) is guilty of any prevarication before any court or at any inquiry;
- (ll) holds over any complaint or report against an Immigration officer;
- (mm) makes or joins in making any anonymous complaint to superior officer;
- (nn) makes any frivolous or vexatious complaint or makes a complaint in an irregular manner;
- (oo) gambles, or permits, or fails to report, gambling of an Immigration officer;
- (pp) is wanting in civility to any member of the public;

- (qq) in making a complaint against any Immigration officer makes a false statement affecting the character of such officer knowing such statement to be false, or knowingly or wilfully suppresses any material facts;
- (rr) engages without authority in any employment or office other than his or her Immigration duties;
- (ss) becomes security for any person without the permission of the Director of Immigration;
- (tt) is guilty of any other act, conduct, disorder or neglect to the prejudice of good order and discipline not hereinbefore specified,

commits an offence against discipline, and such offence may be inquired into, tried and determined, and the offender shall be liable to suffer punishment, according to the degree and nature of the offence, in accordance with the provisions of these Rules.

8. Powers of punishment

(1) The Director of Immigration may appoint a Tribunal for the trial (orderly room) of an offence under Rule 7 and has powers to award, inflict or order admonishment, reprimand, a fine not exceeding five hundred dalasis or confinement to barracks for a period not exceeding two weeks.

(2) The Director of Immigration has power to quash a sentence passed by the Tribunal or vary a punishment imposed under this section.

(3) An Immigration Officer may appeal to the Director of Immigration against a punishment awarded by a Tribunal appointed under this rule.

(4) The Director of Immigration has power to quash or reduce a sentence referred to it for confirmation under subrule 3.

9. Establishment of Rewards and Fines Fund

(1) All fines imposed under the provisions of these Rules for any offence against discipline shall be paid to the Director of Immigration to be placed to the credit of a welfare fund to be known as "Immigration Rewards and Fines Welfare Fund".

(2) A payment shall not be made from the Immigration Rewards and Fines Fund without the authority of the Director.

(3) The Director of Immigration may in his or her discretion sanction payment from the Immigration Rewards and Fines Fund for any purpose he or she deems fit such as to wives of deceased Immigration Officers, rewards for meritorious act or recreational activities.

SCHEDULE

[Rule 3.]

Senior Immigration Officers

1. Director of Immigration.
2. Deputy Director of Immigration.
3. Superintendent of Immigration.
4. Assistant Superintendent.
5. Inspector of Immigration II.

Junior Immigration Officers

6. Inspector I.
 7. Senior Immigration Control Officer.
 8. Assistant Immigration Control Officer.
 9. Immigration Officer.
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