
IMMIGRATION ACT 2003

AN ACT TO MAKE PROVISION IN RELATION TO THE CONTROL OF ENTRY INTO THE STATE OF NON-NATIONALS, TO AMEND THE REFUGEE ACT 1996 AND TO PROVIDE FOR RELATED MATTERS. [14th July, 2003]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

(...)

Liability of carriers.

2.—(1) Where a vehicle arrives in the State from a place other than Great Britain, Northern Ireland, the Channel Isles or the Isle of Man the carrier concerned shall ensure—

(a) that all persons on board the vehicle seeking to land in the State or to pass through a port in the State in order to travel to another state disembark in compliance with any directions given by immigration officers,

(b) that all persons on board the vehicle seeking to land in the State are presented to an immigration officer for examination in respect of leave to land,

(c) that each non-national on board the vehicle seeking to land in the State or to pass through a port in the State in order to travel to another state has with him or her a valid passport or other equivalent document which establishes his or her identity and nationality and, if required by law, a valid Irish transit visa or a valid Irish visa.

(2) A person who contravenes paragraph (a), (b) or (c) of subsection (1) shall be guilty of an offence and, where a contravention by the person relates to more than one non-national, each such contravention shall constitute a separate offence.

(3) Where a vehicle arrives in the State from a place outside the State the carrier concerned shall, if so requested by an immigration officer, furnish him or her with—

(a) a list specifying the name and nationality of each person carried on board the vehicle in such form, and containing such other information relating to the identity of the person, as may be prescribed,

(b) details of the members of the crew of the vehicle.

(4) A person who contravenes paragraph (a) or (b) of subsection

(3) shall be guilty of an offence.

(5) It shall be a defence for a person charged with an offence S.2 under this section to show that he or she took all such steps as were reasonably open to him or her to ensure compliance with the provisions of this Act.

(6) It shall be a defence for a person charged with an offence under this section consisting of a contravention of paragraph (c) of subsection (1) to show—

(a) that the non-national concerned had with him or her the relevant document before embarking on the vehicle concerned, or

(b) that he or she did not know and had no reasonable grounds for suspecting that the document was invalid.

(7) A person guilty of an offence under this section shall be liable on summary conviction to a fine of \3,000.

(8) The Minister may from time to time draw up and publish guidelines concerning steps to be taken by carriers to ensure compliance by them with this Act.

(9) This section is without prejudice to the provisions of sections 8, 9 and 24 of the Refugee Act 1996 and to the discretion of the Minister to admit to the State a person whom the Minister considers to be in need of the protection of the State.

(...)

Offences by bodies corporate.

6.—(1) Where an offence under this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of the person being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

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