

ANTIGUA AND BARBUDA



IMMIGRATION AND PASSPORT (AMENDMENT) BILL, 2023

No. of 2023

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ARRANGEMENT OF CLAUSES

CLAUSE

1.	Short title.....	4
2.	Interpretation.....	4
3.	Amendment of section 2-Interpretation	4
4.	Amendment of section 40-Grant of residence permit	4
5.	Insertion of section 70A-Change of status	4
6.	Insertion of Schedule 7	5

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AN ACT to amend the Immigration and Passport Act, 2014 No. 6 of 2014.

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, 2023.

2. Interpretation

In this Act—

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

3. Amendment of section 2-Interpretation

The principal Act is amended in section 2 by—

(a) repealing the definition of “*bona fide* visitor” and substituting the following—

““*bona fide* visitor” means a person arriving in Antigua and Barbuda for a period of not more than 6 months, or having been granted an extension;”

(b) repealing the definition of “status” and substituting the following—

““status” includes the status of a person as determined by the relevant category of the schedule applicable to that person under this Act;”.

4. Amendment of section 40-Grant of residence permit

The principal Act is amended in section 40 (1) (b) by inserting the word “ordinarily” between the words “lawfully” and “resident”.

5. Insertion of section 70A-Change of status

The principal Act is amended by inserting immediately after section 70 the following—

“70A Change of status

(1) A *bona fide* visitor who intends to lawfully ordinarily reside in Antigua and Barbuda for the purposes of—

- (a) work;
- (b) attending an educational institution (student);
- (c) marriage to an Antiguan and Barbudan national;
- (d) a retiree;

shall apply for a change of status.

(2) An individual shall become lawfully ordinarily resident after having been granted a change of status, and after having paid the prescribed fee.

(3) The status of the individual shall be determined by the categories outlined in Schedule 7.

(4) On termination of any of the provisions set out in subsection (1), the Chief Immigration Officer may deem the change of status void and the individual shall no longer be lawfully ordinarily resident.

(5) The Minister may upon the recommendation of the Chief Immigration Officer amend Schedule 7 by an Order published in the Gazette.

6. Insertion of Schedule 7

The principal Act is amended by inserting immediately after Schedule 6 the following—

“SCHEDULE 7*Section 70A*

Category	Accumulative Time	Endorse	Cost
CS-1	None	Date granted	\$577 USD or \$1500 XCD
CS-2	None	Date granted	\$577 USD or \$1500 XCD
CS-3	1 – 4 Years	Date granted	\$289 USD or \$750 XCD

CS-3	5 – 7 Years	Date granted	\$116 USD or \$300 XCD
CS-3	Residence Permit	Date granted	\$50 processing fee

INELIGIBLE

- Any person(s) who has remained in Antigua and Barbuda illegally.
- Any person(s) deemed to be a prohibited emigrant.

DOCUMENTATION REQUIRED

All applicants must present the following documents and information to the department of immigration for their application to be considered;

- a. A completed application for a Change of Status;
- b. One (1) passport size photo taken not more than 3 months before date of the application;
- c. A copy of the biographical data page of the applicant’s passport
- d. A copy of the time given in the passport on arrival
- e. A copy of the biographical data page of the sponsor or next of kin passport
- f. If sponsor or next kin is not a holder of an Antigua and Barbuda Passport, a copy of the current immigration status is required;
- g. A copy of marriage certificate (both English and foreign copies where applicable)
- h. A copy of birth certificate (both English and foreign copies where applicable)
- i. Proof of guardianship (if applicable)
- j. Proof of address in Antigua and Barbuda
- k. Proof of financial stability
- l. A letter of intent addressed to the Chief Immigration Officer
- m. Medical certificate

ADDITIONAL DOCUMENTATION MAY BE REQUIRED AND WILL BE REQUESTED DURING THE INTERVIEW.

Any false or misleading documentation and or information will result in the denial of the application and possible persecution under the Antigua and Barbuda immigration and passport Act # 6 of 2014.

FEES

To change your Bona Fide Visitor status to a non-immigrant residency status, one would have to make an appointment with the Department of Immigration and be interviewed. The application fee for **CS-1** or **CS-2** is \$577 USD or \$1500 XCD, and **CS-3 1 – 4 yrs.** \$289 USD or \$750 XCD; and **CS-3 5– 7 yrs.** \$116 USD or \$300 XCD is nonrefundable.

Any person(s) wish to change from one category to another must pay \$40 USD or \$100 XCD

Any person(s) who have a Residence permit before the commencement of this amendment will be given the change of status at the cost of \$50 XCD processing fee.

EXPLANATORY MEMORANDUM

The purpose of this Bill is to amend the Immigration and Passport Act, 2014.

The Bill's primary objective is to create a new "Change of Status" regime in the Immigration structure. Previously, the bona fide visitor was the predominant status being granted to all visitors to Antigua and Barbuda, and persons remaining longer than 6 months were granted extensions of the bona fide visitor status. This new amendment enables persons whose purposes are no longer that of a visitor to change their status to the appropriate designation, and to thus regularise their status to enable them to be "lawfully ordinarily resident in Antigua and Barbuda.

Clause 1 sets out the short title.

Clause 2 refers to the interpretation for the amendment Bill.

Clause 3 amends the Interpretation section of the principal Act and repeals and substitutes definitions for "bona fide visitor" and "status".

Clause 4 amends section 40, and inserts "ordinarily" so that the term "lawfully ordinarily resident" is consistent with the Constitution.

Clause 5 creates the new Section 70A "Change of status". The section introduces the regime, which allows a person who arrived as a bona fide visitor to change their status based on:

- (a) being granted a work permit;
- (b) being granted a student permit;
- (c) being married to an Antigua and Barbuda national;
- (d) being a retiree.

Clause 5 further authorises the Minister to amend the new Schedule 7.

Clause 6 inserts a new Schedule 7 into the principal Act, which provides for administrative procedures for the change of status in addition to any applicable fees.

Hon. Steadroy C. O. Benjamin
Minister with responsibility for Immigration