

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,767 of 18th February, 2010

B. 10/10

BILL

FOR

AN ACT to amend the Immigration, Asylum and Refugee Act.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Immigration, Asylum and Refugee (Amendment) Act 2010 and comes into operation on the day of publication.

Amendment of the Immigration, Asylum and Refugee Act.

2.(1) After section 52 of the Immigration, Asylum and Refugee Act insert—

“Prohibited immigrants by reason of international obligations.

52A.(1) The Minister with responsibility for personal status may by regulation designate an instrument if it is a resolution of the Security Council of the United Nations or an instrument made by the Council of the European Union and it—

- (a) requires that a person is not admitted to Gibraltar (however that requirement is expressed); or
- (b) it recommends that a person should not be admitted to Gibraltar (however that recommendation is expressed).

(2) Subject to subsections (3), (4) and (5), a person—

(a) named by or under; or

(b) of a description specified in,

a designated instrument, shall for the purposes of this Act be a prohibited immigrant.

(3) Subsection (2) is subject to such exceptions (if any) as may be specified in the regulation designating the instrument in question.

(4) The Principal Immigration Officer may not grant a permit under section 53(1) in respect of a person within subsection (2) above without the consent in writing of the Minister with responsibility for personal status.

(5) The Principal Immigration Officer shall inform the Minister with responsibility for personal status of any order made under section 53(3) in respect of a person within subsection (2) above.”.

EXPLANATORY MEMORANDUM

This Act amends the Immigration, Asylum and Refugee Act to make provision for the designation of EU and UN instruments which require or recommend that named persons are not admitted into Gibraltar by means of regulations made by the Minister with responsibility for personal status.

The amendment provides that persons named in those instruments shall be treated as prohibited immigrants subject to such exceptions as may be contained in the regulations.

Furthermore subsections 52A(4) and (5) prohibit the Principal Immigration Officer from granting permits to such persons without the consent in writing of the Minister and also require that the Principal Immigration Officer inform the Minister if such a person has been detained by him.

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