

BELIZE:

IMMIGRATION (ADVANCE PASSENGER INFORMATION) REGULATIONS, 2017

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BELIZE:**STATUTORY INSTRUMENT****No. 46 of 2017**

REGULATIONS made by the Minister of State responsible for immigration under section 39 (g) of the Immigration Act, Chapter 156 of the Substantive Laws of Belize, Revised Edition 2011, in exercise of powers delegated to her by the Minister, and of all other powers thereunto her enabling.

(Gazetted 3rd June, 2017)

1. These Regulations may be cited as the

Citation.

IMMIGRATION (ADVANCE PASSENGER INFORMATION) REGULATIONS, 2017.

2. In these Regulations, unless the context otherwise requires,

Interpretation.

“advance passenger information” or “API” means the information or data concerning a crew member, passenger, or any other person travelling in a vessel as set out in Schedule 1;

“advance passenger information system” or “APIS” means the automated electronic data interchange of API; and the screening of API by the Director of Immigration and Nationality Services, IMPACS and JRCC against a Watch List for any API hit;

“Agreement” means the 2006 Agreement establishing the CARICOM Implementing Agency for Crime and Security;

“aircraft” includes an aeroplane or a helicopter or other means of airborne navigation by means of which persons can travel across international borders;

“API hit” means a name present in the Watch List ;

“CARICOM” means the Caribbean Community including the CARICOM Single Market and Economy established by the Revised Treaty of Chaguaramas, signed at Nassau, The Bahamas on 5 July 2001;

“carrier” includes any individual, company or other entity responsible for the operation of a vessel;

“Contracting Party” means a State Party to the Agreement;

“crew member” means any person that performs specific duties that are essential to the operation of a vessel, and includes the master, an apprentice, and any other person employed or engaged in any capacity on board the vessel on the business of the vessel.

“Director” means the Director of Immigration and Nationality Services;

“IMPACS” means the Implementing Agency for Crime and Security established under the Agreement;

“JRCC” means the Joint Regional Communication Centre, which is a sub-agency of IMPACS;

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

“Minister” means the Minister with responsibility for immigration.

“passenger” means any person, other than a crew member, who is travelling or seeking to travel on a vessel;

“port” means any place where an immigration officer or customs officer is required to be stationed and passengers are allowed to embark or disembark a vessel; “technical stop” means an arrival of a vessel at any place for purposes of refuelling, repairs, emergency or a similar purpose other than taking on or discharging passengers, baggage, cargo or mail;

“vessel” includes any steamship, ship, sloop, boat or other floating or submersible craft, and any description of aircraft, motor vehicle or other form of transportation;

“Watch List” means a list that is used to watch or track the current activity or movements of criminals, including terrorists and persons who have been found guilty of involvement with stolen and lost travel documents (SLTD), criminal deportees and other persons of interest to the intelligence community.

3.–(1) The master of every vessel shall provide the Director and IMPACS with the API detailed in Schedule 1 for every vessel that is expected to arrive in, or depart from Belize.

Duty to provide advance passenger information.

(2) A master commits an offence if that master,

- (a) fails to provide API in accordance with sub-regulation (1);
- (b) intentionally or recklessly provides incomplete or false API; or
- (c) transmits API in an incorrect format.

(3) A master who commits an offence under sub-regulation (2) is liable on summary conviction to,

- (a) a fine of ten thousand dollars;
- (b) imprisonment for one year; or
- (c) both such fine and imprisonment.

(4) A master does not commit an offence under sub-regulation (2)(b), if the master satisfies the Director that the error was not made knowingly or recklessly.

Waiver.

4. The Minister in consultation with the Minister responsible for defence or national security, may waive the requirement for a master to provide API under regulation 3 (1) in such circumstances and subject to such conditions as the Minister may prescribe, if the vessel is,

- (a) a military or law enforcement vessel; or
- (b) on official state business.

Timeframe.

5. The timeframe for providing API is set out in Schedule 2.

API verification.

6.–(1) The Director shall verify API during physical processing at any port by using the travel documents provided by the crew members or passengers.

(2) The Director shall correct API and update the APIS if any discrepancy is found.

(3) The master, crew member or passenger of a vessel shall,

- (a) answer any relevant API question asked by an immigration officer relating to,

- (i) the vessel;
 - (ii) crew members;
 - (iii) passengers; or
 - (iv) the flight or voyage of the vessel; or
- (b) at the request of an immigration officer, immediately produce any document within that person's possession or control relating to any of the matters listed under paragraph (a).

(4) A master, crew member, or passenger commits an offence if, in relation to API, the master, crew member or passenger,

- (a) refuses to answer any questions from an immigration officer;
- (b) knowingly gives a false answer; or
- (c) fails to comply with any request made under sub-regulation (3) (b).

(5) A master, crew member or passenger who commits an offence under sub-regulation (4) is liable on summary conviction to,

- (a) a fine of five thousand dollars;
- (b) imprisonment for six months; or
- (c) both such fine and imprisonment.

7.-(1) The master of a vessel that makes a technical stop shall not be required to provide API under regulation 3 if the arrival is,

Technical stops.

- (a) required by any statutory or other requirement relating to navigation;
- (b) compelled by any emergency, accident, unfavourable weather conditions, or other necessity; or
- (c) authorized by the Director of Immigration and Nationality Services.

(2) The master of a vessel that makes a technical stop under sub-regulation (1) shall,

- (a) immediately report to the Director;
- (b) only permit the crew or passengers to disembark from the vessel if consent is given by the Director; and
- (c) comply with any directions given by the Director in respect of any crew or passengers.

(3) A crew member or passenger shall not disembark from a vessel that makes a technical stop unless consent is given by the Director.

(4) A crew member or passenger on a vessel that makes a technical stop shall comply with any directions given by the Director.

(5) A master, crew member or passenger commits an offence if that person contravenes this regulation.

(6) A master, crew member or passenger who commits an offence under this regulation is liable on summary conviction to,

- (a) a fine of ten thousand dollars;

- (b) imprisonment for one year; or
- (c) both such fine and imprisonment.

8.-(1) The Director shall,

- (a) co-ordinate with IMPACS on all matters relating to the APIS;
- (b) if requested, allow a crew member or passenger from a vessel access to his personal identifiable information maintained in the APIS to ensure its correctness.
- (c) determine, after consultation with IMPACS, the admissibility or otherwise of any passenger or crew member into Belize;
- (d) in the case of a vessel that is an aircraft, withhold clearance for the departure of the aircraft whose master has not provided API required pursuant to section 3, pending submission of API; and
- (e) assess the sufficiency, and error rates in review of API transmissions for each journey.

Powers and duties of the Director of Immigration and Nationality Services.

(2) Subject to sub-regulation(1)(b), a crew member or passenger from a vessel is not entitled to have access to any information provided by IMPACS or JRCC through the screening of API by IMPACS and JRCC against a Watch List for any API hit.

9.-(1) IMPACS shall use the APIS to conduct screening against Watch Lists of crew members and passengers on vessels that enter into, depart from and travel within the territory of CARICOM Member States in order to provide information to assist Contracting Parties.

Use and sharing of advance passenger information.

(2) IMPACS may share the information contained within APIS with the International Criminal Police Organization (INTERPOL) and any other national, regional or international intelligence, law enforcement or security agencies or centres approved by the Council for Security and Law Enforcement (CONSLE) of CARICOM, in order to further national, regional or international security.

(3) API shall only be used for the purposes of these Regulations.

**Retention of
API.**

10.-(1) API shall be retained by the Director for a period of not less than three years from the date of travel of the applicable crew members or passengers.

(2) Sub-regulation (1) does not apply to,

- (a) API copied from the APIS into another security database system;
- (b) API required by the Director to be retained for a longer period for research or audit purposes..

SCHEDULE I*(Regulation 3(1))***ADVANCE PASSENGER INFORMATION**

1. Data relating to the vessel voyage (Header Data):

- (a) Flight Identification
- (b) Vessel Identification Number
- (c) Vessel Name
- (d) Country of Registration
- (e) Owner
- (f) Agent (if applicable)
- (g) Call Sign (if applicable)
- (h) Scheduled Departure Date
- (i) Scheduled Departure Time
- (j) Scheduled Arrival Date
- (k) Scheduled Arrival Time
- (l) Last Place/Port of Call of Vessel
- (m) Place/Port of Vessel Initial Arrival
- (n) Subsequent Place/Port of Call within the country/territory of another CARICOM Member State
- (o) Number of Persons on board

2. Data relating to each individual on board Vessel:

- (a) Official Travel Document Number
- (b) Issuing State or Organisation of the Official Travel Document
- (c) Official Travel Document Type
- (d) Expiration Date of Official Travel document
- (e) Surname/Given Name(s)
- (f) Nationality
- (g) Date of Birth
- (h) Gender
- (i) Place of Birth
- (j) Traveller's Status
- (k) Place/Port of Original Embarkation
- (l) Place/Port of Clearance
- (m) Place/Port of Onward Foreign Destination

3. Passenger Name Record (PNR) Data

(As available in the traveller's Passenger Name Record in the carrier's reservation System)

- (a) PNR record locator
- (b) Date of reservation/issue of ticket
- (c) Date(s) of intended travel

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- (d) Name(s)
 - (e) Address and contact information (telephone number, e-mail address)
 - (f) All forms of payment information, including billing address
 - (g) Complete travel itinerary for specific PNR
 - (h) Frequent flyer information
 - (i) Travel agency /Travel agent
 - (j) Travel status of passenger, including confirmations, check-in status, no show or go show information
 - (k) Split/divided PNR information
 - (l) General remarks (including all available information on unaccompanied minors under 18 years of age, such as name and gender of the minor, language(s) spoken, name and contact details of guardian on departure and relationship to the minor, name and contact details of guardian on arrival and relationship to the minor, departure and arrival agent)
 - (m) Ticketing field information, including ticket number, date of ticket issuance and one way tickets, Automated Ticket Fare Quote fields
 - (n) Seat number and other seat information
 - (o) Code share information
 - (p) All baggage information
 - (q) Number and names of other travellers on PNR

- (r) Any Advance Passenger Information (API) data collected
- (s) All historical changes to the PNR listed in items (a) to (r) of this paragraph.

4. Additional Data Elements

- (a) Visa Number (if applicable)
- (b) Issue Date of the Visa
- (c) Place of Issuance of the Visa
- (d) Other Document Number used for Travel (if applicable)
- (e) Type of Other Document used for Travel
- (f) Primary Residence
- (g) Country of Primary Residence:

Address

City

State/Province/County

Postal Code

- (h) Destination Address:

Address

City

State/Province/County

Postal Code

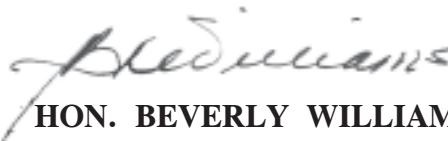
5. Data relating to the Reporting Party

- (a) Reporting Party Name
- (b) Reporting Party Telephone Number
- (c) Reporting Party Facsimile Number
- (d) Reporting Electronic Mail Address

SCHEDULE II*(Regulation 5)***TIMEFRAME**

1. In case of a vessel that is an aircraft, no later than 40 minutes prior to departure from the last port of call.
2. In case of a vessel arriving from a state other than a CARICOM Member State, no later than 24 hours prior to arrival.
3. In case of a vessel arriving from a CARICOM Member State, no later than 1 hour prior to the arrival of the vessel from the last port of call.
4. In the event of any changes to the flight/vessel header data or data relating to an individual on board, an updated API file is required prior to departure of the vessel.
5. In the case of a vessel departing from Belize, the API file is required forty (40) minutes prior to take-off or departure.

MADE this 29th day of May, 2017.



HON. BEVERLY WILLIAMS

*(Minister of State responsible for Immigration)
Ministry of Agriculture, Fisheries, Forestry, the
Environment, Sustainable Development and Immigration*