

ANTIGUA AND BARBUDA



THE IMMIGRATION AND PASSPORT (AMENDMENT) BILL, 2021

NO. OF 2021

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THE IMMIGRATION AND PASSPORT (AMENDMENT) ACT, 2020

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ANTIGUA AND BARBUDA
THE IMMIGRATION AND PASSPORT (AMENDMENT) ACT, 2021
NO. OF 2021
BILL FOR

AN ACT to amend the Immigration and Passport Act to make provision for a Permanent Residence Permit holder to become a citizen.

ENACTED by the Parliament of Antigua and Barbuda as follows —

1. Short Title

This Act may be cited as the Immigration and Passport (Amendment) Act, 2021.

2. Interpretation

In this Act,

“the principal Act” means the Immigration and Passport Act, 2014 No. 6 of 2014

3. Amendment of section 42 - Permanent Residence Permit

The principal Act is amended in section 42 by repeal of paragraph (d)(ii) of subsection (2) thereof and the substitution therefor of the following —

“an annual income of not less than US \$500 or such other sum as may be prescribed;”

4. Insertion of section 42 A- Right to apply for citizenship

“(1) A person who is granted a permanent residence permit under this Act may, after a period of seven years, be entitled to apply for citizenship of Antigua and Barbuda if the person satisfies the Minister that he has, for unbroken period of seven years since the grant of the permanent residence permit –

- (a) maintained a permanent place of abode in Antigua and Barbuda for at least 90 days in a calendar year, and
- (b) engaged in a substantial economic activity in Antigua and Barbuda, and has been complying regularly, during those seven years with all the requirements and all other prescribed obligations under this Act.

(2) Where a person, who is granted permanent residence permit under this Act, does not wish to become a citizen of Antigua and Barbuda, but wishes to continue with his permanent residence status, the person may apply to the Minister for continuance of the permanent resident status without the payment of the prescribed fee if the person—

- (a) satisfies the Minister that during the seven years preceeding the making of the application, the person had been a permanent resident and has, during those seven years complied with the requirements of section 42; and
- (b) intends to continue maintaining a permanent place of abode in Antigua and Barbuda, and to be engaged in substantial economic activity.

(3) The Minister may, upon the advice of the Cabinet, grant a permanent resident certificate to a person who does not wish to become a citizen of Antigua and Barbuda after seven years residency, but has complied with the requirements of subsection (2) and met all other obligations prescribed under the tax laws of Antigua and Barbuda.

(5) A permanent resident certificate grant under this section is valid indefinitely, unless otherwise revoked.

EXPLANATORY MEMORANDUM

This Bill seeks to create a pathway for persons who have been granted permanent residence permit under the Immigration and Passport Act to become citizens of Antigua and Barbuda if they so wish or to continue to be permanent residents without the payment of the prescribed fee. The Bill also proposes to amend section 42 (2) (a) and (d) (ii) to increase the number of days prescribed for a permanent residence permit holder to spend in Antigua and Barbuda in every calendar year from 30 days to 90 days, and to raise the prescribed annual income of a permanent resident from US\$100,000 to US \$250,000 or such other sum as may be prescribed.

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Hon. Chet Greene
Minister responsible for Immigration