

P.N.D.CL. 226
IMMIGRATION SERVICE ACT, 1989

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P.N.D.CL. 226
IMMIGRATION SERVICE ACT, 1989(1)

AN ACT to provide for matters relating to the Immigration Service pursuant to clause (3) of article 190 of the Constitution.

The Service

1. The Immigration Service

The Immigration Service established under article 190 of the Constitution, consists of

- (a) the personnel of the Immigration Department existing in the Ministry of Interior immediately before the coming into force of this Act,
- (b) the public officers of public institutions transferred or seconded to the Service, and
- (c) any other persons employed by the Service.

2. The Board

(1) The governing body of the Service is the Immigration Service Board, consisting of,

- (a) the chairman and five other persons appointed by the President in accordance with article 70 of the Constitution, and
- (b) the Director of Immigration.²⁽²⁾

(2) The chairman shall hold office on the terms and conditions determined by the President.

3. Functions of the Board

(1) The functions of the Board are,

- (a) to advise on and to ensure the effective implementation of the laws and Regulations pertaining to immigration and related issues;
- (b) to control generally the management of the Service on matters of policy subject to this Act;
- (c) to examine and advise on the matters concerning the welfare, training and discipline of the employees of the Service;
- (d) to advise on matters of appointment and promotion of the employees of the Service;
- (e) to draw up a scheme of service prescribing the terms and conditions of service as well as the remuneration of the employees of the Service;
- (f) to provide for the organisation of the Service into viable units;
- (g) to make recommendations to the Minister on bilateral and multilateral co-operation with foreign countries in matters related to immigration; and
- (h) to ensure that moneys collected by the Service are paid into the Consolidated Fund.

(2) The Board may, for the performance of its functions, appoint committees and assign to a committee a function that it may consider fit or as otherwise prescribed by law.

4. Tenure of office

A member of the Board, other than the Director, shall hold office for a period not exceeding three years but is eligible for re-appointment.

5. Meetings of the Board

- (1) The Board shall meet at least once in every month at the times and places that it may determine.
- (2) A special meeting of the Board may be called by the Director in consultation with the chairman or at the instance of the Minister or the President.
- (3) The chairman shall preside at the meetings of the Board, and in the absence of the chairman a member appointed by the members present shall preside.
- (4) The quorum of a meeting of the Board is four.
- (5) The Board may co-opt a person to attend and participate in any of its meetings but a person so co-opted is not entitled to vote on an issue for decision by the Board.
- (6) The validity of a proceeding of the Board shall not be affected by a defect in the appointment of a member.
- (7) Subject to this Act, the Board shall regulate its own procedure.
- (8) At a meeting of the Board, where there is an equality of votes on a matter falling for decision, the chairman or person presiding is entitled to a casting vote.

Administration

6. The Director of Immigration

The Director is the head of the Service and shall be appointed by the President in accordance with article 195 of the Constitution.

7. Duty of the Director

Subject to the directions of the Board on matters of policy, the Director is responsible for the day-to-day administration of the Service and is chief adviser of the Board.

8. Deputy Directors

(1) There shall be three deputy directors of immigration one of whom is a legal practitioner who shall be appointed by the President in accordance with article 195 of the Constitution.

(2) The deputy directors shall head the Finance and Administration, Command Post and Operations, Legal Research and Monitoring and any other departments that the Board may direct and shall perform any other functions directed by the Director in consultation with the Board.

9. Staff of the Service

(1) The Board may engage the staff that is necessary for the proper and efficient performance of its functions.

(2) The Board may, on the recommendations of the Director, engage the services of consultants or experts.

(3) The staff, consultants and experts shall be engaged on the terms and conditions determined by the Board.

(4) The Board may delegate a power conferred on it by this section to the Director.

10. Secretary to the Board

(1) There shall be a secretary to the Board who shall be appointed by the President in accordance with article 195 of the Constitution.

(2) The secretary shall arrange the business of the Board, and is responsible for the recording and keeping of the minutes of the meetings of the Board and shall perform the administrative functions determined by the Board.

11. Administrative expenses

The administrative expenses of the Service including the salaries, operational and any other allowances, gratuities and pensions payable in respect of persons employed by the Service shall be a charge on the Consolidated Fund.

Miscellaneous

12. Service to submit estimate

The Service shall submit to the Minister responsible for Finance through the Minister, three months to the end of each financial year detailed estimates of income and expenditure of the Service for the ensuing year.

13. Annual reports

The Board shall every year submit to Parliament through the Minister within three months of the end of each year, a detailed report of the activities of the Service.

14. Accounts

(1) The Service shall keep proper books of account and proper records in relation to the books and records.

(2) The account books and records shall be in the form approved by the Auditor-General, and shall be audited at least once a year by the Auditor-General.

15. Internal Auditor

(1) The Service shall have an internal auditor who is responsible to the Director in the performance of the functions of office.

(2) The internal auditor shall at the end of every three months submit a report on the audit carried out in respect of that period to the Director.

(3) The internal auditor shall forward copies of the report to the Auditor-General and the Minister.

(4) This section shall be read and construed as one with the Internal Audit Agency Act, 2003 (Act 658) and where there is a conflict that Act shall prevail.

16. Transfer of assets and liabilities

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17. Regulations

The Minister on the recommendation of the Board may, by legislative instrument, make Regulations to give full effect to this Act.

18. Modification of existing enactments

An enactment or instrument in force immediately before the commencement of this Act shall apply with the modifications and adaptations that are necessary to give full effect to this Act.

19. Indemnity for acts done in good faith

An action shall not lie against the Service in respect of an act done by an officer of the Service in good faith in the execution or intended execution of a function under this Act.

20. Interpretation

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

“**Auditor-General**” includes an auditor appointed by the Auditor-General;

“**Board**” means the governing body of the Service;

“**Director**” means the Director of Immigration;

“**functions**” include powers and duties;

“**member**” means a member of the Board;

“**Service**” means the Immigration Service established by clause (1) of article 190 of the Constitution;

“**secretary**” means the secretary to the Board appointed under section 11;

“**Minister**” means Minister responsible for the Interior.

(2) A reference in an enactment to the Chief Immigration Officer or the Immigration Department shall be construed as a reference to the Director and the Service respectively.

Endnotes

1 (Popup - Footnote)

1. This Act was issued as the Immigration Service Law, 1989 ([P.N.D.C.L. 226](#)) made on 28th November, 1989 and notified in the *Gazette* on 29th December, 1989.

2 (Popup - Footnote)

2. See the Revenue Agencies (Governing Board) Act, 1998 ([Act 558](#)).

3 (Popup - Footnote)

3. The section provided that

“(1) All rights, assets and properties vested in or in any manner held on behalf of or for the purposes of the Immigration Department immediately before the commencement of this Law shall be vested in the Service.”