

No. 15 of 2002.

*The Immigration and Passport  
(Amendment) (No. 2) Act, 2002.*

1 ANTIGUA  
AND  
BARBUDA



[ L.S. ]

I Assent,

**James B. Carlisle,**  
*Governor-General.*

4th December, 2002.

**ANTIGUA AND BARBUDA**

**No. 15 of 2002**

AN ACT to amend the Immigration and Passport Act.

[ 27th December, 2002 ]

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. This Act may be cited as the Immigration and Passport (Amendment) (No. 2) Act, 2002. Short title.

2. Section 2 of the **Immigration** and Passport Act, in this Act referred to as the principal Act, is amended — Amendment of section 2 of Cap. 208.

(a) by the deletion of the definition "dependant" and the substitution of the following —

"dependant" in relation to another person, means any of the following —

- (i) the spouse of that person, so long as the spouse is not living apart from that person under a decree or deed of separation;

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- (ii) the child or step-child under the age of eighteen years, of that person;
- (iii) a legally adopted child under the age of eighteen (18) years."; and

(b) by the insertion of the following definitions —

"temporary residence certificate" means a temporary residence certificate issued by the Minister under section 17E;

"temporary resident" means a person who holds a temporary residence certificate issued under this Act.

*Amendment of section 7.*

3. Section 7 (1) of the principal Act is amended —

(a) by the deletion of paragraphs (b) and (c) and the substitution of the following —

"(b) a person who is a permanent resident or a temporary resident or a dependant of that person;

(c) a person in the service of the Government of Antigua and Barbuda or a dependant of that person".

(b) by the insertion, immediately after paragraph (b), of the following paragraph —

"(c) a person who holds a permit to enter or to remain in Antigua and Barbuda so long as that person complies with the conditions or restrictions relating to his permit"; and

(c) by renumbering paragraphs (c), (d) and (e) as paragraphs (d), (e) and (f), respectively.

*Addition of sections 17C, 17I9, 17E, and 17F.*

4. The principal Act is amended by the addition, immediately after section 17B, of the following sections —

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**"Persons qualified for status of temporary resident.**

17C. (1) A person who is not a prohibited immigrant or otherwise disqualified from **entering** Antigua and Barbuda may be granted a temporary **residence** permit if, on an application for the permit in the prescribed form and upon payment of the prescribed fee, the Minister is satisfied that —

- (a) he is eighteen years of age or over; and
- (b) he is, immediately before the date of the application, resident, and has been resident for three years or more, in Antigua and Barbuda.

(2) The Minister shall, upon being satisfied of the matters referred to in subsection (1) and acting on the advice of Cabinet, register the applicant and, on payment of the prescribed fee by the applicant, issue him with a temporary residence certificate in the prescribed form.

(3) Subject to subsection (2), in calculating the period of residence in Antigua and Barbuda for the purposes of paragraph (b) of subsection (1), a period of absence from Antigua and Barbuda —

- (a) for less than six months in any one year;
- (b) for the purpose of education as certified by the Chief Education Officer; or
- (c) for reasons of health as certified by the **Chief Medical Officer,**

shall be treated as residence in Antigua and Barbuda.

(4) In calculating the period of residence in Antigua and Barbuda **for** the purposes of para-

graph (b) of subsection (1), account shall not be taken —

- (a) of any period during which a person was not lawfully resident in Antigua and Barbuda; or
- (b) of any period spent as an inmate in prison or as a person detained in lawful custody in any place, other than a mental institution, under the provisions of any enactment in force in Antigua and Barbuda.

(5) A temporary residence certificate is valid for twenty-four months and may be renewed on application in the prescribed form to the Minister upon payment of the prescribed fee.

**No exemption  
from other  
requirements.**

17D. A permanent resident certificate or a temporary residence certificate issued under this Act shall not, in itself, be construed as exempting the holder or a dependant from any obligation to hold a licence, permit or other authorisation required for engaging in gainful occupation.

**Residence status  
of dependants.**

17E. (1) A dependant of a person who holds an entry permit, a permanent resident certificate or a temporary residence certificate and whose name appears on the permit or certificate may, by virtue of the permit or certificate, enter and remain in Antigua and Barbuda during the period of validity of the permit or certificate so long as he remains a dependant.

(2) A copy of a permit or certificate referred to in subsection (1), authenticated by the Chief Immigration Officer, shall be sufficient authority for a dependant whose name appears on it to enter and remain in Antigua and Barbuda, so long as the holder of the permit or certificate remains resident in Antigua and Barbuda.

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Validation of  
**past** temporary  
resident  
certificates.

17F. A temporary resident certificate issued before the commencement of this Act shall be considered to have been validly issued as if it had been issued under this Act."

Passed the House of Representatives  
this 22nd day of October, 2002.

Passed the Senate this 5th day of  
November, 2002.

**B. Harris,**  
*Speaker.*

**M. Percival,**  
*President..*

**S. Walker,**  
*Clerk to the House of Representatives.*

**S. Walker,**  
*Clerk to the Senate.*

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