

IMMIGRATION (BIOMETRICS) REGULATIONS, 2015

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S.I. 2015 No. 18

Immigration Act
CAP. 190

IMMIGRATION (BIOMETRICS) REGULATIONS, 2015

The Minister, in exercise of the powers conferred on him by sections 31(g) and 31(h) of the *Immigration Act*, makes the following Regulations:

PART I
PRELIMINARY

Citation

1. These Regulations may be cited as the *Immigration (Biometrics) Regulations, 2015*.

Interpretation

2. For the purposes of these Regulations,

“biometric data” includes data relating to a facial image, a fingerprint, the shape of a hand, the size of a palm, the length and width of a finger, voice recognition or a scan of the retina of a person;

“biometric system” means a system utilised by the Immigration Department to obtain, retain, process, verify and identify biometric data;

“CARICOM skilled national” means a community national who holds a qualification in accordance with the *First Schedule to the Caribbean Community, (Movement of Skilled Nationals) Act, Cap. 186A*;

“organisational measures” includes guidelines for

- (a) the operation and management of biometric data and biometric systems;
- (b) the access and security of biometric data and biometric systems; and
- (c) disaster recovery and business continuity management of biometric data and biometric systems;

“port” means the port of entry and departure specified in the *Immigration (Ports of Entry and Departure) Regulations, 2014* (S.I. 2014 No. 39) ;

“special entry permit” means a permit which the Chief Immigration Officer grants to a non-national for the purposes of residing in Barbados for a period of up to 10 years or indefinitely, but the permit shall not confer on the non-national the right to

- (a) engage in employment unless specified by the Minister responsible for Immigration;
- (b) have the time granted, for the purpose of residing in Barbados, count towards automatically acquiring citizenship under section 3A(1)(a) of the *Constitution of Barbados*;

“state agency” means the Customs Department or the Police Force;

“technical security measures” includes measures that

- (a) monitor, audit and test the
 - (i) authentication of biometric data;
 - (ii) biometric system and the network of the biometric system;
 - (iii) security of the biometric data, biometric system and the network of the biometric system;
- (b) regulate the access and control of biometric data and the biometric system;

“working day” does not include Saturday or Sunday.

PART II
BIOMETRIC DATA AND BIOMETRIC SYSTEMS

Ports

3.(1) Where a person

- (a) seeks to enter or depart from a port; or
- (b) enters or departs from a port,

that person shall provide an immigration officer with biometric data through the use of a biometric system.

(2) The Chief Immigration Officer shall specify the type of biometric data that a person shall provide.

(3) Notwithstanding paragraph (2), where a person who

- (a) seeks to enter or depart from a port; or
- (b) enters or departs from a port,

is physically incapable of providing the type of biometric data that the Chief Immigration Officer specifies, the person shall permit the immigration officer to capture another type of biometric data, to scan his travel documents and to record the measurement of his height.

(4) Notwithstanding section 4 of the Act, a person shall not be permitted entry into Barbados unless that person complies with paragraph (1) or (3).

(5) Where a person who seeks to depart or departs a port fails to comply with paragraph (1) or (3), an immigration officer shall refuse to allow that person to re-enter Barbados where the person does not have legal status in Barbados.

(6) Where a person who

- (a) submits documents to an immigration officer that state that that person has legal status in Barbados as a citizen or permanent resident;
and

(b) seeks to depart a port,

fails to comply with paragraph (1) or (3), the immigration officer may refuse to allow that person to depart Barbados from any port.

(7) Where a person fails to comply with paragraph (1) or (3), the immigration officer shall record the following information in the ports of entry and departure logbook:

- (a) the name and address of the person;
- (b) the age of the person;
- (c) the nationality of the person;
- (d) whether the person has legal status in Barbados and, where applicable, the category of status;
- (e) the passport number of the person;
- (f) the jurisdiction that issued the passport and the expiry date of the passport;
- (g) the date and time the person fails to comply with paragraph (1) or (3);
- (h) the name of the immigration officer who records the information in the ports of entry and departure logbook.

Biometric data

4. An immigration officer shall utilise the biometric data that the Immigration Department obtains through the use of a biometric system for the purposes of

- (a) examining a person who
 - (i) seeks to enter or depart from a port; or
 - (ii) enters or departs from a port;
- (b) verifying the authenticity of documents required to be presented to the immigration officer; and

- (c) verifying the identity of a person to whom the documents apply.

Applications

5.(1) Where a person makes an application to the Chief Immigration Officer

- (a) for a passport;
- (b) for status of citizenship;
- (c) to be registered as a permanent resident;
- (d) for permission to become an immigrant;
- (e) for status of CARICOM skilled national in accordance with the Treaty;
- (f) for status for right of establishment in accordance with the Treaty;
- (g) for provision of services in accordance with the Treaty;
- (h) for a special entry permit;
- (i) for a work permit;
- (j) for permission to reside and work in Barbados;
- (k) for a student visa;
- (l) for an extension of stay in Barbados,

that person shall provide an immigration officer with biometric data through the use of a biometric system.

(2) Where the Chief Immigration Officer approves an application submitted under sub-paragraph (1) and issues the relevant document to the person and the person loses, misplaces or damages the document, that person may apply to the Chief Immigration Officer to have the document replaced.

that receives the disclosed information on behalf of the state agency or agency;

- (c) the name, address and telephone number of the third party to whom the information is disclosed;
- (d) the disclosed information;
- (e) the reason for the disclosure of the information;
- (f) the manner in which the person, state agency, agency or third party shall store the disclosed information;
- (g) the date and time the information is disclosed to the person, state agency, agency or third party;
- (h) the name of the person, state agency or agency who discloses the information to a third party;
- (i) the name of the immigration officer who discloses the information.

Record of transferred biometric data

18.(1) Where the Chief Immigration Officer authorises the transfer of biometric data to a person, a state agency, an agency or a third party, he shall cause a record of the information set out in paragraph (2) to be kept in the transfer of biometric data logbook.

(2) The record referred to in paragraph (1) shall, where applicable, state the following information:

- (a) the name, address and telephone number of the person to whom biometric data is transferred;
- (b) the name, address and telephone number of the state agency or agency to which the biometric data is transferred and the name of the representative that receives the biometric data on behalf of the state agency or agency;

- (c) the name, address and telephone number of the third party to whom the biometric data is transferred;
- (d) the biometric data transferred;
- (e) the purpose of the transfer;
- (f) the manner in which the person, state agency, agency or third party shall store the biometric data;
- (g) the date and time of the transfer of the biometric data to the person, state agency, agency or third party;
- (h) the name of the immigration officer who executes the transfer of the biometric data.

Made by the Minister this 17th day of April, 2015.

FREUNDEL J. STUART

Minister Responsible for Immigration



BRIDGETOWN, BARBADOS, 23RD APRIL, 2015

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Act 2015-17: Electric Light and Power (Amendment) Act, 2015.

Legal Supplement

S.I. 2015 No. 18: Immigration (Biometrics) Regulations, 2015.

NOTICE NO. 666

Government Notices

Vacation Leave

The Hon. Madam Justice Michelle Weekes, Judge of the High Court, has been granted forty-three (43) days' vacation leave as follows:—

- (i) nineteen (19) days from 22nd June to 10th July, 2015,
- (ii) nineteen (19) days from 19th October to 6th November, 2015; and
- (iii) five (5) days from 14th to 18th December, 2015.

Acting Appointments

Mrs. Betty Alleyne-Headley, Senior Administrative Officer, has been appointed to act as Deputy Permanent Secretary, Ministry of Finance and Economic Affairs, with effect from 2015-04-01 until further notice but not later than 2015-09-30.
(M.P. 3/68/26 Vol. 4)

Mrs. Rolanda Williams, Senior Parliamentary Counsel, has been appointed to act as Deputy Chief Parliamentary Counsel, Solicitor General's Chambers, Office of the Attorney General, with effect from 2014-12-15 to 2014-12-21 and 2015-01-13 until further notice but not later than 2015-04-07.
(M.P. 3/116/10^c)

Appointment of Members to the National Insurance Severance Payments Tribunal No. 1

In exercise of the powers conferred on her by Section 38(5) of the Sixth Schedule of the Severance Payments Act, Cap. 355A, the Minister responsible for Labour, Social Security and Human Resource Development has appointed Mrs. Yvette Browne to serve on the Severance Payments Tribunal No. 1 until May 18, 2016.

NOTICE NO. 667

THE COMPANIES ACT, CAP. 308

Skylon Management Services Inc.

NOTICE IS HEREBY GIVEN that the Shareholder of SKYLON MANAGEMENT SERVICES INC. has by Special Resolution, authorised and directed that the Company be liquidated and dissolved voluntarily, in accordance with the provisions of Section 366 (3) of the Companies Act, Cap. 308 of the Laws of Barbados.

Dated the 14th day of April 2015.

DAVID C. PAULIN
Director.