

ANTIGUA AND BARBUDA



THE IMMIGRATION AND PASSPORT (AMENDMENT) BILL, 2020

NO. OF 2020

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ARRANGEMENT OF CLAUSES

CLAUSES

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EXPLANATORY MEMORANDUM

The primary objective of this Bill is to correct the error contained in Section 51(1)(a) of the Immigration and Passport Act 2014.

The amendment as shown at Clause 3, deletes the word “and” and substitutes for this the word “or”. The original Act contained an obvious error, as the use of the word “may” in the plateau contained in subsection 1 is indicative of the Chief Immigration Officer having a discretionary power as to whether to (i) require the prohibited or illegal immigrant to voluntarily leave Antigua and Barbuda or (ii) cause the prohibited or illegal immigrant to be arrested and brought before a Magistrate for a deportation order. The use of the word ‘and’ at the end of sub-section (1) (a) is erroneous as it is contradictory to the discretionary power being bestowed upon the Chief Immigration Officer.

Under the new provision, the Chief Immigration Officer is allowed to perform the powers outlined in Section 51(1) in the alternative.

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Hon. Chet Greene
Minister responsible for Immigration