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Part A

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Bill re Barbados Citizenship Act, 2025.

IMMIGRATION ACT, 2025

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IMMIGRATION ACT, 2025

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BARBADOS

A Bill entitled

An Act to revise the law regulating the entry of persons into Barbados and to provide for related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

*Preliminary***Short title**

1. This Act may be cited as the *Immigration Act, 2025*.

Interpretation

- 2.(1) For the purposes of this Act,

“advance passenger information” means the information or data concerning a crew member, passenger or any other person travelling in an aircraft or vessel;

“Agreement” means the Agreement instituting the Order of the Caribbean Community signed at Georgetown on the 14th May, 1991 and to which Barbados is a party;

“automated passport control kiosk” or “kiosk” means a self-service machine designed to streamline the entry of persons into Barbados, which scans and authenticates passport data and facial biometric data, generates a series of questions to confirm biographic and flight information and prints a receipt to be submitted to an immigration officer;

“CARICOM” means the Caribbean Community established by the Treaty;

“Chief Immigration Officer” means the person appointed as such under section 13 of the *Public Service Act*, Cap. 29;

“citizen” means a person who is a citizen of Barbados by virtue of the *Constitution* or the *Barbados Citizenship Act*, Cap. 186;

“Community” means the Caribbean Community established by Article 2 of the Treaty and includes the CARICOM Single Market and Economy signed at Nassau, The Bahamas on 5th July, 2001;

“dependant”, in relation to a person, means

- (a) a spouse;
- (b) a child or step-child who is under the age of 18 years;
- (c) a child adopted by the person in a manner recognized by law and who is under the age of 18 years; or
- (d) any other relative who is by reason of age or any infirmity of body or mind, wholly dependant on that person for subsistence;

“deportation order” means an order requiring the person against whom it is made to leave Barbados and to remain outside Barbados;

“domestic space” means the countries listed in the *First Schedule*;

“entry receipt” means a receipt printed by an automated passport control kiosk for submission to an immigration officer, which bears

- (a) the letters “PG” indicating that passage has been granted; or
- (b) the letter “X” indicating that further inspection is required;

“facial biometric data” means a photographic image of the face of a person which is used for the purpose of identification;

“former Act” means the *Immigration Act, 1975* (Act 1975-20);

“immigration officer” means an Immigration Officer appointed under section 13 of the *Public Service Act*, Cap. 29 and includes the Chief Immigration Officer, the Deputy Chief Immigration Officer, an Assistant Chief Immigration Officer and a Senior Immigration Officer;

“IMPACS” means the CARICOM Implementing Agency for Crime and Security established under the Agreement Establishing the CARICOM Implementation Agency for Crime and Security, 2006;

“intelligence agency” means a law enforcement agency which is established to share information and intelligence and to collaborate and cooperate with any other law enforcement agency on matters of mutual interest;

“international organisation” means an organisation certified as such by the Minister responsible for Home Affairs;

“JRCC” means the Joint Regional Communication Centre, a sub-agency of IMPACS, which receives advance passenger information;

“master” means the person in immediate charge or control of a vessel;

“Member State” means a Member State of the Community, excluding an Associate Member within the meaning of Article 231 of the Treaty;

“Minister” means the Minister responsible for Immigration;

“minor” means a person who has not attained the age of 18 years;

“national” means a person who

- (a) is a citizen of a Member State other than Barbados;
- (b) has a connection with that state of a kind which entitles him to be regarded as belonging to or, if it be so expressed, as being a native or resident of that state for the purposes of the laws of that state relating to immigration; or
- (c) is a company or other legal entity constituted in the Member State in conformity with the laws of that state and which that state regards as belonging to it, if the company or other legal entity
 - (i) has been formed for gainful purposes;
 - (ii) has its registered office and central administration in the Community;
 - (iii) carries on substantial activity within the Community; and
 - (iv) is substantially owned and effectively controlled by persons mentioned in paragraph (a) or (b);

“Order” means the Order of the Caribbean Community instituted by the Agreement;

“owner”, in relation to a vessel, includes a charterer;

“passport” means a valid passport referring to the person producing the passport, furnished with a photograph of that person and duly issued to him by or on behalf of the Government of the country of which he is a subject or citizen and for a period which, according to the law in force in that country, has not expired, and includes a travel permit or other document establishing to the satisfaction of an immigration officer the nationality and identity of the person to whom it refers;

“passport data” means information in a passport, including the passport number, expiration date of the passport, family and given names, nationality, date of birth, gender and other particulars which establish the identity of the person to whom the passport is issued;

“permitted entrant” means a person permitted to enter Barbados under section 4;

“permanent resident” means a person granted the status of permanent resident under section 6;

“port of entry” means any place in Barbados designated as a port of entry by regulations made under section 37;

“PNR” means passenger name record;

“ship” includes a boat or a craft of any kind for travel or transport;

“spouse” includes

(a) a single man who has cohabited with a single woman; or

(b) a single woman who has cohabited with a single man

continuously for a period of at least 5 years immediately preceding the date an application was made under this Act;

“Treaty” means the Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy, that was signed in The Bahamas on 5th July, 2001;

“union other than marriage or “union” has the meaning assigned to it by the *Family Law Act*, Cap. 214;

“vessel” means any ship, aircraft or other means of travel by sea or air;

“watch list” means a list that is used to watch or track the current activity or movements of criminals, including terrorists and persons who have been found guilty of involvement with stolen and lost travel documents, criminal deportees and other persons of interest to the intelligence community;

“work permit” means a permit granted by the Minister under section 20(1).

(2) For the purposes of this Act a stepchild includes a child of either spouse by a previous marriage or other relationship who is acknowledged and treated by both parties as a child of the marriage or union.

PART II

Entry into Barbados

Right to enter Barbados

3.(1) A citizen has the right to enter Barbados.

(2) A permanent resident shall, so long as he continues to be a permanent resident, be permitted to enter Barbados.

(3) The Minister may prohibit the entry into Barbados of any person other than a citizen or a permanent resident.

Permitted entrants

4.(1) Subject to this Act and the *Caribbean Community (Movement of Skilled Nationals) Act*, Cap. 186A, an immigration officer may permit

- (a) a person described in Part I of the *Second Schedule* to enter and remain in Barbados on such conditions and for such period, not exceeding in the case of a person described in paragraph 2 or 4 of that Part of the

Second Schedule, 5 years in the first instance, as that officer considers appropriate in the particular case;

- (b) a person described in Part II of the *Second Schedule* to enter and remain in Barbados on such conditions as that officer thinks fit and for such period not exceeding 6 months as that officer considers appropriate in the particular case; and
 - (c) the individuals specified in subsection (2) who are representatives of entities which carry on business in a EU Member State or the UK, as the case may be, to enter and remain in Barbados on such conditions as the officer thinks fit and in accordance with
 - (i) in the case of a EU Member State, the Economic Partnership Agreement signed at Bridgetown, Barbados on 15th October, 2008; or
 - (ii) in the case of the UK, the Economic Partnership Agreement signed at Castries, St. Lucia on 22nd March, 2019.
- (2) The following are the individuals to whom paragraph (1)(c) relate:
- (a) a business services seller;
 - (b) a business visitor;
 - (c) a contractual services supplier;
 - (d) a graduate trainee;
 - (e) an intra-corporate transferee; and
 - (f) key personnel.
- (3) A permit issued to a person referred to in subsection (1) does not exempt that person from satisfying any other requirement of this Act or any other enactment to first obtain permission to work in Barbados.
- (4) Subsection (1)(c)
- (a) shall apply to EU Member States; and

(b) shall apply to the UK

only if that state or the UK grants reciprocal treatment to a service provider who is an individual representing a company incorporated or registered in Barbados.

(5) An immigration officer shall issue to a person permitted to enter Barbados under subsection (1), other than a person described in paragraph 1 of Part I of the *Second Schedule*, a permit in a form approved by the Minister, expressed to be in force for the period, and subject to the conditions specified therein; and a permit issued under this subsection may, notwithstanding the generality of subsection (1), be subject to a condition requiring the holder thereof to register with an immigration officer.

(6) The holder of a permit issued under subsection (5) who wishes

(a) to remain in Barbados for a period longer than that specified in the permit; or

(b) to have the conditions specified in the permit varied,

shall apply for the purpose to the Chief Immigration Officer in the prescribed form, and, if so required by that officer, report in person to an immigration officer and submit to an examination under this Act and the regulations notwithstanding that the holder of the permit is already in Barbados.

(7) Where an application has been made under subsection (6), the Chief Immigration Officer may, with the approval of the Minister,

(a) extend the period specified in a permit; or

(b) vary the conditions of that permit in such a manner as is fit and proper under this Act or the regulations.

(8) The Minister may, at any time,

(a) modify or cancel any condition specified in a permit issued under subsection (5);

(b) vary the period specified in a permit issued under subsection (5); or

(c) revoke a permit issued under subsection (5).

(9) Where a person to whom a permit was issued under subsection (5) remains in Barbados after the expiration or revocation thereof, the Minister may make a deportation order against that person.

(10) The Chief Immigration Officer may detain a person mentioned in subsection (9) pending the making and execution of a deportation order.

(11) The detention of a person pursuant to subsection (10) shall not constitute entry into Barbados by that person.

(12) For the purposes of this Act, special entry permits issued under the former Act, shall have the same validity as if they had been issued under this Act and holders of those permits shall have and enjoy the same rights and privileges and be subject to the same conditions and obligations as they enjoyed and were previously subject.

(13) Without limiting or affecting the operation of this section, the Minister may grant to a person special permission to remain in Barbados on such terms and conditions as the Minister thinks fit.

(14) For the purposes of this section,

“business services seller” means an individual of a EU Member State or the UK, who is a representative of a service supplier of that EU member state or the UK seeking temporary entry into Barbados for the purpose of negotiating the sale of services or entering into agreements to sell services for that service supplier, except that such a person does not engage in making direct sales to the general public and does not receive remuneration from a source located within Barbados;

“business visitor” means an individual of a EU Member State or the UK, working in a senior position who is responsible for setting up a commercial presence;

“contractual services supplier” means an individual or a body corporate of a EU Member State or the UK, who is employed by a company of that EU member

state or the UK which has no commercial presence in Barbados and which has concluded a *bona fide* contract, other than through an employment agency, to supply services with a final consumer in Barbados requiring the presence on a temporary basis of its employees in Barbados in order to fulfil the contract to provide services;

“EU Member State” means a Member State of the European Union referred to in the *Third Schedule* that is a signatory to the Economic Partnership Agreement signed at Bridgetown, Barbados on 15th October, 2008;

“graduate trainee” means an individual of a EU Member State or the UK who

- (a) has been employed by a company of that EU Member State or the UK for at least one year;
- (b) possesses a university degree; and
- (c) is temporarily transferred to a commercial presence or to the parent company of the company located in Barbados for career development purposes or to obtain training in business techniques or methods;

“intra-corporate transferee” means an individual from a EU Member State or the UK who

- (a) is a manager or a specialist;
- (b) has been employed by a company or has been a partner in the company for at least one year; and
- (c) is temporarily transferred to a commercial presence in Barbados;

“key personnel” means

- (a) individuals employed within a company of a EU Member State or the UK, other than a nonprofit organization and who are responsible for the setting up or for the proper control, administration and operation of a commercial presence; and
- (b) business visitors and intra-corporate transferees;

“service provider” includes a business services seller, a business visitor, a contractual services supplier, a graduate trainee, an intra-corporate transferee and key personnel who are individuals representing a company incorporated or registered in Barbados; and

“UK” means the United Kingdom of Great Britain and Northern Ireland.

Reside or reside and work

5. The Minister may, on application made to the Minister in the prescribed form, grant to any person, a permit in such form as the Minister may approve,

- (a) to reside; or
- (b) to reside and work

in Barbados for such period and subject to such conditions as the Minister determines.

Acquisition of status of permanent resident

6.(1) Subject to this Act, **the following persons may, upon application to the Minister in the prescribed form, and on payment of the prescribed fee be registered as permanent residents of Barbados**

- (a) **the spouse of a citizen of Barbados; and**
- (b) **a retired person and his dependants if they have sufficient financial resources to maintain themselves.**

(2) A citizen of Barbados who has renounced his citizenship of Barbados is entitled upon application to the Minister to be registered as a permanent resident.

(3) A person who is a permanent resident of Barbados residing in Barbados may make an application to the Minister in the prescribed form on behalf of a minor child or dependant who is under a disability to be registered as a permanent resident.

(4) A person who is a direct descendant of a citizen of Barbados is entitled upon application to the Minister in the prescribed form to be registered as a permanent resident.

(5) A person who is an immigrant within the meaning of the former Act on the day immediately preceding the commencement of this Act shall, upon the commencement of this Act, be entitled to be registered as a permanent resident upon satisfying the Minister that he has been an immigrant.

Additional grounds for acquisition of status of permanent resident

7.(1) Subject to this Act, a person who

- (a) by reason of age, Barbadian descent, education, skill, experience and financial resources; or
- (b) has served
 - (i) **in Barbados as a member of staff of a diplomatic mission; or**
 - (ii) **in any country as a member of staff of an international organisation.**
- (c) not being a national of Barbados, has served in an embassy, consulate or other diplomatic mission as an employee of the Government of Barbados for period of at least 5 years,

and who is awarded at least 10 points, as set out in the second column of the *Fourth Schedule* in respect of the criteria set out in the first column may, upon application to the Minister in the prescribed form, and on payment of the prescribed fee be registered as a permanent resident.

(2) Where a person referred to in subsection (1) is awarded points which exceed 10 and is accompanied by a dependant who is over the age of 18 years, the excess may be awarded to the dependant if the dependant is eligible for an award of less than 10 points.

(3) For the purposes of this section, the Minister may make regulations respecting the method by which points are to be awarded.

(4) Regulations made pursuant to subsection (3) shall be subject to negative resolution.

(5) **Notwithstanding anything in section 6 or this section, the Minister may in the interest of national security refuse to grant the status of permanent resident to an applicant.**

Loss of status of permanent resident

8.(1) Where the Minister is satisfied that a person has engaged in activities detrimental to the security of Barbados, the Minister may revoke the status of permanent resident granted to that person.

(2) The Minister may revoke the status of permanent resident granted to a person where that person has been convicted on indictment of an offence and sentenced to a period of imprisonment exceeding 3 years.

(3) The Minister may make a deportation order against any person who has lost the status of permanent resident under this section.

Prohibited persons

9.(1) Subject to subsection (2), entry into Barbados of the persons described in the *Fifth Schedule*, other than citizens and permanent residents, is prohibited.

(2) The Minister or a person designated by the Minister may, in writing or through a person designated by the Minister, exempt from the operation of subsection (1)

(a) a person described in paragraph 1 or 2 of the *Fifth Schedule* whose entry into Barbados to seek treatment and care at a hospital or other place or institution for that treatment and care is approved by the Minister responsible for Health;

(b) a person described in paragraph 1 or 5(a) of the *Fifth Schedule* if the Minister is satisfied that that person is a member of a family already lawfully in Barbados and another member of that family provides

security satisfactory to the Minister against that person becoming a charge on public funds;

- (c) a person described in paragraph 4 of the *Fifth Schedule*;
- (d) a person described in paragraph 7 of the *Fifth Schedule* in respect of whom the Minister is satisfied that
 - (i) the person has ceased to be a member of or associated with an organization, group or body so described; and
 - (ii) the entry of that person would not be detrimental to the security of Barbados; or
- (e) a person in lawful custody passing through Barbados in transit to another country.

(3) An exemption under subsection (2) may be granted subject to such conditions as the Minister thinks fit, and, if the person to whom the exemption relates fails to comply with or contravenes any such condition, the Minister may make a deportation order against the person.

Entry without passport

10. A person shall not be permitted to enter Barbados without a passport unless he explains why he has no passport and establishes his identity and national status to the satisfaction of an immigration officer.

Entry into Barbados only at port of entry

- 11.(1)** No person may enter Barbados by sea or air except at a port of entry.
- (2) No person arriving in Barbados by sea or air may disembark without the consent of an immigration officer.
- (3) The master of a vessel in which a person arrives in Barbados shall not allow that person to disembark without the consent of an immigration officer.
- (4) A person who contravenes subsection (1), (2) or (3) is guilty of an offence under this Act.

(5) Notwithstanding any enactment to the contrary, an information for an offence under this section may be laid at any time.

Duty of person entering Barbados

12.(1) A person who arrives in, seeks to enter or enters Barbados shall appear before an immigration officer at a port of entry for the purpose of being examined as to whether or not that person may be permitted to enter Barbados.

(2) Notwithstanding subsection (1), and subject to such regulations as may be prescribed, a person who

- (a) is *en route* to Barbados, may complete the online Embarkation and Disembarkation Form; or
- (b) arrives in Barbados, seeks to enter or enters Barbados, may proceed to an automated passport control kiosk

prior to appearing before an immigration officer to be examined.

(3) A person mentioned in subsections (1) and (2) shall, upon examination by an immigration officer, truthfully answer all proper questions put by that officer, and, if so required by that officer, shall

- (a) make and sign a declaration stating whether or not the person is carrying or has control of any documents of any description specified by that officer which, in the opinion of that officer, are relevant for the purposes of the examination;
- (b) produce to that officer any documents specified under paragraph (a) which are in the person's possession or control;
- (c) produce to that officer an entry receipt where that person proceeded to an automated passport control kiosk prior to appearing before an officer;
- (d) submit any baggage belonging to the person or in the person's possession or control to be searched by that officer or any person acting under the authority of that officer for the purpose of ascertaining

whether the person is carrying or has control of any documents specified under paragraph (a); and

(e) submit to be medically examined by a registered medical practitioner.

(4) A person who contravenes subsection (3) is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to a term of imprisonment for 5 years or to both.

(5) A person other than a citizen, a national of a Member State, or, subject to section 10, a permanent resident, who

(a) refuses to be examined as required by subsection (1); or

(b) fails or refuses to comply with a request made by an immigration officer under subsection (3),

shall not be permitted to enter Barbados.

(6) Where in the opinion of an immigration officer, a person cannot for any reason be properly examined under subsection (1) or subsection (3)(d), that officer may detain that person until that person can be properly examined.

(7) A person detained under subsection (6) may be so detained on the vessel on which the person arrived in Barbados or may be removed to and detained in any place in Barbados approved by the Minister for the purpose.

(8) A removal under subsection (7) of a person from the vessel on which the person arrived in Barbados shall not constitute entry into Barbados by that person, and shall not exempt the owners of the vessel from the application of section 21.

(9) A person who is permitted to enter Barbados may be allowed to remain in Barbados for the period specified

(a) in the case of a national of a Member State, for a period not exceeding 6 months; and

(b) in the case of any other person not being a national of a Member State, for a period not exceeding 3 months.

Duty of master of vessel

13. The master of a vessel arriving in Barbados shall, if so required by an immigration officer, truthfully answer all proper questions put to him by that officer relating to the passengers and members of the crew of the vessel for the purposes of this Act.

Duty to provide advance passenger information

14.(1) This section applies to a vessel that

- (a) is expected to arrive in Barbados; or
- (b) has left or is expected to leave Barbados.

(2) The master of a vessel to which this section applies shall, at such times as is stated in subsections (3) and (4), provide the Chief Immigration Officer and the Chief Operations Officer of the JRCC

- (a) with the advance passenger information data set out in the *Sixth Schedule* in respect of each person on board the vessel including every member of the crew who is arriving in and departing Barbados; and
- (b) with such other information as may be prescribed,

in an electronic format or in a form approved by the Chief Immigration Officer and the Chief Operations Officer respectively.

(3) Where a vessel is expected to arrive in Barbados, the data referred to in subsection (2) shall be provided, in the case of

- (a) a commercial aircraft, no later than 40 minutes prior to the departure from the last port of call;
- (b) a private aircraft, no later than 40 minutes prior to the departure from the last port of call;
- (c) a ship arriving from outside the domestic space, no later than 24 hours prior to arrival; and

- (d) a ship arriving from a destination within the domestic space, no later than one hour prior to the arrival of the ship from the last port of call.
- (4) Where a vessel has left or is expected to leave Barbados, the data referred to in subsection (2)(a) shall be provided no later than 40 minutes prior to the departure from Barbados.
- (5) Where a master of a vessel intentionally or recklessly
 - (a) fails to transmit the data in accordance with subsection (2), (3) or (4); or
 - (b) transmits incomplete or false data,
 the master of the vessel is guilty of an offence and is liable on conviction on indictment to a fine of \$200 000 or to imprisonment for a term of 5 years or to both.
- (6) The Minister may by order
 - (a) waive any of the requirements of subsection (2);
 - (b) waive or modify any of the data referred to in the *Sixth Schedule*; or
 - (c) waive or modify any of the requirements of subsection (3) or (4) with regard to the time required for the submission of data.
- (7) An order made under subsection (6) is subject to negative resolution.

JRCC to share advance passenger information with intelligence agencies

15. Where advance passenger information is provided to the Chief Operations Officer of the JRCC pursuant to section 14, the Chief Operations Officer shall share that information with intelligence agencies.

Use of advance passenger information by JRCC

16.(1) Where the Chief Operations Officer of the JRCC receives advance passenger information pursuant to section 14, the JRCC shall use the advance

passenger information to conduct screening of persons who are on board a vessel, which enters, departs from or travels within the domestic space.

(2) The JRCC shall use the advance passenger information referred to in subsection (1) to conduct screening of persons against a watch list for the purposes of assisting participating countries or intelligence agencies in the furtherance of national, regional and international security.

(3) Where the JRCC conducts screening of persons pursuant to subsection (2) and as a result of the screening suspects that a person on board a vessel is

- (a) a criminal;
- (b) a criminal deportee;
- (c) involved in a criminal activity; or
- (d) a person of interest to an intelligence agency,

the JRCC shall share the information with law enforcement agencies of participating countries and with intelligence agencies.

(4) For the purpose of this section “participating country” means a country which enters into an agreement with the JRCC to share advance passenger information.

Special provisions as to seamen

17.(1) A member of the crew of a vessel, other than a citizen or permanent resident, shall not be discharged therefrom in Barbados without the consent of an immigration officer.

(2) An immigration officer may not give consent under subsection (1) to the discharge in Barbados of a member of the crew of a vessel unless the owner, master or agent of the vessel has made arrangements to the satisfaction of that officer for ensuring that that member of the crew will not become a charge on public funds.

Charging of crew, stowaway or extra hand

18. Where a member of the crew of a vessel, a stowaway or an extra hand, other than a citizen or permanent resident, is charged before a magistrate with an offence committed prior to the arrival in Barbados of the vessel or while the vessel is in Barbados, the magistrate

- (a) may, if the magistrate convicts the person, in awarding punishment, order that on the expiration of the sentence or on the sooner readiness of the vessel to proceed from Barbados, the person shall be taken into custody aboard the vessel for removal from Barbados;
- (b) shall, if the magistrate discharges the person, in the order of discharge, order that person to be immediately taken back to the vessel.

PART III

Work permits

Work permits

19.(1) A person other than a citizen, permanent resident or national of a Member State to whom

- (a) the right of establishment referred to in Articles 32, 33 and paragraph (c) of Article 34 of the Treaty applies;
- (b) the provision of services referred to in Articles 37 and 38 of the Treaty applies; and
- (c) the *Caribbean Community (Movement of Skilled Nationals) Act*, Cap. 186A applies,

may not engage in any occupation in Barbados or accept employment without having first obtained a written permit for the purpose granted by the Minister.

(2) A person may not engage or employ another person who is not a citizen, permanent resident or national of a Member State to whom

- (a) the right of establishment referred to in Articles 32, 33 and paragraph (c) of Article 34 of the Treaty applies;
- (b) the provision of services referred to in Articles 37 and 38 of the Treaty applies; and
- (c) the *Caribbean Community (Movement of Skilled Nationals) Act*, Cap. 186A applies,

unless there is a work permit in force in relation to that other person for the purpose of that engagement or employment.

(3) A work permit shall be in such form and may be granted subject to such conditions as the Minister thinks fit.

(4) Any person who

- (a) contravenes subsection (1) or (2); or
- (b) being the holder of a work permit, contravenes or fails to comply with any condition subject to which that permit was granted

is guilty of an offence.

(5) The Minister may at any time

- (a) modify or cancel any condition specified in a work permit; or
- (b) revoke a work permit.

Application for work permits

20.(1) An application for a work permit shall be made in such form and in such manner as may be prescribed.

(2) There shall be paid in respect of the application, grant and renewal of a work permit such fees as may be prescribed.

(3) Regulations under this section may specify the level of fees in respect of different categories of employment and in respect of different categories of persons.

PART IV

Removal of persons not permitted to enter Barbados, deportation and detention

Persons not permitted to enter Barbados

21.(1) Where a person who seeks to enter Barbados is not permitted to do so, an immigration officer may give directions

- (a) to the master of the vessel on which the person arrived in Barbados requiring the master to remove the person from Barbados in that vessel;
- (b) to the owner, or agents in Barbados of that vessel, requiring them to remove the person from Barbados in any vessel of which they are owners or agents; or
- (c) to the owners or agents of that vessel, requiring them to arrange for the person's removal from Barbados in any vessel bound for a country specified in the directions, being a country
 - (i) of which the person is a citizen;
 - (ii) in which the person obtained a passport or other document of identity;
 - (iii) in which the person embarked for Barbados; or
 - (iv) which there are reasonable grounds for believing that the person will be permitted to enter,

and for securing the person a passage to that country.

(2) Where a person who is not permitted to enter Barbados appeals against the decision of the immigration officer, the liability of the owners or agents of

the vessel in which the person arrived in Barbados or the person's removal from Barbados is not affected by the appeal.

(3) Nothing in subsection (1) affects the liability of a person who is not permitted to enter Barbados to pay to the owner or agents of the vessel in which the person arrived in Barbados the cost of the person's passage from Barbados.

(4) Where it appears to the Minister that in the circumstances of any particular case it is not practicable for directions to be given under subsection (1) in respect of any person who is not permitted to enter Barbados, or that directions so given would be ineffective, the Minister or any person acting under the Minister's authority may give to the owner or agent of any vessel, any directions an immigration officer is empowered to give to the owner or agents of the vessel in which the person arrived in Barbados; but, in any such case, the costs of complying with the directions shall be defrayed out of moneys provided for the purpose by Parliament.

(5) A person who fails or refuses to comply with directions given under subsection (1) or (4) is guilty of an offence under this Act.

(6) Any person in respect of whom directions are given under this section may be placed under the authority of an immigration officer on board any vessel in which the person is to be removed from Barbados in accordance with the directions.

Deportation orders

22.(1) A deportation order in the prescribed form or a copy thereof shall be served on the person against whom it is made and on such other persons as may be prescribed.

(2) Unless otherwise provided in this Act, a deportation order shall be executed as soon as practicable.

(3) A deportation order does not become invalid on the ground of any lapse of time between its making and execution, and remains valid after execution unless cancelled by the Minister.

(4) A person who commits an offence under this Act or the regulations may, notwithstanding the fact that a deportation order has been made against that person, be prosecuted and required to undergo any punishment imposed in respect of that offence before the person is deported.

(5) A deportation order may not be executed where the person against whom it is made

(a) is at the time of its making an inmate of a prison; or

(b) becomes such an inmate before its execution,

until that person ceases to be liable to be detained therein.

(6) A person against whom a deportation order is made, in this Act referred to as “a deportee”, shall leave Barbados in accordance with the terms of the order and shall thereafter, so long as the order is in force, remain outside Barbados.

(7) A person who re-enters Barbados in contravention of a deportation order may again be deported under that order.

(8) A person who contravenes or fails to comply with subsection (6) or (7) is guilty of an offence under this Act.

(9) A person who, having been removed or otherwise lawfully sent out of Barbados, enters or resides in Barbados without the permission in writing of the Minister is guilty of an offence under this Act, and, in addition to any other penalty provided by this Act, is liable to be again removed from Barbados.

(10) Unless otherwise directed by the Minister, a deportee may be requested or allowed to leave Barbados voluntarily if the deportee complies with the conditions governing his voluntary departure.

(11) The Minister may delegate to the Chief Immigration Officer the power conferred on the Minister by this Act to make a deportation order.

Revocation of deportation order

23.(1) Notwithstanding any other provision of this Act, a deportee may within 24 hours after he is served with the order, make application in writing to the Minister for revocation of the order and the Minister shall act in accordance with the provisions of section 35.

(2) Where a deportee makes an application referred to in subsection (1), the deportee shall pay a fee of \$3 000 which is not refundable.

(3) The Committee shall, within 72 hours after receipt of the application referred in subsection (1), by notice in writing, inform the deportee of its decision.

(4) Where the Committee denies the application referred to in subsection (1), the deportee shall be removed from Barbados as soon as practicable.

Effect of revocation of permission to remain in Barbados

24. A person

- (a) whose permission to remain in Barbados has been revoked; or
- (b) who has been served with a deportation order,

whether the person leaves Barbados voluntarily or is removed from Barbados, shall remain out of Barbados for a period of at least 5 years or such shorter period as the Minister may in the Minister's discretion determine.

Detention

25.(1) A person who is refused permission to enter Barbados may be detained in custody by an immigration officer, a member of the Police Service or such other person as may be designated by the Chief Immigration Officer, in such place as the Minister approves, until the person is removed from Barbados in accordance with directions given under section 22.

(2) Where a deportation order is made against a person, the Minister may order that person to be detained in custody in such place as the Minister directs

and for such period as may be necessary for the purpose of making arrangements for the person's removal from Barbados.

(3) Where a person is detained under this section, an immigration officer, a member of the Police Service, prison officer or any other person authorized by the Minister may take such steps as may reasonably be necessary for photographing, measuring or otherwise identifying the person.

(4) A person who is detained pursuant to the sentence or order of a court and would otherwise be liable to be detained under this section may be taken into custody by a member of the Police Service, an immigration officer or a prison officer to or from any place where the person's attendance is required for the purpose of ascertaining the person's citizenship or of making arrangements for the person's removal from Barbados.

(5) A person who is ordered or authorized to be detained under this section may be arrested without warrant by an immigration officer or a member of the Police Service.

Recovery of costs of deportation

26.(1) Where a magistrate is satisfied by information in writing made on oath

(a) that expenses have been or will be incurred by or on behalf of the State in connection with the maintenance, medical treatment or removal from Barbados of a person against whom a deportation order is made; and

(b) as to the amount or estimated amount of those expenses,

the magistrate may issue a warrant for the levy of that amount or estimated amount by distress or sale of any moveable property of that person, and for the purposes of the recovery of that amount or estimated amount may order forfeiture of any moneys in the possession of that person.

(2) A warrant issued under subsection (1) may be executed in the same manner as a writ of execution issued under the *Magistrate's Court Act*,

Cap. 116A, for the levy of a sum of money adjudged to be payable by order of a magistrate's court.

(3) The partial recovery of expenses under subsection (1) does not prejudice the liability of any surety for the balance, nor is the issue or execution of a warrant or the forfeiture of moneys under that subsection a condition precedent to the liability of any surety or to the enforcement of that liability.

PART V

Administration

Responsibility for general management of department

27.(1) The Chief Immigration Officer shall be responsible for the general management and administration of the Immigration Department, and all other immigration officers shall perform such functions as are assigned to them by the Chief Immigration Officer.

(2) For the purpose of discharging functions under this Act, an immigration officer may, with the assistance of such persons as the immigration officer thinks fit

- (a) without a search warrant, enter upon and search any vessel in Barbados;
- (b) question any person who seeks to enter or leave Barbados or any person who the immigration officer believes is a prohibited person within the meaning of section 9;
- (c) without warrant, arrest any person whom the immigration officer has reasonable grounds for believing has committed an offence under this Act or the regulations; and
- (d) on the authority of a warrant, enter and search any place in Barbados if the immigration officer has reasonable ground for believing that there is in any such place any person who has contravened this Act or any

other enactment or any person against whom a deportation order has been made.

(3) Subsections (1) and (2) of section 84 of the *Magistrate's Courts Act*, Cap. 116A apply to paragraph (d) of subsection (4) with such adaptations and modifications as circumstances require.

Permits

28.(1) A permit granted under this Act shall be in the form approved by the Minister and shall contain such particulars and marks, including photographs and fingerprints, as may be necessary for the purpose of identifying the person to whom it relates.

(2) The Minister may direct that a permit granted under this Act be endorsed on the passport or other document establishing the identity and national status of the person to whom it relates, or in such other manner as the Minister thinks fit.

Evidence of administrative matters

29.(1) Notwithstanding any enactment or other law to the contrary, any matter relating to the administration of this Act and the regulations, including

- (a) any matter relating to the records in the possession of an immigration officer;
- (b) the delivery or non-delivery or the receipt or non-receipt of any document;
- (c) the failure to do any act or the doing of any act; or
- (d) the date or time for the doing of any act remaining undone,

may be proved by the affidavit of an immigration officer setting out that the officer has examined the records maintained by or under the authority of the Chief Immigration Officer or the Minister and what those records indicate with respect to the matter.

- (2) An affidavit under subsection (1) shall be *prima facie* evidence of
 - (a) the facts set out therein; and
 - (b) the fact that the records referred to therein show correctly when and whether an act was or was not done,

and it is not necessary for its admissibility in evidence to prove the signature or status of the person making it or the official character of the person before whom it is sworn.

Production of permits

30.(1) A person to whom a permit is issued or granted under this Act shall produce that permit to an immigration officer or member of the Police Service on demand, or within 3 days after such demand, at such place as is specified by that officer or member.

- (2) A person who without reasonable excuse fails or refuses to comply with subsection (1) is guilty of an offence.

Delegation

31. The Minister may, by instrument in writing, delegate any power conferred by this Act (except the power to make regulations) to the Chief Immigration Officer but such a delegation does not prevent the Minister from exercising the power.

PART VI

*Miscellaneous***Offences****32.** A person who

- (a) being a person seeking to enter or entering Barbados
 - (i) wilfully gives an untrue answer to any question referred to in section 12(3); or
 - (ii) wilfully makes a false statement in a declaration referred to in paragraph (a) of section 12(3);
- (b) being the master of a vessel arriving in or departing Barbados discharges, causes or permits anyone to be discharged therefrom in contravention of section 17(1);
- (c) assaults, resists, obstructs or hinders or uses any threatening, insulting, indecent or abusive language to an immigration officer, a member of the Police Service or any person acting under the authority of this Act, in the execution of the person's duty under this Act or the regulations;
- (d) without lawful excuse knowingly harbours or conceals
 - (i) any other person who is in Barbados in contravention of this Act; or
 - (ii) any other person who, having entered Barbados under the authority of a permit issued under section 4(5) or section 5, has contravened or failed to comply with any condition to which the permit is subject;
- (e) being a person lawfully detained under this Act, escapes or attempts to escape from such detention;

- (f) knowingly aids, assists or procures a person who has not been permitted to enter Barbados or against whom a deportation order is in force to enter Barbados; or
- (g) with the intention of entering, remaining in or departing from Barbados or of assisting any other person to enter, remain in or depart from Barbados
 - (i) fabricates or falsifies any passport, permit or other document;
 - (ii) uses, utters or possesses, or attempts to use or utter or possess,
 - (A) any passport, permit or other document which has not been lawfully issued or which the person is not entitled to use, utter or possess; or
 - (B) any fabricated or falsified passport, permit or other document knowing the same to be fabricated or falsified,

is guilty of an offence.

Offences re smuggling of persons

33.(1) A person is guilty of the offence of smuggling of persons who with intent to obtain directly or indirectly a financial or other material benefit

- (a) engages in conduct preliminary to or takes part in the smuggling of persons by sea or air without complying with the requirements for legal entry into Barbados;
- (b) while engaging in conduct referred to in paragraph (a),
 - (i) produces a fraudulent travel or identity document; or
 - (ii) procures, provides or possesses a fraudulent travel or identity document; or
- (c) arranges for a person who is not a national or permanent resident of Barbados to enter or remain in Barbados without having that person

comply with the legal requirements for entering or remaining in Barbados.

(2) A person is guilty of smuggling of persons with aggravation where in committing the offence, the person

(a) endangers the lives of the persons concerned; or

(b) engages in inhumane or degrading treatment.

(3) Where in proceedings brought under subsection (1), evidence is found that a vessel is engaged in the smuggling of migrants by sea, the vessel may be seized and forfeited.

(4) In this section “fraudulent travel or identity document” means any travel or identity document that

(a) has been falsely made or altered in some material way by a person other than a person lawfully authorized to make or issue the travel or identity document;

(b) has been improperly issued or obtained through misrepresentation or in any other unlawful manner; or

(c) is being used by a person other than the rightful holder.

Penalty for smuggling

34.(1) A person who is convicted under section 33(1) of the offence of smuggling of persons is liable on conviction on indictment to a fine of \$1 500 000 or to imprisonment for 15 years or to both.

(2) A person who is convicted under section 33(2) of the offence of smuggling of persons with aggravation is liable on conviction on indictment to a fine of \$2 000 000 or to imprisonment for 25 years or to both.

Right of appeal

35.(1) Any person aggrieved by a decision of the Chief Immigration Officer made under this Act may appeal to the Minister who shall constitute a committee

comprising the Minister, the Solicitor-General and a third person invited by the Minister to be a member of the committee to review the decision.

(2) The decision of the committee referred to in subsection (1) shall be final.

Forfeiture

36.(1) Where a person has been convicted of the offence of smuggling of persons or smuggling of persons with aggravation, and the court is satisfied that

- (a) any property of the person convicted was used or was intended to be used or was obtained in the course of the crime; or
- (b) any benefits were gained from the proceeds of the crime,

the court shall order that the property or benefits be forfeited and accrue to the Criminal Assets Recovery Fund.

(2) For the purposes of subsection (1)

- (a) “Criminal Assets Recovery Fund” means the fund established under section 14 of the *Transnational Organized Crime (Prevention and Control) Act, 2011* (Act 2011-3) and continued under section 3 of the *Criminal Assets Recovery Fund Act, 2016* (Act 2016-10);
- (b) “property” includes money, valuables and other movable and immovable property.

(3) The forfeiture of property referred to in subsection (1) applies to the property of persons convicted of the smuggling of persons or the smuggling of persons with aggravation, whether or not the property is located in Barbados.

General penalties

37.(1) A person who is guilty of an offence under this Act for which no other penalty is provided is liable on summary conviction to a fine of \$20 000 or to imprisonment for a term of 6 months or to both.

(2) Where subsidiary legislation made under this Act creates an offence, the subsidiary legislation may provide for such offence to be tried summarily and the subsidiary legislation may prescribe a fine not exceeding \$20 000 or imprisonment for a term of 6 months or both.

Regulations

38.(1) The Minister may make regulations

- (a) prescribing the circumstances in which a vessel is to be deemed to be arriving in or departing Barbados;
- (b) designating places in Barbados as ports of entry for the examination by immigration officers of persons seeking to enter or entering Barbados;
- (c) requiring persons disembarking or embarking in Barbados to produce to an immigration officer, if so required, embarkation and disembarkation forms in such form as the Minister directs and requiring the owners or agents of vessels to supply those forms to such persons;
- (d) prescribing the operation of automated passport control kiosks;
- (e) prescribing the use online of the embarkation and disembarkation form;
- (f) prescribing the functions of immigration officers;
- (g) prescribing an employer's responsibilities in relation to the repatriation of an employee who is the holder of a work permit;
- (h) prescribing the time, place and manner of examining persons found in Barbados and who are suspected of being in Barbados contrary to this Act;
- (i) prescribing the means to be taken for identifying persons suspected of being in Barbados contrary to this Act;
- (j) prescribing anything that is by this Act authorized or required to be prescribed;

- (k) prescribing the fees to be paid in respect of
 - (i) the making or granting of any application under this Act or the regulations;
 - (ii) the issue of any permit, certificate or other document approved, made or prescribed by or under this Act or the regulations;
 - (l) generally for carrying out the objects and purposes of this Act; and
 - (m) prescribing the conditions of entry into Barbados of persons generally.
- (2) Regulations made under paragraph (k) of subsection (1) may contain such provisions as the Minister considers necessary or expedient for giving effect thereto, including such qualifications, exceptions and conditions as he thinks fit.
- (3) All regulations made under subsection (1) shall be subject to negative resolution.

Savings and transitional

- 39.(1) The Regulations made under the former Act shall be deemed to have been made under this Act, and shall apply with such adaptations and modifications as circumstances require for the purpose of giving effect to this Act.
- (2) The Regulations referred to in subsection (1) shall remain in force until revoked by regulations made under this Act.
- (3) Any application for the grant of status of immigrant or permanent resident begun under the former Act, but not completed before the commencement of this Act shall be deemed to be an application for the grant of status of permanent resident under this Act and shall be dealt with accordingly.

Repeal of Cap. 190

40. The *Immigration Act, 1975* (Act 1975-20), referred to in this Act as the former Act, is repealed.

Commencement

41. This Act shall come into operation on a date to be fixed by Proclamation.

FIRST SCHEDULE

(Section 2)

Domestic Space

1. Anguilla
2. Antigua and Barbuda
3. Bahamas
4. Barbados
5. Belize
6. Bermuda
7. British Virgin Islands
8. Cayman Islands
9. Dominica
10. Grenada
11. Guyana
12. Haiti
13. Jamaica
14. Montserrat
15. St. Kitts and Nevis
16. St. Lucia
17. St. Vincent and the Grenadines
18. Suriname
19. Trinidad and Tobago
20. Turks and Caicos Islands

SECOND SCHEDULE

(Section 4(1) and (5))

Permitted Entrants

PART I

Permission to enter for a period not exceeding 5 years

1. Persons who are duly accredited
 - (a) diplomatic or consular officers of a country other than Barbados; or
 - (b) representatives or officials of
 - (i) the United Nations or any of its agencies or subagencies, or
 - (ii) any governmental organization in which Barbados participates, entering Barbados to carry out official duties or in transit, and members of the suites or families of such persons.
2. Persons entering Barbados to attend as students at
 - (a) an educational or training institution approved by the Minister for the purposes of this Act; or
 - (b) a university or college authorized by law to confer degrees or to offer training in holy orders.
3. Persons entering Barbados for the purposes of employment, trade or business.
4. Persons entering Barbados for other purposes approved by the Minister.

PART II

Permission to enter for a period not exceeding 6 months

1. Passengers in transit through Barbados.
2. Visitors.

3. Persons entering Barbados for medical treatment.
4. Members of crews of vessels entering Barbados for shore leave or some other legitimate and temporary purpose.
5. Persons entering Barbados for the purpose of engaging in sport or in dramatic or other cultural activities.

THIRD SCHEDULE

(Section 4(14))

EU Member States

1. The Republic of Austria
2. The Kingdom of Belgium
3. The Republic of Bulgaria
4. The Republic of Croatia
5. The Republic of Cyprus
6. The Czech Republic
7. The Kingdom of Denmark
8. The Republic of Estonia
9. The Republic of Finland
10. The French Republic
11. The Federal Republic of Germany
12. The Hellenic Republic
13. The Republic of Hungary
14. Ireland
15. The Italian Republic

16. The Republic of Latvia
17. The Grand Duchy of Luxemburg
18. Malta
19. The Kingdom of the Netherlands
20. The Republic of Poland
21. The Portuguese Republic
22. Romania
23. The Slovak Republic
24. The Republic of Slovenia
25. The Kingdom of Spain
26. The Kingdom of Sweden

FOURTH SCHEDULE

Section 7(1) and (2))

Maximum Points to be Awarded

Criteria	Points
1. Age	
(a) 18 to 30	5
(b) 31 to 50	4
(c) over 50	3
2. Barbadian descent	
(a) Great-great grandchild	4
(b) Other	3
3. Education/Skill/Experience	up to 5
4. Service: diplomatic mission/international organization	
(a) member of staff of diplomatic mission	10
(b) member of staff of an international organisation	10
(c) employee of Government of Barbados in diplomatic mission abroad	10

Fourth Schedule - (Concl'd)

Criteria	Points
5. Financial resources	
(a) Real property in Barbados:	
(i) valued between \$500 000 and \$5 million	3
(ii) valued over \$5 million	5
(b) Other assets in Barbados:	
(i) valued between \$100 000 and \$500 000	2
(ii) valued between \$500 001 and \$5 million	3
(iii) valued over \$5 million	5

FIFTH SCHEDULE

(Section 9(1) and (2))

Prohibited Persons

1. Persons who are likely to become charges on public funds.
2. Persons who are suffering from communicable diseases within the meaning of any regulations relating to such diseases made under the *Health Services Act*, Cap. 44.
3. Persons
 - (a) whose conduct offends public morality; or
 - (b) who groom or sexually assault minors.
4. Persons who
 - (a) are or have been at any time engaged or reasonably suspected of being likely to engage in the unlawful
 - (i) offering or exposing for sale any dangerous or narcotic drugs; or
 - (ii) trading or trafficking in any dangerous or narcotic drugs; or
 - (b) have been convicted of intent to supply any dangerous or narcotic drug or any offence referred to in subparagraph (a).
5. Persons who
 - (a) have been convicted of or admit to having committed a criminal offence, which, if committed in Barbados, is punishable with imprisonment for a term of 5 years or longer;
 - (b) knowingly or for profit or aid, encourage or procure other persons who are not citizens of Barbados to enter Barbados illegally;

- (c) are stowaways or seek to enter Barbados illegally.
- 6. Persons who are or have been at any time advocates of
 - (a) the overthrow by force or violence of the Government of Barbados or any other country or of all forms or law;
 - (b) the abolition of organized government;
 - (c) the assassination of any person or the unlawful destruction of property.
- 7. Persons who are or have been members of or affiliated to any organisation which entertains or teaches any doctrine or practice specified in subparagraphs (a) to (c) of paragraph 6.
- 8. Persons who have been convicted of the offence of terrorism or in respect of whom there are reasonable grounds for believing they have financed or facilitated acts of terrorism.
- 9. Persons in respect of whom there are reasonable grounds for believing that they are likely to engage in espionage, sabotage or other subversive activity directed against or detrimental to the security of Barbados.
- 10. Persons against whom deportation orders have been made.
- 11. Persons who are or have been at any time engaged or reasonably suspected of being likely to engage in the unlawful trafficking in persons.
- 12. **Persons entering Barbados at a place other than a port of entry for the purpose of avoiding detection.**

SIXTH SCHEDULE

(Sections 14(2)(a), (6)(b))

A. Data Relating to the Voyage or Flight

1. **Flight Identification**
IATA airline code and flight number.
2. **Vessel Identification**
Vessel name and voyage number.
3. **Vessel Registration**
Vessel Registration number.
4. **Country of Registration**
Country where vessel is registered.
5. **Agent or owner**
Name of agent for the vessel or, where no agent, name of owner.
6. **Scheduled Departure Date**
Date of scheduled departure of vessel (based on local time of departure from location).
7. **Scheduled Departure Time**
Time of scheduled departure of vessel (based on local time of departure from location).
8. **Scheduled Arrival Date**
Date of scheduled arrival of vessel (based on local time of arrival).
9. **Scheduled Arrival Time**
Time of scheduled arrival of vessel (based on local time of arrival at location).

Sixth Schedule - (Cont'd)

A. *Data Relating to the Voyage or Flight - (Concl'd)*

10. **Last Place or Port of Call of Vessel**

Vessel departed from this last place or port of call to go to a place or port of call of a vessel's initial arrival.

11. **Place or port of Initial Arrival of Vessel**

Place or port of call in the country where the vessel arrives from the last place or port of call of the vessel.

12. **Subsequent Place or Port of Call within the Country or domestic space**

13. **Number of Persons on board**

Total number of passengers and crew on board the vessel.

14. **Place or Port of forward Foreign Destination**

For departure from last port of call.

B. *Data relating to each individual person on board*

Core Data Elements of the Official Travel Documents

1. **Official Travel Document Number**

Passport or other official travel document number.

2. **Issuing State or Organisation of the Official Travel Document**

Name of the state or organisation responsible for the issuance of the official travel document.

3. **Official Travel Document Type**

Indicator to identify type of official travel document.

Sixth Schedule - (Cont'd)

B. Data relating to each individual person on board - (Concl'd)

Core Data Elements of the Official Travel Documents

4. **Expiration Date of Official Travel Documents**
Expiration date of official travel document.
5. **Surname and Given Name(s)**
Family name and given name(s) of the holder as they appear on the official travel document.
6. **Nationality**
Nationality of the holder
7. **Date of Birth**
Date of birth of the holder
8. **Gender**
Gender of the holder

C. Passenger Name Record Data as Available in a Vessel's Reservation System

1. **PNR Locator**
PNR locator.
2. **Date of Reservation or Issue of Ticket**
Date of reservation or issue of ticket for passenger.
3. **Date(s) of Intended Travel**
Date(s) of intended travel for passenger.
4. **Surname and Given Name(s)**
Family name and given name(s) of passenger.

*Sixth Schedule - (Cont'd)**C. Passenger Name Record Data as Available in a Vessel's Reservation System - (Cont'd)*

5. **Address and Contact Information**
Address and contact information of passenger including telephone number(s) and e-mail address.
6. **Information on Form of Payment for Ticket**
Information on form of payment for ticket of passenger including billing address.
7. **Travel Itinerary**
Complete travel itinerary of passenger.
8. **Frequent Flyer Information**
Frequent flyer information of passenger.
9. **Travel Agency or Travel Agent**
Travel agency or travel agent used to reserve ticket of passenger.
10. **Travel Status of Passenger**
Travel status of passenger including confirmations, check-in status and no show status.
11. **Split or divided PNR Information**
Split or divided PNR information.
12. **Ticketing Information**
Ticketing information for passenger including ticket number, date of issuance of ticket, one way tickets and automated ticket fare quotations.
13. **Seat Information**
Seat number and any other seat information for passenger.
14. **Baggage Information**
All baggage information for passenger.

*Sixth Schedule - (Concl'd)**C. Passenger Name Record Data as Available in a Vessel's Reservation System - (Concl'd)*

15. **Code Share Information**
Where applicable, code share information for passenger.
16. **Number and Names of Other Persons**
Number and name(s) of person(s) travelling with passenger.
17. **General Remarks**
General remarks including all available information on unaccompanied minors under 18 years such as the name and gender of the minor, language spoken by the minor, name and contact details of guardian on departure and relationship to the minor, name and contact details of guardian on arrival and relationship to the minor and the departure and arrival agent.
18. **Any Advance Passenger Information**
Any advance passenger information data collected for passenger.
19. **Historical Changes to the PNR**
Any historical changes to the PNR listed at 1 to 18.

Read three times and passed the House of Assembly this
day of _____, 2025.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2025.

President

BARBADOS CITIZENSHIP ACT, 2025

OBJECTS AND REASONS

This Bill would revise the law relating to the acquisition, deprivation and renunciation of citizenship of Barbados and would provide for related matters.

BARBADOS CITIZENSHIP ACT, 2025

Arrangement of Sections

1. Short title

PART I

PRELIMINARY

2. Interpretation

PART II

ACQUISITION OF CITIZENSHIP

3. Additional grounds of citizenship and registration of certain persons as citizens
4. Right of refusal to register
5. Registration of minors
6. Certificate of registration
7. Effect of registration as a citizen

PART III

LOSS OF CITIZENSHIP

8. Renunciation of citizenship by reason of dual citizenship or nationality

- 9.** Deprivation of citizenship
- 10.** Deprivation of citizenship of Barbados where person deprived of citizenship elsewhere
- 11.** Resumption of citizenship

PART IV

MISCELLANEOUS

- 12.** Certificate of citizenship in cases of doubt
- 13.** Minister's discretion not to be questioned and decisions to be final
- 14.** Evidence
- 15.** Regulations
- 16.** Power to amend Schedule
- 17.** Offences
- 18.** Oath of allegiance
- 19.** Saving and transitional
- 20.** Repeal of Cap. 186
- 21.** Commencement

FIRST SCHEDULE

Persons Entitled to be Registered

SCHEDULE

Oath of Allegiance

BARBADOS

A Bill entitled

An Act to revise the law relating to the acquisition, deprivation and renunciation of citizenship of Barbados and to provide for related matters.

ENACTED by the Parliament of Barbados as follows:

Short title

- 1.** This Act may be cited as the *Barbados Citizenship Act, 2025*.

PART I

PRELIMINARY

Interpretation

2.(1) For the purposes of this Act,

“child” includes stepchild;

“dependant”, in relation to a person, means

- (a) a spouse;
- (b) a child or step-child under the age of 18 years;
- (c) a child adopted by the person in a manner recognized by law and who is under the age of 18 years; or
- (d) any other relative who is, by reason of age or any infirmity of body or mind, wholly dependent on that person for subsistence;

“foreign country” means a country other than Barbados;

“former Act” means the *Barbados Citizenship Act*, Cap. 186;

“former Immigration Act” means the *Immigration Act*, Cap. 190;

“national of a Member State” has the meaning assigned to it by Article 32(5) (a) of the *First Schedule* to the *Caribbean Community Act*, Cap. 15;

“Member State” means a Member State of the Community, excluding an Associate Member within the meaning of Article 231 of the Revised Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy, that was signed in the Bahamas on 5th July, 2001;

“Minister” means the Minister responsible for citizenship;

“spouse” includes

- (a) a single man who has cohabited with a single woman continuously; or
 - (b) a single woman who has cohabited with a single man continuously
- for a period of at least 5 years immediately preceding the date an application was made under this Act;

“union other than marriage or “union” has the meaning assigned to it by the *Family Law Act*, Cap. 214.

(2) For the purposes of this Act, a person born aboard a registered ship or aircraft or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) A person shall, for the purposes of this Act, be of full age if the person has attained the age of 18 years and is of sound mind.

(4) For the purposes of this Act, a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

(5) Subject to subsections (6) and (7), in calculating for the purposes of this Act any period of residence in Barbados,

- (a) a period of absence from Barbados of less than 6 months;
- (b) a period of absence from Barbados for the purpose of education of such kind, in such country and for such time, as may be either generally or specifically approved by the Minister; or
- (c) a period of absence from Barbados for reasons of health or any other cause prescribed generally or specially by the Minister,

shall be treated as residence in Barbados, and a person shall be deemed to be resident in Barbados on a particular day if he had been resident in Barbados before that day and that day is included in any period of absence referred to in this subsection.

- (6) In calculating for the purposes of this Act any period of residence in Barbados, account shall not be taken
- (a) of any period during which a person was not lawfully resident in Barbados; or
 - (b) of any period spent as an inmate of any prison or as a person detained in lawful custody in any place other than a mental hospital under the provisions of any enactment.
- (7) Without affecting subsections (5) and (6), the Minister may, in calculating for the purposes of this Act any period of residence in Barbados, take account of any period during which a person is allowed to remain temporarily in Barbados under the authority of any enactment.
- (8) For the purposes of this Act, a person born outside Barbados to a citizen of Barbados serving in a diplomatic or consular capacity shall be deemed to have been born in Barbados where that State in which they were born refuses to grant a birth certificate.
- (9) Subsection (8) does not apply to any person to whom section 2(2) or 5 of the *Constitution* or any other enactment applies.
- (10) For the purposes of this Act a step-child includes a child of either spouse by a previous marriage or other relationship who is acknowledged and treated by both parties as a child of the marriage or union.

PART II

ACQUISITION OF CITIZENSHIP

Additional grounds of citizenship and registration of certain persons as citizens

3.(1) Where after the commencement of this Act a newborn infant is found abandoned in Barbados, that infant shall, unless the contrary is shown, be deemed to have been born in Barbados.

(2) Subject to section 4, a person who was born outside Barbados and who is a grandchild or great grandchild of a citizen of Barbados may upon application to the Minister in the prescribed form and on payment of the prescribed fee, be registered as a citizen of Barbados.

(3) Subject to section 4, a person who was granted permanent residence under section 5(2C) of the former Immigration Act is entitled, upon application to the Minister in the prescribed form, to be registered as a citizen.

(4) Subject to section 4, any person who, on the day immediately preceding the commencement of this Act is an immigrant having obtained that status under the former Immigration Act and had been an immigrant for a period exceeding 3 years shall be entitled to be registered as a citizen of Barbados on the commencement of this Act upon satisfying the Minister that he has been an immigrant for the period referred to in this subsection.

(5) Subject to section 4, the following persons may, upon application to the Minister in the prescribed form, and upon payment of the prescribed fee, be registered as citizens of Barbados:

- (a) a person who is a national of a Member State by birth, descent or naturalization;
- (b) the spouse of the person referred to in paragraph (a); and
- (c) the dependants of the person referred to in paragraph (a),

if they satisfy the Minister that they have lawfully resided in Barbados as permanent residents of Barbados for an aggregate period of at least 180 days during the period of at least 730 days immediately preceding the date of application.

(6) Subject to section 4, the following persons may, upon application to the Minister in the prescribed form, and upon payment of the prescribed fee, be registered as citizens of Barbados:

- (a) a person who is not a national of a Member State;
- (b) the spouse of the person referred to in paragraph (a), if the spouse is not a national of a Member State by birth, descent or naturalization; and
- (c) the dependants of the person referred to in paragraph (a), not being nationals of Member States by birth, descent or naturalization,

if they satisfy the Minister that they have lawfully resided in Barbados as permanent residents of Barbados for an aggregate period of at least 270 days during the period of at least 1 095 days immediately preceding the date of application.

(7) A person is entitled, on making application under this subsection to the Minister in the prescribed manner, to be registered as a citizen of Barbados if the person satisfies the Minister that the person has always been stateless and

- (a) if the person was born before the 29th November, 1966, that either parent was, at the time of the person's birth, a citizen of the United Kingdom and Colonies by reason of the parent's birth in Barbados;
- (b) if the person was born after 29th November, 1966, that either parent was a citizen of Barbados, at the time of the person's birth; or
- (c) that he was born in Barbados.

(8) **The persons set out in the *First Schedule* are entitled upon application to the Minister in the prescribed form to be registered as citizens of Barbados.**

(9) An application for registration under this section on behalf of a minor may be made by the parent or guardian.

Right of refusal to register

4. The Minister may, in the interests of national security and public policy, refuse to register as a citizen of Barbados a person

- (a) who, under subsection (2) or (3) of section 3 of the *Constitution*, is entitled to be registered as a citizen of Barbados and applies to be so registered;
- (b) who pursuant to subsection (2), (3), (4), (5), (6) or (8) of section 3 applies to be registered as a citizen of Barbados;
- (c) who has been convicted by a competent court in any country of a criminal offence for which he has been sentenced to a term of imprisonment for 12 months or more and has not received a free pardon in respect of the offence;
- (d) who, has engaged in activities, whether within or outside Barbados, which, in the opinion of the Minister, are prejudicial to the safety of Barbados or to the maintenance of law and public order in Barbados;
- (e) who, not being the dependant of a citizen of Barbados, has not sufficient means to maintain himself and is likely to become a charge on public funds; or
- (f) to whom the *Fifth Schedule* of the *Immigration Act, 2025* (Act 2025-) applies.

Registration of minors

5.(1) The Minister may cause the minor child of any citizen of Barbados to be registered as a citizen of Barbados upon application made in the prescribed form by a parent or guardian of the child.

(2) The Minister may, in such special circumstances as he thinks fit, cause any minor to be registered as a citizen of Barbados.

(3) Where under any enactment in force in Barbados relating to the adoption of children, an adoption order is made in respect of a minor who is not a citizen of Barbados, then, if the adopter or in the case of a joint adoption, either adopter, is a citizen of Barbados, the minor shall become a citizen of Barbados from the date of the order.

Certificate of registration

6. Where an application for registration as a citizen of Barbados under the *Constitution* or this Act is approved, the Minister may issue to the applicant a certificate of registration in the prescribed form.

Effect of registration as a citizen

7. A person registered under section 3 of this Act or under section 3, 3A or 6 of the *Constitution* shall be a citizen of Barbados by registration from the date on which he is registered.

PART III

LOSS OF CITIZENSHIP

Renunciation of citizenship by reason of dual citizenship or nationality

8.(1) Where any citizen of Barbados of full age and capacity who is or who intends to become a citizen of a foreign country makes a declaration of renunciation of citizenship of Barbados in the prescribed manner, the Minister shall cause the declaration to be registered, and upon registration that person shall cease to be a citizen of Barbados.

(2) The Minister may withhold registration of a declaration made under subsection (1) by a person who is or who intends to become a citizen of a foreign country during any war in which Barbados is engaged.

(3) Where the Minister causes a declaration of renunciation of citizenship of Barbados to be registered under subsection (1), he may issue to the person making the declaration a certificate of renunciation in the prescribed form.

Deprivation of citizenship

9.(1) Subject to this section, the Minister may, by order, deprive of his citizenship, any citizen of Barbados other than a person who is a citizen by virtue of section 2(3), 4, 5(1) or (2) of the *Constitution* if the Minister is satisfied

- (a) that the citizenship was obtained by means of fraud, false representation or the concealment of any material fact;
- (b) that at anytime after the person acquired citizenship
 - (i) the person was convicted of high treason or treason in Barbados or by a competent court in any foreign country and has not received a free pardon in respect of the offence; or
 - (ii) the person was convicted by a competent court in any foreign country of a criminal offence on conviction of which the death penalty or a term of imprisonment of not less than 7 years may be imposed and the person has not received a free pardon in respect of the offence;
- (c) that the person has shown himself by act or speech to be disloyal or disaffected towards Barbados;
- (d) that during any war in which Barbados was engaged, the person unlawfully traded or communicated with the enemy or has been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or

- (e) that the person engaged in activities, whether within or outside Barbados, which, in the opinion of the Minister, are prejudicial to the safety of Barbados or to the maintenance of law and public order in Barbados.
- (2) The Minister shall not deprive a person of citizenship under this section, unless he is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Barbados.
- (3) Before making an order under this section, the Minister shall give the person against whom the order is proposed to be made
 - (a) notice in writing informing the person of the grounds on which it is proposed to be made; and
 - (b) notice of the person's right to an enquiry under this section if the order is proposed to be made on any of the grounds specified in subsection (1).
- (4) Where the order is proposed to be made on any of the grounds specified in subsection (1) and the person against whom the order is proposed to be made applies in the prescribed manner for an enquiry, the Minister shall refer the case to a committee of enquiry.
- (5) Where the order is proposed to be made on any of the grounds specified in subsection (1) and the person against whom the order is proposed to be made has not applied in the prescribed manner for an enquiry, the Minister may nonetheless refer the case to a committee of enquiry.
- (6) The committee referred to in subsections (4) and (5) shall consist of the following persons who shall be appointed by the Minister:
 - (a) a chairman, being a person who is or has held judicial office having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court; and
 - (b) not less than 2 other members.

(7) The powers, rights and privileges of a committee of enquiry appointed under this section shall be the same as those conferred on a commission appointed under the *Commissions of Inquiry Act*, Cap. 112 and the provisions of that Act shall, *mutatis mutandis*, apply in relation to any enquiry under this section and to any person summoned to give evidence at the enquiry.

(8) Without prejudice to the generality of subsection (7), any power exercisable by the President under the *Commissions of Inquiry Act*, Cap. 112 shall, in the application of that Act to an enquiry under this section, be exercisable by the Minister.

(9) A person who is deprived of his citizenship of Barbados by an order under this section or under section 8, shall, upon the making of the order, cease to be a citizen of Barbados.

(10) For the purposes of this section, “Commonwealth” has the meaning assigned to it by section 117 of the *Constitution*.

Deprivation of citizenship of Barbados where person deprived of citizenship elsewhere

10.(1) Where any citizen of Barbados, who acquired citizenship by naturalization, was also a citizen of any foreign country but has been deprived of citizenship of that country on grounds which in the opinion of the Minister are substantially similar to any of the grounds specified in section 9(1), the Minister may by order deprive that person of citizenship of Barbados if the Minister is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Barbados.

(2) Before making an order under this section, the Minister shall give the person against whom the order is proposed to be made notice in writing informing the person of the grounds on which it is proposed to be made and may refer the case to a committee of enquiry constituted in the manner, and having the powers, rights and privileges, specified in section 9(4), (5) and (6).

Resumption of citizenship

11.(1) A person who is a citizen of Barbados by virtue of section 2 or 5 of the *Constitution* and who has ceased to be a citizen of Barbados as a result of a declaration of renunciation of citizenship of Barbados shall be entitled to resume citizenship of Barbados where the person satisfies the Minister that at the time the declaration was made, the person was about to become or had become a citizen of another country and

- (a) could not have remained a citizen of Barbados and become a citizen of the other country; or
- (b) had reasonable cause to believe that the person would be deprived of citizenship of that country unless the person had made the declaration.

(2) A citizen of Barbados, other than a citizen referred to in subsection (1), who has ceased to be a citizen of Barbados as a result of a declaration of renunciation of citizenship of Barbados may make application to the Minister to be re-registered as a citizen of Barbados if the person satisfies the Minister

- (a) of the matters set out in paragraph (a) or (b) of subsection (1);
- (b) that the person is the parent of a child who was born in Barbados;
- (c) that the person is the grandchild or great-grandchild of a citizen of Barbados; or
- (d) that the person is or was married to a citizen of Barbados.

(3) The Minister may refuse to re-register a person referred to in subsection (2) for any reason set out in section 4.

PART IV

MISCELLANEOUS

Certificate of citizenship in cases of doubt

12.(1) The Minister may, in such cases as he thinks fit, upon application made by or on behalf of any person with respect to whose citizenship of Barbados a doubt exists, whether on a question of fact or law, certify that that person is a citizen of Barbados.

(2) A certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date mentioned, but without prejudice to any evidence that he was such a citizen at any earlier date.

Minister's discretion not to be questioned and decisions to be final

13. The Minister shall not be required to assign any reason for the grant or refusal of any application under this Act; and the Minister's decision shall be final.

Evidence

14.(1) Every document purporting to be

- (a) a notice, certificate, order or declaration;
- (b) an entry in a register; or
- (c) a subscription of an oath of allegiance,

given, granted or made under this Act or under Chapter II of the *Constitution* shall be received in evidence and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) *Prima facie* evidence of any document referred to in subsection (1) may be given by production of a document purporting to be certified as a true copy of that document by such person and in such manner as may be prescribed.

(3) Any entry in a register made under this Act or under Chapter II of the *Constitution* shall be received as evidence and is conclusive of the matters stated in the entry.

Regulations

15.(1) The Minister may make regulations

- (a) relating to the registration of anything required or authorized under this Act or under Chapter II of the *Constitution* to be registered;
- (b) relating to the administration and taking of oaths of allegiance under this Act, for the time within which oaths of allegiance shall be taken and for the registration of oaths of allegiance;
- (c) fixing the fees to be paid in respect of
 - (i) any application made to the Minister under this Act; or
 - (ii) any registration or the making of any document or the taking of any oath of allegiance under this Act or by or under Chapter II of the *Constitution*; or
 - (iii) supplying any document required under this Act and providing for the application of any such fees;
- (d) relating to the giving of any notice required or authorized to be given to any person by or under this Act;
- (e) relating to the cancellation of the registration of, and the cancellation and amendment of certificates of naturalization relating to, persons deprived of citizenship under this Act or under Chapter II of the *Constitution*, and for requiring such certificates to be delivered up for such purposes;

- (f) relating to the registration by consular officers or other officers in the service of Barbados of the births and deaths of persons of any class or description born or dying outside Barbados;
 - (g) relating to enabling the births and deaths of citizens of Barbados born or dying in any country in which Barbados has for the time being no diplomatic or consular representatives, to be registered;
 - (h) prescribing anything that is authorized or required by this Act to be prescribed; and
 - (i) generally for giving effect to this Act.
- (2) All regulations made under this section shall be subject to negative resolution.

Power to amend Schedule

16. The Minister may by order amend, vary or revoke the *First Schedule*.

Offences

17.(1) Any person who for the purpose of procuring anything to be done or not to be done under this Act or under Chapter II of the *Constitution*

- (a) makes any statement which he knows to be false in a material particular; or
- (b) recklessly makes a statement which is false in a material particular;

is guilty of an offence and is liable on summary conviction to a fine of \$20 000 or to imprisonment for 6 months or to both.

(2) Any person who fails to comply with any requirement imposed on him by regulations with respect to the delivering up of certificates of naturalization is guilty of an offence and is liable on summary conviction to a fine of \$20 000 or to imprisonment for 6 months or to both.

Oath of allegiance

18. Every person who obtains citizenship under this Act shall, before being registered as a citizen, subscribe to the oath of allegiance set out in the *Second Schedule*.

Saving and transitional

19. Any application for the grant of citizenship of Barbados or for registration as a citizen of Barbados begun under the former Act, but not completed before the commencement of this Act shall be deemed to be an application for citizenship of Barbados under this Act and shall be dealt with accordingly.

Repeal of Cap. 186

20. The *Barbados Citizenship Act*, Cap. 186 is repealed.

Commencement

21. This Act shall come into operation on a date to be fixed by Proclamation.

FIRST SCHEDULE

(Section 3(8))

Persons Entitled to be Registered

- (a) former Secretaries General of CARICOM
- (b) holders of the Order of the Caribbean Community
- (c) former Chancellors and former Vice Chancellors of the University of the West Indies
- (d) former heads of State of Member States
- (e) former heads of Government of Member States; and
- (f) spouses and dependents of persons referred to in paragraphs (a) to (e).

SECOND SCHEDULE

(Section 17)



Barbados Citizenship Act, 2025
(Act 2025-)

OATH OF ALLEGIANCE

I, _____do swear that I will be faithful and bear true allegiance to Barbados according to law and that I will faithfully observe the laws of Barbados and fulfil my duties as a citizen of Barbados.

SO HELP ME GOD

Read three times and passed the House of Assembly this
day of _____, 2025.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2025.

President

