

PARLIAMENT

Bridgetown, Barbados

(FIRST SESSION OF 2026 – 2031)

FINAL REPORT

OF THE

JOINT SELECT COMMITTEE (STANDING)

ON

ECONOMIC AND PRODUCTIVE SECTORS

ON THE

IMMIGRATION BILL, 2026

AND THE

BARBADOS CITIZENSHIP BILL, 2026

Laid in the Honourable the House of Assembly on the 11th day of August, 2026

August 2026

PARLIAMENT OF BARBADOS

(First Session of 2026 – 2031)

JOINT SELECT COMMITTEE (STANDING)
ON
ECONOMIC AND PRODUCTIVE SECTORS

EXECUTIVE SUMMARY

OF THE FINAL REPORT ON THE IMMIGRATION BILL, 2026
AND THE BARBADOS CITIZENSHIP BILL, 2026

The Committee and its Mandate

The Joint Select Committee (Standing) on Economic and Productive Sectors was established pursuant to the Standing Orders of the Houses of Parliament. It comprises five Members of the Honourable the House of Assembly and four Members of the Honourable the Senate, with a quorum of four Members, and sits under the chairmanship of Mr. D. G. Sutherland, M.P., with Dr. W. F. Duguid, M.P., as Deputy Chairman. On 29th April, 2026 the Honourable the House of Assembly committed the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026 to the Committee, the second reading of the Bills having been suspended to permit their scrutiny.

The Bills had previously been before the Joint Select Committee (Standing) on Governance and Policy Matters, as the Immigration Bill, 2025 and the Barbados Citizenship Bill, 2025, prior to the dissolution of Parliament; the submissions tendered to that Committee, and any report prepared by it, stood referred to this Committee, and submitters were advised that resubmission was unnecessary. One of the Committee's Terms of Reference was accordingly to review and consider the Report of the Joint Select Committee (Standing) on Governance and Policy Matters and the merits of the submissions received prior to the dissolution. The remaining Terms of Reference directed the Committee to examine the Bills for compliance with the principles of good governance, fundamental rights and the international obligations of Barbados; to assess their compatibility with the BERT 2026 mission of strengthening the nation's competitive edge, attracting valuable human capital and investment, promoting innovation and facilitating economic diversification; to invite and consider written submissions; to hear oral presentations from stakeholders, including the Minister responsible for the Bills; and to formulate recommendations for amendments and report its findings to the Houses of Parliament. The Committee commenced its examination of the Bills on Wednesday, 13th May, 2026.

Conduct of the Inquiry

The Committee held nine meetings between 13th May, 2026 and 11th August, 2026 in the Senate Chamber, Parliament Buildings, Trafalgar Street, Bridgetown. By Press Release published in the national press, it invited written submissions and requests to make oral presentations by 22nd May, 2026; oral presentations were limited to ten minutes, with reasonable extension at the discretion of the Chair. The proceedings were conducted in public, streamed live on the Barbados Parliament website and on social media, and broadcast on CBC TV whenever possible. The Committee determined at its

first meeting to await the receipt of the public submissions before commencing its substantive deliberations, so that its decisions would be made with the fullest information.

The Committee received twenty-four written submissions, which were consolidated, with the assistance of the Office of the Chief Parliamentary Counsel, into an overview grouped under eight themes, and heard oral presentations from individual submitters, the Democratic Labour Party, the Barbados Employers' Confederation and the Barbados Bar Association, the latter appearing on two occasions. The Hon. G. P. B. Nicholls, M.P., Minister of Home Affairs and Information, was specially invited and assisted the Committee on questions of policy, and the Committee received technical guidance throughout from the Office of the Chief Parliamentary Counsel, from the Hon. Mr. Justice Sherman Moore, CHB (Retired Justice of Appeal and former Chief Parliamentary Counsel), Consultant, and from the Chief Immigration Officer. At the Eighth Meeting, on 4th August, 2026, the Committee examined the Bills as amended in their entirety, agreed the framework for medical visitors after hearing the Attorney-General and the Minister of Home Affairs and Information, and approved the amended draft Bills in principle. At the Ninth Meeting, on 11th August, 2026, the Committee heard the Minister of Home Affairs and Information and the Attorney-General on the further amendments circulated by the Office of the Chief Parliamentary Counsel in its Revised List of Changes, accepted those amendments on the motion of Hon. Ms. C. S. V. Husbands, seconded by Senator the Hon. C. P. Sinckler, and agreed, on the proposal of the Clerk, that the Report be signed off and laid, the transcripts and Minutes of the Meetings to be appended.

Consideration of the Submissions and the Former Committee's Report

The Committee considered each of the eight themes of the consolidated submissions against the provisions of the Bills, and at its Seventh Meeting considered the Report of the former Committee, on whose recommendations the Ministry of Home Affairs and Information, the Office of the Chief Parliamentary Counsel, the Consultant and the Immigration Department had reached a consensus position.

The Committee unanimously agreed that the words "where that State in which they were born refuses to grant a birth certificate" be deleted from clause 2(8) of the Citizenship Bill, so that children born abroad to Barbadian citizens serving in a diplomatic or consular capacity are not prejudiced; in the latest iteration of the amended Bill, clause 2(8) has been deleted in its entirety. On the Oath of Allegiance, the Committee was satisfied that no amendment is required, section 27(2) of the Interpretation Act providing that an oath includes an affirmation; the submitters were informed in writing and accepted the position. On the Welcome Stamp, the Committee agreed originally that holders should be facilitated through the points system for permanent residence rather than by a separate statutory category or pathway; in the Bill as further amended, provision has been made at clause 9(6), under the heading "Acquisition of status of permanent resident", and the Committee concluded that the provision moves the Welcome Stamp from a special entry permit to a status under the Act, affording its holders the same route as any other applicant to permanent residence. On Ministerial discretion and procedural fairness, the Committee concluded that the discretion vested in the Minister should be retained, having regard to considerations of national security, but that clause 13 of the Citizenship Bill be amended to require the giving of reasons except where the Minister certifies

that to do so would prejudice national security or public policy, without ousting the supervisory jurisdiction of the High Court, and that the right of appeal under the Immigration Bill be recast as a meaningful two-tier review.

On the qualifying periods for citizenship, submitters proposed periods ranging from a tiered three-to-five-year test to a five-to-seven-year standard. The Committee determined that the aggregate period for nationals of countries which are not Member States be increased to two years (730 days) within the three-year period, in accordance with the recommendation of the former Committee, and subsequently agreed that the aggregate period of residence for nationals of both Member and non-Member States be increased. Concerns that the compressed periods could be exploited by holders of citizenship acquired by investment in other CARICOM states were resolved on the advice of the Consultant that the qualifying route extends only to nationals of a Member State by birth, descent or naturalisation, and the objection was withdrawn. Submissions on the labour market, wages, housing, infrastructure and national development were concluded to be questions of policy and implementation for the Executive; on CARICOM, constitutional and treaty consistency, the Committee accepted that the provisions are reconcilable with the Revised Treaty of Chaguaramas and that section 9 of the Constitution empowers Parliament to make provision for the acquisition of citizenship beyond the constitutional categories, so that no prior constitutional amendment is required; and, on safeguards for vulnerable persons, children and anti-trafficking, the Committee was advised that such protections are the proper province of the child protection, child justice and anti-trafficking legislation, while recommending, on the presentation of the Minister, four border-security amendments directed to the protection of minors and the integrity of the border.

Immigrant Status

The Committee gave particular consideration to immigrant status, a category which the new legislative scheme abolishes, leaving citizenship and permanent residence as the sole substantive statuses under the new legislative scheme. It noted the transitional entitlement in clause 3(4) of the Citizenship Bill, under which persons who, on the day immediately preceding the commencement of the Act, were immigrants, having obtained that status under the former Immigration Act, and had been immigrants for a period exceeding three years, shall be entitled to be registered as citizens of Barbados; the Committee endorsed this entitlement, which secures the position of long-resident immigrants upon the abolition of the category. Applications for immigrant status or permanent residence submitted before the commencement of the Act and not yet determined are deemed applications for permanent residence under the Act. The Committee concluded that holders of indefinite Special Entry Permits, which are an exemption granted by administrative arrangement rather than an immigration status, should have no direct pathway to citizenship and may apply through the ordinary routes; holders of the Welcome Stamp are now included at clause 9(6) of the Immigration Bill, 2026.

Settled Positions of the Committee

Arising from its deliberations the Committee settled nineteen recommendations, which are set out in full in Section 13.0 of the Report. On the Immigration Bill, 2026, these include the statement of the categories of permitted entrants in the body of clause 4 and the harmonisation of definitions with

the Economic Partnership Agreements; the codification in clause 5 of the three categories of persons who may be permitted to reside or reside and work; the publication of the criteria of "sufficient financial resources"; the refinement of the points system by regulations, the ten-point qualifying threshold being alterable only by amendment of the Act; the retention of the $3,000 fee for the revocation of a deportation order with the application period extended from twenty-four to forty-eight hours; the recasting of the right of appeal as a meaningful two-tier review, the Immigration Review Committee being reinserted at the Second Schedule; the reinsertion of the employer's security for repatriation under section 19 of the former Act, carried as clause 21; the individual captioning of the offences in clause 32; and four border-security amendments concerning the verification of the relationship between accompanying adults and minors, the interface with trafficking-in-persons investigations, custodial security standards and the seizure of fraudulent travel documents. On the Barbados Citizenship Bill, 2026, they include the deletion of clause 2(8); the increase of the aggregate residence requirements referenced in clauses 4(5) and 4(7); the replacement of the First Schedule's enumeration of offices with broad criteria of eminence in a national or global field of endeavour, whether in the CARICOM Community or internationally; the redrafting of the words "disloyal or disaffected" in clause 9(1)(c); and the amendment of clause 13 to require the Minister to give reasons except where to do so would prejudice national security or public policy.

In the Bills as further amended, dated 11th August, 2026, and accepted by the Committee at its Ninth Meeting, these recommendations have been given effect. In the Immigration Bill, the reside-and-work criteria are reflected at clause 8(2); clause 7(13) empowers the Minister to grant special permission to remain in cases including emergency or humanitarian grounds; clause 19(5) is deleted in favour of general provision for administrative penalties in the recast clause 39, which expressly empowers the Minister to make regulations for the entry of persons into Barbados for medical treatment, a new clause 39(3) providing an administrative penalty not exceeding $50,000 for contravention of the regulations; the words "at least" are removed from clause 25; a new clause 40 provides for the Minister to amend the First, Second, Fourth and Fifth Schedules by Order, and the Third and Sixth Schedules by Order subject to negative resolution, an Order subject to neither procedure remaining subject to publication in the Official Gazette; the points associated with great-great-grandchildren under the Fifth Schedule are increased from 4 to 10; and the definitions relating to advance passenger information are removed to the Advance Passenger Information Bill, 2026, which passed the House of Assembly at its sitting on 11th August, 2026. In the Citizenship Bill, the enacting words and a new clause 3 provide that the Act alters the Constitution; a new clause 4(9) restricts citizenship by birth, so that where no parent of a child born in Barbados is a citizen or permanent resident, entitled or eligible to be registered as a citizen, or lawfully residing in Barbados, the child is not registered as a citizen unless a parent has been lawfully in Barbados for an aggregate period of at least 120 days during the period of at least 180 days immediately preceding the birth; the qualifying periods are increased, clause 4(5) requiring of nationals of Member States an aggregate period of at least 270 days during a period of at least 1,095 days, and clause 4(7) requiring of persons who are not nationals of Member States an aggregate period of at least 360 days during a period of at least 1,460 days; a new clause 4(6) provides, for the avoidance of doubt, that the reduced route does not extend to persons who become nationals of a Member State through citizenship-by-investment programmes; the

provision for the grant of citizenship based on endeavour, now clause 4(10), is exercised by the President on the advice of the Minister, a new clause 4(12) requiring the Minister to lay in Parliament, within three months of the end of each year, a report of the number of persons so registered; and clause 9(1)(c) is restated so that the ground of deprivation is that the person "has shown himself by act or speech to lack allegiance to Barbados", the term "public policy" being included in clause 13.

Matters Pending

The following matters stand referred for completion: the settlement and publication, by regulations or departmental guidance, of the criteria of "sufficient financial resources" of a retired person; the completion of the Immigration (Work Permit) Regulations, to be made under the Act and submitted to the Cabinet for approval; and the written instructions of the Minister to the Chief Parliamentary Counsel on the Presidential amnesty for long-resident persons. The undertakings recorded at the Eighth Meeting in respect of the exclusion of citizenship-by-investment holders from the reduced qualifying route, the proposal of Senator A. W. Mallalieu, and the redraft of clause 9(1)(c) of the Citizenship Bill have been discharged in the further amendments circulated by the Chief Parliamentary Counsel on 11th August, 2026.

The Report

This Report is the primary report on the Bills. The draft Bills, as amended to give effect to the recommendations of the Committee and dated 11th August, 2026, are appended, together with their Explanatory Memoranda; the Report of the Joint Select Committee (Standing) on Governance and Policy Matters is annexed as an appendix, together with the Minutes of the Committee's proceedings and the transcripts of its public sittings. The Immigration Bill as appended further gives effect to the instruction of the Minister that breaches in relation to the administration of work permits attract administrative penalties rather than criminal sanctions, with a consequential increase of the general penalties under the Bill. At its Ninth Meeting, held on 11th August, 2026, the Committee agreed that the Report be signed off and laid in Parliament, and it was laid in the Honourable the House of Assembly on that day. The Committee noted the indication of the Leader of Government Business that the debate on the Bills is expected to be taken on 15th September, 2026, after the rise of Parliament, further amendments remaining open to the Houses in Committee.

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Held in the Senate Chamber, Parliament Buildings, Trafalgar Street, Bridgetown

FINAL REPORT

This standing Joint Select Committee is under the chairmanship of Mr. D. G. Sutherland, M.P., with Dr. W. F. Duguid, M.P., as Deputy Chairman.

1.0 BACKGROUND AND ESTABLISHMENT

1.1 The Joint Select Committee (Standing) on Economic and Productive Sectors was established pursuant to the Standing Orders of the Houses of Parliament. The Committee comprises five Members of the Honourable the House of Assembly and four Members of the Honourable the Senate, and is mandated to examine and report on matters relating to the economic and productive sectors, including legislation referred to it by the Houses.

2.0 MEMBERSHIP

2.1 The Committee was constituted with the following Members:

- Mr. D. G. Sutherland, M.P.
- Dr. W. F. Duguid, J.P., M.P.
- Hon. I. A. Weir, M.P., Minister of Public and Private Investment
- Hon. Ms. C. S. V. Husbands, M.P., Minister of Training and Tertiary Education
- Dr. the Hon. R. O. Springer, J.P., M.P., Minister of State in the Ministry of Transport and Works
- Senator the Hon. C. P. Sinckler, Senior Minister; Minister of Foreign Affairs and Trade
- Senator the Hon. J. W. D. Reid, Ministry of Industry, Innovation, Science and Technology
- Senator R. O. Walters
- Senator A. W. Mallalieu

2.2 The quorum of the Committee is four Members.

3.0 THE COMMITTEE AND ITS MANDATE

3.1 On 29th April, 2026 the Honourable the House of Assembly committed the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026 to the Committee, the second reading of the Bills having been suspended to permit their scrutiny.

3.2 The Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026 had been before the Joint Select Committee (Standing) on Governance and Policy Matters, as the Immigration Bill, 2025 and the Barbados Citizenship Bill, 2025, prior to the dissolution of Parliament. Members of the public and professional organisations who tendered submissions to that Committee were advised that resubmission was unnecessary, as those submissions, and any report prepared by that Committee, stood referred to this Committee.

4.0 TERMS OF REFERENCE

4.1 The following Terms of Reference were approved to guide the Committee's inquiry:

(a) To review and consider the Report of the Joint Select Committee (Standing) on Governance and Policy Matters and consider the merits of any submissions received prior to the dissolution of Parliament;

(b) To examine the Immigration Bill, 2026, and the Barbados Citizenship Bill, 2026, with a view to assessing their compliance with the principles of good governance, fundamental rights, and international obligations of Barbados;

(c) To examine the Immigration Bill, 2026, and the Barbados Citizenship Bill, 2026, and to assess their compatibility with the BERT 2026 mission to strengthen the nation's competitive edge in the global marketplace, attracting valuable human capital and investment, promoting innovation, and the facilitation of economic diversification;

(d) To invite and consider written submissions from interested organisations, groups, and individuals on the provisions of the said Bills;

(e) To hear oral presentations from stakeholders, including the Minister responsible for the Bills, the Barbados Employers' Confederation, Labour Unions, Small Business Association and other interested parties;

(f) To formulate recommendations for amendments to the Bills, where appropriate, and to report its findings and recommendations to the Houses of Parliament.

The Committee commenced its examination of the Bills on Wednesday, 13th May, 2026, and was tasked with reviewing the Bills, considering public submissions and expert evidence, and reporting its findings and recommendations to the Houses of Parliament.

5.0 PROCEDURAL FRAMEWORK

5.1 By Press Release published in the national press, the Committee invited written submissions and requests to make oral presentations, to reach the Clerk of Parliament no later than 22nd May, 2026. Oral presentations were limited to ten minutes, with reasonable extension at the discretion of the Chair. The proceedings of the Committee were conducted in public at the Parliament of Barbados, streamed live on the Barbados Parliament website and on social media, and broadcast on CBC TV whenever possible.

5.2 The Committee determined at its first meeting to await the receipt of the public submissions before commencing its substantive deliberations, so that its decisions would be made with the fullest information. Documents were distributed to Members primarily in electronic form.

The Committee held nine meetings between 13th May, 2026 and 11th August, 2026. It received twenty-four written submissions, which were consolidated into an overview grouped under eight themes, and heard oral presentations from individual submitters, the Democratic Labour Party, the Barbados Employers' Confederation and the Barbados Bar Association, the latter appearing on two occasions. The Hon. G. P. B. Nicholls, M.P., Minister of Home Affairs and Information, was specially invited and assisted the Committee on questions of policy, and the Committee received technical guidance throughout from the Office of the Chief Parliamentary Counsel, from the Hon. Mr. Justice Sherman Moore, CHB (Retired Justice of Appeal and former Chief Parliamentary Counsel), Consultant, and from the Chief Immigration Officer.

The Committee unanimously agreed that the words "where that State in which they were born refuses to grant a birth certificate" be deleted from clause 2(8) of the Citizenship Bill, so that children born abroad to Barbadian citizens serving in a diplomatic or consular capacity are not prejudiced. Clause 2(8) was deleted. It was satisfied that no amendment is required in respect of the Oath of Allegiance, section 27(2) of the Interpretation Act providing that an oath includes an affirmation. It agreed originally that holders of the Barbados Welcome Stamp should be facilitated through the points system for permanent residence rather than by a separate statutory category or pathway. Concerns that the compressed qualifying periods could be exploited by holders of citizenship acquired by investment in other CARICOM states were resolved on the advice of the Consultant that clause 3(5) of the Citizenship Bill extends only to nationals of a Member State by birth, descent or naturalisation.

The Committee gave particular consideration to immigrant status, a category which the new legislative scheme abolishes. It noted that there was also discussion on immigrant status in relation to clause 3(4) of the Barbados Citizenship Bill, 2026, noting that those persons who, on the day immediately preceding the commencement of the Act, were immigrants, having obtained that status under the former Immigration Act, and had been immigrants for a period exceeding three years, shall be entitled to be registered as citizens of Barbados. The Committee endorsed this transitional entitlement, while concluding that holders of indefinite Special Entry Permits, an exemption rather than a status, should apply through the ordinary routes.

Arising from its deliberations the Committee settled nineteen recommendations, which are set out in full in Section 13.0 of this Report. On the Immigration Bill, 2026, these include *inter alia* (i) the statement of the categories of permitted entrants in the body of clause 4 and the harmonisation of definitions with the Economic Partnership Agreements; (ii) the codification in clause 5 of the three categories of persons who may be permitted to reside or reside and work; (iii) the publication of the criteria of "sufficient financial resources" under clause 6(1)(b); (iv) the refinement of the points system by regulations; (v) the retention of the $3,000 fee for the revocation of a deportation order with the application period extended from twenty-four to forty-eight hours; (vi) the recasting of the right of appeal as a meaningful two-tier review; (vii) the reinsertion of the employer's security for repatriation under section 19 of the former Act; (viii) the individual captioning of the offences in clause 32; and (ix) four border-security amendments concerning the verification of the relationship between accompanying adults and minors, the interface with trafficking-in-persons investigations, custodial security standards and the seizure of fraudulent travel documents.

On the Barbados Citizenship Bill, 2026, they include *inter alia* (i) the increase of the aggregate residence requirement for nationals of countries which are both Member and non-Member States referenced in clauses 4(5) and 4(7); (ii) the replacement of the First Schedule's enumeration of offices with broad criteria of eminence in a national or global field of endeavour, whether in the CARICOM Community or the International Community; (iii) the redrafting of the words "disloyal or disaffected" in clause 9(1)(c); and, (iv) the amendment of clause 13 to require the Minister to give reasons except where to do so would prejudice national security or public policy, without ousting the supervisory jurisdiction of the High Court.

In the Bills as further amended, dated 11th August, 2026, these recommendations have been given effect: the reside-and-work criteria are reflected at clause 8(2) of the Immigration Bill; the words "disloyal or disaffected" are removed from clause 9(1)(c) of the Citizenship Bill; and the term "public policy" is included in clause 13.

The draft Bills, as amended to give effect to the recommendations of the Committee, are appended to this Report, and the Report of the Joint Select Committee (Standing) on Governance and Policy Matters is annexed, together with the Minutes of the Committee's proceedings and the transcripts of its public sittings. The Immigration Bill as appended further gives effect to the instruction of the Minister that breaches in relation to the administration of work permits attract administrative penalties rather than criminal sanctions, with a consequential increase of the general penalties under the Bill.

6.0 SUMMARY OF PROCEEDINGS

6.1 The Committee held nine meetings between 13th May, 2026 and 11th August, 2026, all in the Senate Chamber, Parliament Buildings, Trafalgar Street, Bridgetown. The proceedings are summarised as follows:

First Meeting — Wednesday, 13th May, 2026. It being the first meeting of the Committee, Mr. D. G. Sutherland, M.P., was elected Chairman and Dr. W. F. Duguid, M.P., Deputy Chairman; the quorum was fixed at four Members; the timeline for the Committee's work was settled. The Committee agreed to await the public submissions before commencing deliberations on the matter which was referred to it and to invite the Chief Immigration Officer to appear before it on operational matters.

Second Meeting — Monday, 1st June, 2026. The Committee considered the twenty-one written submissions then received, through a Consolidated Overview grouped under eight themes prepared with the assistance of the Office of the Chief Parliamentary Counsel. The Committee unanimously agreed the deletion of the limiting words in clause 2(8) of the Citizenship Bill concerning the children of Barbadian diplomats, was satisfied that the Interpretation Act answers the submissions on the Oath of Allegiance, and settled the schedule of oral presentations.

Third Meeting — Monday, 15th June, 2026. The Committee heard five oral presentations: Mr. Peter L. Thompson (Remote Work (Barbados) Inc.); Mr. Corey C. Greenidge, Attorney-at-Law, on behalf of the Democratic Labour Party; Mrs. Amoy Gilding-Bourne, Attorney-at-Law, and Ms. Felicia Dujon, human rights advocate; Ms. Faith Sealy and Ms. McKayla Blackman, Attorneys-at-Law, with Ms. Sharllah Waithe, Policy Advisor; and Mr. David Bromfield.

Fourth Meeting — Friday, 19th June, 2026. The Committee heard oral presentations from the Barbados Employers' Confederation and the Barbados Bar Association. The Hon. G. P. B. Nicholls, M.P., Minister of Home Affairs and Information, was specially invited and responded on questions of policy. The Bar Association was invited to return for a further exchange upon circulation of its written document.

Fifth Meeting — Friday, 3rd July, 2026. The Bar Association reappeared and was heard on, among other matters, the sanction for work-permit offences under clause 19 of the Immigration Bill, the vetting of work-permit applications and the codification of the requirement to consult the national Jobs Register. The Government's position on the constitutional questions was stated, namely that section 9 of the Constitution empowers Parliament to make provision for the acquisition of citizenship beyond the constitutional categories. The Ministry undertook to respond to all public submissions, and the Committee settled its programme for the completion of its work.

Sixth Meeting — Friday, 10th July, 2026. The Committee considered the consolidated submissions and aligned them with the provisions of the Bills in a single exercise, reaching the decisions recorded in this Report on the first five themes, resolving upon the advice of the Consultant the concern respecting citizenship by investment, and agreeing to recommend a pathway to permanent residence through the points system for persons pursuing studies in Barbados.

Seventh Meeting — Wednesday, 15th July, 2026. The Committee considered the Report of the Joint Select Committee (Standing) on Governance and Policy Matters, on which the Ministry of Home Affairs and Information, the Office of the Chief Parliamentary Counsel, the Consultant and the Immigration Department had reached a consensus position; examined both Bills in their entirety; received and agreed the Minister's four border-security amendments; settled its recommendations; and agreed the composition and compilation of this Report. The meeting was adjourned sine die.

Eighth Meeting — Tuesday, 4th August, 2026. The Committee confirmed the Minutes of the Sixth and Seventh Meetings; examined the Bills as amended in their entirety by their Explanatory Memoranda; agreed the framework for medical visitors by regulations under an anchoring provision, with administrative penalties, after hearing the Attorney-General and the Minister of Home Affairs and Information; approved the amended draft Bills in principle; and worked through the draft of this Report, settling the corrections reflected herein. The meeting was adjourned to the following day at 6:10 p.m.

Ninth Meeting — Tuesday, 11th August, 2026. The Committee confirmed the Minutes of the Eighth Meeting; heard the Minister of Home Affairs and Information and the Attorney-General on the further amendments to both Bills, circulated by the Office of the Chief Parliamentary Counsel in its Revised List of Changes; accepted the further amendments on the motion of Hon. Ms. C. S. V. Husbands, seconded by Senator the Hon. C. P. Sinckler; and agreed, on the proposal of the Clerk, that the Report be signed off and laid, the transcript and Minutes of the Meeting to be appended thereafter.

7.0 EVIDENCE RECEIVED

7.1 Written Submissions

The Committee received and considered twenty-four written submissions from the following individuals and organisations:

- Mr. Peter L. Thompson, Remote Work (Barbados) Inc.
- Ms. Coretta Joe
- Ms. Lisa Mundy
- Mr. Jefferson Trotman
- Mr. Yannick Schaefer
- Mr. Johannes Schaefer
- Dr. Corlita Babb-Schaefer
- Ms. Danielle Riley (for herself and Mr. Nathan Riley)
- Ambassador C. Trevor Clarke
- Ms. Juliette Babb-Riley
- Mr. Corey C. Greenidge, Democratic Labour Party
- Mr. Stephen F. Bricknell
- The Barbados Employers' Confederation

- Mr. Desmond Eales
- Mr. Evan Pudney
- Mr. Anthony Joseph
- Ms. McKayla Blackman and Ms. Faith Sealy, Attorneys-at-Law
- Mr. Robert T. P. Pudney and Mrs. Eileen Pudney
- Ms. Karla Nicholls
- Ms. Amoy Gilding-Bourne and Ms. Felicia Dujon
- The Barbados Chamber of Commerce and Industry
- Mr. David Bromfield
- Dr. Ian Ray, Ph.D.
- The Barbados Bar Association

7.2 Oral Presentations

The Committee heard oral evidence from: Mr. Peter L. Thompson (15th June, 2026); Mr. Corey C. Greenidge, Attorney-at-Law, for the Democratic Labour Party (15th June, 2026); Mrs. Amoy Gilding-Bourne, Attorney-at-Law, and Ms. Felicia Dujon, human rights advocate (15th June, 2026); Ms. Faith Sealy and Ms. McKayla Blackman, Attorneys-at-Law, with Ms. Sharllah Waithe, Policy Advisor (15th June, 2026); Mr. David Bromfield (15th June, 2026); the Barbados Employers' Confederation, represented by Mrs. Sheena Mayers-Granville, Executive Director, and Mr. Glyne Clarke, Council Member (19th June, 2026); and the Barbados Bar Association, represented by Mr. Larry Smith, K.C., President, Ms. Lynne-Marie Simmons, Chair of the Legislative Reform Subcommittee, and Mr. Kashawn Wood, Assistant Secretary (19th June and 3rd July, 2026).

The Hon. G. P. B. Nicholls, M.P., Minister of Home Affairs and Information, attended by special invitation and assisted the Committee on questions of policy at the Fourth, Fifth, Sixth and Seventh Meetings.

7.3 Technical Assistance

The Committee received technical guidance throughout its proceedings from Mrs. Mechelle Elie, Chief Parliamentary Counsel, and Ms. Paulette Atkins, Senior Parliamentary Counsel, both of the Office of the Chief Parliamentary Counsel; from the Hon. Mr. Justice Sherman Moore, CHB, Retired Justice of Appeal and former Chief Parliamentary Counsel, Consultant; and from Ms. Margaret Inniss, Chief Immigration Officer.

8.0 CONSIDERATION OF THE CONSOLIDATED SUBMISSIONS

8.1 Overview

The written submissions were consolidated, with the assistance of the Office of the Chief Parliamentary Counsel, into an overview grouped under eight themes, together with a chapter identifying where submitters agreed and where they diverged. The Committee considered each theme against the provisions of the Bills, as follows.

8.2 Citizenship by birth for children of Barbadian diplomats

This was the largest and most unified cluster of submissions, contending that clause 2(8) of the Citizenship Bill, by deeming children of serving diplomats to have been born in Barbados only where the foreign State refuses a birth certificate, was discriminatory and prejudicial. The Consultant advised that the limiting words addressed an administrative difficulty with the registration of overseas births which has since been resolved. The Committee unanimously agreed that the words "where that State in which they were born refuses to grant a birth certificate" be deleted, and the Cabinet's approval of the correction was reported to the Committee. The submitters were informed of the Committee's decision. In the latest iteration of the amended Citizenship Bill, clause 2(8) has been deleted in its entirety.

8.3 Oath of Allegiance and solemn affirmation

Four submitters, as a matter of freedom of conscience, objected that the Bill provides for an Oath of Allegiance with no option of affirmation. The Committee was advised that section 27(2) of the Interpretation Act, an Act of general application, provides that the words "oath" and "affidavit" include affirmation and declaration. The Committee therefore concluded that no amendment is required; the submitters were informed in writing and accepted the position.

8.4 Integration of the Welcome Stamp and remote workers

Submitters urged that the tenure of Welcome Stamp holders be credited in the points system for permanent residence, while a contrary submission attributed adverse housing effects to the programme. The Committee agreed that Welcome Stamp holders should be facilitated through the points system and treated in the same way as any other applicant for permanent residence, with no separate pathway to citizenship; the allocation of points and the supporting policy are matters for the Minister and the Cabinet, and any consequential amendment, including of the remote employment legislation, is to be settled by the Office of the Chief Parliamentary Counsel on instructions. The Committee further concluded that the Welcome Stamp should not be codified as a distinct immigration status in the Bill, being itself in the nature of a special entry permit. In the Bill as further amended, provision has been made in relation to the Welcome Stamp at clause 9(6), under the heading "Acquisition of status of permanent resident": a person who has been granted a Barbados Welcome Stamp within the meaning of section 2 of the Remote Employment Act, 2020 (Act 2020-23) and who meets such conditions as the Minister may specify by Order subject to negative resolution may, upon application to the Minister in the prescribed form and on payment of the prescribed fee, be registered as a permanent resident of Barbados. At the Ninth Meeting, on the observation of the Clerk that the Committee had earlier resolved

against a direct pathway, the Committee concluded that the provision moves the Welcome Stamp from a special entry permit to a status under the Act, by inserting a clause (6), which affords its holders the same route as any other applicant to permanent residence.

8.5 Ministerial discretion, finality clauses and procedural fairness

Submissions from, among others, the Democratic Labour Party, the Barbados Employers' Confederation and the Barbados Chamber of Commerce and Industry contended that clause 13 of the Citizenship Bill, under which the Minister need give no reasons and the decision is final, is inconsistent with the fair-hearing guarantee. The Committee concluded that the discretion vested in the Minister should be retained, having regard to considerations of national security; that clause 13 should nonetheless be amended to require the giving of reasons except where the Minister certifies that to do so would prejudice national security or public policy, and to make clear that the supervisory jurisdiction of the High Court is not ousted; and that the right of appeal under the Immigration Bill should be recast as a meaningful two-tier review, as set out in the recommendations.

8.6 Compressed citizenship timelines and citizenship integrity

Submitters proposed qualifying periods ranging from a tiered three-to-five-year test to a five-to-seven-year standard, and the Bar Association contended that a two-year period cripples due diligence. The Committee examined clauses 3(5) and 3(6) of the Citizenship Bill with care, it being clarified that the qualifying period must elapse before application, that it runs from the grant of permanent residence, and that time spent on a work permit does not count. Members supporting the periods as drafted pointed to the findings of the Population Commission (2024), the projected depletion of the National Insurance Fund, and the capacity of modern technology and advance passenger information to support rigorous vetting within compressed timeframes. The Committee determined that the thresholds for nationals of Member States remain as drafted, regard being had to the Revised Treaty of Chaguaramas, and that the aggregate period for nationals of countries which are not Member States be increased to two years (730 days) within the three-year period, in accordance with the recommendation of the former Committee. The Committee subsequently agreed that the aggregate period of residence for both nationals of Member States and non-Member States be increased.

The Report also faithfully records the alternate view expressed in the Committee that a median period of approximately four years would bridge the drafted periods and those urged in the submissions.

Concerns that the compressed periods, read with the Caribbean Community free movement arrangements, could allow persons holding the citizenship of another CARICOM state by investment to access Barbadian citizenship were resolved on the advice of the Consultant that clause 3(5) confines eligibility to nationals of a Member State by birth, descent or naturalisation, and accordingly does not extend to economic citizens; the objection raised on that ground was withdrawn.

8.7 Labour market, wages, housing, infrastructure and national development

Submitters questioned the evidential basis of the labour-shortage thesis and raised concerns respecting wages, housing, water, transport and social infrastructure. The Committee received from Members responsible for the relevant portfolios an account of the manpower deficits across the construction, hospitality, health, education and other sectors, and of the phased approach of the Barbados Population Policy; the empirical manpower data was requested and circulated to Members. The Committee concluded that the matters raised are questions of policy and implementation for the Executive rather than amendments to the Bills.

8.8 CARICOM, constitutional and treaty consistency

Submissions raised the compatibility of the entry-prohibition powers with the Revised Treaty of Chaguaramas and of the data-collection provisions with the Data Protection Act, 2019, and the Bar Association contended that constitutional amendments should accompany the Citizenship Bill. The Committee was advised, and accepted, that the provisions are reconcilable with the Treaty, whose regime the Caribbean Court of Justice polices in its original jurisdiction; and that section 9 of the Constitution empowers Parliament to make provision for the acquisition of citizenship beyond the constitutional categories, so that variance is not invalidity and no prior constitutional amendment is required.

8.9 Safeguards for vulnerable persons, children and anti-trafficking

Submitters proposed a guardian amendment for the execution of search warrants, an express best-interests-of-the-child standard, and gender-responsive and anti-trafficking protections cross-referencing the Trafficking in Persons Prevention Act, 2016. The Committee was advised that these protections are the proper province of the child protection, child justice and anti-trafficking legislation, and that the immigration statute should not be encumbered with parallel provisions. The Committee nonetheless recommends, on the presentation of the Minister, four border-security amendments directed to the protection of minors and the integrity of the border, as set out in the recommendations.

9.0 IMMIGRANT STATUS

9.1 The Committee gave particular consideration to the treatment of immigrant status, a category which the new legislative scheme abolishes, leaving citizenship and permanent residence as the sole substantive statuses under the new legislative scheme.

9.2 The Committee noted that there was also discussion on immigrant status in relation to clause 3(4) of the Barbados Citizenship Bill, 2026, noting that those persons who, on the day immediately preceding the commencement of the Act, were immigrants, having obtained that status under the former Immigration Act, and had been immigrants for a period exceeding three years, shall be entitled to be registered as citizens of Barbados. The Committee endorsed this transitional entitlement, which secures the position of long-resident immigrants upon the abolition of the category. It should be noted that persons who had submitted applications for immigrant status or permanent residence prior to the commencement of this Act that had not been determined would be deemed as applications for permanent residence under this Act.

9.3 The Committee further considered whether holders of indefinite Special Entry Permits should be included in the transition to citizenship under clause 3(4). It concluded, consistently with its treatment of the Welcome Stamp, that the Special Entry Permit is an exemption granted by administrative arrangement rather than an immigration status, and that no direct pathway to citizenship should be created for its holders, who may apply through the ordinary routes provided by the legislation. The Committee has since agreed that the holders of the Welcome Stamp will now be included at clause 9(6) of the Immigration Bill, 2026.

10.0 DETAILED DELIBERATIONS ON THE IMMIGRATION BILL, 2026

10.1 The Committee conducted an examination of the Immigration Bill, 2026 in its entirety at its Seventh Meeting, taking into consideration the Report of the former Committee, on whose recommendations the Ministry of Home Affairs and Information, the Office of the Chief Parliamentary Counsel, the Consultant and the Immigration Department had reached a consensus position. The principal deliberations were as follows.

Clause 3 (Right to enter): The Committee accepted the advice of the Chief Parliamentary Counsel that the status of permanent resident inherently confers the right of entry and that no clarifying amendment is required.

Clause 4 (Permitted entrants): The Committee agreed that the definitions relating to service suppliers be harmonised with the language of the Economic Partnership Agreements to which Barbados is party, namely the CARIFORUM–European Union Economic Partnership Agreement and the CARIFORUM–United Kingdom Economic Partnership Agreement, so that the terms used in the clause carry the meanings settled in those Agreements and entry entitlements under them are administered consistently with Barbados' treaty obligations. The Committee further agreed that the categories of permitted entrants be set out in the body of the clause rather than in a schedule, this being substantive matter which should require the approval of Parliament to alter, rather than be capable of alteration by subsidiary instrument. The expansion of the list of countries in clause 4(1)(c) awaits the guidance of the Ministry of Foreign Affairs and Foreign Trade. At the Eighth Meeting the Committee agreed, provisionally, on the written advice of the Director of Foreign Trade, Ms. Paula Byer, conveyed by Senator the Hon. C. P. Sinckler, that Croatia be removed from the list of States under clause 4(1)(c); a definitive answer stands to be given to the Committee.

Clause 5 (Reside or reside and work): Responding to the criticism that the provision lacked criteria, the Committee deliberated extensively upon the codification of the existing administrative practice into three defined categories: spouses of citizens, permanent residents or Community nationals residing during the qualifying period of cohabitation; persons not qualifying for any status where the Minister, acting on technical advice, determines that the grant of residence is expedient and reasonable, including emergency and humanitarian cases; and persons who have applied for a status but do not yet meet the qualifying period. In the Bill as further amended the provision appears as clause 8, and the criteria

referenced in this deliberation are reflected at clause 8(2)(a), (b) and (c): a person whose application to be registered as a citizen or for the status of permanent resident has not yet been determined; a person who has not yet applied but is eligible to apply; and a person satisfying such other criteria as the Minister may specify by Order subject to negative resolution.

Clause 6 (Acquisition of the status of permanent resident): The Committee agreed that the criteria by which the "sufficient financial resources" of a retired person are assessed under clause 6(1)(b) be settled and published by regulations or departmental guidance; that the phrase "under a disability" in clause 6(3) bears its established legal meaning; and that no statutory definition of "direct descendant" in clause 6(4) is required, the ordinary meaning being plain.

Clause 7 and the points Schedule: The Committee noted the Ministry's ongoing review of the points system, informed by consultancy work on implementation, accreditation and "brain gain". Concerns respecting the weighting of age, skills and financial resources are recorded. The weightings and criteria of the individual point categories set out in the Schedule are to be refined by regulations; the Chief Parliamentary Counsel advised, however, that the ten-point qualifying threshold is fixed in the body of the Bill and can be altered only by amendment of the Act — the power of regulations to refine only extends to the distribution and criteria of the points, and not to the threshold itself.

Clause 8 (Loss of the status of permanent resident): The words "activities detrimental to the security of Barbados" are retained as drafted, flexibility in matters of national security being required.

Clause 9 and the Schedule of prohibited persons: The Committee objected to the ground of "conduct which offends public morality" as vague and subjective; paragraph 3(a) of the Schedule of prohibited persons has been deleted in the Bill as amended.

Clause 19 (Work permits): The sanction for work-permit offences was raised by the Barbados Bar Association at the Fifth Meeting, at which the Minister outlined the administrative framework under consideration with the Ministry of Labour and the Third Sector. Upon an issue subsequently identified by the Office of the Chief Parliamentary Counsel and the Consultant respecting the provision by which criminal liability might be discharged by payment of an administrative penalty, and on the instruction of the Minister — it not being the policy of the Government that criminal sanctions attach to a breach by an employer in relation to the administration of work permits — clause 19 as amended provides that a person who contravenes the work-permit requirements, or the holder of a work permit who breaches its conditions, is liable to an administrative penalty not exceeding $50,000, and that subsidiary legislation providing for work permits may prescribe like administrative penalties. The Immigration (Work Permit) Regulations, to be made under the Act and submitted to the Cabinet, are to provide accordingly.

Clause 23 (Revocation of a deportation order): The Committee considered a comparative analysis of the fees and timelines of six CARICOM and Commonwealth jurisdictions. After full debate, the Committee determined that the fee of $3,000 should remain, being non-refundable and referable to the administrative cost and the deterrence of unmeritorious applications, and that the period within which

application and payment must be made be extended from twenty-four to forty-eight hours, the Chief Immigration Officer having confirmed that the extension is workable.

Clause 25 (Effect of revocation of permission to remain in Barbados): At the Eighth Meeting the Committee agreed that the words "at least" be deleted from the five-year exclusion provision, so that the period of exclusion is fixed by the Act rather than open-ended; the clause is so revised in the Bill as further amended.

Clause 32 (Offences): The seven offences are to be broken out and individually captioned so that the charges are intelligible to the public.

Clause 35 (Right of appeal): The Committee accepted the Ministry's amendment recasting the appeal as a meaningful two-tier review: an internal review by the decision-maker upon written request within twenty-one days, for error of law, fact, procedure or discretion, conducted so far as practicable by a person not involved in the original decision, with power to confirm, vary, revoke or remit; followed by an appeal to an appellate body; reasons to be given save where the Minister certifies that disclosure would prejudice national security; recourse to the courts to follow the exhaustion of these remedies, the supervisory jurisdiction of the High Court being confined to questions of legality, with exceptions for urgency and constitutional questions. In the Bill as amended, the right of appeal against a decision of the Chief Immigration Officer has been removed, the Chief Immigration Officer making no decisions under the legislation — decision-making being the purview of the Minister — and the regime of the Immigration Review Committee, which existed under the Parent Act, has been reinserted and is at the Second Schedule, appeals against decisions of the Minister lying to that Committee.

Clause 38 (General penalties): Consequentially, the general penalty under the Bill is increased from a fine of $20,000 or imprisonment for six months to a fine of $50,000 or imprisonment for one year, or both, with a corresponding limit for offences created by subsidiary legislation.

Clause 39 (Regulations): The regulation-making clause is recast in the Bill as further amended: clause 19(5) is deleted in favour of general provision in clause 39 for administrative penalties; clause 39(1) is revised, at paragraphs (l) to (o), expressly to empower the Minister to make regulations for the entry of persons into Barbados for medical treatment and for administrative penalties; and a new clause 39(3) provides for an administrative penalty not exceeding $50,000 for contravention of the regulations, without prejudice to clause 38(2), the former subclause (3) being renumbered as subclause (4). The framework for medical visitors, first declined by the Members present in the absence of a Cabinet-approved policy and agreed unanimously at the Eighth Meeting after the Committee heard the Attorney-General, the Minister of Home Affairs and Information and the Chief Immigration Officer, is accordingly delivered by regulations under an anchoring provision in the Bill, breaches attracting administrative rather than criminal penalties.

Amendment of the Schedules by Order (new clause 40): At the Eighth Meeting the Committee agreed that a provision be inserted empowering the Minister to amend certain Schedules by Order, then settled as extending to the First (Domestic Space), Second (Constitution of the Immigration Review Committee)

and Fourth (EU Member States) Schedules. In the further amendments circulated by the Chief Parliamentary Counsel, a new clause 40 provides for the Minister to amend the First, Second, Fourth and Fifth Schedules by Order, and the remaining Schedules by Order subject to negative resolution. An amendment made by Order that is subject to neither the affirmative or negative procedures is still required to be published in the Official Gazette to satisfy the requirement of public scrutiny.

General Savings and transitional provisional (new clause 41): The Committee did not adopt the former Committee's recommendation that the Act not be brought into force before the supporting regulations are made, accepting that the policy is settled in the Bill and that regulations may follow.

Security for repatriation: The Consultant and the Chief Immigration Officer identified that the Bill as committed omitted the security provision of section 19 of the Immigration Act, Cap. 190. Under that provision the Minister may, as a condition of the grant of a work permit, require the employer of the person in relation to whom the permit is granted to furnish to the Chief Immigration Officer security, in such form and amount as the Minister determines, to meet the cost of the repatriation of the work permit holder and his dependants, if any; and the permit is of no force or effect until the security is furnished. The provision protects the public purse where an employment comes to an end and the worker must be repatriated, and gives the Immigration Department a practical means of enforcement. The Committee agreed that the provision be reinserted in the Bill, and it is carried as clause 21 of the Immigration Bill as amended.

Border-security amendments: The Minister presented, and the Committee agreed, four amendments prompted by recent operational experience: verification of the relationship between accompanying adults and minors, by documentary proof of parentage, guardianship or consent; a strengthened interface between immigration enforcement and trafficking-in-persons investigations; custodial security standards for inadmissible persons retained, custody remaining with the Chief Immigration Officer; and provision for the seizure, retention, custody and disposition of fraudulent travel documents, in keeping with ICAO [International Civil Aviation Organisation] audit compliance.

Advance Passenger Information Bill, 2026: The Committee agreed at the Eighth Meeting that this Report record the definitions and related provisions removed from the Immigration Bill, 2026 to the Advance Passenger Information Bill, 2026, which passed the House of Assembly at its Sitting on Tuesday, 11th August, 2026. The statement of those provisions, to be furnished by the Chief Parliamentary Counsel, stands referred at Section 14.0 (Matters Pending).

Further amendments circulated by the Chief Parliamentary Counsel (11th August, 2026): in the Revised List of Changes circulated to the Committee, clause 7(13) is revised to empower the Minister to grant to a person special permission to remain in Barbados on such terms and conditions and in such circumstances as the Minister thinks fit, including in cases of emergency or on humanitarian grounds; clause 8 is recast so that a permit to reside, or to reside and work, may be granted to a person whose application for citizenship or permanent residence has not yet been determined, to a person eligible to apply who has not yet applied, or to a person satisfying such other criteria as the Minister may specify

by Order subject to negative resolution, giving effect to the categories deliberated on by the Committee; a new clause 9(6) provides that a person granted a Barbados Welcome Stamp who meets such conditions as the Minister may specify by Order subject to negative resolution may, upon application in the prescribed form and payment of the prescribed fee, be registered as a permanent resident of Barbados, clause 9(3) operating to allow the registration of the Welcome Stamp holder's children and other dependants; the points associated with great-great-grandchildren under the Fifth Schedule are increased from 4 to 10; and the remaining clauses are renumbered.

11.0 DETAILED DELIBERATIONS ON THE BARBADOS CITIZENSHIP BILL, 2026

11.1 The Committee examined the Barbados Citizenship Bill, 2026 clause by clause at its Seventh Meeting. The principal deliberations were as follows.

Clause 2 (Interpretation): no amendment required, save the deletion in clause 2(8) recorded at Section 8.2 of this Report.

Clause 3(1) (Abandoned newborn infants): The Committee accepted that "newborn" is a question of fact to be determined on medical evidence and that a fixed statutory timeframe would be impractical.

Clauses 3(2) and 5(3) (Descent and adopted children): it was confirmed that an adopted child acquires citizenship from the date of the adoption order and may transmit citizenship to descendants; no amendment required.

Clause 3(4) (Immigrant status): considered at Section 9.0 of this Report; the transitional entitlement is retained and no direct pathway is created for holders of indefinite Special Entry Permits.

Clauses 3(5) and 3(6) (Qualifying periods): considered at Section 8.6 of this Report; the aggregate period for nationals of countries which are not Member States is increased to two years (730 days) within the three-year (1,095-day) period; the thresholds for nationals of Member States remain as drafted. At the Eighth Meeting the Attorney-General restated the position of the Government that citizenship acquired by investment is not recognised for the reduced qualifying route to citizenship, and the Chief Parliamentary Counsel undertook, for the avoidance of doubt, to insert wording into the Bill that the reduced-period route does not extend to holders of citizenship by investment. A proposal of Senator A. W. Mallalieu on the exclusion of citizenship-by-investment applicants from the clause 3(5) pathway, communicated in writing, was read into the record and referred to the Office of the Chief Parliamentary Counsel for consideration in the drafting; clause 4(6) of the Bill as further amended, providing for the avoidance of doubt that subsection (5) does not apply to a person who becomes a national of a Member State by virtue of a programme or law in respect of the acquisition of citizenship through investment or another financial arrangement, satisfies the concern raised in that proposal. In the Bill as further amended the qualifying periods have been increased: clause 4(5) (formerly clause 3(5)) requires of nationals of Member States lawful residence in Barbados as a permanent resident for an aggregate period of at least 270 days during a period of at least 1,095 days immediately preceding the date of application, and clause

4(7) requires of persons who are not nationals of Member States an aggregate period of at least 360 days during a period of at least 1,460 days.

Clause 3(8) and the First Schedule (Persons of eminence): The Committee considered the former Committee's suggested additions to the enumerated offices and the Minister's view that enumeration is unduly narrow. It concluded that the honour of entitlement should be preserved but that the enumeration of offices be replaced by broad criteria of exceptional service and eminence, in the following terms settled by the Committee: "The Minister may, upon application made to him in the prescribed form, register as a citizen of Barbados any person who has excelled in a national or global field of endeavour approved by the Minister, whether in the CARICOM Community or internationally."

Clauses 4 to 8 (Refusal to register; minors; certificate; effect of registration; renunciation): no amendments required. In relation to clause 8 (renunciation), the Chief Immigration Officer confirmed at the Eighth Meeting that no renunciation of citizenship has ever been refused.

Clause 9(1)(c) (Deprivation of citizenship): The Committee concluded that the words "disloyal or disaffected" are too broad and should be redrafted in more specific terms, directed to loss of allegiance to the State leading to an identified detriment, it being noted that the provision cannot apply to citizens by birth. The Consultant undertook to propose revised wording, directed to loss of allegiance to the State leading to a specific and identified detriment rather than to attitudes or expression; in the Bill as further amended, paragraph (c) is revised to remove the words "disloyal or disaffected", the ground being restated as that the person "has shown himself by act or speech to lack allegiance to Barbados".

Clause 9(3) (Enquiry): the procedures in the Bill, supplemented by regulations, were considered sufficient.

Clauses 10 to 12: no amendments required.

Clause 13 (Minister's discretion): adopting the settled recommendation of the former Committee, the clause is to be amended to require the Minister to give reasons for a decision, except where the Minister certifies that to do so would prejudice national security or public policy, and to make clear that the clause does not oust the supervisory jurisdiction of the High Court.

Clauses 15 to 18: the numbering discrepancies identified in the course of the examination are to be reconciled by the drafters.

Further amendments circulated by the Chief Parliamentary Counsel (11th August, 2026): in the Revised List of Changes circulated to the Committee, the enacting words of the Bill are changed to reflect that the Constitution is being altered, and a new clause 3 is inserted to provide for the alteration of the Constitution, the former clauses 3 to 7 being renumbered as clauses 4 to 7 and the former clauses 6 and 7 merged; subclauses (5) and (7) of clause 4 (formerly clause 3) are revised to reflect longer qualifying periods for citizenship; a new clause 4(6) is inserted to make clear that the shorter duration for citizenship is not available to nationals of Member States holding citizenship by investment, discharging the undertaking of the Chief Parliamentary Counsel and responding to the proposal of

Senator A. W. Mallalieu. A new clause 4(9) restricts the availability of citizenship by birth under the Constitution: where no parent of a child born in Barbados is a citizen or permanent resident, entitled or eligible to be registered as a citizen, or lawfully residing in Barbados, the child is not registered as a citizen unless a parent has been lawfully in Barbados for an aggregate period of at least 120 days during the period of at least 180 days immediately preceding the birth — the Attorney-General explaining to the Committee at the Ninth Meeting the public-policy grounds, including advertised birth tourism, false declarations at the point of departure and the attendant risks to mother and child, and observing that citizenship should rest on connection rather than an accident of birth; the provision for the grant of citizenship based on endeavour, now clause 4(10), is revised so that registration is effected by the President, on the advice of the Minister, with provision in a new clause 4(12) requiring the Minister to lay in Parliament, within three months of the end of each year, a report of the number of persons so registered; the references in clause 5(b) (formerly clause 4(b)) are renumbered; clause 9(1)(c) is revised to remove the words "disloyal or disaffected", the ground being restated as that the person "has shown himself by act or speech to lack allegiance to Barbados"; and the term "public policy" is included in clause 13.

12.0 OBSERVATIONS AND CONCLUSIONS

12.1 The demographic imperative. The Committee accepts, on the evidence of the Population Commission Report and the projections respecting the National Insurance Fund, that Barbados faces a declining and ageing population and that managed migration is a necessary instrument of national policy. The Bills are, in the Committee's judgment, compatible with the BERT 2026 mission of attracting valuable human capital and investment.

12.2 Citizenship integrity. The Committee is satisfied that the integrity of the Barbadian passport and citizenship are protected by the confinement of clause 3(5) to nationals of a Member State by birth, descent or naturalisation, by the increase of the qualifying period for nationals of countries who are Member and non-Member States, by the guardrails of refusal on grounds of national security, and by the capacity of modern systems of due diligence. It was stated that Barbados does not operate, and these Bills do not create, a programme of citizenship by investment.

12.3 Procedural fairness. The Committee concludes that the breadth of ministerial discretion, which it has retained on grounds of national security, must be balanced by the giving of reasons save on certified grounds, by a meaningful two-tier review of decisions, and by the preservation of the supervisory jurisdiction of the High Court. The recommendations to this effect answer the principal concerns of the submissions on procedural fairness.

12.4 Precision of language. The Committee concludes that provisions expressed in outdated or subjective terms, notably "conduct which offends public morality" and "disloyal or disaffected", should be replaced with more precise and objectively verifiable language, and has so recommended.

12.5 Regulations and implementation. Much of the machinery of the new regime, including the criteria of the points system and of "sufficient financial resources", is properly the province of regulations and

published guidance. The Committee expects that these instruments will be settled expeditiously, and records the Chief Parliamentary Counsel's advice that the ten-point threshold cannot be altered otherwise than by amendment of the Act.

12.6 Public participation. The Committee records with appreciation the quality of the public's engagement, and observes that measures which make the Committee process more welcoming to lay participants, such as to venue, messaging and formality, would further strengthen this democratic institution.

13.0 RECOMMENDATIONS

Arising from its deliberations and the evidence received, the Committee settled the following nineteen recommendations.

13.1 Recommendations Pertaining to the Immigration Bill, 2026

1. Clause 4 (Permitted entrants): The definitions relating to service suppliers should be harmonised with the language of the Economic Partnership Agreements to which Barbados is party, namely the CARIFORUM–European Union Economic Partnership Agreement and the CARIFORUM–United Kingdom Economic Partnership Agreement, so that the terms of the clause carry the meanings settled in those Agreements; the categories of permitted entrants should be set out in the body of the clause so that any alteration requires the approval of Parliament; and the expansion of the list of countries in clause 4(1)(c) to await the guidance of the Ministry of Foreign Affairs and Foreign Trade.

2. Clause 5 (Reside or reside and work): Notwithstanding the Committee's extensive deliberation that the existing administrative practice be codified into three defined categories — namely (a) spouses of citizens, permanent residents or Community nationals residing during the qualifying period of cohabitation; (b) persons not qualifying for any status where the Minister, acting on technical advice, determines that the grant of residence is expedient and reasonable, including emergency and humanitarian cases; and (c) persons who have applied for a status but do not yet meet the qualifying period — the provision appears as clause 8 in the Bill as further amended, and the criteria referenced in the deliberation are reflected at clause 8(2)(a), (b) and (c).

3. Clause 6: The criteria by which the "sufficient financial resources" of a retired person are assessed under clause 6(1)(b) should be settled and published by regulations or departmental guidance; the phrase "under a disability" in clause 6(3) bears its established legal meaning and requires no amendment; and no statutory definition of "direct descendant" in clause 6(4) is required.

4. Clause 7 and the points Schedule: The weightings and criteria of the individual point categories in the Schedule should be refined by regulations; the ten-point qualifying threshold, being fixed in the body of the Bill, can be altered only by amendment of the Act; the concerns of Members regarding the weighting of age, skills and financial resources are recorded in this Report.

5. Clause 8 (Loss of status of permanent resident): The words "activities detrimental to the security of Barbados" should be retained as drafted, flexibility in matters of national security being required.

6. Clause 9 and the Schedule of prohibited persons: The ground of "conduct which offends public morality" at paragraph 3(a) of the Schedule should be removed; paragraph 3(a) has been deleted in the Bill as amended.

7. Clause 23 (Revocation of a deportation order): The fee of $3,000 should remain, being non-refundable and referable to the administrative cost, and the period within which application and payment must be made should be extended from twenty-four to forty-eight hours, the Chief Immigration Officer having confirmed that the extension is workable.

8. Clause 32 (Offences): The seven offences should be broken out and individually captioned so that the charges are intelligible to the public.

9. Clause 35 (Right of appeal): The right of appeal against a decision of the Chief Immigration Officer under clause 35(1) is removed, the Chief Immigration Officer making no decisions under the legislation, decision-making being the purview of the Minister; the regime of the Immigration Review Committee, which existed under the Parent Act, is reinserted in the Bill at the Second Schedule, and appeals against decisions of the Minister lie to that Committee; reasons should be given save where the Minister certifies that disclosure would prejudice National Security, and the Supervisory Jurisdiction of the High Court, confined to questions of legality, is not ousted.

10. The Welcome Stamp should not be codified as a distinct immigration status in the Bill, being itself in the nature of a special entry permit; holders should access permanent residence through the points system in the same manner as other applicants, in accordance with the Committee's settled position on the integration of the Welcome Stamp. After subsequent discussion the Committee agreed to the provision which moves the Welcome Stamp from a Special Entry Permit to a status under the Act and affords its holders the same route as any other applicant to permanent residence and not directly to citizenship.

11. Section 19 of the Immigration Act, Cap. 190, under which the Minister may require an employer to furnish security for the repatriation of a work permit holder and his dependants, should be reinserted in the Bill.

12. The four border-security amendments presented by the Minister should be drafted by the Office of the Chief Parliamentary Counsel, namely (a) verification of the relationship between accompanying adults and minors at the border; (b) a strengthened interface between immigration enforcement and trafficking-in-persons investigations; (c) custodial security standards for inadmissible persons retained, custody remaining with the Chief Immigration Officer; and (d) provision for the seizure, retention, custody and disposition of fraudulent travel documents.

13.2 Recommendations Pertaining to the Barbados Citizenship Bill, 2026

13. Clause 2(8) was deleted,

14. Clause 3(4): No direct pathway to citizenship should be created for holders of indefinite Special Entry Permits, which are an exemption and not an immigration status; the transitional entitlement of persons who held immigrant status under the former Immigration Act for a period exceeding three years is retained.

15. Clauses 3(5) and 3(6): For nationals of countries which are not Member States, the aggregate period of residence should be increased from 270 days to two years (730 days) within the three-year (1,095-day) period preceding application; the thresholds for nationals of Member States remain as drafted, regard being had to the Revised Treaty of Chaguaramas. In further discussion the Committee agreed to the qualifying periods being increased: clause 4(5) (formerly clause 3(5)) requires of nationals of Member States lawful residence in Barbados as a permanent resident for an aggregate period of at least 270 days during a period of at least 1,095 days immediately preceding the date of application, and clause 4(7) requires of persons who are not nationals of Member States an aggregate period of at least 360 days during a period of at least 1,460 days.

16. Clause 3(8) and the First Schedule (persons of eminence): The enumeration of named offices should be replaced by broad criteria of exceptional service and eminence, in the following terms settled by the Committee: "The Minister may, upon application made to him in the prescribed form, register as a citizen of Barbados any person who has excelled in a national or global field of endeavour approved by the Minister, whether in the CARICOM Community or internationally."

17. Clause 9(1)(c) (Deprivation of citizenship): The words "disloyal or disaffected" should be redrafted in more specific terms, directed to loss of allegiance to the State leading to an identified detriment, it being noted that the provision cannot apply to citizens by birth.

18. Clause 13 (Minister's discretion): The clause should be amended to require the Minister to give reasons for a decision, except where the Minister certifies that to do so would prejudice National Security or Public Policy, and to make clear that the clause does not oust the supervisory jurisdiction of the High Court.

19. Clauses 15 to 18: The numbering discrepancies identified in the course of the examination should be reconciled by the drafters.

13.3 The Committee confirmed that clauses 4 to 8 and 10 to 12 of the Citizenship Bill require no amendment. The Committee also considered a recommendation to the Minister and the Cabinet that persons pursuing studies in Barbados be afforded, in like manner to Welcome Stamp holders, a pathway to permanent residence through the points system.

14.0 MATTERS PENDING

14.1 The following matters stand referred for completion: the settlement and publication, by regulations or departmental guidance, of the criteria of "sufficient financial resources" of a retired person; the completion of the Immigration (Work Permit) Regulations, to be made under the Act and submitted to the Cabinet for approval; and the written instructions of the Minister to the Chief Parliamentary Counsel on the Presidential amnesty for long-resident persons.

14.2 The undertakings recorded at the Eighth Meeting in respect of the exclusion of citizenship-by-investment holders from the reduced qualifying route, the proposal of Senator A. W. Mallalieu, and the redraft of clause 9(1)(c) of the Citizenship Bill have been discharged in the further amendments circulated by the Chief Parliamentary Counsel on 11th August, 2026, and the further amended Bills were circulated to the Committee as agreed.

15.0 CONSIDERATION AND ADOPTION OF THE REPORT

15.1 At its Ninth Meeting the Committee agreed the composition and compilation of this Report: that this Report is the primary report on the Bills; that the draft Bills, as amended to give effect to the recommendations of the Committee, be appended; that the Report of the Joint Select Committee (Standing) on Governance and Policy Matters be annexed as an appendix; and that the Minutes of the Committee's proceedings and the transcripts of its public sittings be appended and validated.

15.2 The Committee noted the indication of the Leader of Government Business that the debate on the Bills is expected to be taken on 15th September, 2026, after the rise of Parliament, and that the Minister of Home Affairs and Information has been asked to commence the debate on the Advance Passenger Information Bill, 2026, answering the concern earlier raised in respect of the definitions removed from the Immigration Bill. That Bill has since been passed in the Lower House. The Committee further noted that the Bills stand within the parliamentary process, the second reading having been suspended, and that further amendments remain open to the Houses in Committee.

15.3 This Report was considered by the Committee and, at its Ninth Meeting held on the 11th day of August, 2026, the Committee agreed that it be signed off and laid in Parliament, the transcripts and Minutes of the Meetings to be appended.

16.0 CONCLUSION AND THANKS

16.1 The Committee wishes to record its appreciation to all individuals and organisations who contributed to its work by submitting written representations and making oral presentations. Their insights were invaluable to the Committee's deliberations.

16.2 The Committee particularly acknowledges the contribution of the Hon. G. P. B. Nicholls, M.P., Minister of Home Affairs and Information; of the Office of the Chief Parliamentary Counsel, in particular Mrs. Mechelle Elie, Chief Parliamentary Counsel, Ms. Paulette Atkins, Senior Parliamentary Counsel, and Ms. Denisha Goodridge, Crown Counsel, all of that Office; of the Hon. Mr. Justice Sherman Moore, CHB, Retired Justice of Appeal and former Chief Parliamentary Counsel, Consultant; and of Ms. Margaret Inniss, Chief Immigration Officer.

16.3 Finally, the Committee acknowledges with gratitude the diligent support of the Clerk of Parliament, Mr. Pedro E. Eastmond; the Deputy Clerks of Parliament, Ms. Beverley S. Gibbons and Mr. Nigel R. Jones; Miss Suzanne Hamblin, Secretary to the Committee and the staff of the Journal Department; the Hansard Department; the Marshal and Deputy Marshal; and the other staff of Parliament, who facilitated the smooth conduct of the Committee's proceedings.

17.0 APPENDICES

The following documents form part of this Report:

- Appendix 1: Minutes of Proceedings — Minutes of the First to Ninth Meetings of the Committee (13th May; 1st June; 15th June; 19th June; 3rd July; 10th July; 15th July; 4th August; and 11th August, 2026).
- Appendix 2: Written Submissions Received (twenty-four submissions, as consolidated)
- Appendix 3: Hansard Transcripts of the Public Sittings of the Committee.
- Appendix 4: The Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026, as committed
- Appendix 5: The draft Immigration Bill, 2026 and the draft Barbados Citizenship Bill, 2026, as amended (dated 2026-08-11) to give effect to the recommendations of the Committee, together with their Explanatory Memoranda.
- Appendix 6: Report of the Joint Select Committee (Standing) on Governance and Policy Matters on the Immigration Bill, 2025 and the Barbados Citizenship Bill, 2025.
- Appendix 7: Documents Consulted — the Press Release and Terms of Reference; the Comparative Report on Deportation-Order Revocation Fees and Timelines; the Proposed Amendments to the Immigration Act (Medical Visitors); the General Amendments to the Immigration Bill; and the draft Immigration (Medical Visitors) Regulations, 2026.

Mr. D. G. Sutherland, M.P. (Chairman) .....

Dr. W. F. Duguid, J.P., M.P. (Deputy Chairman) .....

Hon. I. A. Weir, M.P. .....

Hon. Ms. C. S. V. Husbands, M.P. .....

Dr. the Hon. R. O. Springer, J.P., M.P. .....

Senator the Hon. C. P. Sinckler .....

Senator the Hon. J. W. D. Reid .....

Senator R. O. Walters .....

Senator A. W. Mallalieu .....

Dated this 11th day of August, 2026.

MINUTES

As Amended

PARLIAMENT OF BARBADOS
(FIRST SESSION OF 2026 - 2031)

JOINT SELECT COMMITTEE (STANDING)
ON
ECONOMIC AND PRODUCTIVE SECTORS

Minutes of the First Meeting of the Joint Select Committee (Standing) on Economic and Productive Sectors to review and examine the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026 and the held in the Senate Chamber, Parliament Buildings, Trafalgar Street, Bridgetown, St. Michael on Wednesday, 13th May, 2026 at 10:00 a.m.

PRESENT WERE:

Mr. Dwight G. Sutherland, M.P. (*Chairman*)
Dr. William F. Duguid, J.P., M.P. (*Deputy Chairman*)
Hon. Indar A. Weir, M.P.
Dr. the Hon. Romel O. Springer, J.P., M.P.
Senator Andrew W. Mallalieu (***Online***)

ABSENT:

Hon. Ms. C. Sandra V. Husbands, M.P.
Senator the Hon. Christopher P. Sinckler
Senator the Hon. Jonathan W. D. Reid
Senator Ryan O. Walters

IN ATTENDANCE WERE:

Mr. Pedro Eastmond, *Clerk of Parliament*
Miss Suzanne Hamblin, *(Journal Department, Parliament)*
Mrs. Michelle Elie, *Chief Parliamentary Counsel*

Item 1: Call to order

The Clerk of Parliament, Mr Pedro Eastmond, called the Meeting to order at 10:37 a.m. and welcomed the members in attendance. He indicated that he was presiding solely for the purpose of facilitating the election of the Chairman and confirmed that the quorum for the Committee is four (4) Members.

Item 2: Formal Election of Chairman and Deputy Chairman

On the motion of Dr. William F. Duguid seconded by Dr. the Hon. Romel O. Springer, Mr. Dwight G. Sutherland was appointed Chairman of the Committee.

Mr. Dwight G. Sutherland took the Chair, welcomed the Members present and expressed gratitude for his appointment.

On the motion of Hon. Indar A. Weir seconded by Dr. the Hon. Romel O. Springer, Dr. William F. Duguid was appointed Deputy Chairman of the Committee.

Item 3: Discussion of the timeline and schedule for completion of the Committee's deliberations on the Bill.

The Chairman referenced the Press Release and reminded members that the deadline for submissions to the Committee was Friday 22nd May, 2026. He invited members to determine whether to have deliberations on the Bills before that deadline.

Dr. The Hon. R. O. Springer queried whether there had been any significant changes to the Bills since they were last reviewed. The Clerk advised that the Bills had returned in substantially the same form and that the Committee would also review the work and recommendations of the previous Committee on Governance and Policy Matters and that the report of that Committee is before the current Committee.

The Members unanimously agreed to wait until the public submissions were received.

The Chairman informed members that the Committee had been advised that its report should be completed and submitted to Parliament by the end of June 2026.

The Committee agreed that the next meeting will be held on the 29th May, 2026 at 10:00 a.m. when the Committee will commence focus on a detailed examination of the Bills. The Chairman advised that the agenda for that meeting will be circulated before that meeting.

The Committee agreed that information should be published indicating that the Report of the Committee will be laid in Parliament before the end of June.

Item 4: Technical Support – Office of the Chief Parliamentary Counsel.

The Chair acknowledged the presence of Mrs. Michelle Elie, Chief Parliamentary Counsel and thanked her and her office for their support provided to the Committee. He also acknowledged that work of the Clerk of Parliament and the staff of Parliament for their contribution to the work of the Committee.

Mrs Elie was suggested that an analysis be done of the submissions to group the areas of common concern. Senator Mallalieu also requested that the Committee be presented with information on any legislation passed as well as other Bills expected before Parliament, that could impact the final form of the Immigration and Barbados Citizenship Bills.

The Office of the Chief Parliamentary Counsel would continue to guide the Committee regarding any required consequential amendments and Committee would have an opportunity to examine these matters more fully during substantive deliberations.

The Chairman indicated that detailed policy discussions would be more appropriately addressed during future meetings.

Item 5: Any other Business

The Clerk of Parliament urged Members to read the documents previously sent in particular the BERT 2026, the Barbados Population Policy 2023-2040, the report of the previous Joint Select Committee on Governance and Policy Matters and the public submissions previously received.

Dr. W. F. Duguid made a request that the Committee be furnished with an official report on the number of persons who applied for citizenship in the recently enacted CARICOM Free Movement legislation and the number who benefitted.

The Clerk recommended and the Committee agreed that an invitation be sent to the Chief Immigration Officer to appear before the Committee since that office is in the best position to provide operational and administrative clarification on the Immigration Department.

Dr. The Hon. R. O. Springer additionally suggested that the Minister responsible for Immigration also be invited to appear before the Committee alongside the Chief Immigration Officer where policy clarification may be necessary.

The Committee discussed the suggestion by Mrs Elie that the appearing before the Committee at the Parliament may seem uncomfortable for many and may be deterrent and therefore measures should be encouraged to make it more welcoming.

The Committee discussed possibility of holding oral presentations at a more neutral venue outside the Parliament such as the Lloyd Erskine Sandiford Centre. The Committee agreed to consideration of a new location for the public hearings but that it was dependent on the number of requests.

The Committee agreed to reissue a Press Release and additional public communication encouraging oral submissions giving more details on the public hearings.

Dr. The Hon. R. O. Springer queried whether the Committee would continue operating in a paperless format. The Clerk advised that documents would primarily be distributed electronically, though physical copies could be provided upon request.

ADJOURNMENT

On the motion of Dr. William F. Duguid seconded by Dr. the Hon. Romel O. Springer the meeting was adjourned to Friday 29th May, 2026.

At 11:38 a.m. the Chairman adjourned the meeting.

Pedro E. Eastmond

Clerk of Parliament

Confirmed this 1st **day of** July **2026.**

Chairman

PARLIAMENT OF BARBADOS
(FIRST SESSION OF 2026 – 2031)

JOINT SELECT COMMITTEE (STANDING)
ON
ECONOMIC AND PRODUCTIVE SECTORS

Minutes of the Second Meeting of the Joint Select Committee (Standing) on Economic and Productive Sectors on the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026 held on Monday, 1st June, 2026 at 10:00 a.m. in the Senate Chamber, Parliament Buildings, Bridgetown.

PRESENT WERE:

Mr. Dwight G. Sutherland, M.P. *(Chairman)*
Hon. Indar A. Weir, M.P.
Hon. C. Sandra V. Husbands, M.P.
Dr. The Hon. Romel O. Springer, JP., M.P.
Senator The Hon. Christopher P. Sinckler
Senator Ryan O. Walters
Senator Andrew W. Mallalieu

ABSENT:

Dr. William F. Duguid, J.P., M.P.
Senator The Hon. Jonathan W. D. Reid

ALSO IN ATTENDANCE:

Mr. Pedro Eastmond, *Clerk of Parliament*
Miss Beverley S. Gibbons, *Deputy Clerk of Parliament*
Mr. Nigel Jones, *Deputy Clerk of Parliament*
Miss Suzanne Hamblin, *(Journal Department, Parliament)*

Mr. Justice Sherman Moore, *Retired Justice of Appeal; Consultant to the Office of the Attorney-General and Former Chief Parliamentary Counsel*

Ms. Paulette Atkins, *Senior Parliamentary Counsel, Office of the Chief Parliamentary Counsel*

Ms. Margaret Inniss, *Chief Immigration Officer*

Item 1: Call to Order and Welcome

The Chairman called the meeting to order at 10:22 a.m., and prayers were led by the Hon. C. S. V. Husbands, M.P.

The Chairman, before proceeding to the Agenda, invited those present to introduce themselves for the assistance of Members and the record. Ms. Sonji Phillips, of the Hansard Department; Ms. Margaret Inniss, Chief Immigration Officer; Mr. Justice Sherman Moore, Consultant to the Office of the Attorney-General; and Ms. Paulette Atkins, of the Office of the Chief Parliamentary Counsel, were introduced. The Chairman thereafter introduced the Members of the Committee, the Clerk of Parliament, the Deputy Clerk of Parliament, Miss Beverley Gibbons, and the Secretary to the Committee, Miss Suzanne Hamblin, and welcomed all those present.

Item 2: Minutes of the First Meeting held on Wednesday, 13th May, 2026

The Chairman invited Members to consider the Minutes of the First Meeting of the Committee, held on Wednesday, 13th May, 2026, which had been previously circulated to Members.

Senator A. W. Mallalieu drew the Committee's attention to the question of quorum, indicating that, on his reading of Standing Order 67 (Standing Orders of the Senate), the quorum agreed at the First Meeting should be recorded in the Minutes. The Clerk of Parliament confirmed that the quorum of the Joint Select Committee is four Members, that the matter had been discussed and decided at the First Meeting, and that the Joint Select Committee has its own Standing Orders, which would be circulated to Members.

The Chairman accepted the request that the Minutes of the First Meeting be amended to record the quorum agreed at that Meeting.

On the motion of Senator A. W. Mallalieu, seconded by Hon. I. A. Weir, the Minutes of the First Meeting of the Committee, held on Wednesday, 13th May, 2026, were confirmed, subject to the amendment recording the quorum.

Item 3: Matters Arising

There being no matters arising from the Minutes, the Chairman moved the Committee to the next item on the Agenda and welcomed Dr. The Hon. R. O. Springer.

Item 4: Consideration of Written Presentations

The Chairman reported that twenty-one (21) written presentations had been received from the public on the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026, and that the Addendum to the Minutes summarising the submissions, together with the Consolidated Overview of the submissions prepared with the assistance of the Office of the Chief Parliamentary Counsel, had been circulated to Members in advance of the Meeting. It was noted that, owing to the size of the individual submissions, those had been transmitted to Members by 'WeTransfer', and that Senator R. O. Walters had received his package only that morning.

On the proposal of the Chairman, the Meeting was suspended for a short period to allow consultation with the Clerk of Parliament on the way forward.

Suspension

Resumption

On resumption, the Chairman placed on record the Committee's acknowledgement of the delay in delivery of the individual submissions to Senator Walters and indicated that the Committee would proceed at the present meeting to consider the Consolidated Overview, by theme, and that a further meeting would be convened to review the twenty-one (21) individual submissions in detail. The Chairman placed on record the Committee's appreciation to the twenty-one (21) submitters for their contribution to the consideration of the two Bills. The Committee then considered the Consolidated Overview thematically as set out below.

(a) Citizenship by Birth for Children of Barbadian Diplomats — Section 2(8) of the Citizenship Bill

The Chairman noted that this cluster of submissions (Submissions Nos. 5 to 10) was the single largest and most unified, the submitters contending that section 2(8) of the Citizenship Bill, 2026, as drafted, was unconstitutional, discriminatory and prejudicial in that it would deem children of Barbadian citizens serving in a diplomatic or consular capacity citizens by birth only where the foreign State of birth refused to grant a birth certificate.

Mr. Justice Sherman Moore explained that the limiting words in the provision had been intended to address an administrative difficulty in the registration of births abroad and that, in any event, the position was governed by section 4A of the Constitution. He advised that the Immigration Department had since indicated that the difficulty had been resolved. Senator A. W. Mallalieu endorsed the removal of the limiting words. The Chairman drew attention to the long-standing failure to issue the children concerned with a section 4A certificate of citizenship — in some cases for as long as sixteen (16) years.

It was unanimously agreed that the words "where that State in which they were born refuses to grant a birth certificate" be deleted from section 2(8) of the Citizenship Bill, 2026, and that the Office of the Chief Parliamentary Counsel be asked to give effect to the amendment.

(b) Oath of Allegiance and Solemn Affirmation — Freedom of Conscience

The Chairman invited the Committee to consider the cluster of submissions on the Oath of Allegiance (Submissions Nos. 12, 14, 15 and 18), in which the submitters had asked, by reference to Matthew 5:34 and James 5:12, that provision be made for a solemn affirmation as an alternative to the oath. Hon. C. S. V. Husbands indicated her support for accommodating the submitters' concerns. Dr. The Hon. R. O. Springer enquired as to the current practice.

Mr. Justice Sherman Moore advised that an oath of allegiance had always been accompanied by the option of a solemn affirmation. Ms. Paulette Atkins, of the Office of the Chief Parliamentary Counsel, drew the Committee's attention to section 27(2) of the Interpretation Act, which provides that in every enactment the words "oath" and "affidavit" shall, as respects persons for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration. The Chairman observed that the same precedent had long been followed in the courts, in Parliament and in the swearing-in of Justices of the Peace.

The Committee agreed that, the matter being adequately provided for by the Interpretation Act, no amendment of the Citizenship Bill, 2026 was required, and thanked the submitters for their contribution.

(c) Integration of the Welcome Stamp and Remote Workers

The Chairman invited the Committee to consider Submissions Nos. 1 and 3 (Mr. Peter L. Thompson and Ms. Lisa Mundy), together with the contrasting view in Submission No. 19 (Ms. Karla Nicholls), the submitters in the former having proposed that Welcome Stamp tenure be credited in the Fourth Schedule points system as a route to permanent residence.

Senator A. W. Mallalieu set out the five routes to citizenship envisaged under the Bills and observed that the Welcome Stamp had been designed for remote workers whose connection to Barbados differed in character from that of other applicants. He expressed support, in principle, for a Welcome Stamp pathway to permanent residence as a precursor to citizenship.

Mr. Justice Sherman Moore advised that the integration of the Welcome Stamp into the Bill was a matter of policy for the Ministry and that the Office of the Chief Parliamentary Counsel could give effect to it once instructions were received. Hon. C. S. V. Husbands explained that the Welcome Stamp had been introduced during the COVID-19 pandemic and had not at that time been intended as a path to citizenship. Dr. The Hon. R. O. Springer noted that the programme had, over time, demonstrated a stable cohort of long-term participants. Hon. I. A. Weir expressed the view that the Committee was in agreement that Welcome Stampers should be facilitated and that the question was how best to do so. Senator The Hon. C. P. Sinckler emphasised that policy clarity was required, with two distinct questions to be settled — whether the Welcome Stamp should remain a stand-alone programme, and whether it should be used as a pathway to citizenship and, if so, on what conditions — before any provision could be drafted.

It was agreed that the responsible Minister be invited to provide policy guidance to inform the appropriate treatment of the Welcome Stamp in the Bill, in particular in the Fourth Schedule.

(d) Ministerial Discretion — Section 13 of the Citizenship Bill

The Chairman invited the Committee to consider the cluster of submissions on section 13 of the Citizenship Bill, 2026 (Submissions Nos. 11, 13, 17 and 21), in which the submitters had questioned the provision that the Minister was not required to assign reasons and that the Minister's decision was final, having regard to section 18 of the Constitution.

Mr. Justice Sherman Moore advised that the provision was substantially preserved from section 12 of the existing Act and that, in respect of citizenship and immigration decisions, considerations of national security frequently arose. An aggrieved citizen retained the right of recourse to the High Court, which could examine the Minister's decision and require the Minister to demonstrate that the discretion had been exercised lawfully and in good faith. Senator The Hon. C. P. Sinckler, Hon. C. S. V. Husbands, Hon. I. A. Weir and Dr. The Hon. R. O. Springer concurred. Senator A. W. Mallalieu deferred to the experience of the Committee's advisers.

It was agreed that no amendment to the Citizenship Bill, 2026 was required in respect of section 13.

(e) Compressed Citizenship Timelines, Citizenship Integrity and Wider Public Concerns

The Chairman invited the Committee to consider the cluster of submissions on qualifying periods and citizenship integrity (Submissions Nos. 11, 16, 17, 20 and 21), together with the related public concerns raised in Submissions Nos. 4 and 19 regarding labour-market displacement, wages, housing, water, transport and crime.

Senator A. W. Mallalieu expressed concern that the proposed timelines were short, particularly when read with the Caribbean Community free-movement legislation and the existence of citizenship-by-investment programmes in certain CARICOM jurisdictions, which could attenuate the rigour of the Barbados passport by extension. He emphasised the importance of robust due diligence on persons presenting documentation from those jurisdictions.

Senator The Hon. C. P. Sinckler accepted the legitimacy of the concern but emphasised the availability of modern data and security tools to manage the process efficiently. He noted that section 13(3) of the Citizenship Bill provided guardrails permitting revocation of citizenship obtained by false representation, and that the policy objective was to achieve a clearer, more accountable and more efficient system.

Hon. C. S. V. Husbands, acting Minister of Labour, explained the Government's demographic and labour-market analysis and the deliberate decision to avoid a citizenship-by-investment route. Ms. Margaret Inniss, Chief Immigration Officer, confirmed that her Department made use of advance passenger information and worked closely with the security agencies, and that persons of interest could be identified and queried regardless of citizenship status.

Senator R. O. Walters enquired what assurance would exist that, once granted citizenship, persons would continue to contribute to national development, and requested that empirical data on labour-market needs be made available to the Committee. Hon. C. S. V. Husbands described the supply-and-demand pressures in the construction sector following the COVID-19 pandemic and the Government's commitment to upskilling the Barbadian workforce. Hon. I. A. Weir emphasised the demographic imperative facing Barbados and cautioned against an emotional attachment to the passport divorced from the wider economic and social realities. Dr. The Hon. R. O. Springer addressed the infrastructural concerns raised in the submissions and observed that those matters were being addressed through wider Government action and were not a function of citizenship.

Senator The Hon. C. P. Sinckler observed that CARICOM and regional treaty obligations, including the Revised Treaty of Chaguaramas, had been domesticated and required the framework to be consistent with those obligations. Mr. Justice Sherman Moore advised that several of the wider matters raised were addressed by other legislation and that the immigration statute ought not to be encumbered with them.

The Committee concluded its consideration of the Consolidated Overview and reserved its position on the individual submissions, which would be considered at a subsequent meeting.

Item 5: Scheduling of Oral Presentations

The Chairman noted that, of the twenty-one (21) submitters, the following had expressly requested to make oral presentations: Mr. Peter L. Thompson (Submission No. 1); Mr. Corey C. Greenidge for the Democratic Labour Party (Submission No. 11); Mr. Stephen F. Bricknell (Submission No. 12); Mr. Desmond Eales (Submission No. 14); and Ms. Amoy Gilding-Bourne and Ms. Felicia Dujon (Submission No. 20); together with the Barbados Bar Association. The following submitters had indicated their willingness to appear to further engage the Committee: Ms. McKayla Blackman and Ms. Faith Sealy (Submission No. 17); the Barbados Employers' Confederation (Submission No. 13); and Dr. Corlita Babb-Schaefer (Submission No. 7).

The Secretary advised that Monday, 15th June, 2026 and Friday, 19th June, 2026 were the available dates. After consideration, the Committee agreed that the oral presentations would be heard on Monday, 15th June, 2026 at 10:00 a.m. in the Parliament Buildings.

Item 6: Any Other Business

The Clerk of Parliament advised that, in respect of the oral presentations, the established practice was to allow ten (10) minutes per presenter, subject to the Committee's discretion to extend the time having regard to the nature of the presentation. The Committee agreed that four (4) presenters would be heard in the morning session and the remainder in the afternoon session, with the scheduling of the individual presenters to be settled by the Secretary in consultation with the submitters; the responsible Minister would be invited at a subsequent meeting, separately from the oral presentations.

ADJOURNMENT

On the proposal of the Chairman, the Meeting was adjourned until Monday, 15th June, 2026 at 10:00 a.m., in the Parliament Buildings, for the hearing of the oral presentations of the submitters.

At 2:30 p.m. the Chairman adjourned the meeting.

Pedro. L Eastmond
Clerk of Parliament

Confirmed this 15TH **day of** June **2026.**

Chairman

PARLIAMENT OF BARBADOS

(FIRST SESSION OF 2026 – 2031)

JOINT SELECT COMMITTEE (STANDING)

ON ECONOMIC AND PRODUCTIVE SECTORS

Minutes of the Third Meeting of the Joint Select Committee (Standing) on Economic and Productive Sectors on the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026 held on Monday, 15th June, 2026 at 10:00 a.m. in the Senate Chamber, Parliament Buildings, Trafalgar Square, Bridgetown.

PRESENT:

Mr. D. G. Sutherland, M.P. *(Chairman)*

Hon. I. A. Weir, M.P.

Hon. C. S. V. Husbands, M.P.

Dr. The Hon. R. O. Springer, J.P., M.P.

Senator R. O. Walters

Senator A. W. Mallalieu

ABSENT:

Dr. W. F. Duguid, J.P., M.P. *(Deputy Chairman)*

Senator The Hon. C. P. Sinckler

Senator The Hon. J. W. D. Reid

ALSO IN ATTENDANCE:

Miss Beverley S. Gibbons, *Deputy Clerk of Parliament*

Mr. Nigel Jones, *Deputy Clerk of Parliament*

Miss Suzanne Hamblin, *Journal Department of Parliament*

Ms. Paulette Atkins, *Senior Counsel, Office of the Chief Parliamentary Counsel*

Ms. Denisha Goodridge, *Crown Counsel, Office of the Chief Parliamentary Counsel*

Ms. Margaret Inniss, *Chief Immigration Officer*

Item 1: Call to Order and Welcome

The Chairman called the Meeting to order at 10:25 a.m., recording his apology to Members for the late start, occasioned by the wait for a quorum and for the Clerk of Parliament. The Chairman conveyed the apologies of Senator the Hon. C. P. Sinckler and Hon. I. A. Weir for lateness. Prayers were thereafter led by Hon. C. S. V. Husbands, Minister of Training and Tertiary Education.

Ms. Paulette Atkins, of the Office of the Chief Parliamentary Counsel, conveyed the apology of Mr. Justice Sherman Moore, Consultant to the Office of Attorney-General, who was unable to attend.

Item 2: Minutes of the Second Meeting held on Monday, 1st June, 2026

The Chairman invited Members to consider the Minutes of the Second Meeting of the Committee, held on Monday, 1st June, 2026, which had been previously circulated. The Chairman requested one correction, namely that the time at which the previous Meeting was adjourned be recorded in the Minutes. The correction was noted by the Deputy Clerk of Parliament.

On the motion of Senator R. O. Walters, seconded by Senator A. W. Mallalieu, the Minutes of the Second Meeting of the Committee, held on Monday, 1st June, 2026, were confirmed as a true and accurate record, subject to the foregoing correction.

Item 3: Matters Arising

There being no matters arising from the Minutes, the Chairman moved the Committee to the next item on the Agenda.

Item 4: Oral Presentations

The Committee heard five (5) oral presentations from submitters, as recorded below.

(a) Mr. Peter Thompson, Chief Executive Officer and Founder, Remote Work (Barbados) Inc.

Mr. Thompson, the originator of the Barbados Welcome Stamp, urged the Committee to integrate the Welcome Stamp expressly into the Fourth Schedule of the Immigration Bill, 2026 as a recognised pathway to permanent residence. He quoted the Prime Minister's address of August 2025 on the demographic imperative underpinning the Bill and observed that Welcome Stampers, who bring their employment with them, are uniquely placed to advance the Bill's stated objectives without displacing local labour.

In discussion, Hon. C. S. V. Husbands observed that the current drafting did not preclude a Welcome Stamp holder from regularising status under the general provisions of the Bill. Senator A. W. Mallalieu supported the principle of a defined Welcome Stamp pathway. The Chief Immigration Officer confirmed that participants consistently expressed a desire for a route to citizenship. The Committee thanked Mr. Thompson for his contribution.

(b) Mr. Corey C. Greenidge, Attorney-at-Law, for the Democratic Labour Party

Mr. Greenidge submitted, on behalf of the Democratic Labour Party, that the Government had not established a sufficient nexus between accelerated citizenship and Barbados' labour-market challenges, and that the compression of the residence thresholds — read with the finance-weighted Fourth Schedule of the Immigration Bill — risked the international reputation of the Barbados passport. He cited the Canadian Provincial Nominee Programme, Australia and New Zealand as comparators, and the 2025 judgment of the Court of Justice of the European Union on the Maltese citizenship regime. The Party's recommendation was that the Bills should not be advanced in their present form.

On questioning from the Chairman, Mr. Greenidge declined to withdraw his characterisation that Barbados would be "gambling" with the integrity of its passport, observing that the European Union, United Kingdom and Canada monitor immigration regimes by reference to scale of issuance, processing time and rejection rates. Hon. C. S. V. Husbands distinguished the Barbadian context from the European and North American comparators and emphasised the integrity of vetting databases and the necessity of ministerial discretion as a national-security safeguard. Dr. The Hon. R. O. Springer noted the effect of twenty-first-century technology, including artificial intelligence, on the rigour of vetting timeframes. Senator A. W. Mallalieu agreed with several of the passport-integrity concerns and pressed the Office of the Chief

Parliamentary Counsel on whether the Bill in fact created a route to permanent residence without physical presence; Ms. Denisha Goodridge read section 3(5) of the Citizenship Bill (180 days within 730 days) as answering the concern at the citizenship stage. Senator R. O. Walters reiterated his standing request for the empirical data underlying the labour-shortage thesis. Hon. I. A. Weir, joining the Meeting in progress, referenced the transformation of border security since 11th September, 2001 as evidence that compressed processing is now compatible with rigour, and invited Mr. Greenidge to address the Canadian comparator of a two-year qualifying residence.

Suspension

Mr. Chairman suspended the Meeting at 12:47 a.m. for fifteen minutes.

Resumption

Mr. Chairman resumed the Meeting at 1:15 p.m.

(c) Mrs. Amoy Gilding-Bourne, Attorney-at-Law, and Ms. Felicia Dujon, Human Rights Advocate

Mrs. Gilding-Bourne addressed the Committee on the compression of background-checking timelines, the breadth of ministerial discretion (and the need for a failsafe against corrupt practice), infrastructure capacity (Queen Elizabeth Hospital, Barbados Water Authority, education, courts and prisons), the protection of national identity supported by a residency and civic test, the protection of local labour, enforcement and employer accountability under the guest-worker regime, and the express incorporation of the Welcome Stamp pathway. The Chairman intervened to require that observations be kept to substance and not to personalities. Ms. Dujon, human-rights advocate, followed on gender-responsive and anti-trafficking protections, urging that both Bills cross-reference the Trafficking in Persons Prevention Act, 2016 and that an independent immigration review and advisory committee, including civil-society representatives, be established to supervise the exercise of ministerial discretion.

Ms. Margaret Inniss confirmed that the multi-agency mechanisms sought — involving the Child Care Board, the Anti-Fraud Squad, training in human-trafficking response, the Advanced Passenger Information system and proposed Passenger Name Record legislation — were operational, and that background checks were conducted before status was granted. Ms. Denisha Goodridge observed that the body of Barbadian legislation already addressed labour and victim protection. Hon. C. S. V. Husbands drew attention to the prohibited categories listed at pages 50 and 51 of the Bill and elaborated the Singapore managed-migration analogy. Dr. The Hon. R. O.

Springer spoke to the dynamic nature of Barbadian national identity. The Committee thanked the presenters.

Suspension

Mr. Chairman suspended the Meeting for lunch at 2:05 p.m,

Resumption

Mr. Chairman resumed the Meeting at 3:05 p.m.

(d) Ms. Faith Sealy and Ms. McKayla Blackman, Attorneys-at-Law, and Ms. Sharllah Waithe, Policy Advisor

The presenters made three submissions on the Barbados Citizenship Bill, 2026: first, that the three-year qualifying period for registration under section 3(4) was too short and ought to be recast as a tiered test — three years' continuous physical presence and continuous tax compliance for CARICOM nationals married to Barbadians, and five years' for other international applicants — by reference to England, the United States, Canada and the Seychelles as the international benchmark; secondly, that the definition of "spouse" on page 7 should replace the phrase "at least 5 years" with "a minimum of 5 years," by reference to the Family Law (Amendment) Act; and thirdly, that section 13 should be expressly subject to sections 9 and 10 so as not to negate the rights of notice and referral to a committee of inquiry.

Ms. Denisha Goodridge indicated that the "at least 5 years" wording reflected the drafting instructions received and undertook to convey the recommendation to the responsible Ministry; on section 13 she defended the bar on the giving of reasons as a deliberate provision. Senator A. W. Mallalieu confirmed with the presenters that their proposed periods were intended to be unbroken continuous physical presence. Hon. C. S. V. Husbands explained the policy rationale of ministerial discretion as a national-security safeguard. The Committee agreed that the drafting recommendations would be passed to the Office of the Chief Parliamentary Counsel and the responsible Ministry.

(e) Mr. David Bromfield, Final-Year Law Student

Mr. Bromfield made oral submissions to the effect that sections 3(5) and 3(6) of the Citizenship Bill may be inconsistent with the constitutional concept of "ordinary residence" as

expounded by the High Court, the Court of Appeal and the Caribbean Court of Justice; that section 3(4), by transitioning only persons of former "immigrant status," excludes persons who were ordinarily resident under work permit, "Work and Reside" under the CARICOM Single Market and Economy, student visa or dependant status; and that a civic-history and geography citizenship test be considered in the implementing regulations.

Ms. Paulette Atkins engaged the presenter in extended colloquy on whether the two Bills are to be read in tandem and on the operation of the savings and transitional provisions. Mr. Bromfield undertook to submit a written submission to elaborate his oral evidence, which the Committee agreed would be received and circulated to Members.

Item 5: Consideration of Written Submissions

The Chairman advised the Committee that, having regard to the time, the consideration of the written submissions be deferred to a subsequent Sitting. On the motion of Hon. I. A. Weir, seconded by Hon. Ms. C. S. V. Husbands, the consideration of the written submissions (item 6 on the Agenda) was deferred to the next Meeting of the Committee.

Item 6: Matters Arising from Oral Presentations

The Committee addressed the matters arising from the oral presentations in the course of each presentation.

Item 7: Any Other Business

Miss Suzanne Hamblin reported that the Barbados Bar Association was available to appear on either Friday, 19th June, 2026 or Sunday, 21st June, 2026; and that the Executive Director of the Barbados Employers' Confederation had recently returned from Geneva and had asked to be excused on the strength of her written submission. The Committee agreed that the Barbados Bar Association would be heard on the morning of Friday, 19th June, 2026, together with the Hon. Minister of Home Affairs, Mr. Justice Sherman Moore and the Chief Immigration Officer, having regard to the legal-drafting nature of the Bar Association's submissions.

Senator A. W. Mallalieu advised the Committee that he would be off-island from midday on Friday, 19th June, 2026 until 8th July, 2026, in Hong Kong, and would attend the intervening Meetings virtually where possible.

The Committee resolved that a subsequent Meeting would be held on Monday, 22nd June, 2026 (the 21st being a Sunday).

ADJOURNMENT

On the motion of Hon. I. A. Weir, seconded by Hon. Ms. C. S. V. Husbands, the Meeting was adjourned until Friday, 19th June, 2026 at 10:00 a.m., in the Parliament Buildings, for the hearing of the Barbados Bar Association and connected business.

At 4:19 p.m. the Chairman adjourned the meeting.

Bibbon
Deputy Clerk of Parliament

Confirmed this 3rd **day of** July **2026.**

Chairman

PARLIAMENT OF BARBADOS

(FIRST SESSION OF 2026 – 2031)

JOINT SELECT COMMITTEE (STANDING)

ON ECONOMIC AND PRODUCTIVE SECTORS

Minutes of the Fourth Meeting of the Joint Select Committee (Standing) on Economic and Productive Sectors on the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026 held on Friday, 19th June, 2026 at 10:00 a.m. in the Senate Chamber, Parliament Buildings, Trafalgar Square, Bridgetown.

PRESENT:

Mr. D. G. Sutherland, M.P. *(Chairman)*

Hon. I. A. Weir, M.P.

Hon. C. S. V. Husbands, M.P.

Dr. The Hon. R. O. Springer, J.P., M.P.

Senator R. O. Walters

Senator A. W. Mallalieu

ABSENT:

Dr. W. F. Duguid, M.P., J.P., *(Deputy Chairman)*

Senator The Hon. C. P. Sinckler

Senator The Hon. J. W. D. Reid

ALSO IN ATTENDANCE:

Miss Beverley S. Gibbons, *Deputy Clerk of Parliament*

Mr. Nigel Jones, *Deputy Clerk of Parliament*

Miss Suzanne Hamblin, *Journal Department of Parliament*

Mrs. Mechelle Elie, *Chief Parliamentary Counsel*

Ms. Margaret Inniss, *Chief Immigration Officer*

SPECIALLY INVITED:

Hon. G. P. B. Nicholls, M.P., (Minister of Home Affairs and Information)

SUBMISSION ATTENDEES:

Mrs. Sheena Mayers-Granville (Executive Director, Barbados Employers' Confederation (B.E.C.))

Mr. Glyne Clarke (Council Member, Barbados Employers' Confederation (B.E.C.))

Mr. Larry Smith, K.C. (President, Barbados Bar Association (BAR))

Ms. Lynne-Marie Simmons (Barbados Bar Association (BAR))

Mr. Kashawn Wood (Barbados Bar Association (BAR))

Item 1. Call to Order and Welcome

The meeting was called to order at 10:27 a.m. by the Chairman, Mr. D. G. Sutherland, who welcomed the Members of the Committee, the representative of the Chief Parliamentary Counsel's Office and the Chief Immigration Officer. He also introduced the Hon. G. P. B. Nicholls, Minister of Home Affairs and Information, a former Member of the Committee, who had been specially invited to assist the Committee with the legal aspects of the two Bills.

Item 2: Minutes of the Third Meeting held on Monday, 15th June, 2026

The Minutes of the Third Meeting, held on Monday, 15th June, 2026, were unavailable. On the motion of Senator R. O. Walters, seconded by Senator A. W. Mallalieu, it was agreed that the confirmation of the Minutes of the Third Meeting be deferred to the next meeting.

Item 3: Matters Arising

There being no matters arising from the Minutes, the Chairman moved the Committee to the next item on the Agenda.

Item 4: Oral Presentations

(a) Barbados Employers' Confederation, Mrs. Sheena Mayers Granville (Executive Director, Mr. Glyne Clarke, Council Member

The Committee received the oral submission of the Barbados Employers' Confederation, presented by Mrs. Sheena Mayers-Granville, Executive Director, and Mr. Glyne Clarke, Council Member, in amplification of the Confederation's written submission. The B.E.C. expressed support for the Bills as consistent with the Barbados population policy and with managed migration, and drew the Committee's attention in particular to: (a) ministerial finality under section 13 of the Citizenship Act and the desirability of reasoned, reviewable refusals; (b) the alignment of the entry-denial discretion with the revised Treaty of Chaguaramas; (c) an express best-interest-of-the-child statement in section 5 of the Citizenship Act; and (d) expedited citizenship and verification pathways for athletes of Barbadian descent.

Discussion followed, in which Dr. the Hon. R. O. Springer, Senator A. W. Mallalieu, Senator R. O. Walters, the Chairman, Mrs. M. Elie (C.P.C.), Ms. M. Inniss (Chief Immigration Officer) and the Hon. G. P. B. Nicholls participated. The Minister responded to the matters raised, including on the Carltona principle, the registration of minors under section 5 of the Citizenship Act, and the treatment of CARICOM nationals under the revised Treaty of Chaguaramas. The Committee noted that the B.E.C.'s ten recommendations would be taken into consideration at its deliberations following the oral presentations.

(b) Barbados Bar Association (BAR): Mr. Larry Smith, K.C. , President, Ms. Lynne-Marie Simmons, Chairperson of the Legislative Reform Subcommittee and Mr. Kashawn Wood, Assistant Secretary

The Committee received the oral submission of the BAR, presented by Mr. Larry Smith, K.C., President, and Ms. Lynne-Marie Simmons, Chairperson of the Legislative Reform Subcommittee, accompanied by Mr. Kashawn Wood, Assistant Secretary. The submission addressed, *inter alia*: the absence of an underpinning national migration policy and explanatory documentation; considerations for the work permit regime, including vetting, tracking, fees and National Insurance treatment of foreign workers in the construction sector; the cessation of passport stamping; the definition and exclusion of economic citizenship; the need for constitutional amendments to accompany the Citizenship Bill; the proposed reduction of the days test for citizenship; and the definition of "ordinarily resident".

A written copy of the submission, received on the day of the meeting, is to be circulated to all Members of the Committee.

The Hon. G. P. B. Nicholls, not having had prior sight of the written submission, undertook to study it and to provide the Government's substantive response for the benefit of the Committee's deliberations, and gave the assurance that the response would be made in the presence of the Association's representatives.

It was agreed, on the suggestion of Senator R. O. Walters, that the BAR be invited to return to engage in discussion on its submission; the Association indicated its willingness to return at short notice. The Committee is to communicate the appropriate time within a few days.

Item 5: Matters Arising from Oral Presentations

Following the discontinuation of the streaming of the proceedings, the Committee deliberated on its handling of submissions received on the day of hearing, and expressed its preference that substantive written submissions be received in advance of oral presentations.

Item 6: Consideration of Written Submissions

In response to an inquiry from Senator A. W. Mallalieu, the Minister explained that proposals by Members are considered within the Committee's deliberations for its report to Parliament, the final decision resting with the Cabinet and the ensuing parliamentary process. It was confirmed that a Member may put forward proposed wording for the Committee's consideration.

On the motion of Senator A. W. Mallalieu seconded by Senator R. O. Walters consideration of the written submissions was deferred.

Item 7: Any Other Business

Senator A. W. Mallalieu, being overseas from the following week, indicated that he would participate in forthcoming meetings *via* Zoom, and the Chairman confirmed that a quorum would be maintained.

The Chairman indicated that the next meeting will be held on Wednesday 24th June, 2026 and the formal notice will be sent out by the Deputy Clerk of Parliament.

ADJOURNMENT

On the motion of Senator A. W. Mallalieu, seconded by Senator R. O. Walters, the meeting was adjourned until Wednesday, 24th June, 2026 at 10:00 a.m.

At 1:10 p.m. the Chairman adjourned the meeting.

Deputy Clerk of Parliament

Confirmed this 3rd **day of** July **2026**

Chairman

PARLIAMENT OF BARBADOS

(FIRST SESSION OF 2026 – 2031)

JOINT SELECT COMMITTEE (STANDING)

ON ECONOMIC AND PRODUCTIVE SECTORS

Minutes of the Fifth Meeting of the Joint Select Committee (Standing) on Economic and Productive Sectors on the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026 held on Friday, 3rd July, 2026 at 10:00 a.m. in the Senate Chamber, Parliament Buildings, Trafalgar Square, Bridgetown.

PRESENT:

Mr. D. G. Sutherland, M.P. *(Chairman)*

Dr. W. F. Duguid, M.P., J.P., *(Deputy Chairman)*

Senator The Hon. C. P. Sinckler

Senator The Hon. J. W. D. Reid ***(Online)***

ABSENT:

Hon. I. A. Weir, M.P.

Hon. C. S. V. Husbands, M.P.

Dr. The Hon. R. O. Springer, J.P., M.P.

Senator R. O. Walters

Senator A. W. Mallalieu

ALSO IN ATTENDANCE:

Miss Beverley S. Gibbons, *Deputy Clerk of Parliament*

Mr. Nigel Jones, *Deputy Clerk of Parliament*

Miss Suzanne Hamblin, *Journal Department of Parliament*

Mr. Justice Sherman Moore, *Retired Justice of Appeal; Consultant to the Office of the Attorney-General and Former Chief Parliamentary Counsel*

Ms. Paulette Atkins, *Senior Parliamentary Counsel, Office of the Chief Parliamentary Counsel*

SPECIALLY INVITED:

Hon. G. P. B. Nicholls, M.P., (Minister of Home Affairs and Information)

SUBMISSION ATTENDEES:

Mrs. Sheena Mayers-Granville (Executive Director, Barbados Employers' Confederation (B.E.C.))

Mr. Glyne Clarke (Council Member, Barbados Employers' Confederation (B.E.C.))

Mr. Larry Smith, K.C. (President, Barbados Bar Association (BAR))

Ms. Lynne-Marie Simmons (Barbados Bar Association (BAR))

Mr. Kashawn Wood (Barbados Bar Association (BAR))

Item 1. Call to Order and Welcome

The Chairman, Mr. D. G. Sutherland, called the meeting to order at 10:58 a.m. and welcomed the Members, Mr. Justice Sherman Moore, Ms. Paulette Atkins of the Office of the Chief Parliamentary Counsel and the specially invited, Hon. G. P. B. Nicholls, Minister of Home Affairs and Information.

Item 2: Minutes of the Third Meeting held on Monday, 15th June, 2026 and Fourth Meeting, held on 19th June, 2026.

The Minutes of the Third Meeting, held on June 15th, 2026, and of the Fourth Meeting, held on June 19th, 2026, were taken as read. There being no corrections or amendments, on the motion of Dr. W. F. Duguid, seconded by Senator the Hon. C. P. Sinckler, the Minutes of both meetings were confirmed.

Item 3: Matters Arising

There were no matters arising.

Item 4: Oral Presentations

Reappearance of the Barbados Bar Association (BAR)

The Chairman welcomed and received the representatives of the BAR - Mr. Larry Smith, K.C., President, Ms. Lynne-Marie Simmons and Mr. Kashawn Wood, who had agreed to return to engage the Committee on their oral submission. The proceedings were streamed to the public. Matters presented included: the absence of specified sanctions for the work-permit offences in clause 19 of the Immigration Bill, by reference to clauses 12(4) and 32 and the general penalties provision; the work permit regime, including the vetting of advertised applications e.g. an advertisement for an automotive window tint installer being instanced, the carrying into the new application forms of the questions on efforts to recruit Barbadians, and the codification of the requirement to consult the national jobs register; the widening of clause 30 (production of permits) to officers of the Ministry of Labour or the National Insurance Scheme; and the constitutional harmonisation points made in the Association's written submission, traced by the Association to the 2019 Cabinet paper. Hon. G. P. B. Nicholls, Mr. Justice Sherman Moore and Ms. Paulette Atkins responded, and the Hon. Minister outlined the Ministry's current review of the work permit policy. The Association expressed itself satisfied, pending sight of the revised draft Bills, and withdrew.

Item 5: Consideration of Written Submissions

Following the discontinuation of the streaming of the proceedings, the Committee deliberated on its handling of submissions received on the day of hearing, and expressed its preference that substantive written submissions be received in advance of oral presentations.

Hon G. P. Nicholls invited the Committee to take into consideration the Report of the previous Joint Select Committee — which does not contain a record of the final deliberations, none having taken place before the General Election — together with the public submissions relating to it.

The Committee discussed the public commentary concerning births in Barbados to visiting nationals. The Hon. Sherman Moore advised that the citizenship by birth of a child does not transmit to a parent, and that visa control affords an administrative remedy requiring no amendment of the legislation. The Minister observed that there was no statistical evidence of a problem overwhelming the Immigration Department, attributed the controversy to social-media commentary and developments in the United States, and noted that the country's infant and maternal outcomes — which attract such visitors — are a credit to its medical professionals; Dr. W. F. Duguid set the matter in its demographic context (deaths having exceeded births since about 2016) and cautioned against discouraging what is, in substance, medical tourism. The Chairman

proposed public education on Africa and the opportunities of South-South trade through the Ministry of Foreign Affairs and Foreign Trade.

Item 6: Any Other Business

The Committee then settled its programme for the completion of its work.

Decisions and Undertakings Recorded

In the course of the meeting the following were agreed, undertaken or noted:

a) Minutes — the Minutes of the Third Meeting (June 15th, 2026) and the Fourth Meeting (June 19th, 2026) were confirmed by Dr. W. F. Duguid; seconded by Senator the Hon. C. P. Sinckler).

b) Immigration Bill, clause 19 (work-permit offences) — Hon G. P B. Nicholls acknowledged the absence of sanctions as a drafting oversight to be addressed in keeping with the scheme of the legislation; Ms Paulette Atkins undertook, on behalf of the Office of the Chief Parliamentary Counsel, to consult the instructing Ministry on the penalty to be assigned; and, the general penalties provision otherwise applying, Minister Nicholls undertook a review of whether a specific sanction should be carried into clause 19, as suggested by Ms. Lyne-Marie Simmons.

c) Work permit regime — the BAR suggestions were noted: that the new application forms (for both long-term and short-term permits) carry the existing questions on efforts to recruit Barbadians, and that the requirement to consult the national jobs register be codified with sanctions. Minister Nicholls outlined the Ministry's ongoing review, contemplating a longer advertising period, conditions on grants (including mandatory training of Barbadians), more stringent evidence of consultation of the jobs register, comparative study of regional and Commonwealth practice, and targeted recruitment of young people.

d) Immigration Bill, clause 30 (production of permits) — the administration of the Immigration Act remains an immigration function under the Chief Immigration Officer, who has been asked to review the Department's operations, a migration section having been created; the suggestion of widening the clause, and Dr. W. F, Duguid alternative of a single cross-agency inspectorate, were noted.

e) Constitutional harmonisation — the Government's position was stated that section 9 of the Constitution empowers Parliament to make provision for citizenship outside the

constitutional categories, so that no constitutional amendment, and no pause in the legislative process, is required; and, as to the 2019 Cabinet paper from which the BAR derived its position, that no Cabinet is bound by the decisions of a prior Cabinet.

f) Responses to submissions — Minister Nicholls undertook that the Ministry of Home Affairs and Information would respond to all public submissions by the end of the following week.

g) Previous Committee's Report — the Committee is to take into consideration the Report of the previous Joint Select Committee (Standing) and the related public submissions.

h) Programme — Members are to review all written and oral submissions against the Bills; the Committee's conclusions are to be returned to the Minister in report form; Mr. Chairman is to liaise with the Office of the Chief Parliamentary Counsel and Justice Sherman Moore during the week, and with Ms. Paulette Atkins before the next meeting. The wrap-up meeting was fixed for Friday, July 10th, 2026, at 10:00 a.m., the Hon. C. P. Sinckler confirming his availability; and, as noted by the Deputy Clerk (Ms. Gibbons), a further meeting will be required thereafter to approve the Committee's report, with any amendments, before Parliament goes on recess.

ADJOURNMENT

On the motion of Dr. W. F. Duguid seconded by Senator the Hon. C. P. Sinckler, the follow-up meeting should be held on Friday, July 10th, 2026, at 10:00 a.m. The question was put and resolved in the affirmative without division, and the meeting was adjourned accordingly.

At 12:25 p.m. the Chairman adjourned the meeting.

Bibbons
Deputy Clerk of Parliament

Confirmed this 15th **day of** July **2026.**

Chairman

PARLIAMENT OF BARBADOS

(FIRST SESSION OF 2026 – 2031)

JOINT SELECT COMMITTEE (STANDING)

ON ECONOMIC AND PRODUCTIVE SECTORS

Minutes of the Sixth Meeting of the Joint Select Committee (Standing) on Economic and Productive Sectors on the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026 held on Friday, 10th July, 2026 at 10:00 a.m. in the Senate Chamber, Parliament Buildings, Trafalgar Square, Bridgetown.

PRESENT:

Mr. D. G. Sutherland, M.P. (Chairman)

Hon. C. S. V. Husbands, M.P.

Hon. I. A Weir, M.P

Dr. the Hon. R. O. Springer, J.P., M.P.

Senator the Hon. C. P. Sinckler

Senator A. W. Mallalieu

Dr. W. F. Duguid, M.P. (Deputy Chairman) (***Online***)

Senator R. O. Walters

ALSO IN ATTENDANCE:

Mr. Pedro E. Eastmond, *Clerk of Parliament*

Ms. Beverley S. Gibbons, JP, *Deputy Clerk of Parliament*

Mr. Nigel R. Jones, KC, *Deputy Clerk of Parliament*

Ms. Suzanne Hamblin, Journal Department of Parliament

Hon. Justice Sherman Moore, Retired Justice of Appeal; Consultant to the Office of the Attorney-General and Former Chief Parliamentary Counsel

Mrs. Mechelle Elie, Chief Parliamentary Counsel (CPC), *Office of the Chief Parliamentary Counsel*

ABSENT:

Senator the Hon. J. W. D. Reid

Item 1: Call to Order and Welcome

The Chairman called the meeting to order at 10:30 a.m. He welcomed the Members, Mr. Justice S. Moore, Consultant and Mrs. Mechelle Elie of the Chief Parliamentary Counsel's Office, and confirmed that a quorum was present. Prayers were led by the Hon. C. S. V. Husbands.

Item 2: Minutes of the Fifth Meeting held on Friday, 3rd July, 2026

On the motion of Hon. C. S. V. Husbands, seconded by Senator A. W. Mallalieu, the Minutes of the Fifth Meeting held on Friday, 3rd July, 2026 were deferred to the next meeting.

Item 3: Matters Arising

There were no matters arising.

Items 4 and 5: Consideration of the Written Submissions and Oral Submissions

On the proposal of the Chairman, supported by Senator the Hon. C. P. Sinckler, it was agreed that, in view of the intention to return the Bills to Parliament before the House rises, the Committee would consider both the consolidated written and oral submissions, and align them with any amendments to the two pieces of legislation in a single exercise; and that further meetings would be held at short notice if required.

On the advice of the Clerk, Mr. Pedro Eastmond, the Committee considered the grouped consolidated overview of the written and oral submissions. In the morning session it took the first five themes:

(i) ***Citizenship by birth for children of Barbadian diplomats (Citizenship Bill, clause 2(8))***;
(ii) ***Oath of Allegiance and solemn affirmation***;
(iii) ***Integration of the Welcome Stamp***;
(iv) ***Ministerial discretion, finality clauses and procedural fairness (Citizenship Act, section 13; Immigration Bill, clauses 22-24 and 35)***; and
(v) ***Compressed citizenship timelines and citizenship integrity (Citizenship Bill, clause 3(5); Part II, section five; Fourth Schedule).***

SUSPENSION

The meeting was suspended for lunch until 2:00 p.m. at 1:08 p.m.

RESUMPTION

On resumption at 2:06 p.m. the Committee took and discussed the remaining themes:

(vi) ***Labour market, wages and national development***;
(vii) ***CARICOM, constitutional and treaty consistency (section 43; the Revised Treaty of Chaguaramas; the Data Protection Act, 2019)***;
(viii) ***Safeguards for vulnerable persons***;
(ix) ***Constitutional consistency of the Citizenship Bill***;
(x) ***Citizenship by recognition of the deep diaspora***; and
(xi) ***Implementation machinery and student regulations***.

Mr. Justice Moore and Mrs. Elie advised the Committee on the legal and drafting questions arising, including the interpretation of the 730-day and 1,095-day qualifying periods, the status of time spent on a work permit, the effect of clause 3(5) in confining eligibility to nationals of a member state by birth, descent or naturalisation, the relationship between the Revised Treaty of Chaguaramas and the Immigration Act, and the placing of provisions for the protection of minors in legislation of general application. The Clerk drew attention to the relevant recommendations of the former Committee on Governance and Policy Matters, and whose Report stands referred to the Committee.

Item 6: **Consideration of the Report of the Joint Select Committee (Standing) on Governance and Policy Matters on the Immigration Bill, 2025 and the Barbados Citizenship Bill, 2025**.

The Committee continued to engage in robust deliberations regarding the Report and hereby agreed to the following decisions which are hereto recorded below:

Recommendations Agreed to by the Committee

(1) ***Citizenship by birth for children of Barbadian diplomats*** — that the words "where that State in which they were born refuses to grant a birth certificate" be deleted from the Citizenship Bill, confirming the Committee's earlier unanimous agreement; the Cabinet's approval of the correction was reported, the amendment is to be carried in this Bill, and a new draft of the Citizenship Bill is to be circulated to the Committee by the Chief Parliamentary Counsel's Office.

(2) ***Oath of Allegiance and solemn affirmation*** — that no amendment is required, the Interpretation Act providing that an oath includes an affirmation; the Committee reaffirmed its position, the submitters having been informed in writing and having accepted it.

(3) ***Integration of the Welcome Stamp*** — that Welcome Stamp holders be incorporated into the Fourth Schedule points system of the Immigration Bill and treated in the same way as any other applicant for permanent residence, with no separate pathway to citizenship; the allocation of points and the supporting policy are for the Minister and the Cabinet, and the consequential amendment (possibly including amendment of the remote employment legislation) is to be settled by the Chief Parliamentary Counsel's Office on instructions.

(4) ***Ministerial discretion*** — that the discretion vested in the Minister under the Citizenship and Immigration legislation be retained, and that the powers not be removed.

(5) ***Immigration Bill, clause 23 "Revocation of a deportation order"*** — that the Committee support the former committee's recommendation to extend the 24-hour timeline for application and payment; a decision on any downward revision of the $3,0000 non-refundable fee was deferred pending information from the Chief Immigration Officer on the basis of the fee and timeline, and research on the fees and timelines of other jurisdictions, which Ms. Hamblin was asked to compile.

(6) ***Citizenship timelines*** — that the qualifying periods as drafted be supported: the two-year (730-day) and three-year (1,095-day) periods, with aggregates of 180 and 270 days respectively, it being clarified that the period must elapse before application, that it runs from the grant of permanent residence, and that time spent on a work permit does not count.

(7) ***Citizenship by investment*** — the Committee noted, on the advice of Mr. Justice Moore, that clause 3(5) of the Citizenship Bill confines eligibility to nationals of a member state by birth, descent or naturalisation, and accordingly does not extend to persons holding the nationality of a member state through citizenship by investment; the objection raised by Senator Mallalieu on that ground was withdrawn.

(8) ***Student visas, work permits and the Welcome Stamp*** — that persons lawfully present in Barbados on a work permit, a Welcome Stamp or a student visa be afforded a pathway to permanent residence through the Fourth Schedule points system, rather than a separate route to citizenship; the matter, and the manner of its implementation, are for the Minister and the Cabinet.

(9) ***Caricom, constitutional and treaty consistency*** — that no amendment be made to remove the State's sovereign rights; on the advice of the Chief Parliamentary Counsel and Mr. Justice Moore there is no conflict between the Revised Treaty of Chaguaramas (which operates between the executives) and the Immigration Act (which Parliament alone makes), and section 18 of the Constitution, concerning criminal trials, does not arise; further procedural detail may be provided by regulation.

(10) ***Safeguards for vulnerable persons*** — that the proposed guardian amendment and the anti-trafficking protections are better situated in legislation of general application, such as the Child Protection Act and the trafficking legislation, and that no amendment to these Bills is required for that purpose.

(11) **Constitutional consistency of the Citizenship Bill** — that no inconsistency arises with Chapter II of the Constitution, the Constitution authorising Parliament to confer citizenship on persons not otherwise entitled where it is silent, as the existing Citizenship Act already provides.

(12) ***Citizenship by birth (public comment)*** — that, under the current law, citizenship by birth attaches to the child born in Barbados and not to the parent, that no provision confers citizenship on the parent, and that no legislative change is required, the matter being one for the Immigration Department to manage operationally.

(13) ***Citizenship by recognition of the deep diaspora*** — that this is a matter of policy for the Government; the Chairman undertook to consult the Minister responsible for heritage, and the state of the national archives is to be ascertained.

7. **ANY OTHER BUSINESS:**

Matters Pending

The following noteworthy matters stand over:

i) The Senior Minister's suggestion that the Committee's report reflect, as an alternative view, a possible middle position (of the order of four years) on the citizenship timelines, Government policy remaining as drafted;

ii) The joint review of the report of the former Committee on Governance together with the two Bills; the information requested of the Chief Immigration Officer on the basis of the deportation-revocation fee and timeline, and the comparative research on other jurisdictions;

iii) The circulation by the Minister of the manpower assessment conducted by the University of the West Indies;

iv) The consultation of the Minister responsible for heritage and the state of the national archives; and

v) The preparation and approval of the Committee's Report, for which a virtual meeting may be convened.

It was agreed that the Committee meet again on Wednesday, 15th July, 2026 at 10:00 a.m., and on Friday, 17th July, 2026, to conclude its consideration of the submissions and the two Bills and to settle its report, and that the report be approved thereafter at a virtual meeting.

ADJOURNMENT

On the motion of the Hon. C. S. V. Husbands, seconded by Dr. W. F. Duguid, the meeting was adjourned until Wednesday, 15th July, 2026 at 10:00 a.m.

There being no further business, the Chairman adjourned the meeting at 4:32 p.m.

Deputy Clerk of Parliament

Confirmed this 4th **day of** August **2026.**

Chairman

PARLIAMENT OF BARBADOS

(FIRST SESSION OF 2026 – 2031)

JOINT SELECT COMMITTEE (STANDING) ON ECONOMIC AND PRODUCTIVE SECTORS

Minutes of the Seventh Meeting of the Joint Select Committee (Standing) on Economic and Productive Sectors on the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026 held on Wednesday, 15th July, 2026 at 10:00 a.m. in the Senate Chamber, Parliament Buildings, Trafalgar Square, Bridgetown.

PRESENT:

Mr. D. G. Sutherland, M.P. *(Chairman)*

Hon. C. S. V. Husbands, MP

Dr. the Hon. R. O. Springer, J.P., M.P.

Senator the Hon. C. P. Sinckler

Senator R. O. Walters

ABSENT:

Dr. W. F. Duguid, J.P., M.P. *(Deputy Chairman)*

Hon. I. A. Weir, M.P.

Senator the Hon. J. W. D. Reid

Senator A. W. Mallalieu

SPECIALLY INVITED:

Hon. G. P. B. Nicholls, M.P.

ALSO IN ATTENDANCE:

Mr. Pedro E. Eastmond, *Clerk of Parliament*

Ms. Beverley S. Gibbons, *Deputy Clerk of Parliament*

Miss Suzanne Hamblin, *Journal Department of Parliament*

The Hon. Justice S. Moore, former Justice of Appeal of Barbados *(Consultant, Office of the Chief Parliamentary Counsel)*

Mrs. Mechelle Elie, *Chief Parliamentary Counsel, (Office of the Chief Parliamentary Counsel (C.P.C.))*

Ms. Margaret Inniss (Chief Immigration Officer)

Item 1: Call to Order and Welcome

The meeting was called to order by the Chairman, Mr. D. G. Sutherland, who welcomed the Members, the Hon. Justice S. Moore (Consultant), Mrs. M. Elie of the Chief Parliamentary Counsel's Office, Ms. M. Inniss, the Chief Immigration Officer, and the specially invited, Hon. G. P. B. Nicholls, Minister of Home Affairs and Information. Prayers were led by the Hon. C. S. V. Husbands.

Item 2: Minutes of the Fifth Meeting held on Friday, July 3rd, 2006

The Minutes of the Fifth Meeting, held on Friday, July 3rd, 2026 were taken as read and were confirmed on the motion of the Hon. C. S. V. Husbands, seconded by Senator the Hon. C. P. Sinckler.

Item 3: Matters Arising

There were none.

Item 4: Minutes of the Sixth Meeting held on Friday, July 10th, 2026

On the motion of the Hon. C. S. V. Husbands, seconded by Dr. the Hon. R. O. Springer, it was agreed that the confirmation of the Minutes of the Sixth Meeting, held on Friday, July 10th, 2026, be deferred and that those said Minutes be circulated by Round Robin.

Item 5: Consideration of the Report of the Joint Select Committee (Standing) on Governance and Policy Matters and on the Immigration Bill, 2025 and the Barbados Citizenship Bill, 2025

Before proceeding, the Chairman gave a brief outline of the order of business for this segment of the meeting:

i) To give consideration of the Report of the former Joint Select Committee (Standing) on Governance and Policy Matters on the Immigration Bill, 2025 and the Citizenship Bill, 2025;

ii) The examination of both Bills in their entirety; and

iii) The consideration of the composition and compilation of the Committee's Report. He indicated the intention to conclude the substantive deliberations at the meeting, and a further meeting being required only to settle the final Report.

In the morning session, the Committee reviewed item by item, the Report of the former Committee on Governance as it bears on the Immigration Bill, 2025. Hon. G. P. B. Nicholls, Minister of Home Affairs and Information reported that the Ministry, the Chief Parliamentary Counsel's Office, the Consultant and the Barbados Immigration Department had met and reached a consensus on the recommendations of that Report, and he circulated notes on clauses 3, 4, 5 and 32 to the Committee.

The Committee considered, in particular, the following:

a) The right to enter (clause 3);

b) Permitted entrants and harmonisation with the Economic Partnership Agreement (clause 4);

c) The codification of the reside and reside-and-work discretion (clause 5);

d) The acquisition of permanent-resident status, including the treatment of retired persons, persons under a disability and direct descendants (clause 6);

e) The points system (clause 7 and the Fourth Schedule);

f) Loss of permanent-resident status (clause 8);

g) Prohibited persons (clause 9 and the Fifth Schedule);

h) The revocation of a deportation order (clause 23);

i) Offences (clause 32);

j) The right of appeal (clause 35);

k) Savings and regulations; and

l) The Welcome Stamp and Special Entry Permit.

The Minister also presented proposed amendments on border security arising from recent incidents and from Barbados's international obligations, namely:

i) Verification of the relationship between accompanying adults and minors;

ii) A strengthened interface between immigration enforcement and trafficking in persons investigations;

iii) Custodial security standards for detained and inadmissible persons, such persons to be retained within the jurisdiction of the Chief Immigration Officer; and

iv) Provision for the seizure, retention, custody and disposition of fraudulent travel documents.

The Clerk advised that the proposed amendments could properly be received and examined through the Committee's consideration of the Report of the former Committee on Governance, the Bills having stood before Parliament for approximately four months.

The Hon. Justice S. Moore, Mrs. Elie and Ms. M. Inniss advised the Committee on the legal drafting and operational questions arising from the deliberations. The decisions reached are hereto recorded below.

SUSPENSION

The meeting was suspended for lunch at 1:45 pm until 2:35 p.m.

RESUMPTION

On resumption, in the afternoon session at 2:55 p.m., the Committee undertook a detailed deliberation on the Barbados Citizenship Bill, 2025 and considered the following:

a) ***Interpretation (clause 2);***

b) ***Abandoned newborn infants (clause 3(1));***

c) ***Citizenship by descent and the position of adopted children (clauses 3(2) and 5(3));***

d) ***The transition of immigrant status and the position of holders of indefinite special entry permits (clause 3(4));***

e) ***The residency thresholds for CARICOM and non-CARICOM nationals (clauses 3(5) and 3(6));***

f) ***Entitlement to registration of persons of eminence (clause 3(8) and the First Schedule);***

g) ***The right of refusal to register through to renunciation (clauses 4 to 8);***

h) ***Deprivation of citizenship for disloyalty or disaffection and the inquiry procedure (clause 9);***

i) ***Deprivation of citizenship of Barbados where person deprived of citizenship elsewhere, Resumption of citizenship and Certificate of citizenship in cases of doubt (Clauses 10 to 12);***

j) ***The finality of the Minister's discretion (clause 13);***

k) ***Regulations, which are subject to negative resolution (clause 15); and***

l) The accuracy of clauses 15 to 18 regarding the subheadings in the Report which were to be amended appropriately.

It was confirmed that adopted children acquire citizenship from the date of the adoption order and may pass citizenship to their descendants, and that no fixed time frame should be prescribed for the term "newborn", which remains a question of fact on medical evidence. Notably, clauses 2, 4 to 8 and 10 to 12 required no amendments. The Committee's decisions reached are hereto recorded below.

Recommendations agreed to by the Committee

In the course of its deliberations the Committee agreed as follows:

Immigration Bill, 2025:

1) ***Clause 4 (permitted entrants)*** — that the definitions be harmonised with those of the Economic Partnership Agreement; that the categories of permitted entrants be stated on the face of the clause rather than only in a schedule; and that the expansion of the list of countries in clause 4(1)(c) await guidance from the Ministry of Foreign Affairs.

2) ***Clause 5 (reside, or reside and work)*** — that the existing administrative practice be codified into three defined categories: persons married to Barbadian citizens, permanent residents or community nationals awaiting the cohabitation period; persons who qualify for no immigration status but for whom the Minister, on technical advice, determines residence to be expedient and reasonable, including in emergencies and humanitarian situations; and persons applying for a status who do not yet meet the relevant qualifying period.

3) ***Clause 6 (Acquisition of status of permanent resident)*** — that the criteria for a retired person's "sufficient financial resources" (clause 6(1)(b)) be settled and published by regulations or departmental guidance, the provision not being linked to the points system; that "under a disability" (clause 6(3)) bears its legal meaning; and that no definition of "direct descendant" (clause 6(4)) is required, the ordinary meaning being clear.

4) ***Clause 7 (Additional grounds for acquisition of status of permanent resident) and the Fourth Schedule (points system)*** — that the weightings and criteria be refined through regulations, it being noted on the advice of Mrs. M. Elie, Chief Parliamentary Counsel that regulations may settle methodology but cannot alter the ten-point threshold, which would require amendment of the Bill; the concerns recorded about the weighting of age, skills and financial resources are to be reflected in the Committee's Report.

5) ***Clause 8 (loss of permanent resident status)*** — that the drafting of "activities detrimental to the security of Barbados" be retained in its broad form, for the reasons given by the Minister.

6) ***Clause 9 and the Fifth Schedule (prohibited persons)*** — that the Chief Parliamentary Counsel's Office consider alternative language for "conduct which offends public morality".

7) ***Clause 23 (Revocation of a deportation order)*** — that the fee remains $3,000 (non-refundable) and that the time for payment be extended from 24 hours to 48 hours, Mrs. M. Inniss, Chief Immigration Officer confirming that 48 hours is operationally workable.

8) ***Clause 32 (offences)*** — that the seven offences be broken out and individually captioned so that each offence is clearly identifiable by the public.

9) ***Clause 35 (right of appeal)*** — that a meaningful two-tier review mechanism be provided, comprising an internal review by the decision-maker followed by an appellate tribunal, with reasons for adverse decisions save where the Minister certifies national-security grounds, and a narrow avenue of judicial review; Hon. G. P. B. Nicholls, Minister, is to provide the draft wording to the Chief Parliamentary Counsel's Office, broad provisions sitting in the Bill and the detail being settled administratively.

10) ***Welcome Stamp and Special Entry Permit*** — that the Welcome Stamp not be codified as a distinct immigration status, being a species of "special entry permit", its holders retaining the ordinary pathways to status through the points system, consistently with the Committee's earlier decision.

11) ***Work-permit security*** — that Section 19 of the existing Immigration Act, CAP. 190 (security for the cost of repatriation of a work-permit holder and dependants) be reinserted in the Immigration Bill, the Consultant and the Chief Immigration Officer concurring.

12) ***Border security*** — that the four amendments presented by the Minister G. P. B. Nicholls (verification of adult–minor relationships; the enforcement and trafficking-in-persons interface; custodial security standards for detained and inadmissible persons; and the seizure and disposition of fraudulent travel documents) be recommended for drafting by the Chief Parliamentary Counsel's Office.

Barbados Citizenship Bill, 2025:

13) ***Clause 3(4) (transition of immigrant status)*** — that the recommendation that the provision be reviewed be noted, but that the direct pathway to citizenship not be extended to holders of indefinite special entry permits, such permits being an exception rather than an immigration status, their holders retaining access to the existing statuses.

14) ***Clauses 3(5) and 3(6) (residency thresholds)*** — that for non-CARICOM nationals the aggregate period of residence be increased to two years (730 days) within the three-year period of 1,095 days, and that the thresholds for CARICOM nationals remain as drafted, having regard to the Revised Treaty of Chaguaramas.

15) ***Clause 3(8) and the First Schedule (persons of eminence)*** — that the Schedule's list of offices be recast in broad criteria of exceptional service and eminence rather than named posts, and that the following draft wording of the Consultant be recorded: *"The Minister may, upon application made to him in the prescribed form, register as a citizen of Barbados any person who has excelled in a national or global field of endeavour approved by the Minister, whether in the CARICOM Community or the international community."*

16) ***Clause 9(1)(c) (deprivation – disloyalty or disaffection)*** — that the clause be redrafted in more specific terms directed to loss of allegiance to the State leading to identified detriment, it

being confirmed that the provision cannot apply to citizens by birth; the Hon. Justice S. Moore, Consultant is to propose the language.

17) ***Clause 13 (Minister's discretion)*** — that the clause be amended to require the Minister to give reasons for decisions, except where the Minister certifies that to do so would be prejudicial to national security or the public interest, and that it be made clear that the clause does not oust the supervisory jurisdiction of the High Court.

18) ***Clauses 15 to 18*** — that the discrepancies in clause numbering identified in the recommendations be reconciled by the drafters.

Item 6: Examination of the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026

The Committee examined both Bills during the deliberations of the Report of the former Joint Select Committee (Standing) on Governance and Policy Matters on the Immigration Bill, 2025 and the Citizenship Bill, 2025

Item 7: Consideration of the composition and Compilation of the Committee's Report

The Clerk of Parliament advised the meeting that the Chief Parliamentary Counsel's Office must first reduce the agreed recommendations into the proposed amended Bills; that a provisional report exists to which this meeting must be added; and that the appended transcripts and minutes must be validated. It was agreed that the draft amended Bills be appended to the Committee's report, that the report of the former Committee on Governance be annexed as an appendix, this Committee's report being the primary report, and that any further amendments may be taken in Committee of the whole House. It was noted that the Bills stand within the parliamentary process, the second reading having been suspended, so that the Committee is free to address policy and the executive has no role in the Bills' progress short of withdrawal. The Clerk undertook to advise the Committee of the position by Friday, July 24th, 2026. A further meeting will be held to settle the Report and may be held in hybrid form, as such, at least three members attending in person in accordance with the Rules of Committees.

Item 8: Any other Business

Matters Pending

The following noteworthy matters stand over:

i) The guidance of the Ministry of Foreign Affairs on the expansion of the list of countries in clause 4(1)(c) of the Immigration Bill, 2025;

ii) The settling, by regulations or departmental guidance, of the criteria for "sufficient financial resources" under clause 6(1)(b);

iii) The provision by the Minister of Home Affairs and Information of draft wording for the internal review and appeals mechanism under clause 35;

iv) The redrafting by the Consultant of clause 9(1)(c) of the Barbados Citizenship Bill;

v) The consideration by the Chief Parliamentary Counsel's Office of alternative language for the Fifth Schedule;

vi) The preparation of the amended Bills and of the Committee's Report, on which the Clerk is to report by Friday, July 24th, 2026.

ADJOURNMENT

Mr. D. G. Sutherland, Chairman thanked the Members, the specially invited Minister, Hon. G. P. B. Nicholls, The Hon. Justice S. Moore, Consultant, Mrs. M. Elie, Chief Parliamentary Counsel, Mrs. M. Inniss, Chief Immigration Officer, the staff of Parliament and all persons who made written and oral submissions. Minister G. P. B. Nicholls recorded the thanks of the Ministry.

On the motion of Senator the Hon. C. P. Sinckler, seconded by Dr. the Hon. R. O. Springer, the meeting was adjourned *sine die*.

There being no further business, the Chairman adjourned the meeting at 6:03 p.m.

Deputy Clerk of Parliament

Confirmed this 4th **day of** August **2026.**

Chairman

PARLIAMENT OF BARBADOS

(FIRST SESSION OF 2026 – 2031)

JOINT SELECT COMMITTEE (STANDING) ON
ECONOMIC AND PRODUCTIVE SECTORS

Minutes of the Eighth 'Hybrid' Meeting of the Joint Select Committee (Standing) on Economic and Productive Sectors on the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026 held on Tuesday, 4th August, 2026 in the Senate Chamber, Parliament Buildings, Trafalgar Street, Bridgetown.

PRESENT:

Mr. D. G. Sutherland, M.P. (Chairman)

Dr. W. F. Duguid, J.P., M.P. (Deputy Chairman)

Hon. I. A. Weir, M.P. ***(online)***

Hon. Ms. C. S. V. Husbands, M.P. ***(online)***

Dr. the Hon. R. O. Springer, J.P., M.P.

Senator the Hon. C. P. Sinckler

Senator the Hon. J. W. D. Reid ***(online)***

Senator R. O. Walters

Senator A. W. Mallalieu

ALSO IN ATTENDANCE:

Mr. Pedro E. Eastmond, *Clerk of Parliament*

Ms. Beverley S. Gibbons, *Deputy Clerk of Parliament*

Mr. Nigel Jones, *Deputy Clerk of Parliament*

Miss Suzanne Hamblin, *Journal Department of Parliament*

Mrs. Mechelle Elie, *Chief Parliamentary Counsel, (Office of the Chief Parliamentary Counsel (C.P.C.))* ***(online)***

Ms. Paulette Atkins, Senior Parliamentary Counsel *(Office of the Chief Parliamentary Counsel (C.P.C.))* ***(online)***

Hon. Justice Sherman Moore, CHB, Retired Justice of Appeal, *Consultant (Office of the Attorney-General)* ***(online)***

Ms. Margaret Inniss, *Chief Immigration Officer*

Ms. Cherone Burrows, *Assistant Chief Immigration Officer*

SPECIALLY INVITED:

Hon. G. P. B. Nicholls, M.P., Minister of Home Affairs and Information ***(online)***; and

Hon. W. A. Abrahams, S.C., M.P. Attorney-General ***(online)***

Item 1: Call to Order/Welcome by the Chairman

The Chairman, Mr. D. G. Sutherland, called the Meeting to order at 11:13 a.m. and welcomed those Members who were physically present and online. He advised that the Members of Cabinet would be required to leave the Meeting at 1:00 p.m. and that the business of the day was the examination of the Immigration Bill, 2026, the Barbados Citizenship Bill, 2026, and the consideration of the Committee's draft Report on the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026, as amended.

Item 2: Minutes of the Sixth Meeting held on Friday, July 10th, 2026 and the Seventh Meeting held on Wednesday, July 15th, 2026

The Minutes of the Sixth Meeting held on Friday, 10th July, 2026, were taken as read and were confirmed on the motion of Dr. W. F. Duguid, seconded by Senator A. W. Mallalieu,

The Minutes of the Seventh Meeting held on Wednesday, 15th July, 2026, were taken as read and were confirmed on the motion of Hon. I. A. Weir, seconded by Dr. the Hon. R. O. Springer.

Item 3: Matters Arising

There were no matters arising from the aforementioned Meetings.

Item 4: Examination of the Immigration Bill, 2026, and the Barbados Citizenship Bill, 2026 as amended

Immigration Bill, 2026 (as amended):

The Committee, working from the Explanatory Memorandum, examined the Immigration Bill, 2026 (dated 31st July, 2026) in its entirety. In the course of the examination the Committee agreed as follows:

(a) ***That the Report record, in a statement to be furnished by the Chief Parliamentary Counsel, the definitions and related provisions removed from the Bill to the Advance Passenger Information Bill, 2026 which is currently before the House to be debated***;

(b) ***That a provision be inserted empowering the Minister to amend certain Schedules by Order, and subsequently settled as extending to the First (Domestic Space), Second (Constitution of Immigration Review Committee) and Fourth Schedules (EU Member States) only, the Third (Permitted Entrants), Fifth (Maximum Points to be Awarded) and Sixth (Prohibited Persons) Schedules remaining subject to the full parliamentary process***;

(c) ***That the Report's treatment of the points system be recast to make clear that the points attached to each criterion are fixed by the Bill, only the assessment criteria falling to Regulations***;

(d) ***That the deletion of the "public-morality" ground in the Sixth Schedule be confirmed***;

(e) ***That the words "at least" be deleted from the 5-year exclusion provision in clause 25 (Effect of revocation of permission to remain in Barbados); and***

(f) ***Provisionally, on the written advice of the Director of Foreign Trade, Ms. Paula Byer, through Senator the Hon. C. P. Sinckler who advised the Committee during the meeting, that Croatia be removed from the list of States under clause 4(1)(c). A definitive answer would be given to the Committee the following morning***.

(g) ***Medical Visitors:***

A request of the Ministry of Home Affairs and Information, received that morning, for special provision for medical visitors was first declined by the

Members present, as this was not a Cabinet-approved policy being put before the Committee.

Following a message from the Cabinet, conveyed by Hon. Ms. C. S. V. Husbands, the Attorney-General and the Minister of Home Affairs and Information joined the sitting online via Zoom. Having heard the Minister and the Chief Immigration Officer on the risks of birth tourism and trafficking-in-persons and on the medical-tourism economy, the Committee unanimously agreed that the Medical Visitor framework be delivered by Regulations under an anchoring provision to be inserted in the Bill, and that breaches should attract administrative rather than criminal penalties.

(h) Citizenship by Investment (CBI):

The Attorney-General restated the position of the Government that citizenship acquired by investment is not recognised for the reduced qualifying route to citizenship under the Barbados Citizenship Bill, 2026. Additionally, the Chief Parliamentary Counsel, Mrs. Mechelle Elie, for any avoidance of doubt, undertook to insert wording into the Bill that the reduced-period route does not extend to citizenship-by-investment holders.

(i) Immigrant Status:

The Attorney-General further outlined an amendment, agreed to by the Cabinet, for a Presidential amnesty to "Grandfather" long-resident persons into citizenship or residence. The written instructions of the Minister to follow to the Chief Parliamentary Counsel.

In conclusion, Mrs. Elie subsequently reported the amendments drafted by CPC during the first session:-

1) Under Work Permits, clause 19(5) was deleted;

2) Under Regulations, the recasting of clause 39(1) with new paragraphs, including provision for entry for medical treatment and for administrative penalties; and

3) The inclusion of a new clause 39(3) providing for an administrative penalty not exceeding $50,000, without prejudice to clause 38(2).

SUSPENSION

The meeting was suspended for lunch at 3:16 pm until 3:50 p.m.

RESUMPTION

On resumption, the Chairman resumed the Chair at 4:08 p.m.

Barbados Citizenship Bill, 2026 (as amended):

The Committee completed its examination of the Barbados Citizenship Bill, 2026 (dated 28th July, 2026) from Part I to the Schedule.

A proposal of Senator A. W. Mallalieu on the exclusion of CBI applicants from clause 3(5) pathway, communicated in writing, was read into the record and referred to the Chief Parliamentary Counsel's office for consideration into the drafting.

In relation to clause 8, the Chief Immigration Officer, Ms. Margaret Inniss, confirmed that no renunciation of citizenship has ever been refused.

On the motion of Dr. W. F. Duguid, seconded by Dr. the Hon. R. O. Springer, the amended draft Bills were approved in principle, subject to the new amendments agreed to at the Meeting. The further amended Bills would be circulated to the Committee before its next meeting.

Item 5: Consideration and Approval of the Report of the Joint Select Committee (Standing) on Economic and Productive Sectors on the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026

The Committee considered the draft Report dated 3rd August, 2026. The following corrections and adjustments were agreed to:

1) The reconciliation of the mis-ordered clause numbering;

2) The alignment of the children-of-diplomats entry with the removal of the whole clause;

3) The reconciliation of the reside-and-work categories with the Minister;

4) The recasting of the points-system recommendation;

5) The adjustment of clause 35 right-of-appeal recommendation to reflect the reversion, in part, to the Immigration Review Committee provisions; and

6) The recording of the integrity of the Barbadian passport alongside citizenship in its observations.

Item 6: Any Other Business

The Clerk advised that at least one further meeting is required to settle the further amendments to both Bills and to sign off on the Report. He explained that a wholly virtual meeting is not permissible based on the Rules. That is, the Chairman and at least 3 other Members are required to be physically present, the remaining Members entitled to join online *via* Zoom. The Final Report and both Bills are intended to be laid in Parliament on Friday, 7th August, 2026.

ADJOURNMENT

On the motion of Dr. W. F. Duguid, seconded by Senator the Hon. C. P. Sinckler the Meeting was adjourned to Wednesday, 5th August, 2026. The time of the Meeting would be determined by the Chairman and communicated to the Members of the Committee.

There being no further business, the Chairman adjourned the meeting at 6:10 p.m.

Deputy Clerk of Parliament

Confirmed this 11th **day of** August **2026.**

Chairman

PARLIAMENT OF BARBADOS

(FIRST SESSION OF 2026 – 2031)

JOINT SELECT COMMITTEE (STANDING) ON ECONOMIC AND PRODUCTIVE SECTORS

Minutes of the Ninth Meeting of the Joint Select Committee (Standing) on Economic and Productive Sectors on the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026 held on Tuesday, 11th August, 2026 in the Senate Chamber, Parliament Buildings, Trafalgar Street, Bridgetown.

PRESENT:

Mr. D. G. Sutherland, M.P. (Chairman)

Senator the Hon. C. P. Sinckler

Hon. Ms. C. S. V. Husbands, M.P.

Hon. I. A. Weir, M.P.

Dr. the Hon. R. O. Springer, J.P., M.P.

Senator A. W. Mallalieu ***(online)***

ABSENT:

Dr. W. F. Duguid, J.P., M.P. (Deputy Chairman)

Senator the Hon. J. W. D. Reid

Senator R. O. Walters

ALSO IN ATTENDANCE:

Mr. Pedro E. Eastmond, *Clerk of Parliament*

Ms. Beverley S. Gibbons, *Deputy Clerk of Parliament*

Mr. Nigel Jones, *Deputy Clerk of Parliament*

Miss Suzanne Hamblin, *Journal Department of Parliament*

Mrs. Mechelle Elie, *Chief Parliamentary Counsel, (Office of the Chief Parliamentary Counsel (C.P.C.))* ***(online)***

Mr. Christopher Gollop, *Executive Hansard Editor, Hansard Department*

SPECIALLY INVITED:

Hon. G. P. B. Nicholls, M.P., *Minister of Home Affairs and Information*; and

Hon. W. A. Abrahams, S.C., M.P., *Attorney-General*

Item 1: Call to Order/Welcome by the Chairman

The Chairman, Mr. D. G. Sutherland, called the Meeting to order at 3:02 p.m. and welcomed the Members. He advised that the business of the day was the review of the further amendments to the Immigration Bill, 2026, the Barbados Citizenship Bill, 2026 and the arrangements for the laying of the Committee's Final Report, if possible, on that day.

Item 2: Minutes of the Eighth Meeting held on Tuesday, 4th August, 2026

The Minutes of the Eighth Meeting held on Tuesday, 4th August, 2026, were taken as read and were confirmed on the motion of Hon. Ms. C. S. V. Husbands, seconded by Dr. the Hon. R. O. Springer.

Item 3: Matters Arising

There were no matters arising from the aforementioned Minutes.

Item 4: Examination of the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026 ***(as amended)***

Hon. G. P. B. Nicholls, M.P., Minister of Home Affairs and Information, and Hon. W. A. Abrahams, S.C., M.P., Attorney-General, took the Committee through the further amendments to the Bills as circulated by the Office of the Chief Parliamentary Counsel.

Immigration Bill, 2026 (as further amended, dated 11th August, 2026):

(a) Clause 7 (Permitted entrants): clause7(13) was revised in respect of the power of the Minister to "… grant to a person special permission to remain in Barbados on such terms and conditions and in such circumstances, as he thinks fit, including in cases of emergency or on humanitarian grounds";

(b) Clause 8 (Reside or reside and work) was recast. Clause 8, sub-clause (2) setting out the conditions on which a permit to reside, or to reside and work, may be granted, reflecting the categories earlier deliberated by the Committee, with a residual category to be specified by Order subject to negative resolution;

(c) Clause 9 (Acquisition of status of permanent resident): A new clause 9(6) was inserted: "A person who

(a) has been granted a Barbados Welcome Stamp within the meaning of section 2 of the Remote Employment Act, 2020 (Act 2020-23); and

(b) meets such conditions as the Minister may specify by Order subject to negative resolution,

may, upon application to the Minister in the prescribed form, and on payment of the prescribed fee, be registered as a permanent resident of Barbados."

On the observation of the Clerk that the Committee had earlier resolved against a direct pathway, the Committee, after discussion, concluded that the provision moves the Welcome Stamp from a special entry permit to a status under the Act and affords its holders the same route as any other applicant — to "permanent resident" and not directly to "citizenship" — and raised no objection;

(d) Clause 19 (Work permits): clause 19(5) was deleted in favour of an amendment to clause 39 to provide generally for administrative penalties;

(e) Clause 25 (Effect of revocation of permission to remain in Barbados) the words "at least" were removed from clause 25, as previously agreed and should now read: "… whether the person leaves Barbados voluntarily or is removed from Barbados, shall remain out of Barbados for a period of 5 years or such shorter period as the Minister may in the Minister's discretion determine";

(f) ***Clause 39 (Regulations): Clause 39(1) was revised at paragraphs (l) to (o), expressly empowering the Minister to make regulations for the entry of persons into Barbados for medical treatment and for administrative penalties, a new subclause (3) providing for an administrative penalty not exceeding $50,000, the former subclause (3) being renumbered as subclause (4);***

(g) ***Clause 40 - a new clause 40 (Amendment of Schedules) was inserted. This clause empowers the Minister to amend the First, Second, Fourth and Fifth Schedules by Order, and the Third and Sixth Schedules by Order subject to negative resolution.***

The Clerk queried whether the amendments to the First, Second, Fourth and Fifth Schedules were subject to any resolution? In response, Mrs. Mechelle Elie, Chief Parliamentary Counsel clarified that an Order is not subject to a resolution. It is signed by the Minister and published without being laid in Parliament;

(h) ***The remaining clauses in the Bill were renumbered generally; and***

(i) ***Fifth Schedule (Maximum Points to be Awarded). The points associated with Great-great grandchildren were increased from 4 to 10, consequential on their substantive entitlement to registration.***

Barbados Citizenship Bill, 2026 (as further amended, dated 11th August, 2026):

(a) ***Clause 3 - a new clause 3 (Alteration of Constitution) was inserted. The Bill being intended to alter the Constitution within the meaning of section 49.***

Hon. W. A. Abrahams, Attorney-General and the Hon. G. P. B. Nicholls Minister explained to the Committee that passage with the requisite constitutional majority permits the new birthright provision within the Bill to prevail over section 4 of the Constitution.

The former clauses 3, 4, 5, 6, 7 were renumbered as 4, 5, 6, 7, with former clauses 6 and 7 being merged.

(b) ***Clause 4 (Additional grounds of citizenship and registration of certain persons as citizens (formerly clause 3)): Clause 4 subclauses (5) and (7) were revised to reflect longer qualifying periods for citizenship;***

A new subclause (6) provides, for the avoidance of doubt, that the reduced route for citizenship is not available to nationals of Member States who obtain their citizenship by investment, as restated for the record by the Attorney-General;

A new subclause (9) was inserted to restrict the availability of citizenship by birth:

> *"Notwithstanding section 4 of the Constitution, where a person is born in Barbados after the commencement of this Act and no parent of the person*
>
> *(a) is a citizen or permanent resident of Barbados;*
> *(b) is entitled or eligible to be registered as a citizen of Barbados; or*
> *(c) is lawfully residing in Barbados,*
>
> *the person shall not be registered as a citizen of Barbados unless a parent of the person has been lawfully in Barbados for an aggregate period of at least 120 days during the period of at least 180 days immediately preceding the birth.*

Hon. W. A. Abrahams, Attorney-General outlined the public-policy grounds, including advertised birth tourism, false declarations at the point of departure and attendant risks to mother and child, observing that citizenship should rest on connection rather than an accident of birth;

The provision for registration based on endeavour, now subclause (10), was revised so that registration is effected by the President on the advice of the Minister.

A new subclause (12) requires the Minister to lay in Parliament, within 3 months of the end of each year, a report of the number of persons so registered as citizens of Barbados;

(c) *Mrs. Mechelle Elie, Chief Parliamentary Counsel corrected the renumbering reference in the circulated revised list of amendments. Clause 6(b) – should read clause 5(b)(formerly clause 4(b)): The references were renumbered to reflect the numbering changes mentioned above;*

(d) *Clause 9 (Deprivation of citizenship): Clause 9(1) was recast. The revision of paragraph (c) on the ground now being "that the person has shown*

himself by act or speech to lack allegiance to Barbados:" The words "disloyal or disaffected" were deleted.

(e) Clause 13 (Minister's discretion not to be questioned and decisions to be final). In clause 13, the term "public policy" was included.

On the motion of Hon. Ms. C. S. V. Husbands, seconded by Senator the Hon. C. P. Sinckler, the further amendments to the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026 were approved by the Committee.

Senator A. W. Mallalieu, having joined the meeting *via* Zoom, was directed by the Chairman to the birthright and to the Welcome Stamp provisions. He undertook to review them and to communicate any concerns to the Committee.

Item 5: Approval of the Report of the Joint Select Committee (Standing) on Economic and Productive Sectors on the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026

On the proposal of the Clerk, the Committee agreed that the Report, as compiled and considered in detail at the Eighth Meeting and updated to capture the amendments read into the record, be signed off and laid in Parliament that day to meet the deadline. The transcript and the Minutes of the Ninth Meeting to be added within days so that the Final Report be provided by Friday, 14th August, 2026. The Chairman noted the indication of the Leader of Government Business that the debate on both Bills would be taken on Tuesday, 15th September, 2026, after the rise of Parliament.

Item 6: Any Other Business

Hon. G. P. B. Nicholls, Minister was asked to commence the debate on the Advance Passenger Information and Passenger Name Record Bill, 2026, answering the concern earlier raised in respect of the definitions removed from the Immigration Bill and placed into that said Bill.

A query of Dr. the Hon. R. O. Springer in relation to clause 9 of the Citizenship Bill, 2026 was not entertained due to the fact that the further amendments had already been approved by the Committee.

ADJOURNMENT

There being no further business, the Chairman thanked the Members, the Ministers, the Chief Parliamentary Counsel and her office, the Consultant, the Clerk and staff of Parliament, the general public, and brought the meeting to a close.

The Chairman adjourned the meeting accordingly at 4:02 p.m.

Deputy Clerk of Parliament

Chairman

Confirmed this 21st day of August 2026.

ORIGINAL BILLS

IMMIGRATION BILL, 2026

Dated (2026-04-21)

2026-04-21

OBJECTS AND REASONS

This Bill would revise the law regulating the entry of persons into Barbados and would provide for related matters.

Arrangement of Sections

PART I

Preliminary

1. Short title

2. Interpretation

PART II

Entry into Barbados

3. Right to enter Barbados

4. Permitted entrants

5. Reside or reside and work

6. Acquisition of status of permanent resident

7. Additional grounds for acquisition of status of permanent resident

8. Loss of status of permanent resident

9. Prohibited persons

10. Entry without passport

11. Entry into Barbados only at port of entry

12. Duty of person entering Barbados

13. Duty of master of vessel

14. Duty to provide advance passenger information

15. JRCC to share advance passenger information with intelligence agencies

16. Use of advance passenger information by JRCC

17. Special provisions as to seamen

18. Charging of crew, stowaway or extra hand

PART III

Work permits

19. Work permits

20. Application for work permits

PART IV

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

21. Persons not permitted to enter Barbados

22. Deportation orders

23. Revocation of deportation order

24. Effect of revocation of permission to remain in Barbados

25. Detention

26. Recovery of costs of deportation

PART V

Administration

27. Responsibility for general management of department

28. Permits

29. Evidence of administrative matters

30. Production of permits

31. Delegation

PART VI

Miscellaneous

32. Offences

33. Offences re smuggling of persons

34. Penalty for smuggling

35. Right of appeal

36. Forfeiture

37. General penalties

38. Regulations

39. Savings and transitional

40. Repeal of Cap. 190

5

41. Commencement

FIRST SCHEDULE

Domestic Space

SECOND SCHEDULE

Permitted Entrants

THIRD SCHEDULE

EU Member States

FOURTH SCHEDULE

Maximum Points to be Awarded

FIFTH SCHEDULE

Prohibited Persons

SIXTH SCHEDULE

Advance Passenger Information

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,*

2026.

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 dependantsif 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.

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.

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.

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 sub- paragraphs *(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 addres s.

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.

BARBADOS CITIZENSHIP BILL, 2026

Dated (2026-04-21)

2026-04-21

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.

Arrangement of Sections

PART I

PRELIMINARY

1. Short title

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

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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:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Barbados Citizenship Act, 2026*.

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, 2026* (Act 2026-) 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, 2026
(Act 2026-)

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

WRITTEN SUBMISSIONS

PARLIAMENT OF BARBADOS
(FIRST SESSION OF 2026 – 2031)

JOINT SELECT COMMITTEE (STANDING) ON ECONOMIC AND PRODUCTIVE SECTORS

on the

IMMIGRATION BILL, 2026 AND BARBADOS CITIZENSHIP BILL, 2026

WRITTEN SUBMISSIONS

PARLIAMENT OF BARBADOS

(FIRST SESSION OF 2026 – 2031)

JOINT SELECT COMMITTEE (STANDING) ON ECONOMIC AND PRODUCTIVE SECTORS

WRITTEN SUBMISSIONS — IMMIGRATION BILL, 2026 AND BARBADOS CITIZENSHIP BILL, 2026

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Remote Work Barbados

May 8, 2026

Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Heroes Square
Bridgetown, Barbados

RE: Immigration Bill 2026

Dear Sir,

Please find appended my submission to the Joint Select Committee on Economic and Productive Sectors of the two Houses of Parliament concerning the Immigration Bill 2026.

I also wish to appear before the Joint Select Committee to make an oral presentation.

Best regards,

Peter L. Thompson

Integrate the Welcome Stamp & the Immigration Bill 2026

In mid 2020 Barbados launched the world's first visa for remote workers, the 12 Month Barbados Welcome Stamp. Estonia followed suit about a month later, and then the floodgates opened; there are now over 50 countries around the world that offer some sort of visa for remote work visitors. Imitation is the sincerest form of flattery.

Remote Work (Barbados) Inc.
45 9th Avenue • Wanstead Terrace • St James • BB23035 (246) 821-8265 • http://remoteworkbarbados.com

The brilliance of Prime Minister Mottley's initiative was not simply that this replaced a significant fraction of lost tourism income during the COVID-19 pandemic, but that it was a pioneering innovation in immigration policy with the potential to help the country address its long term demographic deficits.

It is therefore astonishing to me that our draft Immigration Bill 2026, which has been referred to the Joint Select Committee (Standing) on Governance and Policy Matters for detailed examination, has failed to integrate the Mottley Government's groundbreaking Welcome Stamp innovation.

The objective of the new Immigration Bill is to support Barbados' long-term goals of sustainable population growth, national development, and global competitiveness; therefore it makes no sense that the Bill ignores the most widely imitated immigration policy of the 21st century, an innovation that had its origin right here in Barbados.

The fundamental difficulty in designing a good Barbados immigration policy is that when we attract people to move here we need to simultaneously engineer an economy which provides the jobs that they will work at to sustain themselves and their families. The entire economic balance of our social safety network depends on achieving this growth in jobs at a rate commensurate with the growth in population.

PM Mottley's insight in creating the Welcome Stamp was to integrate the arrival of jobs with the arrival of people. Welcome Stampers bring their jobs with them. Not only do they bring their jobs, but the 5 years of experience with the programme has proven that they are tailor made to fill the deficits in our demographic structure: they are young, they are highly educated, they are experienced in exactly the digital domains that we know our 21st century workforce needs to acquire. This makes the Welcome Stamp contribute directly towards the immigration goals of national development and global competitiveness.

The Prime Minister also understood that she was inviting digital neighbours, not digital nomads: people who would want to adapt to Barbados and make it their home for the rest of their lives, not just be long term tourists.

Currently, there is no explicit route towards permanent resident status in Barbados for Welcome Stampers in the proposed Immigration Bill 2026, no matter how long they have been in Barbados on the Welcome Stamp, how well they have integrated themselves into Bajan society, or how much they are contributing to our communities through their volunteer activities.

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The route to permanent resident status is in the Fourth Schedule of the Immigration Bill 2026 beginning on page 48. It is a points based system which takes into account:

1. age,
2. Bajan descent,
3. diplomatic service,
4. real estate in Barbados,
5. other assets in Barbados.

It is obvious that the Welcome Stamp needs to be integrated into the new Immigration Bill. The entire corpus of the Remote Employment Act and its amendments needs to be written directly into the Immigration Bill, 2026. The Welcome Stamp Visa also needs to be acknowledged in the Fourth Schedule by a clause which stipulates that:

- 3 consecutive years on the Welcome Stamp visa will be worth up to 3 points.
- 5 consecutive years on the Welcome Stamp visa will be worth up to 5 points.

The annual renewal process makes the 12 Month Barbados Welcome Stamp an effective internship for permanent residency status; Welcome Stampers can decide if Barbados is indeed the right place for them to live for the rest of their lives, and the Barbados Immigration Department has years of interaction and experience to make a decision of their application for permanent residency.

Remote Work (Barbados) Inc.
45 9th Avenue • Wanstead Terrace • St James • BB23035 (246) 821-8265 • http://remoteworkbarbados.com

MEMORANDUM

TO: The Clerk of Parliament, Parliament Buildings, Bridgetown

FROM: Coretta Joe, LLB Student, University of the West Indies, Cave Hill Campus

DATE: May 11, 2026

SUBJECT: Submission on the Immigration Bill, 2026 - Proposal for a Guardian Amendment

1. INTRODUCTION

This memorandum is submitted in response to the invitation for public commentary on the Immigration Bill, 2026. As a student of law and a media practitioner, I wish to draw the Committee's attention to a critical expansion of executive power and human rights oversight regarding the treatment of minors during immigration enforcement actions.

2. THE EXPANSION OF SEARCH AND ENTRY POWERS

A comparative analysis of the current Immigration Act, Cap. 190 and the proposed Immigration Bill, 2026 reveals a significant broadening of the trigger for the exercise of search and entry powers under warrant.

Statutory Provision	Existing Law (Cap. 190, S. 27)	Proposed Bill (2026, S. 28)
Search Trigger	Limited to searching for a person "against whom a deportation order has been made."	Expanded to any person who has "contravened this Act or any other enactment."

Evidentiary Bar	Requires a finalized administrative/judicial order (Deportation Order).	Requires only "reasonable ground for believing" a contravention has occurred.

The inclusion of "any other enactment" in Section 28(4)(d) broadens the mandate of immigration officers beyond status-based enforcement into general policing, increasing the frequency with which private homes may be entered under the authority of a warrant.

3. PROTECTION OF CHILDREN

The proposed Bill remains silent on the protocols to be followed when search warrants are executed in premises where minors are present. This omission risks repeating past instances of "colour of law" overreach where children have been interrogated or left unattended during raids.

- The Constitution of Barbados (S. 17): Protects against arbitrary search or entry.
- Convention on the Rights of the Child (Art. 16): Mandates that no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or home.

4. RECOMMENDATION

I propose that a Guardian Amendment be inserted into the Bill to provide statutory safeguards for minors during enforcement actions. This amendment should include:

1. A requirement that a parent, legal guardian, or "appropriate adult" be present during any search of a premises where a minor is the sole occupant or is in a position of vulnerability.

2. Mandatory immediate notification of Child Protective Services if an enforcement action results in a child being left without adult supervision.
3. A requirement for officers to verify the age of occupants before proceeding with standard interrogation or search protocols.

5. CONCLUSION

The state cannot claim to modernize its security apparatus while leaving its most vulnerable subjects, children, in a procedural vacuum. By codifying these protections, Barbados can ensure that its immigration reform aligns with international human rights standards.

Respectfully submitted,

Coretta Joe

lisa@gilbertmundy.com

Mon 11/05/2026 14:31

To: Parliament <Parliament@barbados.gov.bb>;

To: Joint Select Committee on Economic and Productive Sectors of the two Houses of Parliament
From: Lisa Mundy

I am writing with my views on the proposed Immigration Bill, 2026.

Having read the Immigration Bill, 2026 I am surprised that it does not cater for the 12 Month Barbados Welcome Stamp. I am a Welcome Stamper who along with my family have been on the Welcome stamp since 2021. It is a brilliant initiative which brings a significant amount of revenue into Barbados from individuals who have been vetted, are well educated, employed in good jobs with good salaries and who have proved they can stand on their own two feet without any assistance from the Barbados government. It is these types of people that the government should be looking towards to fill the demographic gaps within Barbados and help build a better country.

The current Welcome Stamp program is a win/win for all concerned. I earn all my money from an overseas company but I spend it all in Barbados. I own a property which requires upkeep. I use and pay for the services of many bajans, in particular local tradesmen - gardeners, builders, carpenters, plumbers, electricians etc. I spend money with companies such as Sunpower and Sub Zero. I spend a fortune at hardware stores, local supermarkets, the fish market, roadside vendors and with taxi drivers. My son is at school on the island so the school fees pay the wages of the bajan teachers. I have purchased a vehicle which requires fuel and servicing. As a family we socialize in restaurants, bars and frequent many Barbados attractions. We have numerous friends and family come and stay with us who also spend significant sums. But yet Welcome Stampers have not been considered in the proposed Immigration Bill, 2026.

There is currently no explicit route towards permanent residence by Welcome Stampers, even though many have been in Barbados for a long time. My son arrived aged 10, is now 15 and is completely integrated into Bajan Society. His English accent is long gone – he now has a bajan accent and considers Barbados his home. What is to become of him once he has finished his education in Barbados. If he cannot gain permanent residence and the right to work, he will need to leave the island that he calls home. If he leaves, then it's likely that Mum and Dad will to. What a shame and what a loss to Barbados.

I therefore believe that the points system outlined in the Fourth Schedule of the proposed bill should include points for Welcome Stampers who are seeking permanent residency. I would suggest:

3 consecutive years on the Welcome Stamp visa will be worth 3 points
5 consecutive years on the Welcome Stamp visa will be worth 5 points
7 consecutive years on the Welcome Stamp visa will be worth 10 points

I very much hope that you will take my views and suggestions onboard.

Kind regards

Lisa Mundy
43 Westport
Porters
St James

lisa@gilbertmundy.com
Tel: (246) 286 1076

Re: Immigration Bill

Jeff <jeff.trotman@gmail.com>

Wed 13/05/2026 15:55

To:Parliament <Parliament@barbados.gov.bb>;

4

Jefferson Trotman
Gall Hill No 2
St. John

Tel #: 288-6831

The Clerk of Parliament
Parliament of Barbados
Bridgetown, Barbados

Citizen Concerns Regarding Current Immigration Policy and Implementation

13 May 2026

Dear Clerk of Parliament,

I am writing to raise several concerns regarding the government's current approach to immigration and its impact on Barbadian citizens. I respectfully request that these points be brought to the attention of Parliament for consideration and public response.

1. Employment and Wage Disparity

There are concerns that foreign workers are being brought into Barbados and offered higher wages and better benefits than Barbadian citizens in comparable roles. I seek clarification on the policy ensuring fair employment practices and equal opportunity for locals.

2. Housing Affordability

With an increased migration drive, housing demand and costs are rising. I would like to understand what measures are in place to ensure that Barbadian citizens can still afford housing, and how the housing needs of both citizens and new arrivals are being balanced.

3. Public Services and Infrastructure Capacity

While I acknowledge Barbados has an aging population, I am concerned about expanding the population when existing systems are under strain. Key issues include:
- Healthcare services operating at reduced capacity
- Rising crime rates
- Water supply and reliability issues
- Inadequate public transportation, particularly bus services

I request an explanation of how these infrastructure and service gaps will be addressed alongside any population increase.

4. National Insurance Coverage for All Residents

Given the strain on healthcare and the inclusion of non-citizens, I ask whether the government intends to introduce a national insurance policy that covers all residents and citizens of Barbados. Clarity is needed on eligibility, funding, and how this would affect service delivery.

5. Monitoring and Management of Incoming Workers

It is understood that some incoming workers, particularly women, are engaging in sex work. I ask for clarity on:
- The vetting process for who is permitted to enter and work in Barbados
- Which government department is responsible for monitoring the movement and activities of foreign workers
- The safeguards in place to ensure compliance with Barbadian law

6. Evidence Base for Labour Needs

Have any studies been commissioned to identify which services and sectors require persons to come into Barbados, and the projected numbers needed? If so, I request that the findings be made public so citizens can assess the rationale behind the current migration drive.

7. National Development Planning

I would like to know which specific sectors and areas of society the government intends to develop through this immigration strategy. A clear outline of the intended economic and social outcomes would help the public understand the long-term plan.

Thank you for your time and attention to these matters. I trust that Parliament will address these concerns openly and in the public interest.

Yours faithfully,

Jefferson Trotman

17 May 2026

The Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Trafalgar Street

Dear Sir:

Section 2(8) of the Barbados Citizenship Bill 2026 – Submission by and on behalf of Yannick Schaefer

My name is Yannick Schaefer. I am 14 years old and a third form student at Harrison College. I was born in Geneva, Switzerland, in 2012. At the date of my birth, my mother, Dr. Corlita Babb-Schaefer, a Barbadian citizen, was a Counsellor in the Permanent Mission of Barbados to the United Nations Office and Other International Organizations at Geneva.

I am Barbadian. I have a Swiss Birth Certificate which recognises that I was born in Switzerland and states my nationality as "Allemagne, Barbade" (German, Barbados). I have a Barbados passport. I am informed that my Barbados passport was issued on the basis that under section *2(9) of the Barbados Citizenship Act* and *section 4A of the Constitution* I am deemed to have been born in Barbados and to be a citizen of Barbados at the date of my birth. My passport states my nationality as Barbadian. I do not, however, have a certificate evidencing how my citizenship was obtained.

I am informed that *section 2(8) of the Barbados Citizenship Bill 2006* which purports to remove the basis on which I am Barbadian is unconstitutional. It does so by restricting the persons who would be deemed to be born in Barbados. Only those children born in States that refuse to grant them a birth certificate will be deemed to have been born in Barbados. This section states:

> *"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.***"

If this Bill were to become law, it will harm me. I have several questions which I would like the Joint Select Committee to consider:

1. As I am the holder of a birth certificate issued by the Swiss Authorities, will my Barbados passport be revoked on the ground that it is invalid?
2. If it is not revoked, will the Immigration Department refuse to renew my Barbados passport as issuing such would be inconsistent with the new law?
3. Will I become an illegal immigrant?
4. If I become an illegal immigrant, will I be deported to Germany along with my brother, Johannes Schaefer?
5. If I am not deported, will my mother now have to obtain a student visa for me to attend school?
6. What if my mother does not obtain a student visa? Will I no longer be able to attend Harrison College or any other school in Barbados?

7. If my mother obtains a student visa, will my mother now have to pay the non-national fees for me to attend Harrison College?
8. When I travel to Germany during the holidays will I only be able to stay in Barbados for 90 days on my return to Barbados?
9. If I become ill, will I still be able to get free medical care from the Queen Elizabeth Hospital?
10. Will I still be able to get vaccinations free of cost from the Sir Winston Scott Polyclinic?
11. Will my cousins Danielle Riley and Nathan Riley who were born in Canada while their mother was serving in a diplomatic capacity be stateless since they do not have dual nationality?

I do not think that it is right for *section 2(8) of the Barbados Citizenship Bill 2026* to purport to strip me of my Barbados citizenship. I am therefore kindly requesting the Joint Select Committee to recommend that the words "***where that State in which they were born refuses to grant a birth certificate***" be removed from *section 2(8) of the Barbados Citizenship Bill 2026*.

I would like a certificate from the Government of Barbados recognising that I am deemed to have been born in Barbados and that I am a citizen of Barbados at the date of my birth in accordance with *section 4A of the Constitution of Barbados*. In much the same way that my Swiss Birth Certificate states my place of birth as Geneva and my nationality as Barbados, a certificate issued by the Government of Barbados would state my place of birth as Geneva, Switzerland, and my citizenship as Barbados.

Yours faithfully,

Yannick Schaefer

Yannick Schaefer

17 May 2026

The Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Trafalgar Street

Dear Sir,

Re: Section 2(8) of the Barbados Citizenship Bill 2026 – Submission by and on behalf of Johannes Schaefer

My name is Johannes Schaefer. I am 17 years old and a student at Harrison College. Like my brother, Yannick Schaefer, I was born in Geneva, Switzerland. At the date of my birth in 2009, my mother, Dr. Corlita Babb-Schaefer, was in the service of Barbados in a diplomatic capacity. She was a Counsellor at the Permanent Mission of Barbados to the United Nations Office and Other International Organizations in Geneva.

Like my brother, I am Barbadian. I am the holder of a birth certificate issued by the Swiss Authorities. The birth certificate does not confer Swiss citizenship on me. The certificate states my place of birth as Geneva and my nationality as "Allemagne, Barbade" ("Germany, Barbados"). In addition, I am the holder of a Barbados passport which was issued to me on the basis of **section 4A of the Constitution** and **section 2(9) of the Barbados Citizenship Act. Section 4 A** states:

> *"4A. A person born outside Barbados after 29th November 1966 shall be deemed to be a citizen of Barbados within section 4 at the date of his birth if he is born to a citizen of Barbados who at the date of the birth is in the service of Barbados in a diplomatic or consular capacity."*

Similarly, **section 2(9) of the Barbados Citizenship Act** states:

> *"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".*

Section 2(8) of the Barbados Citizenship Bill 2026 purports to amend section 2(9) of the **Barbados Citizenship Act**. It states:

> *"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.***"

If **section 2(8) of the Barbados Citizenship Bill 2026** becomes law, I will suffer prejudice. Under the Act, I will no longer be regarded as Barbadian. My passport may either be revoked or not renewed as the basis on which it was granted would have been eroded. During the period that this matter is before the law courts, should my mother challenge the constitutionality of **section 2(8)**, I would face a period of uncertainty not knowing whether I would be deported to

Germany with my brother, Yannick, or can remain in school in the absence of a student visa. I am concerned that I may no longer have access to free education and health care. I am also concerned about my cousins, Danielle Riley and Nathan Riley, who were born in Ottawa, Canada, to my aunt, Juliette Babb-Riley, who at the time of their birth was serving Barbados in a diplomatic capacity. While my cousins have birth certificates issued by the Canadian Authorities, these birth certificates do not confer any rights to Canadian citizenship. Like the Swiss birth certificates, the Canadian birth certificates are simply meant to provide evidence of their birth. My cousins do not have dual nationality. **Section 2(8)** would therefore render them stateless.

I am respectfully requesting the Joint Select Committee to recommend that the words "**where that State in which they were born refuses to grant a birth certificate**" be deleted from **section 2(8) of the Barbados Citizenship Bill 2026**. Deleting those words will then allow **all** children born to citizens of Barbados serving in a diplomatic or consular capacity to be deemed to be citizens of Barbados by birth regardless of whether they were issued a birth certificate by the State in which they were born.

What is needed is for the Government of Barbados to issue a certificate similar to that granted by the Swiss Authorities. Such a certificate would state my place of birth as Geneva, Switzerland, and my citizenship at the date of my birth as Barbados.

Yours faithfully,

Johannes Schaefer

19 May 2026

The Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Trafalgar Street
BRIDGETOWN

Dear Sir:

Section 2(8) of the Barbados Citizenship Bill 2026 – Unconstitutional, Inconsistent with the Intention of the Legislature, Discriminatory and Prejudicial

Introduction

1. **Section 2(8) of the Barbados Citizenship Bill 2026** as drafted is unconstitutional, inconsistent with the intention of the legislature, and discriminatory. If enacted, as currently drafted, it will prejudice a category of children born to citizens of Barbados who at the date of their birth were in the service of Barbados in a diplomatic or consular capacity. The category of children who will be prejudiced are those that were born in a State that granted them a birth certificate. My children, Johannes Schaefer and Yannick Schaefer, my niece, Danielle Riley, my nephew, Nathan Riley, and the daughter of Ambassador Trevor Clarke, Maria Clarke, are five of the children who fall within this category.

2. At the dates of the birth of Johannes and Yannick in 2009 and 2012 respectively, I was in the service of Barbados in a diplomatic capacity. I was attached to the Permanent Mission of Barbados to the United Nations Office and Other International Organizations at Geneva, Switzerland. The Swiss Authorities granted Johannes and Yannick birth certificates. The birth certificates state their place of birth as "GE" (Geneva) and their nationality as "Allemagne, Barbade" (Germany, Barbados).

3. In accordance with **section 2(9) of the Barbados Citizenship Act, Cap. 186 of the Laws of Barbados**, and **section 4A of the Constitution of Barbados**, Johannes and Yannick are deemed to have been born in Barbados and are citizens of Barbados at the date of their birth. Consistent with them being citizens of Barbados at the date of their birth, Johannes and Yannick were issued Barbados passports. Similar to their Swiss birth certificates, the Barbados passports state their place of birth as Switzerland and their nationality as Barbadian.

4. By memorandum E013/7-4 Vol. I dated August 26, 2009, the Permanent Secretary, Ministry of Foreign Affairs, wrote to the Registrar, Registration Department, seeking to have Johannes registered as a citizen of Barbados by birth in accordance with **section 4A of the Constitution**. A copy of the memorandum is attached hereto. 16 years later neither Johannes nor Yannick has been issued with a certificate recognising them to be citizens of Barbados by birth in accordance with **section 4A of the Constitution**.

5. For ease of reference, the current law, **section 2(9) of the Barbados Citizenship Act** and **section 4A of the Constitution**, is set out:

Section 2(9) of the Barbados Citizenship Act

"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."

Section 4A of the Constitution of Barbados

"4A. A person born outside Barbados after 29th November 1966 shall be deemed to be a citizen of Barbados within section 4 at the date of his birth if he is born to a citizen of Barbados who at the date of the birth is in the service of Barbados in a diplomatic or consular capacity."

6. The proposed new law, **the Barbados Citizenship Bill 2026**, is intended to repeal the **Barbados Citizenship Act, Cap. 186 of the Law of Barbados**. Section 2(9) of the Act is being replaced with a new section. This new section, **section 2(8) of the Barbados Citizenship Bill 2026**, purports to strip Johannes and Yannick of their Barbados citizenship. This is because Johannes and Yannick were granted birth certificates from the Swiss Authorities – birth certificates which state that they were born in Geneva but have Barbados nationality. Incredibly, the only children of diplomats who would be deemed to have been born in Barbados, if the Bill is enacted in its current form, are those who were born in a State that refuses to grant them a birth certificate. **Section 2(8) of the Barbados Citizenship Bill 2026 states:**

"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.***"

Unconstitutionality of Section 2(8) of the Barbados Citizenship Bill 2026

7. **Section 2(8) of the Barbados Citizenship Bill 2026 is unconstitutional. Section 1 of the Constitution of Barbados** provides as follows:

"This Constitution is the supreme law of Barbados and, subject to the provisions of this Constitution, if any other law is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void"

8. **Section 2(8) of the Barbados Citizenship Bill 2026** is inconsistent with **section 4A of the Constitution**. Section 4A does not restrict the right to be deemed a citizen of Barbados to where the State in which the children of diplomats are born refuses to grant a birth certificate. However, **section 2(8) of the Bill** contains a restriction. By expressly mentioning "**where that State in which they were born refuses to grant a birth certificate,**" **section 2(8)** excludes children born to diplomats where the State in which

they were born grants a birth certificate from being deemed citizens of Barbados at the date of their birth. The applicable Latin legal maxim is ***expressio unius est exclusio alterius*** – the expression of one thing is the exclusion of another.

9. Applying **section 1 of the Constitution of Barbados**, it is suggested that **section 2(8) of the Barbados Citizenship Bill 2026**, being inconsistent with **section 4A of the Constitution of Barbados** is unconstitutional.

Inconsistent with the intention of the legislature to widen the bases for the acquisition of citizenship

10. The intention of the legislature is, inter alia, to widen the bases for acquisition of citizenship. **Section 2(8) of the Barbados Citizenship Bill 2026**, as currently drafted, is contrary to this intention. It narrows the bases for the acquisition of citizenship. It does this by impliedly prohibiting a person born outside of Barbados from being deemed to be born in Barbados where the State in which they were born has granted that person a birth certificate.

Discriminatory

11. **Section 2(8) of the Barbados Citizenship Bill 2026** is discriminatory on two levels. First, it discriminates between children who were born in States that grant birth certificates and States that refuse to grant birth certificates. Children who were born in States, such as Switzerland and Canada, that grant birth certificates will not have the right to be deemed to be born in Barbados and therefore to be citizens of Barbados at the date of their birth. Children who were born in States that refuse to grant a birth certificate will be deemed citizens of Barbados at the date of their birth. There is no justification for the discrimination as the birth certificates issued by the Swiss and Canadian Authorities, for example, do not confer rights of citizenship on the children. Even if they conferred citizenship, the children of diplomats are entitled to Barbados citizenship at the date of their birth. It ought to be irrelevant for the purposes of obtaining Barbados citizenship at the date of birth whether the State in which the children are born grants or refuses to grant a birth certificate.

12. Second, **section 2(8) of the Barbados Citizenship Bill 2026** discriminates between the children of Barbadian citizens born in Barbados and those born outside to persons serving in a diplomatic capacity. Why should the child of a Barbadian citizen serving outside Barbados in a diplomatic capacity have a different citizenship status than that of a Barbadian serving Barbados in Barbados?

Prejudice

13. Until **Section 2(8) of the Barbados Citizenship Bill 2026**, if enacted as currently drafted, is declared by the High Court of Barbados to be unconstitutional and void, it will cause significant prejudice to children who were born in States such as Switzerland and Canada. The prejudice to children born in Switzerland and Canada includes the following:

Loss of Barbados citizenship possibly resulting in

a) revocation or non-renewal of their passports which were issued on the basis that they were deemed to have been born in Barbados pursuant to **section 2(9) of the Barbados Citizenship Act, Cap. 186 of the Laws of Barbados and section 4A of the Constitution**;

b) arrest or detention as illegal immigrants;

c) deportation;

d) lack of access to free education and health care

e) being rendered stateless where the children do not have dual nationality (as in the case of my niece, Danielle Riley, and my nephew, Nathan Riley, who were born while their mother was serving in a diplomatic capacity in Ottawa, Canada.)

What is the Mischief?

14. What is the mischief for which section **2(9) of the Barbados Citizenship Act** and **section 4 A of the Constitution** do not provide that necessitates the enactment of **section 2(8) of the Barbados Citizenship Bill 2026**? Why is it necessary to add the words **"where that State in which they were born refuses to grant a birth certificate"**. Is it that there is a need for children who have not been granted a birth certificate to be granted one in Barbados? The need for a Barbados birth certificate is not limited to this category of children. All children born to Barbadian citizens serving in a diplomatic or consular capacity should be given a Barbados birth certificate. Such a certificate would operationalise **section 4A of the Constitution**. The **Section 4A** birth certificate, like the Barbados passport, will state the place of birth of these children as well as that they are Barbadian citizens.

15. Is the thinking which resulted in **section 2(8)** impliedly prohibiting children who were granted birth certificates in the States in which they were born from being deemed to be born in Barbados premised on the misconception that a person cannot have two birth certificates and therefore the Barbadian birth certificate would only be given where a State refuses to grant a birth certificate? Having two birth certificates will not cause any imagined confusion. As indicated above, the birth certificate issued by the Swiss Authorities, for example, states the place of birth (Geneva, for example) and the nationality as "Barbados". The Barbados birth certificate would, like the Barbados passport, state the place of birth as Switzerland and the citizenship as Barbados.

The Remedy

16. The remedy for any perceived mischief does not lie in a solution which deprives a category of Barbadian children including Johannes Schaefer, Yannick Schaefer, Danielle Riley, Nathan Riley and Maria Clarke of their Barbados citizenship. Rather, it lies in the granting of a certificate which recognises that all children born to Barbadians serving in a diplomatic or consular capacity at the date of their birth are deemed to be born in Barbados and are citizens of Barbados at the date of their birth.

Recommendations

17. Respectfully, I would like the Joint Select Committee to make the following recommendations for amendment of the **Barbados Citizenship Bill 2026** in so far as the Bill concerns the citizenship of children born outside Barbados to diplomats and consular officers:

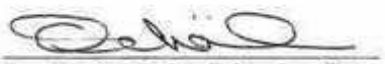
    (i) Deletion of the words "***where that State in which they were born refuses to grant a birth certificate***" in **section 2(8) of the Barbados Citizenship Bill 2026** as these words are inconsistent with **section 4A of the Constitution of Barbados.**

    (ii) Inclusion of a provision that would state that a person deemed to be born in Barbados under section 2(8) of this Act or under section 4A of the Constitution shall be a citizen of Barbados at the date of his birth. (This provision would be similar to **section 7 of the Bill** which applies to registration and states that a person registered under section 3 of this Act or under section 3A or 6 of the Constitution shall be a citizen of Barbados by registration from the date on which he is registered).

    (iii) Under a heading "Certificate of Birth" or "Birth Certificate", inclusion of a provision that the Registrar shall issue to children deemed to be born in Barbados under **section 2(8) of this Act** or under **section 4A of the Constitution** a certificate of birth in the prescribed form. This will address the long-standing problem that these children do not have a certificate recognising that they are Barbadian by virtue of the **Barbados Citizenship Act** and **Section 4A the Constitution**. (This provision would be similar to **section 6 of the Bill** that states "the Minister may issue to the applicant a certificate of registration in the prescribed form).

18. I would like to thank the Joint Select Committee in advance for considering my submissions and that of my two children which are hereto attached and were previously sent and acknowledged.

Yours faithfully,



Dr. Corlita Babb-Schaefer, G.A.
(Parent of Johannes Schaefer and Yannick Schaefer)

COPY

PUBLIC SECTOR REFORM
Making Barbados Work Better

MEMORANDUM

From: Permanent Secretary (Foreign Affairs)
Ministry of Foreign Affairs & Foreign Trade

To: Registrar
Registration Department

Ref.: E013/7-4 Vol. I

Date: August 26, 2009

Registration as a Citizen of Barbados by Birth

The Ministry wishes to inform you that Dr. Corlita Babb-Schäfer being a diplomatic officer assigned to the post of Counsellor at the Permanent Mission of Barbados to the United Nations Office at Geneva gave birth on May 11, 2009 to a son named Johannes Stefan.

2. The Ministry is seeking your assistance, therefore, in having Johannes Stefan registered as a citizen of Barbados by birth in accordance with Section 4A of the Constitution.

3. Enclosed is a copy of the Birth Certificate issued by the Civil Status Office.

M. Jones

M. Jones (Mrs)
for Permanent Secretary

Enc.

17 May 2026

The Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Trafalgar Street

Dear Sir:

Section 2(8) of the Barbados Citizenship Bill 2026 – Submission by and on behalf of Yannick Schaefer

My name is Yannick Schaefer. I am 14 years old and a third form student at Harrison College. I was born in Geneva, Switzerland, in 2012. At the date of my birth, my mother, Dr. Corlita Babb-Schaefer, a Barbadian citizen, was a Counsellor in the Permanent Mission of Barbados to the United Nations Office and Other International Organizations at Geneva.

I am Barbadian. I have a Swiss Birth Certificate which recognises that I was born in Switzerland and states my nationality as "Allemagne, Barbade" (German, Barbados). I have a Barbados passport. I am informed that my Barbados passport was issued on the basis that under section *2(9) of the Barbados Citizenship Act* and *section 4A of the Constitution* I am deemed to have been born in Barbados and to be a citizen of Barbados at the date of my birth. My passport states my nationality as Barbadian. I do not, however, have a certificate evidencing how my citizenship was obtained.

I am informed that *section 2(8) of the Barbados Citizenship Bill 2006* which purports to remove the basis on which I am Barbadian is unconstitutional. It does so by restricting the persons who would be deemed to be born in Barbados. Only those children born in States that refuse to grant them a birth certificate will be deemed to have been born in Barbados. This section states:

> *"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.***"

If this Bill were to become law, it will harm me. I have several questions which I would like the Joint Select Committee to consider:

1. As I am the holder of a birth certificate issued by the Swiss Authorities, will my Barbados passport be revoked on the ground that it is invalid?
2. If it is not revoked, will the Immigration Department refuse to renew my Barbados passport as issuing such would be inconsistent with the new law?
3. Will I become an illegal immigrant?
4. If I become an illegal immigrant, will I be deported to Germany along with my brother, Johannes Schaefer?
5. If I am not deported, will my mother now have to obtain a student visa for me to attend school?
6. What if my mother does not obtain a student visa? Will I no longer be able to attend Harrison College or any other school in Barbados?

7. If my mother obtains a student visa, will my mother now have to pay the non-national fees for me to attend Harrison College?
8. When I travel to Germany during the holidays will I only be able to stay in Barbados for 90 days on my return to Barbados?
9. If I become ill, will I still be able to get free medical care from the Queen Elizabeth Hospital?
10. Will I still be able to get vaccinations free of cost from the Sir Winston Scott Polyclinic?
11. Will my cousins Danielle Riley and Nathan Riley who were born in Canada while their mother was serving in a diplomatic capacity be stateless since they do not have dual nationality?

I do not think that it is right for *section 2(8) of the Barbados Citizenship Bill 2026* to purport to strip me of my Barbados citizenship. I am therefore kindly requesting the Joint Select Committee to recommend that the words "***where that State in which they were born refuses to grant a birth certificate***" be removed from *section 2(8) of the Barbados Citizenship Bill 2026*.

I would like a certificate from the Government of Barbados recognising that I am deemed to have been born in Barbados and that I am a citizen of Barbados at the date of my birth in accordance with *section 4A of the Constitution of Barbados*. In much the same way that my Swiss Birth Certificate states my place of birth as Geneva and my nationality as Barbados, a certificate issued by the Government of Barbados would state my place of birth as Geneva, Switzerland, and my citizenship as Barbados.

Yours faithfully,

Yannick Schaefer

Yannick Schaefer

17 May 2026

The Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Trafalgar Street

Dear Sir,

Re: Section 2(8) of the Barbados Citizenship Bill 2026 – Submission by and on behalf of Johannes Schaefer

My name is Johannes Schaefer. I am 17 years old and a student at Harrison College. Like my brother, Yannick Schaefer, I was born in Geneva, Switzerland. At the date of my birth in 2009, my mother, Dr. Corlita Babb-Schaefer, was in the service of Barbados in a diplomatic capacity. She was a Counsellor at the Permanent Mission of Barbados to the United Nations Office and Other International Organizations in Geneva.

Like my brother, I am Barbadian. I am the holder of a birth certificate issued by the Swiss Authorities. The birth certificate does not confer Swiss citizenship on me. The certificate states my place of birth as Geneva and my nationality as "Allemagne, Barbade" ("Germany, Barbados"). In addition, I am the holder of a Barbados passport which was issued to me on the basis of **section 4A of the Constitution** and **section 2(9) of the Barbados Citizenship Act**. **Section 4 A** states:

> *"4A. A person born outside Barbados after 29th November 1966 shall be deemed to be a citizen of Barbados within section 4 at the date of his birth if he is born to a citizen of Barbados who at the date of the birth is in the service of Barbados in a diplomatic or consular capacity."*

Similarly, **section 2(9) of the Barbados Citizenship Act** states:

> *"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".*

Section 2(8) of the Barbados Citizenship Bill 2026 purports to amend section 2(9) of the **Barbados Citizenship Act**. It states:

> *"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.***"

If **section 2(8) of the Barbados Citizenship Bill 2026** becomes law, I will suffer prejudice. Under the Act, I will no longer be regarded as Barbadian. My passport may either be revoked or not renewed as the basis on which it was granted would have been eroded. During the period that this matter is before the law courts, should my mother challenge the constitutionality of **section 2(8)**, I would face a period of uncertainty not knowing whether I would be deported to

Germany with my brother, Yannick, or can remain in school in the absence of a student visa. I am concerned that I may no longer have access to free education and health care. I am also concerned about my cousins, Danielle Riley and Nathan Riley, who were born in Ottawa, Canada, to my aunt, Juliette Babb-Riley, who at the time of their birth was serving Barbados in a diplomatic capacity. While my cousins have birth certificates issued by the Canadian Authorities, these birth certificates do not confer any rights to Canadian citizenship. Like the Swiss birth certificates, the Canadian birth certificates are simply meant to provide evidence of their birth. My cousins do not have dual nationality. **Section 2(8)** would therefore render them stateless.

I am respectfully requesting the Joint Select Committee to recommend that the words "**where that State in which they were born refuses to grant a birth certificate**" be deleted from **section 2(8) of the Barbados Citizenship Bill 2026**. Deleting those words will then allow **all** children born to citizens of Barbados serving in a diplomatic or consular capacity to be deemed to be citizens of Barbados by birth regardless of whether they were issued a birth certificate by the State in which they were born.

What is needed is for the Government of Barbados to issue a certificate similar to that granted by the Swiss Authorities. Such a certificate would state my place of birth as Geneva, Switzerland, and my citizenship at the date of my birth as Barbados.

Yours faithfully,

Johannes Schaefer

18 May 2026

Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Trafalgar Street
BRIDGETOWN

Dear Sir,

Barbados Citizenship Bill 2026

My name is Danielle Riley and I am writing on behalf of my brother, Nathan Riley, and myself.

My brother and I were born in Ottawa, Canada on 29 June 2002 and 11 September 1999 respectively.

At the time of our births, our mother, Juliette Babb-Riley, who is a citizen of Barbados by birth and a Senior Foreign Service Officer at the Ministry of Foreign Affairs and Foreign Trade, was assigned to the High Commission of Barbados to Canada in Ottawa, in the position of First Secretary. Although my brother and I were both issued birth certificates by the Province of Ontario, Canada, those certificates do not grant or entitle us to Canadian citizenship. This would mean that should section 2 (8) of the draft Barbados Citizenship Bill remain in its current state, my brother and I would no longer be citizens of Barbados by birth. Additionally, we would not be considered citizens of Canada by birth or otherwise, as is stated in section 3 (2) of the Citizenship Act of Canada – a copy of which is attached.

Furthermore, we do not currently have a Certificate that shows that we are citizens of Barbados by birth as is indicated in section 4 A of the Constitution of Barbados.

We are therefore writing to draw this matter to your urgent attention as section 2 (8) as currently worded will have serious implications for our residency and nationality status, including, for example, our right to remain in Barbados as citizens of Barbados, as well as to hold and renew our Barbados national identification cards and passports.

My cousins, Johannes Schaefer and Yannick Schaefer, who were born in Geneva Switzerland while my aunt, Dr. Corlita Babb-Schaefer, was stationed at the Permanent Mission of Barbados to the United Nations in Geneva, will also be adversely affected by section 2 (8) of the Bill.

We would therefore respectfully request that the section be changed to fully protect, recognise and validate our right to citizenship of Barbados by birth.

Yours faithfully,



Danielle Riley



Nathan Riley



CANADA

CONSOLIDATION

CODIFICATION

Citizenship Act

Loi sur la citoyenneté

R.S.C., 1985, c. C-29

L.R.C. (1985), ch. C-29

Current to March 17, 2026

Last amended on December 15, 2025

À jour au 17 mars 2026

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OFFICIAL STATUS OF CONSOLIDATIONS

Subsections 31(1) and (2) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

Published consolidation is evidence

31 (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

Inconsistencies in Acts

(2) In the event of an inconsistency between a consolidated statute published by the Minister under this Act and the original statute or a subsequent amendment as certified by the Clerk of the Parliaments under the *Publication of Statutes Act*, the original statute or amendment prevails to the extent of the inconsistency.

CARACTÈRE OFFICIEL DES CODIFICATIONS

Les paragraphes 31(1) et (2) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1er juin 2009, prévoient ce qui suit :

Codifications comme élément de preuve

31 (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

Incompatibilité — lois

(2) Les dispositions de la loi d'origine avec ses modifications subséquentes par le greffier des Parlements en vertu de la *Loi sur la publication des lois* l'emportent sur les dispositions incompatibles de la loi codifiée publiée par le ministre en vertu de la présente loi.

LAYOUT

The notes that appeared in the left or right margins are now in boldface text directly above the provisions to which they relate. They form no part of the enactment, but are inserted for convenience of reference only.

MISE EN PAGE

Les notes apparaissant auparavant dans les marges de droite ou de gauche se retrouvent maintenant en caractères gras juste au-dessus de la disposition à laquelle elles se rattachent. Elles ne font pas partie du texte, n'y figurant qu'à titre de repère ou d'information.

NOTE

This consolidation is current to March 17, 2026. The last amendments came into force on December 15, 2025. Any amendments that were not in force as of March 17, 2026 are set out at the end of this document under the heading "Amendments Not in Force".

NOTE

Cette codification est à jour au 17 mars 2026. Les dernières modifications sont entrées en vigueur le 15 décembre 2025. Toutes modifications qui n'étaient pas en vigueur au 17 mars 2026 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

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ANNEXE
Serment de citoyenneté

An Act respecting citizenship

Loi concernant la citoyenneté

Short Title

Short title

1 This Act may be cited as the *Citizenship Act*.

1974-75-76, c. 108, s. 1.

Titre abrégé

Titre abrégé

1 *Loi sur la citoyenneté*.

1974-75-76, ch. 108, art. 1.

Interpretation

Definitions

2 (1) In this Act,

certificate of citizenship means a certificate of citizenship issued or granted under this Act or under the former Act; (*certificat de citoyenneté*)

certificate of naturalization means a certificate of naturalization granted under any Act that was in force in Canada at any time before January 1, 1947; (*certificat de naturalisation*)

certificate of renunciation means, unless a contrary intention appears, a certificate of renunciation issued under this Act; (*certificat de répudiation*)

child includes a child adopted or legitimized in accordance with the laws of the place where the adoption or legitimation took place; (*enfant*)

citizen means a Canadian citizen; (*citoyen*)

citizenship means Canadian citizenship; (*citoyenneté*)

citizenship judge means a citizenship judge appointed under section 26; (*juge de la citoyenneté*)

common-law partner, in relation to an individual, means a person who is cohabiting with the individual in a conjugal relationship, having so cohabited for a period of at least one year; (*conjoint de fait*)

Court means the Federal Court; (*Cour*)

Définitions et interprétation

Définitions

2 (1) Les définitions qui suivent s'appliquent à la présente loi.

ancienne loi La *Loi sur la citoyenneté canadienne*, chapitre C-19 des Statuts revisés du Canada de 1970. (*former Act*)

certificat de citoyenneté Le certificat de citoyenneté délivré en vertu de la présente loi ou accordé en vertu de l'ancienne loi. (*certificate of citizenship*)

certificat de naturalisation Le certificat de naturalisation accordé en vertu d'une loi en vigueur au Canada avant le 1er janvier 1947. (*certificate of naturalization*)

certificat de répudiation Sauf indication contraire, le certificat de répudiation délivré sous le régime de la présente loi. (*certificate of renunciation*)

citoyen Citoyen canadien. (*citizen*)

citoyenneté Citoyenneté canadienne. (*citizenship*)

conjoint de fait La personne qui vit avec la personne en cause dans une relation conjugale depuis au moins un an. (*common-law partner*)

Cour La Cour fédérale. (*Court*)

enfant Tout enfant, y compris l'enfant adopté ou légitimé conformément au droit du lieu de l'adoption ou de la légitimation. (*child*)

disability [Repealed, 1992, c. 21, s. 6]

former Act means the *Canadian Citizenship Act*, chapter C-19 of the Revised Statutes of Canada, 1970; (*ancienne loi*)

Minister means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of this Act; (*ministre*)

minor means a person who has not attained the age of eighteen years; (*mineur*)

prior legislation means any Act respecting naturalization or citizenship that was in force in Canada at any time before February 15, 1977. (*législation antérieure*)

Interpretation

(2) For the purposes of this Act,

(a) a person is deemed to be born in Canada if the person is born on a Canadian vessel as defined in section 2 of the *Canada Shipping Act, 2001*, or on an aircraft registered in Canada under the *Aeronautics Act* and regulations made under that Act;

(b) a person who is lawfully present and entitled to permanently reside in Canada is deemed to have been lawfully admitted to Canada for permanent residence; and

(c) a person against whom a removal order has been made remains under that order

(i) unless all rights of review by or appeal to the Immigration Appeal Division of the Immigration and Refugee Board, the Federal Court of Appeal and the Supreme Court of Canada have been exhausted with respect to the order and the final result of those reviews or appeals is that the order has no force or effect, or

(ii) until the order has been executed.

R.S., 1985, c. C-29, s. 2; R.S., 1985, c. 28 (4th Supp.), s. 36; 1992, c. 21, s. 6; 2000, c. 12, s. 74; 2001, c. 26, s. 286, c. 27, s. 227.1; 2002, c. 8, s. 183; 2008, c. 14, s. 1.

incapacité [Abrogée, 1992, ch. 21, art. 6]

juge de la citoyenneté Juge nommé en vertu de l'article 26. (*citizenship judge*)

législation antérieure Ensemble des lois concernant la naturalisation ou la citoyenneté et en vigueur au Canada avant le 15 février 1977. (*prior legislation*)

mineur Personne de moins de dix-huit ans. (*minor*)

ministre Le membre du Conseil privé de la Reine pour le Canada chargé par le gouverneur en conseil de l'application de la présente loi. (*Minister*)

Interprétation

(2) Pour l'application de la présente loi :

a) la personne née à bord d'un bâtiment canadien, au sens de l'article 2 de la *Loi de 2001 sur la marine marchande du Canada*, ou à bord d'un aéronef immatriculé au Canada sous le régime de la *Loi sur l'aéronautique* et de ses règlements est réputée née au Canada;

b) la personne qui se trouve légalement au Canada et qui a le droit d'y résider en permanence est réputée y avoir été légalement admise à titre de résident permanent;

c) une mesure de renvoi reste en vigueur jusqu'à, selon le cas :

(i) son annulation après épuisement des voies de recours devant la section d'appel de l'immigration de la Commission de l'immigration et du statut de réfugié, la Cour d'appel fédérale et la Cour suprême du Canada,

(ii) son exécution.

L.R. (1985), ch. C-29, art. 2; L.R. (1985), ch. 28 (4e suppl.), art. 36; 1992, ch. 21, art. 6; 2000, ch. 12, art. 74; 2001, ch. 26, art. 286, ch. 27, art. 227.1; 2002, ch. 8, art. 183; 2008, ch. 14, art. 1.

PART I

The Right to Citizenship

Persons who are citizens

3 (1) Subject to this Act, a person is a citizen if

PARTIE I

Le droit à la citoyenneté

Citoyens

3 (1) Sous réserve des autres dispositions de la présente loi, a qualité de citoyen toute personne :

(a) the person was born in Canada after February 14, 1977;

(b) the person was born outside Canada after February 14, 1977 and at the time of his birth one of his parents, other than a parent who adopted him, was a citizen;

(c) the person has been granted or acquired citizenship pursuant to section 5 or 11 and, in the case of a person who is fourteen years of age or over on the day that he is granted citizenship, he has taken the oath of citizenship;

(c.1) the person has been granted citizenship under section 5.1;

(d) the person was a citizen immediately before February 15, 1977;

(e) the person was entitled, immediately before February 15, 1977, to become a citizen under paragraph 5(1)(b) of the former Act;

(f) before the coming into force of this paragraph, the person ceased to be a citizen for any reason other than the following reasons and did not subsequently become a citizen:

(i) the person renounced his or her citizenship under any of the following provisions:

(A) paragraph 19(2)(c) of the *Canadian Citizenship Act*, S.C. 1946, c. 15, as enacted by S.C. 1951, c. 12, s. 1(3),

(B) paragraph 19(2)(c) of the *Canadian Citizenship Act*, R.S.C. 1952, c. 33,

(C) subparagraph 19(1)(b)(iii) of the *Canadian Citizenship Act*, R.S.C. 1952, c. 33, as enacted by S.C. 1967-68, c. 4, s. 5,

(D) subparagraph 18(1)(b)(iii) of the former Act,

(E) section 8 of the *Citizenship Act*, S.C. 1974-75-76, c. 108, or

(F) section 9 of this Act, or

(ii) the person's citizenship was revoked for false representation, fraud or concealment of material circumstances under any of the following provisions:

(A) paragraph 21(1)(b) of the *Canadian Citizenship Act*, S.C. 1946, c. 15,

a) née au Canada après le 14 février 1977;

b) née à l'étranger après le 14 février 1977 d'un père ou d'une mère ayant qualité de citoyen au moment de la naissance;

c) ayant obtenu la citoyenneté — par attribution ou acquisition — sous le régime des articles 5 ou 11 et ayant, si elle était âgée d'au moins quatorze ans, prêté le serment de citoyenneté;

c.1) ayant obtenu la citoyenneté par attribution au titre de l'article 5.1;

d) ayant cette qualité au 14 février 1977;

e) habile, au 14 février 1977, à devenir citoyen aux termes de l'alinéa 5(1)b) de l'ancienne loi;

f) qui, avant l'entrée en vigueur du présent alinéa, a cessé d'être citoyen pour un motif autre que les motifs ci-après et n'est pas subséquemment devenu citoyen :

(i) elle a renoncé à sa citoyenneté au titre de l'une des dispositions suivantes :

(A) l'alinéa 19(2)c) de la *Loi sur la citoyenneté canadienne*, S.C. 1946, ch. 15, édicté par S.C. 1951, ch. 12, art. 3,

(B) l'alinéa 19(2)c) de la *Loi sur la citoyenneté canadienne*, S.R.C. 1952, ch. 33,

(C) le sous-alinéa 19(1)b)(iii) de la *Loi sur la citoyenneté canadienne*, S.R.C. 1952, ch. 33, édicté par S.C. 1967-68, ch. 4, art. 5,

(D) le sous-alinéa 18(1)b)(iii) de l'ancienne loi,

(E) l'article 8 de la *Loi sur la citoyenneté*, S.C. 1974-75-76, ch. 108,

(F) l'article 9 de la présente loi,

(ii) sa citoyenneté a été révoquée pour cause de fausse déclaration, fraude ou dissimulation de faits essentiels au titre de l'une des dispositions suivantes :

(A) l'alinéa 21(1)b) de la *Loi sur la citoyenneté canadienne*, S.C. 1946, ch. 15,

(B) l'alinéa 19(1)b) de la *Loi sur la citoyenneté canadienne*, S.C. 1946, ch. 15, édicté par S.C. 1950, ch. 29, art. 8,

(B) paragraph 19(1)(b) of the *Canadian Citizenship Act*, S.C. 1946, c. 15, as enacted by S.C. 1950, c. 29, s. 8,

(C) paragraph 19(1)(b) of the *Canadian Citizenship Act*, R.S.C. 1952, c. 33, as it read before the coming into force of *An Act to amend the Canadian Citizenship Act*, S.C. 1967-68, c. 4,

(D) paragraph 19(1)(a) of the *Canadian Citizenship Act*, R.S.C. 1952, c. 33, as enacted by S.C. 1967-68, c. 4, s. 5,

(E) paragraph 18(1)(a) of the former Act,

(F) section 9 of the *Citizenship Act*, S.C. 1974-75-76, c. 108, or

(G) section 10 of this Act;

(iii) [Repealed, 2025, c. 5, s. 1]

(g) the person was born outside Canada before February 15, 1977 to a parent who was a citizen at the time of the birth and the person did not, before the coming into force of this paragraph, become a citizen;

(h) the person was granted citizenship on or after January 1, 1947 but before April 17, 2009, the person would have, but for that grant, been a citizen under paragraph (g) and, if it was required, the person took the oath of citizenship;

(i) the person had been a citizen other than by way of grant, ceased to be a citizen for a reason other than the reasons referred to in subparagraphs (f)(i) and (ii), was subsequently granted citizenship before the coming into force of this paragraph under any of the following provisions and, if it was required, took the oath of citizenship:

(i) subsection 10(1) of the *Citizenship Act*, S.C. 1974-75-76, c. 108,

(ii) subsection 5(1) or (4) or 11(1) of this Act, or

(iii) paragraph 5(2)(a) of this Act, as it read before the coming into force of this paragraph;

(j) under prior legislation, the person had been a citizen other than by way of grant, ceased to be a citizen for a reason other than the reasons referred to in subparagraphs (f)(i) and (ii) and resumed citizenship;

(k) the person, before January 1, 1947, was born or naturalized in Canada but ceased to be a British subject, and did not become a citizen on that day;

(C) l'alinéa 19(1)b) de la *Loi sur la citoyenneté canadienne*, S.R.C. 1952, ch. 33, dans ses versions antérieures à l'entrée en vigueur de la *Loi modifiant la Loi sur la citoyenneté canadienne*, S.C. 1967-68, ch. 4,

(D) l'alinéa 19(1)a) de la *Loi sur la citoyenneté canadienne*, S.R.C. 1952, ch. 33, édicté par S.C. 1967-68, ch. 4, art. 5,

(E) l'alinéa 18(1)a) de l'ancienne loi,

(F) l'article 9 de la *Loi sur la citoyenneté*, S.C. 1974-75-76, ch. 108,

(G) l'article 10 de la présente loi;

(iii) [Abrogé, 2025, ch. 5, art. 1]

g) qui, née à l'étranger avant le 15 février 1977 d'un père ou d'une mère ayant qualité de citoyen au moment de la naissance, n'est pas devenue citoyen avant l'entrée en vigueur du présent alinéa;

h) qui a obtenu la citoyenneté par attribution le 1er janvier 1947 ou après cette date mais avant le 17 avril 2009 — et, si elle y était tenue, prêté le serment de citoyenneté — et qui, n'eût été cette attribution, aurait été une personne visée à l'alinéa g);

i) qui, avant l'entrée en vigueur du présent alinéa, a obtenu la citoyenneté par attribution sous le régime de l'une des dispositions ci-après — et, si elle y était tenue, prêté le serment de citoyenneté — après avoir cessé d'être citoyen, pour un motif autre que les motifs visés aux sous-alinéas f)(i) et (ii), alors qu'elle avait qualité de citoyen autrement que par attribution :

(i) le paragraphe 10(1) de la *Loi sur la citoyenneté*, S.C. 1974-75-76, ch. 108,

(ii) les paragraphes 5(1) ou (4) ou 11(1) de la présente loi,

(iii) l'alinéa 5(2)a) de la présente loi, dans ses versions antérieures à l'entrée en vigueur du présent alinéa;

j) qui, en vertu de la législation antérieure, a réintégré la citoyenneté après avoir cessé d'être citoyen, pour un motif autre que les motifs visés aux sous-alinéas f)(i) et (ii), alors qu'elle avait qualité de citoyen autrement que par attribution;

k) qui, née ou naturalisée au Canada avant le 1er janvier 1947, a perdu son statut de sujet britannique et n'est pas devenue citoyen à cette date;

(l) the person, before April 1, 1949, was born or naturalized in Newfoundland and Labrador but ceased to be a British subject, and did not become a citizen on or before that day;

(m) the person, on January 1, 1947, was a British subject neither born nor naturalized in Canada and was ordinarily resident in Canada, and did not become a citizen on that day;

(n) the person, on April 1, 1949, was a British subject neither born nor naturalized in Newfoundland and Labrador and was ordinarily resident there, and did not become a citizen on or before that day;

(o) the person was born outside Canada and Newfoundland and Labrador before January 1, 1947 to a parent who is a citizen under paragraph (k) or (m), and the person did not become a citizen on that day;

(p) the person was born outside Canada and Newfoundland and Labrador before April 1, 1949 to a parent who is a citizen under paragraph (l) or (n), and the person did not become a citizen on or before that day;

(q) the person was born outside Canada and Newfoundland and Labrador before January 1, 1947 to a parent who became a citizen on that day under the *Canadian Citizenship Act*, S.C. 1946, c. 15, and the person did not become a citizen on that day; or

(r) the person was born outside Canada and Newfoundland and Labrador before April 1, 1949 to a parent who became a citizen on that day under section 44A of the *Canadian Citizenship Act*, S.C. 1946, c. 15, as enacted by S.C. 1949, c. 6, and the person did not become a citizen on or before that day.

l) qui, née ou naturalisée à Terre-Neuve-et-Labrador avant le 1er avril 1949, a perdu son statut de sujet britannique et n'est pas devenue citoyen à cette date ou avant celle-ci;

m) née à l'extérieur du Canada qui, le 1er janvier 1947, n'était pas naturalisée au Canada, avait le statut de sujet britannique et résidait habituellement au Canada et qui n'est pas devenue citoyen à cette date;

n) née à l'extérieur de Terre-Neuve-et-Labrador qui, le 1er avril 1949, n'était pas naturalisée à Terre-Neuve-et-Labrador, avait le statut de sujet britannique et résidait habituellement à Terre-Neuve-et-Labrador et qui n'est pas devenue citoyen à cette date ou avant celle-ci;

o) qui, née à l'extérieur du Canada et de Terre-Neuve-et-Labrador avant le 1er janvier 1947 d'un père ou d'une mère ayant qualité de citoyen au titre des alinéas k) ou m), n'est pas devenue citoyen à cette date;

p) qui, née à l'extérieur du Canada et de Terre-Neuve-et-Labrador avant le 1er avril 1949 d'un père ou d'une mère ayant qualité de citoyen au titre des alinéas l) ou n), n'est pas devenue citoyen à cette date ou avant celle-ci;

q) qui, née à l'extérieur du Canada et de Terre-Neuve-et-Labrador avant le 1er janvier 1947 d'un père ou d'une mère qui a obtenu la qualité de citoyen à cette date au titre de la *Loi sur la citoyenneté canadienne*, S.C. 1946, ch. 15, n'est pas devenue citoyen à cette date;

r) qui, née à l'extérieur du Canada et de Terre-Neuve-et-Labrador avant le 1er avril 1949 d'un père ou d'une mère qui a obtenu la qualité de citoyen à cette date en vertu de l'article 44A de la *Loi sur la citoyenneté canadienne*, S.C. 1946, ch. 15, tel qu'édicté par S.C. 1949, ch. 6 n'est pas devenue citoyen à cette date ou avant celle-ci.

For greater certainty

(1.01) For greater certainty, the reference to "Canada" in paragraphs (1)(k), (m) and (o) to (r) is a reference to Canada as it existed immediately before the union of Newfoundland and Labrador with Canada.

Précision

(1.01) Il est entendu que, aux alinéas (1)k), m) et o) à r), « Canada » s'entend du Canada tel qu'il existait avant l'adhésion de Terre-Neuve-et-Labrador à la Fédération canadienne.

Citizen despite death of parent

(1.1) A person who would not become a citizen under paragraph (1)(b), (g) or (h) for the sole reason that, on the coming into force of this subsection, his or her parent — referred to in one of those paragraphs — is deceased, is a citizen under paragraph (1)(b), (g) or (h) if that parent,

Citoyen malgré le décès du parent

(1.1) Toute personne qui ne deviendrait pas citoyen au titre des alinéas (1)b), g) ou h) pour la seule raison que, à l'entrée en vigueur du présent paragraphe, son père ou sa mère, visé à l'un de ces alinéas, est décédé, a qualité de citoyen au titre de l'alinéa en cause si, n'eût été ce décès,

but for his or her death, would have been a citizen under paragraph (1)(f), (i) or (j).

Citizen despite death of parent

(1.2) A person who would not become a citizen under paragraph (1)(b), (g), (h), (o) or (p) for the sole reason that, on the coming into force of this subsection, his or her parent — referred to in one of those paragraphs — is deceased, is a citizen under that paragraph if that parent, but for his or her death, would have been a citizen under any of paragraphs (1)(k) to (n).

Citizen despite death of parent

(1.3) A person who would not become a citizen under paragraph (1)(q) for the sole reason that his or her parent died before January 1, 1947 and did not become a citizen on that day under the *Canadian Citizenship Act*, S.C. 1946, c. 15, is, nonetheless, a citizen under that paragraph if his or her parent would have been a citizen if that Act had come into force immediately before their death and the date referred to in the provisions of that Act that set out the requirements to be met to become a citizen had been the day of that coming into force rather than January 1, 1947.

Citizen despite death of parent

(1.4) A person who would not become a citizen under paragraph (1)(r) for the sole reason that his or her parent died before April 1, 1949 and did not become a citizen on that day under section 44A of the *Canadian Citizenship Act*, S.C. 1946, c. 15, as enacted by S.C. 1949, c. 6, is, nonetheless, a citizen under that paragraph if his or her parent would have been a citizen if that Act had come into force immediately before their death and the date referred to in the provisions of that Act that set out the requirements to be met to become a citizen had been the day of that coming into force rather than April 1, 1949.

Citizen despite death of parent

(1.5) A person who would not become a citizen under one of the paragraphs of subsection (1) for the sole reason that their parent or both their parent and their parent's parent died before the coming into force of *An Act to amend the Citizenship Act (2025)* is a citizen under that paragraph if that parent — or both that parent and that parent's parent — but for their death, would have been a citizen as a result of the coming into force of that Act.

le père ou la mère aurait eu qualité de citoyen au titre des alinéas (1)f), i) ou j).

Citoyen malgré le décès du parent

(1.2) Toute personne qui ne deviendrait pas citoyen au titre des alinéas (1)b), g), h), o) ou p) pour la seule raison que, à l'entrée en vigueur du présent paragraphe, son père ou sa mère, visé à l'un de ces alinéas, est décédé, a qualité de citoyen au titre de l'alinéa en cause si, n'eût été ce décès, le père ou la mère aurait eu qualité de citoyen au titre de l'un des alinéas (1)k) à n).

Citoyen malgré le décès du parent

(1.3) Toute personne qui ne deviendrait pas citoyen au titre de l'alinéa (1)q) pour la seule raison que son père ou sa mère est décédé avant le 1er janvier 1947 et n'a pas obtenu la qualité de citoyen à cette date au titre de la *Loi sur la citoyenneté canadienne*, S.C. 1946, ch. 15, a malgré tout qualité de citoyen au titre de cet alinéa dans le cas où son père ou sa mère aurait eu qualité de citoyen si cette loi était entrée en vigueur immédiatement avant son décès et que les conditions à remplir pour obtenir la qualité de citoyen avaient été déterminées à la date de cette entrée en vigueur plutôt que le 1er janvier 1947.

Citoyen malgré le décès du parent

(1.4) Toute personne qui ne deviendrait pas citoyen au titre de l'alinéa (1)r) pour la seule raison que son père ou sa mère est décédé avant le 1er avril 1949 et n'a pas obtenu la qualité de citoyen à cette date au titre de l'article 44A de la *Loi sur la citoyenneté canadienne*, S.C. 1946, ch. 15, édicté par S.C. 1949, ch. 6, a malgré tout qualité de citoyen au titre de cet alinéa dans le cas où son père ou sa mère aurait eu qualité de citoyen si cette loi était entrée en vigueur immédiatement avant son décès et que les conditions à remplir pour obtenir la qualité de citoyen avaient été déterminées à la date de cette entrée en vigueur plutôt que le 1er avril 1949.

Citoyen malgré le décès du parent

(1.5) Toute personne qui ne deviendrait pas citoyen au titre de l'un des alinéas du paragraphe (1) pour la seule raison que, à l'entrée en vigueur de la *Loi modifiant la Loi sur la citoyenneté (2025)*, son père ou sa mère est décédé — ou son père ou sa mère ainsi que le père ou la mère de celui-ci ou de celle-ci sont décédés — a qualité de citoyen au titre de l'alinéa en cause si, n'eût été ce décès, le père ou la mère — ou le père ou la mère ainsi que le père ou la mère de celui-ci ou de celle-ci — aurait eu qualité de citoyen par suite de l'entrée en vigueur de cette loi.

Not applicable to children of foreign diplomats, etc.

(2) Paragraph (1)(a) does not apply to a person if, at the time of his birth, neither of his parents was a citizen or lawfully admitted to Canada for permanent residence and either of his parents was

(a) a diplomatic or consular officer or other representative or employee in Canada of a foreign government;

(b) an employee in the service of a person referred to in paragraph (a); or

(c) an officer or employee in Canada of a specialized agency of the United Nations or an officer or employee in Canada of any other international organization to whom there are granted, by or under any Act of Parliament, diplomatic privileges and immunities certified by the Minister of Foreign Affairs to be equivalent to those granted to a person or persons referred to in paragraph (a).

Not applicable — paragraphs (1)(k), (m), (o) and (q)

(2.1) Paragraphs (1)(k), (m), (o) and (q) do not apply to a person if

(a) before January 1, 1947, the person made a declaration of alienage; or

(b) the person became a citizen by way of grant on or after January 1, 1947 and subsequently renounced their citizenship under any of the provisions referred to in clauses (1)(f)(i)(A) to (F).

Not applicable — paragraphs (1)(b), (g) and (h)

(2.2) Paragraphs (1)(b), (g) and (h) do not apply to a person — who, but for this subsection, would be a citizen under one of those paragraphs for the sole reason that one or both of their parents are persons referred to in any of paragraphs (1)(k), (m), (o) and (q) — if the person became a citizen by way of grant on or after January 1, 1947 and subsequently renounced their citizenship under any of the provisions referred to in clauses (1)(f)(i)(A) to (F).

Not applicable — paragraphs (1)(l), (n), (p) and (r)

(2.3) Paragraphs (1)(l), (n), (p) and (r) do not apply to a person if

(a) before April 1, 1949, the person made a declaration of alienage; or

(b) the person became a citizen by way of grant on or after April 1, 1949 and subsequently renounced their

Inapplicabilité aux enfants de diplomates étrangers, etc.

(2) L'alinéa (1)a) ne s'applique pas à la personne dont, au moment de la naissance, les parents n'avaient qualité ni de citoyens ni de résidents permanents et dont le père ou la mère était :

a) agent diplomatique ou consulaire, représentant à un autre titre ou au service au Canada d'un gouvernement étranger;

b) au service d'une personne mentionnée à l'alinéa a);

c) fonctionnaire ou au service, au Canada, d'une organisation internationale — notamment d'une institution spécialisée des Nations Unies — bénéficiant sous le régime d'une loi fédérale de privilèges et immunités diplomatiques que le ministre des Affaires étrangères certifie être équivalents à ceux dont jouissent les personnes visées à l'alinéa a).

Inapplicabilité — alinéas (1)k), m), o) et q)

(2.1) Les alinéas (1)k), m), o) et q) ne s'appliquent pas à la personne qui, selon le cas :

a) a fait une déclaration d'extranéité avant le 1er janvier 1947;

b) a obtenu la citoyenneté par attribution le 1er janvier 1947 ou après cette date et a subséquemment renoncé à sa citoyenneté au titre de l'une des dispositions visées aux divisions (1)f)(i)(A) à (F).

Inapplicabilité — alinéas (1)b), g) et h)

(2.2) Les alinéas (1)b), g) et h) ne s'appliquent pas à la personne qui, n'eût été le présent paragraphe, aurait eu qualité de citoyen au titre de l'un de ces alinéas pour la seule raison que son père ou sa mère ou ses deux parents sont visés à l'un des alinéas (1)k), m), o) et q), si elle a obtenu la citoyenneté par attribution le 1er janvier 1947 ou après cette date et a subséquemment renoncé à sa citoyenneté au titre de l'une des dispositions visées aux divisions (1)f)(i)(A) à (F).

Inapplicabilité — alinéas (1)l), n), p) et r)

(2.3) Les alinéas (1)l), n), p) et r) ne s'appliquent pas à la personne qui, selon le cas :

a) a fait une déclaration d'extranéité avant le 1er avril 1949;

b) a obtenu la citoyenneté par attribution le 1er avril 1949 ou après cette date et a subséquemment renoncé

citizenship under any of the provisions referred to in clauses (1)(f)(i)(A) to (F).

Not applicable — paragraphs (1)(b), (g) and (h)

(2.4) Paragraphs (1)(b), (g) and (h) do not apply to a person — who, but for this subsection, would be a citizen under one of those paragraphs for the sole reason that one or both of their parents are persons referred to in any of paragraphs (1)(l), (n), (p) and (r) — if the person became a citizen by way of grant on or after April 1, 1949 and subsequently renounced their citizenship under any of the provisions referred to in clauses (1)(f)(i)(A) to (F).

Not applicable — paragraphs (1)(b), (f) to (j), (q) and (r)

(2.5) Paragraphs (1)(b), (f) to (j), (q) and (r) do not apply to a person who became a citizen by way of grant before the day on which this subsection comes into force and subsequently renounced their citizenship under any of the provisions referred to in clauses (1)(f)(i)(A) to (F).

Not applicable — after first generation

(3) Paragraph (1)(b) does not apply to a person born outside Canada on or after the day on which *An Act to amend the Citizenship Act (2025)* comes into force

(a) if

(i) at the time of the person's birth

(A) only one of the person's parents was a citizen and that parent was a citizen under any of paragraphs (1)(b), (c.1), (e), (g) to (j) and (o) to (r) and was born outside Canada,

(B) only one of the person's parents was a citizen and that parent was a citizen under paragraph (1)(f) and was born outside Canada to a parent who was a citizen at the time of their birth, or

(C) both of the person's parents were citizens under any of paragraphs (1)(b), (c.1), (e) to (j) and (o) to (r) and were born outside Canada and, in the case of a parent who was a citizen under paragraph (1)(f), that parent was born to a parent who was a citizen at the time of their birth, and

(ii) neither of the person's parents who was a citizen was physically present in Canada for at least 1,095 days before the person's birth; or

(b) if

à sa citoyenneté au titre de l'une des dispositions visées aux divisions (1)f)(i)(A) à (F).

Inapplicabilité — alinéas (1)b), g) et h)

(2.4) Les alinéas (1)b), g) et h) ne s'appliquent pas à la personne qui, n'eût été le présent paragraphe, aurait eu qualité de citoyen au titre de l'un de ces alinéas pour la seule raison que son père ou sa mère ou ses deux parents sont visés à l'un des alinéas (1)l), n), p) et r), si la personne a obtenu la citoyenneté par attribution le 1er avril 1949 ou après cette date et a subséquemment renoncé à sa citoyenneté au titre de l'une des dispositions visées aux divisions (1)f)(i)(A) à (F).

Inapplicabilité — alinéas (1)b), f) à j), q) et r)

(2.5) Les alinéas (1)b), f) à j), q) et r) ne s'appliquent pas à la personne qui a obtenu la citoyenneté par attribution avant la date d'entrée en vigueur du présent paragraphe et a subséquemment renoncé à sa citoyenneté au titre de l'une des dispositions visées aux divisions (1)f)(i)(A) à (F).

Inapplicabilité après la première génération

(3) L'alinéa (1)b) ne s'applique pas à la personne qui est née à l'étranger à la date d'entrée en vigueur de la *Loi modifiant la Loi sur la citoyenneté (2025)* ou après cette date et dont :

a) ou bien :

(i) d'une part, au moment de la naissance :

(A) soit seul le père ou la mère avait qualité de citoyen, et ce, au titre de l'un des alinéas (1)b), c.1), e), g) à j) et o) à r), en plus d'être né à l'étranger,

(B) soit seul le père ou la mère avait qualité de citoyen, et ce, au titre de l'alinéa (1)f), en plus d'être né à l'étranger d'un parent qui avait alors qualité de citoyen,

(C) soit le père et la mère avaient tous deux qualité de citoyen, et ce, au titre de l'un des alinéas (1)b), c.1), e) à j) et o) à r), en plus d'être nés à l'étranger et, dans le cas d'un père ou d'une mère qui avait qualité de citoyen au titre de l'alinéa (1)f), d'être né d'un parent qui avait alors qualité de citoyen,

(ii) d'autre part, ni le père ni la mère — ayant qualité de citoyen — n'avait été effectivement présent au Canada pendant au moins mille quatre-vingt-quinze jours avant la naissance;

(i) at any time, only one of the person's parents was a citizen and that parent was a citizen under any of the following provisions or both of the person's parents were citizens under any of the following provisions:

(A) paragraph 4(b) or 5(b) of the *Canadian Citizenship Act*, S.C. 1946, c. 15,

(B) paragraph 5(1)(b) of the *Canadian Citizenship Act*, S.C. 1946, c. 15, as enacted by S.C. 1950, c. 29, s. 2,

(C) paragraph 4(1)(b) of the *Canadian Citizenship Act*, S.C. 1946, c. 15, as enacted by S.C. 1952-53, c. 23, s. 2(1),

(D) paragraph 5(1)(b) of the *Canadian Citizenship Act*, S.C. 1946, c. 15, as enacted by S.C. 1950, c. 29, s. 2 and amended by S.C. 1952-53, c. 23, s. 3(1),

(E) paragraph 4(1)(b) of the *Canadian Citizenship Act*, R.S.C. 1952, c. 33, as enacted by S.C. 1952-53, c. 23, s. 13(1),

(F) paragraph 5(1)(b) of the *Canadian Citizenship Act*, R.S.C. 1952, c. 33, as amended by S.C. 1952-53, c. 23, s. 14(1),

(G) subsection 39B(1) of the *Canadian Citizenship Act*, R.S.C. 1952, c. 33, as enacted by S.C. 1967-68, c. 4, s. 10, or

(H) paragraph 4(1)(b) or 5(1)(b) or subsection 42(1) of the former Act, and

(ii) neither of the person's parents who was a citizen was physically present in Canada for at least 1,095 days before the person's birth.

b) ou bien :

(i) d'une part, à un moment donné, seul le père ou la mère avait qualité de citoyen, et ce, au titre de l'une des dispositions ci-après, ou les parents avaient tous deux cette qualité au titre de l'une de celles-ci :

(A) les alinéas 4b) ou 5b) de la *Loi sur la citoyenneté canadienne*, S.C. 1946, ch. 15,

(B) l'alinéa 5(1)b) de la *Loi sur la citoyenneté canadienne*, S.C. 1946, ch. 15, édicté par S.C. 1950, ch. 29, art. 2,

(C) l'alinéa 4(1)b) de la *Loi sur la citoyenneté canadienne*, S.C. 1946, ch. 15, édicté par S.C. 1952-53, ch. 23, par. 2(1),

(D) l'alinéa 5(1)b) de la *Loi sur la citoyenneté canadienne*, S.C. 1946, ch. 15, édicté par S.C. 1950, ch. 29, art. 2 et modifié par S.C. 1952-53, ch. 23, par. 3(1),

(E) l'alinéa 4(1)b) de la *Loi sur la citoyenneté canadienne*, S.R.C. 1952, ch. 33, édicté par S.C. 1952-53, ch. 23, par. 13(1),

(F) l'alinéa 5(1)b) de la *Loi sur la citoyenneté canadienne*, S.R.C. 1952, ch. 33, modifié par S.C. 1952-53, ch. 23, par. 14(1),

(G) le paragraphe 39B(1) de la *Loi sur la citoyenneté canadienne*, S.R.C. 1952, ch. 33, édicté par S.C. 1967-68, ch. 4, art. 10,

(H) les alinéas 4(1)b) ou 5(1)b) ou le paragraphe 42(1) de l'ancienne loi,

(ii) d'autre part, ni le père ni la mère — ayant qualité de citoyen — n'avait été effectivement présent au Canada pendant au moins mille quatre-vingt-quinze jours avant la naissance.

(4) [Repealed, 2025, c. 5, s. 1]

(4) [Abrogé, 2025, ch. 5, art. 1]

(4.1) [Repealed, 2025, c. 5, s. 1]

(4.1) [Abrogé, 2025, ch. 5, art. 1]

Exception — child or grandchild of person in service abroad

(5) Subsection (3) does not apply to a person

(a) born to a parent who, at the time of the person's birth, was employed outside Canada in or with the Canadian Armed Forces, the federal public administration or the public service of a province, otherwise than as a locally engaged person;

Exception — enfant ou petit-enfant d'une personne en service à l'étranger

(5) Le paragraphe (3) ne s'applique pas :

a) à la personne dont, au moment de sa naissance, le ou les parents étaient, sans avoir été engagés sur place, au service, à l'étranger, des Forces armées canadiennes ou de l'administration publique fédérale ou de celle d'une province;

(b) born to a parent one or both of whose parents, at the time of that parent's birth, were employed outside Canada in or with the Canadian Armed Forces, the federal public administration or the public service of a province, otherwise than as a locally engaged person; or

(c) born to a parent one or both of whose adoptive parents, at the time of that parent's adoption, were employed outside Canada in or with the Canadian Armed Forces, the federal public administration or the public service of a province, otherwise than as a locally engaged person.

(5.1) [Repealed, 2025, c. 5, s. 1]

(5.2) [Repealed, 2025, c. 5, s. 1]

Citizenship other than by way of grant

(6) A person referred to in paragraph (1)(h), (i) or (j) is deemed, except for the purposes of that paragraph, never to have been a citizen by way of grant.

Citizenship other than by way of grant — certain children born after February 14, 1977

(6.1) A person who was born outside Canada after February 14, 1977 and who, before the coming into force of this subsection, was granted citizenship under section 5 is deemed never to have been a citizen by way of grant if

(a) he or she was born to a parent who was born in Canada and who is a citizen under paragraph (1)(f) or (i); or

(b) he or she was born to a parent who was born outside Canada to parents neither of whom was a citizen at the time of that parent's birth, and who is a citizen under paragraph (1)(f) or (i).

Citizenship other than by way of grant

(6.2) A person referred to in any of paragraphs (1)(k) to (r) — or a person referred to in paragraph (1)(b) or (g) who is a citizen under that paragraph for the sole reason that one or both of their parents are persons referred to in any of paragraphs (1)(k) to (n) — who became a citizen by way of grant before the coming into force of this subsection is deemed, except for the purposes of paragraph (2.1)(b), subsection (2.2), paragraph (2.3)(b), subsections (2.4) and (2.5) and subparagraphs 27(1)(j.1)(ii) to (iv), never to have been a citizen by way of grant.

Deemed application

(6.3) A person who is referred to in paragraph (1)(k), (l), (m) or (n) and also in paragraph (1)(o), (p), (q) or (r) is

b) à la personne née d'un parent dont, au moment de la naissance de celui-ci, le ou les parents étaient, sans avoir été engagés sur place, au service, à l'étranger, des Forces armées canadiennes ou de l'administration publique fédérale ou de celle d'une province;

c) à la personne née d'un parent dont, au moment de l'adoption de celui-ci, le ou les parents adoptifs étaient, sans avoir été engagés sur place, au service, à l'étranger, des Forces armées canadiennes ou de l'administration publique fédérale ou de celle d'une province.

(5.1) [Abrogé, 2025, ch. 5, art. 1]

(5.2) [Abrogé, 2025, ch. 5, art. 1]

Citoyenneté sans attribution

(6) La personne visée à l'un des alinéas (1)h) à j) est réputée, sauf pour l'application de ces alinéas, n'avoir jamais obtenu la citoyenneté par attribution.

Citoyenneté sans attribution — certains enfants nés après le 14 février 1977

(6.1) La personne qui est née à l'étranger après le 14 février 1977 d'un parent visé aux alinéas a) ou b) et qui, avant l'entrée en vigueur du présent paragraphe, a obtenu la citoyenneté par attribution sous le régime de l'article 5 est réputée n'avoir jamais obtenu la citoyenneté par attribution :

a) le parent né au Canada qui a qualité de citoyen au titre des alinéas (1)f) ou i);

b) le parent né à l'étranger — de parents n'ayant pas, au moment de sa naissance, qualité de citoyen — qui a qualité de citoyen au titre des alinéas (1)f) ou i).

Citoyenneté sans attribution

(6.2) La personne visée à l'un des alinéas (1)k) à r) — ou celle visée aux alinéas (1)b) ou g) qui a qualité de citoyen pour la seule raison que son père ou sa mère ou ses deux parents sont visés à l'un des alinéas (1)k) à n) — qui a obtenu la citoyenneté par attribution avant l'entrée en vigueur du présent paragraphe est réputée, sauf pour l'application de l'alinéa (2.1)b), du paragraphe (2.2), de l'alinéa (2.3)b), des paragraphes (2.4) et (2.5) et des sous-alinéas 27(1)j.1)(ii) à (iv), n'avoir jamais obtenu la citoyenneté par attribution.

Précision

(6.3) La personne qui est visée à la fois aux alinéas (1)k), l), m) ou n) et aux alinéas (1)o), p), q) ou r) est réputée

deemed to be a citizen only under that paragraph (o), (p), (q) or (r).

Deemed application

(6.4) A person who is referred to in paragraph (1)(b) and also in paragraph (1)(f) is deemed to be a citizen only under paragraph (1)(f).

Citizenship other than by way of grant

(6.5) A person who is referred to in any of paragraphs (1)(b), (f) to (j), (q) and (r) as a result of the coming into force of *An Act to amend the Citizenship Act (2025)* and who became a citizen by way of grant before the coming into force of that Act is deemed, except for the purposes of paragraphs (1)(h) to (j) and (2.1)(b), subsection (2.2), paragraph (2.3)(b), subsections (2.4) and (2.5) and subparagraph 27(1)(j.1)(iv), never to have been a citizen by way of grant.

Deemed application

(7) Despite any provision of this Act or any Act respecting naturalization or citizenship that was in force in Canada at any time before the day on which this subsection comes into force

(a) a person referred to in paragraph (1)(c) who was, before the coming into force of this subsection, granted citizenship under any of the following provisions after ceasing to be a citizen by way of grant for any reason other than the reasons referred to in subparagraphs (1)(f)(i) and (ii) is deemed to be a citizen under paragraph (1)(c) from the time that the person ceased to be a citizen:

(i) subsection 10(1) of the *Citizenship Act*, S.C. 1974-75-76, c. 108,

(ii) subsection 5(1) or (4) or 11(1) of this Act, or

(iii) paragraph 5(2)(a) of this Act, as it read before the coming into force of this paragraph;

(b) a person referred to in paragraph (1)(d) who, under prior legislation, ceased to be a citizen by way of grant for any reason other than the reasons referred to in subparagraphs (1)(f)(i) and (ii) and resumed citizenship is deemed to be a citizen under paragraph (1)(d) from the time that he or she ceased to be a citizen;

(c) a person referred to in paragraph (1)(f) who, at the time he or she ceased to be a citizen, was a citizen by way of grant is deemed to have been granted citizenship under that paragraph at that time;

avoir qualité de citoyen seulement au titre des alinéas (1)o), p), q) ou r).

Précision

(6.4) La personne qui est visée à la fois aux alinéas (1)b) et f) est réputée avoir qualité de citoyen seulement au titre de l'alinéa (1)f).

Citoyenneté sans attribution

(6.5) La personne qui est visée à l'un des alinéas (1)b), f) à j), q) et r) par suite de l'entrée en vigueur de la *Loi modifiant la Loi sur la citoyenneté (2025)* et qui, avant l'entrée en vigueur de cette loi, a obtenu la citoyenneté par attribution est réputée, sauf pour l'application des alinéas (1)h) à j) et (2.1)b), du paragraphe (2.2), de l'alinéa (2.3)b), des paragraphes (2.4) et (2.5) et du sous-alinéa 27(1)j.1)(iv), n'avoir jamais obtenu la citoyenneté par attribution.

Application présumée

(7) Malgré les autres dispositions de la présente loi et l'ensemble des lois concernant la naturalisation ou la citoyenneté en vigueur au Canada avant l'entrée en vigueur du présent paragraphe :

a) la personne visée à l'alinéa (1)c) qui, avant l'entrée en vigueur du présent paragraphe, a obtenu la citoyenneté par attribution sous le régime de l'une des dispositions ci-après après avoir cessé d'être citoyen — pour un motif autre que les motifs visés aux sous-alinéas (1)f)(i) et (ii) — alors qu'elle avait obtenu la citoyenneté par attribution, est réputée être citoyen au titre de cet alinéa à partir du moment où elle a cessé d'être citoyen :

(i) le paragraphe 10(1) de la *Loi sur la citoyenneté*, S.C. 1974-75-76, ch. 108,

(ii) les paragraphes 5(1) ou (4) ou 11(1) de la présente loi,

(iii) l'alinéa 5(2)a) de la présente loi, dans ses versions antérieures à l'entrée en vigueur du présent alinéa;

b) la personne visée à l'alinéa (1)d) qui a réintégré la citoyenneté en vertu de la législation antérieure après avoir cessé d'être citoyen — pour un motif autre que les motifs visés aux sous-alinéas (1)f)(i) et (ii) — alors qu'elle avait obtenu la citoyenneté par attribution, est réputée être citoyen au titre de cet alinéa à partir du moment où elle a cessé d'être citoyen;

c) la personne visée à l'alinéa (1)f) qui, au moment où elle a cessé d'être citoyen, avait obtenu la citoyenneté

(d) a person referred to in paragraph (1)(f) — other than a person described in paragraph (c) — is deemed to be a citizen under paragraph (1)(f) from the time the person ceased to be a citizen;

(e) a person referred to in paragraph (1)(g) or (h) is deemed to be a citizen from the time that he or she was born;

(f) a person referred to in paragraph (1)(i) is deemed to be a citizen under that paragraph from the time that he or she ceased to be a citizen;

(g) a person referred to in paragraph (1)(j) is deemed to be a citizen under that paragraph from the time that he or she ceased to be a citizen;

(h) a person referred to in paragraph (1)(b) is deemed to be a citizen under that paragraph from the time that the person was born;

(i) [Repealed, 2025, c. 5, s. 1]

(j) a person referred to in paragraph (1)(k) or (m) is deemed to be a citizen under that paragraph as of January 1, 1947;

(k) a person referred to in paragraph (1)(o) or (q) is deemed to be a citizen under that paragraph as of January 1, 1947;

(l) a person referred to in paragraph (1)(l) or (n) is deemed to be a citizen under that paragraph as of April 1, 1949; and

(m) a person referred to in paragraph (1)(p) or (r) is deemed to be a citizen under that paragraph as of April 1, 1949.

Limitation

(8) For any period before the day on which subsection (7) first takes effect with respect to a person,

(a) subsection (7) does not have the effect of conferring any rights, powers or privileges — or imposing any obligations, duties or liabilities — under any Act of Parliament other than this Act or any other law on the person or on any other person who may have any of those rights, powers, privileges, obligations, duties and liabilities as a result of the first person becoming a citizen; and

(b) no action or other proceedings for damages based on subsection (7) may be brought against Her Majesty

par attribution, est réputée avoir acquis par attribution la citoyenneté au titre de cet alinéa à partir de ce moment;

d) la personne visée à l'alinéa (1)f) autre que celle visée à l'alinéa c) est réputée être citoyen au titre de l'alinéa (1)f) à partir du moment où elle a cessé d'être citoyen;

e) la personne visée aux alinéas (1)g) ou h) est réputée être citoyen à partir du moment de sa naissance;

f) la personne visée à l'alinéa (1)i) est réputée être citoyen au titre de cet alinéa à partir du moment où elle a cessé d'être citoyen;

g) la personne visée à l'alinéa (1)j) est réputée être citoyen au titre de cet alinéa à partir du moment où elle a cessé d'être citoyen;

h) la personne visée à l'alinéa (1)b) est réputée être citoyen au titre de cet alinéa à partir du moment de sa naissance;

i) [Abrogé, 2025, ch. 5, art. 1]

j) la personne visée aux alinéas (1)k) ou m) est réputée être citoyen au titre de l'alinéa en cause à partir du 1er janvier 1947;

k) la personne visée aux alinéas (1)o) ou q) est réputée être citoyen au titre de l'alinéa en cause à partir du 1er janvier 1947;

l) la personne visée aux alinéas (1)l) ou n) est réputée être citoyen au titre de l'alinéa en cause à partir du 1er avril 1949;

m) la personne visée aux alinéas (1)p) ou r) est réputée être citoyen au titre de l'alinéa en cause à partir du 1er avril 1949.

Restriction

(8) Le paragraphe (7), en ce qui a trait à toute période antérieure à la date à laquelle la présomption qui y est prévue prend effet à l'égard d'une personne :

a) n'a pas pour effet de conférer des droits, pouvoirs et avantages ou d'imposer des devoirs, obligations et responsabilités sous le régime de toute loi fédérale autre que la présente loi ou de toute autre règle de droit à cette personne ou à quiconque pourrait en avoir du fait que cette personne a obtenu la citoyenneté;

b) ne peut servir de fondement à aucune action ou autre procédure en dommages-intérêts contre Sa

in right of Canada or any officers, employees or agents of Her Majesty in right of Canada in respect of anything done or omitted to be done during that period.

Definition of *by way of grant*

(9) In subsections (2.1) to (2.5), (6.2) and (6.5), ***by way of grant*** means by way of grant under this Act or under prior legislation, by way of acquisition under this Act or by way of resumption under prior legislation.

R.S., 1985, c. C-29, s. 3; 1995, c. 5, s. 25; 2007, c. 24, s. 1; 2008, c. 14, ss. 2, 13; 2014, c. 22, s. 2; 2025, c. 5, s. 1.

Deserted child

4 (1) For the purposes of paragraph 3(1)(a), every person who, before apparently attaining the age of seven years, was found as a deserted child in Canada shall be deemed to have been born in Canada, unless the contrary is proved within seven years from the date the person was found.

Child born after death of parent

(2) For the purposes of paragraph 3(1)(b), subsection 3(2) and subparagraph 3(3)(a)(i), if a child is born after the death of either of their parents, the child is deemed to have been born before the death of that parent.

(3) [Repealed, 2008, c. 14, s. 3]

R.S., 1985, c. C-29, s. 4; 2008, c. 14, s. 3; 2025, c. 5, s. 2.

Grant of citizenship

5 (1) The Minister shall grant citizenship to any person who

(a) makes application for citizenship;

(b) [Repealed, 2017, c. 14, s. 1]

(c) is a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*, has, subject to the regulations, no unfulfilled conditions under that Act relating to his or her status as a permanent resident and has

(i) been physically present in Canada for at least 1,095 days during the five years immediately before the date of his or her application, and

(ii) [Repealed, 2017, c. 14, s. 1]

(iii) met any applicable requirement under the *Income Tax Act* to file a return of income in respect of three taxation years that are fully or partially within the five years immediately before the date of his or her application;

Majesté du chef du Canada ou ses fonctionnaires, employés ou mandataires pour un fait — acte ou omission — accompli pendant cette période.

Définition de *obtenir la citoyenneté par attribution*

(9) Aux paragraphes (2.1) à (2.5), (6.2) et (6.5), ***obtenir la citoyenneté par attribution*** s'entend du fait d'obtenir la citoyenneté par attribution en vertu de la présente loi ou de la législation antérieure, par acquisition en vertu de la présente loi ou par reprise en vertu de la législation antérieure.

L.R. (1985), ch. C-29, art. 3; 1995, ch. 5, art. 25; 2007, ch. 24, art. 1; 2008, ch. 14, art. 2 et 13; 2014, ch. 22, art. 2; 2025, ch. 5, art. 1.

Enfant abandonné

4 (1) Pour l'application de l'alinéa 3(1)a), l'enfant abandonné trouvé au Canada avant l'âge apparent de sept ans est réputé être né au Canada sauf preuve du contraire faite dans les sept ans qui suivent la date à laquelle il a été trouvé.

Enfant né après le décès d'un de ses parents

(2) Pour l'application de l'alinéa 3(1)b), du paragraphe 3(2) et du sous-alinéa 3(3)a)(i), l'enfant né après le décès de son père ou de sa mère est réputé être né avant ce décès.

(3) [Abrogé, 2008, ch. 14, art. 3]

L.R. (1985), ch. C-29, art. 4; 2008, ch. 14, art. 3; 2025, ch. 5, art. 2.

Attribution de la citoyenneté

5 (1) Le ministre attribue la citoyenneté à toute personne qui, à la fois :

a) en fait la demande;

b) [Abrogé, 2017, ch. 14, art. 1]

c) est un résident permanent au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés*, a, sous réserve des règlements, satisfait à toute condition rattachée à son statut de résident permanent en vertu de cette loi et :

(i) a été effectivement présente au Canada pendant au moins mille quatre-vingt-quinze jours au cours des cinq ans qui ont précédé la date de sa demande,

(ii) [Abrogé, 2017, ch. 14, art. 1]

(iii) a rempli toute exigence applicable prévue par la *Loi de l'impôt sur le revenu* de présenter une déclaration de revenu pour trois des années d'imposition complètement ou partiellement comprises

(c.1) [Repealed, 2017, c. 14, s. 1]

(d) if 18 years of age or more but less than 55 years of age at the date of his or her application, has an adequate knowledge of one of the official languages of Canada;

(e) if 18 years of age or more but less than 55 years of age at the date of his or her application, demonstrates in one of the official languages of Canada that he or she has an adequate knowledge of Canada and of the responsibilities and privileges of citizenship; and

(f) is not under a removal order and is not the subject of a declaration by the Governor in Council made pursuant to section 20.

Length of physical presence — calculation

(1.001) For the purpose of subparagraph (1)(c)(i), the length of physical presence is calculated in the following manner:

(a) for every day during which the person was physically present in Canada as a temporary resident or protected person under the *Immigration and Refugee Protection Act* before becoming a permanent resident, the person accumulates half of a day of physical presence, up to a maximum of 365 days; and

(b) for every day during which the person has been physically present in Canada since becoming a permanent resident, the person accumulates one day of physical presence.

Period of physical presence — spouse or common-law partner of citizen

(1.01) Any day during which an applicant for citizenship resided with the applicant's spouse or common-law partner who at the time was a Canadian citizen and was employed outside Canada in or with the Canadian Armed Forces, the federal public administration or the public service of a province, otherwise than as a locally engaged person, shall be treated as equivalent to one day of physical presence in Canada for the purposes of paragraphs (1)(c) and 11(1)(d).

Period of physical presence — permanent residents

(1.02) Any day during which an applicant for citizenship was a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act* and was employed outside Canada in or with the Canadian Armed Forces, the federal public administration or the public service of a province, otherwise than as a

dans les cinq ans qui ont précédé la date de sa demande;

c.1) [Abrogé, 2017, ch. 14, art. 1]

d) si elle a 18 ans ou plus mais moins de 55 ans à la date de sa demande, a une connaissance suffisante de l'une des langues officielles du Canada;

e) si elle a 18 ans ou plus mais moins de 55 ans à la date de sa demande, démontre dans l'une des langues officielles du Canada qu'elle a une connaissance suffisante du Canada et des responsabilités et avantages conférés par la citoyenneté;

f) n'est pas sous le coup d'une mesure de renvoi et n'est pas visée par une déclaration du gouverneur en conseil faite en application de l'article 20.

Durée de présence effective — calcul

(1.001) Pour l'application du sous-alinéa (1)c)(i), la durée de présence effective est calculée de la manière suivante :

a) pour chaque jour où la personne est effectivement présente au Canada à titre de résident temporaire ou de personne protégée selon la *Loi sur l'immigration et la protection des réfugiés*, avant de devenir résident permanent, est compté un demi-jour, pour un maximum de trois cent soixante-cinq jours;

b) pour chaque jour où elle est effectivement présente au Canada après être devenue résident permanent, est compté un jour.

Période de présence effective — époux ou conjoint de fait d'un citoyen

(1.01) Est assimilé à un jour de présence effective au Canada pour l'application des alinéas (1)c) et 11(1)d) tout jour pendant lequel l'auteur d'une demande de citoyenneté a résidé avec son époux ou conjoint de fait alors que celui-ci était citoyen et était, sans avoir été engagé sur place, au service, à l'étranger, des Forces armées canadiennes ou de l'administration publique fédérale ou de celle d'une province.

Période de présence effective — résidents permanents

(1.02) Est assimilé à un jour de présence effective au Canada pour l'application des alinéas (1)c) et 11(1)d) tout jour pendant lequel l'auteur d'une demande de citoyenneté était résident permanent au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés* et était, sans avoir été engagé sur place, au service, à

locally engaged person, shall be treated as equivalent to one day of physical presence in Canada for the purposes of paragraphs (1)(c) and 11(1)(d).

Period of physical presence — residing with permanent residents

(1.03) Any day during which an applicant for citizenship was the spouse or common-law partner, or child, of a permanent resident referred to in subsection (1.02) and resided with that permanent resident shall be treated as equivalent to one day of physical presence in Canada for the purposes of paragraphs (1)(c) and 11(1)(d).

Application — minor

(1.04) When the application referred to in paragraph (1)(a) is in respect of a minor, it must be

(a) made by a person who has custody of the minor or who is empowered to act on their behalf by virtue of a court order or written agreement or by operation of law, unless otherwise ordered by a court; and

(b) countersigned by the minor, if the minor has attained the age of 14 years on or before the day on which the application is made and is not prevented from understanding the significance of the application because of a mental disability.

Application made by minor

(1.05) If the Minister waives the requirement set out in paragraph (1.04)(a) under subparagraph (3)(b)(v), the application referred to in paragraph (1)(a) may be made by the minor.

(1.1) [Repealed, 2017, c. 14, s. 1]

Canadian Armed Forces — permanent resident

(1.2) Paragraph (1)(c) does not apply to a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act* who has, subject to the regulations, no unfulfilled conditions under that Act relating to his or her status as a permanent resident and who

(a) during the six years immediately before the date of his or her application, completed three years of service in the Canadian Armed Forces; and

(b) has met any applicable requirement under the *Income Tax Act* to file a return of income in respect of three taxation years that are fully or partially within the six years immediately before the date of his or her application.

l'étranger, des Forces armées canadiennes ou de l'administration publique fédérale ou de celle d'une province.

Période de présence effective — les personnes résidant avec le résident permanent

(1.03) Dans le cas où l'auteur d'une demande de citoyenneté était l'époux ou le conjoint de fait ou l'enfant d'un résident permanent visé au paragraphe (1.02), est assimilé à un jour de présence effective au Canada pour l'application des alinéas (1)c) et 11(1)d) tout jour pendant lequel l'époux, le conjoint de fait ou l'enfant a résidé avec ce résident permanent.

Demande qui concerne un mineur

(1.04) La demande visée à l'alinéa (1)a) qui concerne un mineur est :

a) faite par une personne qui a la garde du mineur ou qui est habilitée à agir en son nom en vertu d'une ordonnance judiciaire ou d'un accord écrit ou par l'effet de la loi, à moins qu'il en soit ordonné autrement par un tribunal;

b) contresignée par le mineur, s'il est âgé de quatorze ans ou plus à la date de la présentation de la demande et s'il n'est pas incapable de saisir la portée de la demande en raison d'une déficience mentale.

Demande faite par le mineur

(1.05) Si le ministre exempte une personne de la condition prévue à l'alinéa (1.04)a) en vertu du sous-alinéa (3)b)(v), la demande visée à l'alinéa (1)a) peut être faite par le mineur.

(1.1) [Abrogé, 2017, ch. 14, art. 1]

Forces armées canadiennes — résident permanent

(1.2) L'alinéa (1)c) ne s'applique pas au résident permanent, au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés*, qui a, sous réserve des règlements, satisfait à toute condition rattachée à son statut de résident permanent en vertu de cette loi et qui, à la fois :

a) a accumulé trois années de service dans les Forces armées canadiennes au cours des six ans qui ont précédé la date de sa demande;

b) a rempli toute exigence applicable prévue par la *Loi de l'impôt sur le revenu* de présenter une déclaration de revenu pour trois des années d'imposition complètement ou partiellement comprises dans les six ans qui ont précédé la date de sa demande.

However, paragraph (1)(c) does apply to the permanent resident if he or she was released other than honourably from the Canadian Armed Forces.

Canadian Armed Forces — person attached or seconded

(1.3) Paragraph (1)(c) does not apply to a person who is or was attached or seconded to the Canadian Armed Forces and who, within the six years immediately before the date of his or her application, completed three years of service with the Canadian Armed Forces.

Grant of citizenship

(2) The Minister shall grant citizenship to any person who is a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act* and is the minor child of a citizen, if

(a) an application for citizenship is made to the Minister by a person authorized by regulation to make the application on behalf of the minor child; and

(b) the person has, subject to the regulations, no unfulfilled conditions under that Act relating to his or her status as a permanent resident.

(c) and (d) [Repealed, 2017, c. 14, s. 1]

Waiver by Minister on compassionate grounds

(3) The Minister may, in his or her discretion, after having reviewed a person's particular circumstances, waive on compassionate grounds,

(a) in the case of any person, the requirements of paragraph (1)(d) or (e);

(b) in the case of a minor,

(i) [Repealed, 2017, c. 14, s. 1]

(ii) the requirement respecting length of physical presence in Canada set out in paragraph (1)(c),

(iii) [Repealed, 2017, c. 14, s. 1]

(iv) the requirement respecting the taking of the oath of citizenship, or

(v) the requirement respecting who may make an application in respect of a minor set out in paragraph (1.04)(a); and

(b.1) [Repealed, 2017, c. 14, s. 1]

(c) in the case of any person who is prevented from understanding the significance of taking the oath of

Toutefois, l'alinéa (1)c) s'applique à lui s'il a été libéré des Forces armées canadiennes autrement qu'honorablement.

Forces armées canadiennes — personne affectée ou détachée

(1.3) L'alinéa (1)c) ne s'applique pas à la personne qui est ou a été affectée ou détachée auprès des Forces armées canadiennes et qui, dans les six ans qui ont précédé la date de sa demande, a accumulé auprès de celles-ci trois années de service.

Attribution de la citoyenneté

(2) Le ministre attribue en outre la citoyenneté à l'enfant mineur d'un citoyen qui est résident permanent au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés* si les conditions suivantes sont réunies :

a) la demande lui est présentée par la personne autorisée par règlement à représenter le mineur;

b) le mineur a, sous réserve des règlements, satisfait à toute condition rattachée à son statut de résident permanent en vertu de cette loi.

c) et d) [Abrogés, 2017, ch. 14, art. 1]

Dispenses

(3) Pour des raisons d'ordre humanitaire, le ministre a le pouvoir discrétionnaire d'exempter, après examen de ses circonstances particulières :

a) toute personne des conditions prévues aux alinéas (1)d) ou e);

b) dans le cas d'un mineur :

(i) [Abrogé, 2017, ch. 14, art. 1]

(ii) de la condition relative à la durée de présence effective au Canada, énoncée à l'alinéa (1)c),

(iii) [Abrogé, 2017, ch. 14, art. 1]

(iv) de la condition relative à la prestation du serment de citoyenneté,

(v) de la condition relative à la personne qui peut faire une demande concernant un mineur, énoncée à l'alinéa (1.04)a);

b.1) [Abrogé, 2017, ch. 14, art. 1]

citizenship by reason of a mental disability, the requirement to take the oath.

Disabled persons

(3.1) For the purposes of this section, if an applicant for citizenship is a disabled person, the Minister shall take into consideration the measures that are reasonable to accommodate the needs of that person.

Special cases

(4) Despite any other provision of this Act, the Minister may, in his or her discretion, grant citizenship to any person to alleviate cases of statelessness or of special and unusual hardship or to reward services of an exceptional value to Canada.

Statelessness — bloodline connection

(5) The Minister shall, on application, grant citizenship to a person who

(a) is born outside Canada on or after the day on which *An Act to amend the Citizenship Act (2025)* comes into force;

(b) has a birth parent who was a citizen at the time of the birth;

(c) is less than 23 years of age;

(d) has been physically present in Canada for at least 1,095 days during the four years immediately before the date of his or her application;

(e) has always been stateless; and

(f) has not been convicted of any of the following offences:

(i) a terrorism offence, as defined in section 2 of the *Criminal Code*,

(ii) an offence under section 47, 51 or 52 of the *Criminal Code*,

(iii) an offence under subsection 5(1) or any of sections 6 and 16 to 22 of the *Foreign Interference and Security of Information Act*, or

(iv) a conspiracy or an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence referred to in subparagraph (ii) or (iii).

c) dans le cas d'une personne incapable de saisir la portée du serment de citoyenneté en raison d'une déficience mentale, de l'exigence de prêter ce serment.

Personnes handicapées

(3.1) Pour l'application du présent article, le ministre prend en compte les mesures d'accommodement raisonnables pour répondre aux besoins de l'auteur d'une demande de citoyenneté qui est une personne handicapée.

Cas particuliers

(4) Malgré les autres dispositions de la présente loi, le ministre a le pouvoir discrétionnaire d'attribuer la citoyenneté à toute personne afin de remédier à une situation d'apatridie ou à une situation particulière et inhabituelle de détresse ou de récompenser des services exceptionnels rendus au Canada.

Apatridie : droit de sang

(5) Le ministre attribue, sur demande, la citoyenneté à quiconque remplit les conditions suivantes :

a) il est né à l'étranger à la date d'entrée en vigueur de la *Loi modifiant la Loi sur la citoyenneté (2025)* ou après cette date;

b) l'un de ses parents naturels avait qualité de citoyen au moment de sa naissance;

c) il est âgé de moins de vingt-trois ans;

d) il a été effectivement présent au Canada pendant au moins mille quatre-vingt-quinze jours au cours des quatre ans précédant la date de sa demande;

e) il a toujours été apatride;

f) il n'a jamais été déclaré coupable de l'une des infractions suivantes :

(i) l'infraction de terrorisme au sens de l'article 2 du *Code criminel*,

(ii) l'infraction visée aux articles 47, 51 ou 52 du *Code criminel*,

(iii) l'infraction visée au paragraphe 5(1) ou à l'un des articles 6 et 16 à 22 de la *Loi sur l'ingérence étrangère et la protection de l'information*,

(iv) le complot ou la tentative en vue de commettre l'infraction visée aux sous-alinéas (ii) ou (iii) ou, relativement à une telle infraction, la complicité après le fait ou l'encouragement à la perpétration.

No oath required

(6) A person who is granted citizenship under subsection (5) is not required to take the oath of citizenship.

R.S., 1985, c. C-29, s. 5; R.S., 1985, c. 44 (3rd Supp.), s. 1; 1992, c. 21, s. 7; 2000, c. 12, s. 75; 2001, c. 27, s. 228; 2003, c. 22, s. 149(E); 2008, c. 14, s. 4; 2014, c. 22, s. 3; 2017, c. 14, s. 1; 2024, c. 16, s. 57; 2025, c. 5, s. 3.

Aucun serment exigé

(6) La personne à qui la citoyenneté est attribuée au titre du paragraphe (5) n'est pas tenue de prêter le serment de citoyenneté.

L.R. (1985), ch. C-29, art. 5; L.R. (1985), ch. 44 (3e suppl.), art. 1; 1992, ch. 21, art. 7; 2000, ch. 12, art. 75; 2001, ch. 27, art. 228; 2003, ch. 22, art. 149(A); 2008, ch. 14, art. 4; 2014, ch. 22, art. 3; 2017, ch. 14, art. 1; 2024, ch. 16, art. 57; 2025, ch. 5, art. 3.

Adoptees — minors

5.1 (1) Subject to subsections (3) and (4), the Minister shall, on application, grant citizenship to a person who, while a minor child, was adopted by a citizen on or after January 1, 1947, was adopted before that day by a person who became a citizen on that day, or was adopted before April 1, 1949 by a person who became a citizen on that later day further to the union of Newfoundland and Labrador with Canada, if the adoption

(a) was in the best interests of the child;

(b) created a genuine relationship of parent and child;

(c) was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen;

(c.1) did not occur in a manner that circumvented the legal requirements for international adoptions; and

(d) was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.

Cas de personnes adoptées — mineurs

5.1 (1) Sous réserve des paragraphes (3) et (4), le ministre attribue, sur demande, la citoyenneté soit à la personne adoptée avant le 1er janvier 1947 par une personne qui a obtenu qualité de citoyen à cette date — ou avant le 1er avril 1949 par une personne qui a obtenu qualité de citoyen à cette date par suite de l'adhésion de Terre-Neuve-et-Labrador à la Fédération canadienne — soit à la personne adoptée par un citoyen le 1er janvier 1947 ou subséquemment, lorsqu'elle était un enfant mineur. L'adoption doit par ailleurs satisfaire aux conditions suivantes :

a) elle a été faite dans l'intérêt supérieur de l'enfant;

b) elle a créé un véritable lien affectif parent-enfant entre l'adoptant et l'adopté;

c) elle a été faite conformément au droit du lieu de l'adoption et du pays de résidence de l'adoptant;

c.1) elle a été faite d'une façon qui n'a pas eu pour effet de contourner les exigences du droit applicable aux adoptions internationales;

d) elle ne visait pas principalement l'acquisition d'un statut ou d'un privilège relatifs à l'immigration ou à la citoyenneté.

Adoptees — adults

(2) Subject to subsections (3) and (4), the Minister shall, on application, grant citizenship to a person who, while at least 18 years of age, was adopted by a citizen on or after January 1, 1947, was adopted before that day by a person who became a citizen on that day, or was adopted before April 1, 1949 by a person who became a citizen on that later day further to the union of Newfoundland and Labrador with Canada, if

(a) there was a genuine relationship of parent and child between the person and the adoptive parent before the person attained the age of 18 years and at the time of the adoption; and

(b) the adoption meets the requirements set out in paragraphs (1)(c) to (d).

Cas de personnes adoptées — adultes

(2) Sous réserve des paragraphes (3) et (4), le ministre attribue, sur demande, la citoyenneté soit à la personne adoptée avant le 1er janvier 1947 par une personne qui a obtenu qualité de citoyen à cette date — ou avant le 1er avril 1949 par une personne qui a obtenu qualité de citoyen à cette date par suite de l'adhésion de Terre-Neuve-et-Labrador à la Fédération canadienne — soit à la personne adoptée par un citoyen le 1er janvier 1947 ou subséquemment, lorsqu'elle était âgée de dix-huit ans ou plus, si les conditions suivantes sont remplies :

a) il existait un véritable lien affectif parent-enfant entre l'adoptant et l'adopté avant que celui-ci n'atteigne l'âge de dix-huit ans et au moment de l'adoption;

b) l'adoption satisfait aux conditions prévues aux alinéas (1)c) à d).

Quebec adoptions

(3) Subject to subsection (4), the Minister shall, on application, grant citizenship to a person in respect of whose adoption, by a citizen who is subject to Quebec law governing adoptions, a decision was made abroad on or after January 1, 1947 — or to a person in respect of whose adoption, by a person who became a citizen on that day and who is subject to Quebec law governing adoptions, a decision was made abroad before that day — if

(a) the Quebec authority responsible for international adoptions advises, in writing, that in its opinion the adoption meets the requirements of Quebec law governing adoptions; and

(b) the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.

Not applicable — after first generation

(4) No person who is adopted on or after the day on which *An Act to amend the Citizenship Act (2025)* comes into force may be granted citizenship under any of subsections (1) to (3)

(a) if

(i) at the time of the person's adoption

(A) only one of the person's adoptive parents was a citizen and that adoptive parent was a citizen under any of paragraphs 3(1)(b), (c.1), (e), (g) to (j) and (o) to (r) and was born outside Canada,

(B) only one of the person's adoptive parents was a citizen and that adoptive parent was a citizen under paragraph 3(1)(f) and was born outside Canada to a parent who was a citizen at the time of the adoptive parent's birth, or

(C) both of the person's adoptive parents were citizens under any of paragraphs 3(1)(b), (c.1), (e) to (j) and (o) to (r) and were born outside Canada and, in the case of an adoptive parent who was a citizen under paragraph 3(1)(f), that adoptive parent was born to a parent who was a citizen at the time of the adoptive parent's birth, and

(ii) neither of the person's adoptive parents who was a citizen was physically present in Canada for at least 1,095 days before the person's adoption; or

(b) if

Adoptants du Québec

(3) Sous réserve du paragraphe (4), le ministre attribue, sur demande, la citoyenneté à toute personne faisant l'objet d'une décision rendue à l'étranger prononçant son adoption soit le 1er janvier 1947 ou subséquemment, par un citoyen assujetti à la législation québécoise régissant l'adoption, soit avant cette date, par une personne qui a obtenu qualité de citoyen le 1er janvier 1947 et qui est assujettie à cette législation, si les conditions suivantes sont remplies :

a) l'autorité du Québec responsable de l'adoption internationale déclare par écrit qu'elle estime l'adoption conforme aux exigences du droit québécois régissant l'adoption;

b) l'adoption ne visait pas principalement l'acquisition d'un statut ou d'un privilège relatifs à l'immigration ou à la citoyenneté.

Inapplicabilité après la première génération

(4) La citoyenneté ne peut être attribuée, sous le régime de l'un des paragraphes (1) à (3), à la personne qui a été adoptée à la date d'entrée en vigueur de la *Loi modifiant la Loi sur la citoyenneté (2025)* ou après cette date et dont :

a) ou bien :

(i) d'une part, au moment de l'adoption :

(A) soit seul le père adoptif ou la mère adoptive avait qualité de citoyen, et ce, au titre de l'un des alinéas 3(1)b), c.1), e), g) à j) et o) à r), en plus d'être né à l'étranger,

(B) soit seul le père adoptif ou la mère adoptive avait qualité de citoyen, et ce, au titre de l'alinéa 3(1)f), en plus d'être né à l'étranger d'un parent qui avait alors qualité de citoyen,

(C) soit le père adoptif et la mère adoptive avaient tous deux qualité de citoyen, et ce, au titre de l'un des alinéas 3(1)b), c.1), e) à j) et o) à r), en plus d'être nés à l'étranger et, dans le cas d'un père adoptif ou d'une mère adoptive qui avait qualité de citoyen au titre de l'alinéa 3(1)f), d'être né d'un parent qui avait alors qualité de citoyen,

(ii) d'autre part, ni le père adoptif ni la mère adoptive — ayant qualité de citoyen — n'avait été effectivement présent au Canada pendant au moins mille quatre-vingt-quinze jours avant l'adoption;

b) ou bien :

(i) at any time, only one of the person's adoptive parents was a citizen and that adoptive parent was a citizen under any of the provisions referred to in clauses 3(3)(b)(i)(A) to (H) or both of the person's adoptive parents were citizens under any of those provisions, and

(ii) neither of the person's adoptive parents who was a citizen was physically present in Canada for at least 1,095 days before the person's adoption.

(i) d'une part, à un moment donné, seul le père adoptif ou la mère adoptive avait qualité de citoyen, et ce, au titre de l'une des dispositions visées aux divisions 3(3)b)(i)(A) à (H), ou les parents adoptifs avaient tous deux cette qualité au titre de l'une de ces dispositions,

(ii) d'autre part, ni le père adoptif ni la mère adoptive — ayant qualité de citoyen — n'avait été effectivement présent au Canada pendant au moins mille quatre-vingt-quinze jours avant l'adoption.

Exception — child or grandchild of person in service abroad

(5) Subsection (4) does not apply to a person who was

(a) adopted by a parent who, at the time of the person's adoption, was employed outside Canada in or with the Canadian Armed Forces, the federal public administration or the public service of a province, otherwise than as a locally engaged person;

(b) adopted by a parent one or both of whose parents, at the time of that parent's birth, were employed outside Canada in or with the Canadian Armed Forces, the federal public administration or the public service of a province, otherwise than as a locally engaged person; or

(c) adopted by a parent one or both of whose adoptive parents, at the time of that parent's adoption, were employed outside Canada in or with the Canadian Armed Forces, the federal public administration or the public service of a province, otherwise than as a locally engaged person.

Exception — enfant ou petit-enfant d'une personne en service à l'étranger

(5) Le paragraphe (4) ne s'applique pas :

a) à la personne dont, au moment de son adoption, le ou les parents adoptifs étaient, sans avoir été engagés sur place, au service, à l'étranger, des Forces armées canadiennes ou de l'administration publique fédérale ou de celle d'une province;

b) à la personne adoptée par un parent dont, au moment de la naissance de celui-ci, le ou les parents étaient, sans avoir été engagés sur place, au service, à l'étranger, des Forces armées canadiennes ou de l'administration publique fédérale ou de celle d'une province;

c) à la personne adoptée par un parent dont, au moment de l'adoption de celui-ci, le ou les parents adoptifs étaient, sans avoir été engagés sur place, au service, à l'étranger, des Forces armées canadiennes ou de l'administration publique fédérale ou de celle d'une province.

Death of parent

(6) A person who would not be granted citizenship under any of subsections (1) to (3) for the sole reason that their adoptive parent or both their adoptive parent and their adoptive parent's parent died before the coming into force of *An Act to amend the Citizenship Act (2025)* may be granted citizenship under that subsection if that adoptive parent — or both that adoptive parent and that adoptive parent's parent — but for their death, would have been a citizen as a result of the coming into force of that Act.

2007, c. 24, s. 2; 2008, c. 14, s. 13; 2014, c. 22, s. 4; 2025, c. 5, s. 4.

Décès du parent

(6) Toute personne qui ne pourrait se voir attribuer la citoyenneté sous le régime de l'un des paragraphes (1) à (3) pour la seule raison que, à l'entrée en vigueur de la *Loi modifiant la Loi sur la citoyenneté (2025)*, son père adoptif ou sa mère adoptive est décédé — ou son père adoptif ou sa mère adoptive ainsi que le père ou la mère de celui-ci ou de celle-ci sont décédés — peut se voir attribuer la citoyenneté sous le régime du paragraphe en cause si, n'eût été ce décès, le père adoptif ou la mère adoptive — ou le père adoptif ou la mère adoptive ainsi que le père ou la mère de celui-ci ou de celle-ci — aurait eu qualité de citoyen par suite de l'entrée en vigueur de cette loi.

2007, ch. 24, art. 2; 2008, ch. 14, art. 13; 2014, ch. 22, art. 4; 2025, ch. 5, art. 4.

Citizenship by way of grant under section 5.1 — grandchild of person in service abroad

5.2 A person born outside Canada who was adopted by a parent referred to in paragraph (a) or (b) and who is either a citizen under prior legislation or the former Act — other than under any provision referred to in any of clauses 3(3)(b)(i)(A) to (H) — or was granted citizenship under paragraph 5(2)(a) of this Act, as it read before April 17, 2009, or under subsection 5(1), (2), or (4) or 11(1) of this Act is deemed, as of the coming into force of this section, to have been granted citizenship under section 5.1:

(a) a parent one or both of whose parents, at the time of that parent's birth, were employed outside Canada in or with the Canadian Armed Forces, the federal public administration or the public service of a province, otherwise than as a locally engaged person; or

(b) a parent one or both of whose adoptive parents, at the time of that parent's adoption, were employed outside Canada in or with the Canadian Armed Forces, the federal public administration or the public service of a province, otherwise than as a locally engaged person.

2014, c. 22, s. 5; 2025, c. 5, s. 5.

Citoyenneté par attribution sous le régime de l'article 5.1 — petit-enfant d'une personne en service à l'étranger

5.2 La personne née à l'étranger qui est adoptée par un parent visé aux alinéas a) ou b) et qui soit a qualité de citoyen au titre d'une disposition — autre que celles visées aux divisions 3(3)b)(i)(A) à (H) — de la législation antérieure ou de l'ancienne loi, soit a obtenu la citoyenneté par attribution sous le régime de l'alinéa 5(2)a) de la présente loi, dans ses versions antérieures au 17 avril 2009, ou des paragraphes 5(1), (2) ou (4) ou 11(1) de la présente loi, est réputée, à compter de l'entrée en vigueur du présent article, avoir obtenu la citoyenneté par attribution sous le régime de l'article 5.1 :

a) le parent dont, au moment de sa naissance, le ou les parents étaient, sans avoir été engagés sur place, au service, à l'étranger, des Forces armées canadiennes ou de l'administration publique fédérale ou de celle d'une province;

b) le parent dont, au moment de son adoption, le ou les parents adoptifs étaient, sans avoir été engagés sur place, au service, à l'étranger, des Forces armées canadiennes ou de l'administration publique fédérale ou de celle d'une province.

2014, ch. 22, art. 5; 2025, ch. 5, art. 5.

Rights and obligations

6 A citizen, whether or not born in Canada, is entitled to all rights, powers and privileges and is subject to all obligations, duties and liabilities to which a person who is a citizen under paragraph 3(1)(a) is entitled or subject and has a like status to that of such person.

1974-75-76, c. 108, s. 5.

Droits et obligations

6 Tout citoyen, qu'il soit né ou non au Canada, jouit des droits, pouvoirs et avantages conférés aux citoyens qui ont cette qualité aux termes de l'alinéa 3(1)a); il est assujetti aux mêmes devoirs, obligations et responsabilités, et son statut est le même.

1974-75-76, ch. 108, art. 5.

PART II

Loss of Citizenship

No loss except as provided

7 A person who is a citizen shall not cease to be a citizen except in accordance with this Part or regulations made under paragraph 27(1)(j.1).

R.S., 1985, c. C-29, s. 7; 2008, c. 14, s. 5; 2014, c. 22, s. 6.

8 [Repealed, 2008, c. 14, s. 6]

Renunciation of citizenship

9 (1) Subject to subsection (2.1), a citizen may, on application, renounce his citizenship if he

PARTIE II

Perte de la citoyenneté

Perte de la citoyenneté

7 Le citoyen ne peut perdre sa citoyenneté que dans les cas prévus à la présente partie ou aux règlements pris en vertu de l'alinéa 27(1)j.1).

L.R. (1985), ch. C-29, art. 7; 2008, ch. 14, art. 5; 2014, ch. 22, art. 6.

8 [Abrogé, 2008, ch. 14, art. 6]

Faculté de répudiation

9 (1) Sous réserve du paragraphe (2.1), peut demander à répudier sa citoyenneté le citoyen qui :

(a) is a citizen of a country other than Canada or, if his application is accepted, will become a citizen of a country other than Canada;

(b) is not the subject of a declaration by the Governor in Council made pursuant to section 20;

(c) is not a minor;

(d) is not prevented from understanding the significance of renouncing citizenship by reason of the person having a mental disability; and

(e) does not reside in Canada.

a) possède une nationalité étrangère ou l'obtiendra si sa demande de répudiation est acceptée;

b) n'est pas visé par une déclaration du gouverneur en conseil faite en application de l'article 20;

c) n'est pas un mineur;

d) n'est pas incapable de saisir la portée de répudier sa citoyenneté en raison d'une déficience mentale;

e) ne réside pas au Canada.

Ministerial discretion to waive requirements

(2) The Minister may, in the Minister's discretion, waive on compassionate grounds the requirements of paragraph (1)(d) or (e).

Dispenses

(2) Pour des raisons humanitaires, le ministre a le pouvoir discrétionnaire d'exempter les intéressés des conditions prévues aux alinéas (1)d) ou e).

Exception

(2.1) No application for renunciation may be made if the Minister has provided the applicant with a notice referred to in subsection 10(3) or has commenced an action under subsection 10.1(1) for a declaration in respect of the applicant until the Minister provides the applicant with his or her decision under subsection 10(5) or a final judgment has been rendered in that action, as the case may be.

Exception

(2.1) Nulle demande de répudiation ne peut être présentée si le ministre a donné au demandeur l'avis visé au paragraphe 10(3) ou si une action intentée par le ministre en vertu du paragraphe 10.1(1) pour obtenir une déclaration à l'égard du demandeur est en instance, et ce tant que le ministre n'a pas communiqué sa décision au demandeur en application du paragraphe 10(5) ou qu'une décision finale n'a pas été rendue à l'égard de cette action, selon le cas.

Processing of application suspended

(2.2) If an application for renunciation is made and the Minister subsequently provides the applicant with a notice referred to in subsection 10(3) or commences an action under subsection 10.1(1) for a declaration in respect of the applicant, the processing of that application is suspended until the Minister provides the applicant with his or her decision under subsection 10(5) or a final judgment has been rendered in that action, as the case may be.

Suspension de l'examen de la demande

(2.2) Si le ministre, après qu'une demande de répudiation lui a été présentée, donne au demandeur l'avis visé au paragraphe 10(3) ou intente une action en vertu du paragraphe 10.1(1) pour obtenir une déclaration à l'égard du demandeur, l'examen de la demande est suspendu jusqu'à ce que le ministre communique sa décision au demandeur en application du paragraphe 10(5) ou jusqu'à ce qu'une décision finale soit rendue à l'égard de cette action, selon le cas.

Certificate of renunciation

(3) If an application under subsection (1) is approved by the Minister, the Minister shall issue a certificate of renunciation to the applicant and the applicant ceases to be a citizen after the expiration of the day on which the certificate is issued or any later day that the certificate may specify.

R.S., 1985, c. C-29, s. 9; 1992, c. 21, s. 8; 2014, c. 22, s. 7; 2017, c. 14, s. 2.

Certificat de répudiation

(3) Si le ministre approuve la demande présentée en vertu du paragraphe (1), il délivre un certificat de répudiation au demandeur, lequel perd sa citoyenneté soit à l'expiration du jour de délivrance du certificat, soit à la date ultérieure qui y est indiquée.

L.R. (1985), ch. C-29, art. 9; 1992, ch. 21, art. 8; 2014, ch. 22, art. 7; 2017, ch. 14, art. 2.

Revocation by Minister — fraud, false representation, etc.

10 (1) Subject to subsection 10.1(1), the Minister may revoke a person's citizenship or renunciation of

Révocation par le ministre — fraude, fausse déclaration, etc.

10 (1) Sous réserve du paragraphe 10.1(1), le ministre peut révoquer la citoyenneté d'une personne ou sa

citizenship if the Minister is satisfied on a balance of probabilities that the person has obtained, retained, renounced or resumed his or her citizenship by false representation or fraud or by knowingly concealing material circumstances.

répudiation lorsqu'il est convaincu, selon la prépondérance des probabilités, que l'acquisition, la conservation ou la répudiation de la citoyenneté de la personne ou sa réintégration dans celle-ci est intervenue par fraude ou au moyen d'une fausse déclaration ou de la dissimulation intentionnelle de faits essentiels.

(2) [Repealed, 2017, c. 14, s. 3]

(2) [Abrogé, 2017, ch. 14, art. 3]

Notice

(3) Before a person's citizenship or renunciation of citizenship may be revoked, the Minister shall provide the person with a written notice that

(a) advises the person of his or her right to make written representations;

(b) specifies the form and manner in which the representations must be made;

(c) sets out the specific grounds and reasons, including reference to materials, on which the Minister is relying to make his or her decision; and

(d) advises the person that the case will be referred to the Court unless the person requests that the case be decided by the Minister.

Avis

(3) Avant que la citoyenneté d'une personne ou sa répudiation ne puisse être révoquée, le ministre lui envoie un avis écrit dans lequel :

a) il l'informe qu'elle peut présenter des observations écrites;

b) il précise les modalités de présentation des observations;

c) il expose les motifs et les justifications, notamment les éléments de preuve, sur lesquels il fonde sa décision;

d) il l'informe que, sauf si elle lui demande de trancher l'affaire, celle-ci sera renvoyée à la Cour.

Representations and request for decision by Minister

(3.1) The person may, within 60 days after the day on which the notice is sent, or within any extended time that the Minister may allow for special reasons,

(a) make written representations with respect to the matters set out in the notice, including any considerations respecting his or her personal circumstances — such as the best interests of a child directly affected — that warrant special relief in light of all the circumstances of the case and whether the decision will render the person stateless; and

(b) request that the case be decided by the Minister.

Observations et demande que l'affaire soit tranchée par le ministre

(3.1) Dans les soixante jours suivant la date d'envoi de l'avis, ce délai pouvant toutefois être prorogé par le ministre pour motifs valables, la personne peut :

a) présenter des observations écrites sur ce dont il est question dans l'avis, notamment toute considération liée à sa situation personnelle — tel l'intérêt supérieur d'un enfant directement touché — justifiant, vu les autres circonstances de l'affaire, la prise de mesures spéciales ainsi que le fait que la décision la rendrait apatride, le cas échéant;

b) demander que l'affaire soit tranchée par le ministre.

Consideration of representations

(3.2) The Minister shall consider any representations received from the person pursuant to paragraph (3.1)(a) before making a decision.

Obligation de tenir compte des observations

(3.2) Le ministre tient compte de toute observation reçue au titre de l'alinéa (3.1)a) avant de rendre sa décision.

Hearing

(4) A hearing may be held if the Minister, on the basis of prescribed factors, is of the opinion that a hearing is required.

Audience

(4) Une audience peut être tenue si le ministre l'estime nécessaire compte tenu des facteurs réglementaires.

Referral to Court

(4.1) The Minister shall refer the case to the Court under subsection 10.1(1) unless

(a) the person has made written representations under paragraph (3.1)(a) and the Minister is satisfied

(i) on a balance of probabilities that the person has not obtained, retained, renounced or resumed his or her citizenship by false representation or fraud or by knowingly concealing material circumstances, or

(ii) that considerations respecting the person's personal circumstances warrant special relief in light of all the circumstances of the case; or

(b) the person has made a request under paragraph (3.1)(b).

Renvoi à la Cour

(4.1) Le ministre renvoie l'affaire à la Cour au titre du paragraphe 10.1(1) sauf si, selon le cas :

a) la personne a présenté des observations écrites en vertu de l'alinéa (3.1)a) et le ministre est convaincu que :

(i) soit, selon la prépondérance des probabilités, l'acquisition, la conservation ou la répudiation de la citoyenneté de la personne ou sa réintégration dans celle-ci n'est pas intervenue par fraude ou au moyen d'une fausse déclaration ou de la dissimulation intentionnelle de faits essentiels,

(ii) soit des considérations liées à sa situation personnelle justifient, vu les autres circonstances de l'affaire, la prise de mesures spéciales;

b) la personne a fait une demande en vertu de l'alinéa (3.1)b).

Notice of decision

(5) The Minister shall provide his or her decision to the person in writing.

R.S., 1985, c. C-29, s. 10; 2014, c. 22, s. 8; 2017, c. 14, s. 3.

Communication de la décision

(5) Le ministre communique sa décision par écrit à la personne.

L.R. (1985), ch. C-29, art. 10; 2014, ch. 22, art. 8; 2017, ch. 14, art. 3.

Revocation for fraud — declaration of Court

10.1 (1) Unless a person makes a request under paragraph 10(3.1)(b), the person's citizenship or renunciation of citizenship may be revoked only if the Minister seeks a declaration, in an action that the Minister commences, that the person has obtained, retained, renounced or resumed his or her citizenship by false representation or fraud or by knowingly concealing material circumstances and the Court makes such a declaration.

Révocation pour fraude — déclaration de la Cour

10.1 (1) Sauf si une personne fait une demande en vertu de l'alinéa 10(3.1)b), la citoyenneté de la personne ou sa répudiation ne peuvent être révoquées que si, à la demande du ministre, la Cour déclare, dans une action intentée par celui-ci, que l'acquisition, la conservation ou la répudiation de la citoyenneté de la personne ou sa réintégration dans celle-ci est intervenue par fraude ou au moyen d'une fausse déclaration ou de la dissimulation intentionnelle de faits essentiels.

(2) [Repealed, 2017, c. 14, s. 4]

(2) [Abrogé, 2017, ch. 14, art. 4]

Effect of declaration

(3) A declaration made under subsection (1) has the effect of revoking a person's citizenship or renunciation of citizenship.

Effet de la déclaration

(3) La déclaration visée au paragraphe (1) a pour effet de révoquer la citoyenneté de la personne ou la répudiation de la citoyenneté de celle-ci.

Proof

(4) For the purposes of subsection (1), if the Minister seeks a declaration that the person has obtained, retained, renounced or resumed his or her citizenship by false representation or fraud or by knowingly concealing material circumstances, with respect to a fact described in sections 34, 35, 35.1 or 37 of the *Immigration and Refugee Protection Act*, the Minister need prove only that the person has obtained, retained, renounced or resumed his or her citizenship by false representation or

Preuve

(4) Pour l'application du paragraphe (1), il suffit au ministre — qui demande à la Cour de déclarer que l'acquisition, la conservation ou la répudiation de la citoyenneté d'une personne ou sa réintégration dans celle-ci est intervenue par fraude ou au moyen d'une fausse déclaration ou de la dissimulation intentionnelle de faits essentiels concernant des faits visés à l'un des articles 34, 35, 35.1 et 37 de la *Loi sur l'immigration et la protection des réfugiés* — de prouver que celle-ci est intervenue par fraude

fraud or by knowingly concealing material circumstances.

2014, c. 22, s. 8; 2017, c. 14, s. 4; 2023, c. 19, s. 14.

Presumption

10.2 For the purposes of subsections 10(1) and 10.1(1), a person has obtained or resumed his or her citizenship by false representation or fraud or by knowingly concealing material circumstances if the person became a permanent resident, within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*, by false representation or fraud or by knowingly concealing material circumstances and, because of having acquired that status, the person subsequently obtained or resumed citizenship.

2014, c. 22, s. 8.

10.3 [Repealed, 2017, c. 14, s. 5]

10.4 [Repealed, 2017, c. 14, s. 5]

Inadmissibility

10.5 (1) On the request of the Minister of Public Safety and Emergency Preparedness, the Minister shall — in the originating document that commences an action under subsection 10.1(1) on the basis that the person obtained, retained, renounced or resumed his or her citizenship by false representation or fraud or by knowingly concealing material circumstances, with respect to a fact described in section 34, 35 or 37 of the *Immigration and Refugee Protection Act* other than a fact that is also described in paragraph 36(1)(a) or (b) or (2)(a) or (b) of that Act — seek a declaration that the person who is the subject of the action is inadmissible on security grounds, on grounds of violating human or international rights or on grounds of organized criminality under, respectively, subsection 34(1), paragraph 35(1)(a) or (b) or subsection 37(1) of the *Immigration and Refugee Protection Act*.

Party

(2) When a declaration is sought under subsection (1), the Minister of Public Safety and Emergency Preparedness becomes a party to the action commenced under subsection 10.1(1).

Removal order

(3) A declaration that the person is inadmissible on one of the grounds referred to in subsection (1) is a removal order against the person under the *Immigration and Refugee Protection Act* that comes into force when it is made, without the necessity of holding or continuing an examination or an admissibility hearing under that Act. The removal order is a deportation order as provided for in regulations made under that Act.

ou au moyen d'une fausse déclaration ou de la dissimulation intentionnelle de faits essentiels.

2014, ch. 22, art. 8; 2017, ch. 14, art. 4; 2023, ch. 19, art. 14.

Présomption

10.2 Pour l'application des paragraphes 10(1) et 10.1(1), a acquis la citoyenneté ou a été réintégrée dans celle-ci par fraude ou au moyen d'une fausse déclaration ou de la dissimulation intentionnelle de faits essentiels la personne ayant acquis la citoyenneté ou ayant été réintégrée dans celle-ci après être devenue un résident permanent, au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés*, par l'un de ces trois moyens.

2014, ch. 22, art. 8.

10.3 [Abrogé, 2017, ch. 14, art. 5]

10.4 [Abrogé, 2017, ch. 14, art. 5]

Interdiction de territoire

10.5 (1) À la requête du ministre de la Sécurité publique et de la Protection civile, le ministre demande, dans l'acte introductif d'instance de l'action intentée en vertu du paragraphe 10.1(1) au motif que l'acquisition, la conservation ou la répudiation de la citoyenneté de la personne ou sa réintégration dans celle-ci est intervenue par fraude ou au moyen d'une fausse déclaration ou de la dissimulation intentionnelle de faits essentiels liée à l'un ou l'autre des faits énoncés aux articles 34, 35 ou 37 de la *Loi sur l'immigration et la protection des réfugiés* sauf ceux énoncés aux alinéas 36(1)a) ou b) ou (2)a) ou b) de cette loi, que la personne soit déclarée interdite de territoire pour raison de sécurité, pour atteinte aux droits humains ou internationaux ou pour criminalité organisée au titre, respectivement, du paragraphe 34(1), des alinéas 35(1)a) ou b) ou du paragraphe 37(1) de cette loi.

Partie à l'action

(2) Dès lors que le ministre fait la demande visée au paragraphe (1), le ministre de la Sécurité publique et de la Protection civile devient partie à l'action intentée au titre du paragraphe 10.1(1).

Mesure de renvoi

(3) La déclaration portant interdiction de territoire constitue une mesure de renvoi contre l'intéressé aux termes de la *Loi sur l'immigration et la protection des réfugiés* qui prend effet dès qu'elle est faite, sans qu'il soit nécessaire de procéder au contrôle ou à l'enquête prévus par cette loi. La mesure de renvoi constitue une mesure d'expulsion au sens des règlements pris en vertu de la même loi.

Procedure

(4) If a declaration is sought under subsection (1), the Court shall first hear and decide all matters related to the declaration sought under subsection 10.1(1). If the Court denies the declaration sought under subsection 10.1(1), it shall also deny the declaration sought under subsection (1).

Evidence

(5) If a declaration sought under subsection (1) is not denied under subsection (4), the Court

(a) shall assess the facts — whether acts or omissions — alleged in support of the declaration on the basis of reasonable grounds to believe that they have occurred, are occurring or may occur;

(b) shall take into account the evidence already admitted by it and consider as conclusive any finding of fact already made by it in support of the declaration sought under subsection 10.1(1); and

(c) with respect to any additional evidence, is not bound by any legal or technical rules of evidence and may receive and base its decision on any evidence adduced in the proceedings that it considers credible or trustworthy in the circumstances.

Single judgment

(6) The Court shall issue a single judgment in respect of the declarations sought under subsections (1) and 10.1(1).

2014, c. 22, s. 8; 2017, c. 14, s. 5.1.

No appeal from interlocutory judgment

10.6 Despite paragraph 27(1)(c) of the *Federal Courts Act*, no appeal may be made from an interlocutory judgment made with respect to a declaration referred to in subsection 10.1(1) or 10.5(1).

2014, c. 22, s. 8; 2017, c. 14, s. 6.

No appeal unless question stated

10.7 An appeal to the Federal Court of Appeal may be made from a judgment under section 10.1 or 10.5 only if, in rendering judgment, the judge certifies that a serious question of general importance is involved and states the question.

2014, c. 22, s. 8.

Procédure

(4) Lorsque la déclaration visée au paragraphe (1) est demandée, la Cour entend et tranche d'abord toute question relative à la déclaration demandée au titre du paragraphe 10.1(1). Le rejet par la Cour de la déclaration demandée au titre du paragraphe 10.1(1) vaut rejet de la déclaration visée au titre du paragraphe (1).

Preuve

(5) Si elle n'a pas rejeté, en application du paragraphe (4), la demande faite au titre du paragraphe (1), la Cour :

a) apprécie les faits — actes ou omissions — qui sont allégués au soutien de la demande en fonction de l'existence de motifs raisonnables de croire qu'ils sont survenus, surviennent ou peuvent survenir;

b) prend en compte les éléments de preuve qu'elle a déjà admis au soutien de la demande faite au titre du paragraphe 10.1(1) et est liée par toute décision qu'elle a déjà prise sur une question de fait s'y rapportant;

c) n'est pas liée, à l'égard des éléments de preuve supplémentaires, par les règles juridiques ou techniques de présentation de la preuve et peut recevoir les éléments de preuve déjà traités dans le cadre de l'instance qu'elle juge crédibles ou dignes de foi en l'occurrence et fonder sa décision sur eux.

Jugement unique

(6) La Cour rend un seul jugement statuant sur les demandes faites au titre des paragraphes (1) et 10.1(1).

2014, ch. 22, art. 8; 2017, ch. 14, art. 5.1.

Jugements interlocutoires sans appel

10.6 Malgré l'alinéa 27(1)c) de la *Loi sur les Cours fédérales*, les jugements interlocutoires relatifs à une déclaration visée aux paragraphes 10.1(1) ou 10.5(1) ne sont pas susceptibles d'appel.

2014, ch. 22, art. 8; 2017, ch. 14, art. 6.

Question aux fins d'appel

10.7 Le jugement rendu au titre des articles 10.1 ou 10.5 n'est susceptible d'appel devant la Cour d'appel fédérale que si le juge certifie que l'affaire soulève une question grave de portée générale et énonce celle-ci.

2014, ch. 22, art. 8.

PART III

Resumption of Citizenship

Resumption by application

11 (1) The Minister shall grant citizenship to any person who, having ceased to be a citizen,

(a) makes an application for resumption of citizenship;

(b) is not the subject of an order made under section 10, as it read immediately before the coming into force of section 8 of the *Strengthening Canadian Citizenship Act*, a decision made under section 10, a declaration made under section 10.1 or an order made under section 18 of the former Act;

(b.1) is not the subject of a declaration made under section 20;

(c) is not under a removal order; and

(d) has become a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*, has, subject to the regulations, no unfulfilled conditions under that Act relating to his or her status as a permanent resident and has, since having ceased to be a citizen and become a permanent resident,

(i) been physically present in Canada for at least 365 days during the two years immediately before the date of the application, and

(ii) met any applicable requirement under the *Income Tax Act* to file a return of income in respect of the taxation year immediately before the year in which the application is made.

(e) [Repealed, 2017, c. 14, s. 7]

Canadian Armed Forces — permanent resident

(1.1) Paragraph (1)(d) does not apply to a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act* who has, subject to the regulations, no unfulfilled conditions under that Act relating to his or her status as a permanent resident and who

(a) during the two years immediately before the date of the application, completed six months of service in the Canadian Armed Forces; and

PARTIE III

Réintégration dans la citoyenneté

Réintégration sur demande

11 (1) Le ministre attribue la citoyenneté à toute personne qui a cessé d'être citoyen et qui, à la fois :

a) sollicite une réintégration;

b) n'est visée ni par un décret pris aux termes de l'article 10, dans sa version antérieure à l'entrée en vigueur de l'article 8 de la *Loi renforçant la citoyenneté canadienne*, ni par une décision prise en application de l'article 10, ni par une déclaration faite en application de l'article 10.1, ni par une ordonnance prise aux termes de l'article 18 de l'ancienne loi;

b.1) n'est pas visée par une déclaration faite en application de l'article 20;

c) n'est pas sous le coup d'une mesure de renvoi;

d) est devenue un résident permanent au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés*, après la perte de sa citoyenneté, a, sous réserve des règlements, satisfait à toute condition rattachée à son statut de résident permanent en vertu de cette loi et depuis :

(i) d'une part, a été effectivement présente au Canada pendant au moins trois cent soixante-cinq jours au cours des deux ans précédant la date de la demande,

(ii) d'autre part, a rempli toute exigence applicable prévue par la *Loi de l'impôt sur le revenu* de présenter une déclaration de revenu pour l'année d'imposition précédant celle au cours de laquelle sa demande est présentée.

e) [Abrogé, 2017, ch. 14, art. 7]

Forces armées canadiennes — résident permanent

(1.1) L'alinéa (1)d) ne s'applique pas au résident permanent, au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés*, qui a, sous réserve des règlements, satisfait à toute condition rattachée à son statut de résident permanent en vertu de cette loi et qui, à la fois :

a) a accumulé six mois de service dans les Forces armées canadiennes au cours des deux années ayant précédé la date de la demande;

(b) has met any applicable requirement under the *Income Tax Act* to file a return of income in respect of the taxation year immediately before the year in which the application is made.

However, paragraph (1)(d) does apply to the permanent resident if he or she was released other than honourably from the Canadian Armed Forces.

Canadian Armed Forces — person attached or seconded

(1.2) Paragraph (1)(d) does not apply to a person who is or was attached or seconded to the Canadian Armed Forces and who, during the two years immediately before the date of the application, completed six months of service with the Canadian Armed Forces.

Automatic acquisition of citizenship

(2) Notwithstanding any other provision of this Act, a woman, who

(a) by virtue of any law of Canada in force at any time before January 1, 1947 had, by reason only of her marriage or the acquisition by her husband of a foreign nationality, ceased to be a British subject, and

(b) would have been a citizen had the former Act come into force immediately before her marriage or the acquisition by her husband of a foreign nationality,

acquires citizenship immediately on the receipt by the Minister of a notice in writing by her that she elects to be a citizen.

R.S., 1985, c. C-29, s. 11; 2001, c. 27, s. 229; 2005, c. 17, s. 1; 2008, c. 14, s. 7; 2014, c. 22, s. 9; 2017, c. 14, s. 7.

b) a rempli toute exigence applicable prévue par la *Loi de l'impôt sur le revenu* de présenter une déclaration de revenu pour l'année d'imposition précédant celle au cours de laquelle sa demande est présentée.

Toutefois, l'alinéa (1)d) s'applique à lui s'il a été libéré des Forces armées canadiennes autrement qu'honorablement.

Forces armées canadiennes — personne affectée ou détachée

(1.2) L'alinéa (1)d) ne s'applique pas à la personne qui est ou a été affectée ou détachée auprès des Forces armées canadiennes et qui, au cours des deux années ayant précédé la date de la demande, a accumulé auprès de celles-ci six mois de service.

Réintégration par avis

(2) Nonobstant les autres dispositions de la présente loi, acquiert la citoyenneté dès réception par le ministre d'un avis adressé à celui-ci pour lui faire connaître son intention en ce sens la femme qui, à la fois :

a) en vertu d'une règle de droit en vigueur au Canada à une date antérieure au 1er janvier 1947 avait, du seul fait de son mariage ou de l'acquisition d'une nationalité étrangère par son mari, perdu sa qualité de sujet britannique;

b) aurait eu la qualité de citoyen si l'ancienne loi était entrée en vigueur immédiatement avant son mariage ou l'acquisition d'une nationalité étrangère par son mari.

L.R. (1985), ch. C-29, art. 11; 2001, ch. 27, art. 229; 2005, ch. 17, art. 1; 2008, ch. 14, art. 7; 2014, ch. 22, art. 9; 2017, ch. 14, art. 7.

PART IV

Evidence of Citizenship

Application for evidence of citizenship

12 (1) The Minister shall, on application by a person, determine whether they are a citizen and, if they are,

(a) subject to any regulations made under paragraph 27(1)(i), issue a certificate of citizenship to them; or

(b) subject to any regulations made under paragraph 27(1)(i) or (i.1), provide them with some other means to establish their citizenship.

PARTIE IV

Preuve de citoyenneté

Demande de preuve de citoyenneté

12 (1) Sur demande de toute personne, le ministre décide si elle a qualité de citoyen et si tel est le cas :

a) soit lui délivre, sous réserve des règlements pris en vertu de l'alinéa 27(1)i), un certificat de citoyenneté;

b) soit lui fournit, sous réserve des règlements pris en vertu des alinéas 27(1)i) ou i.1), un autre moyen de prouver sa qualité de citoyen.

Providing evidence of citizenship on acquisition

(2) After a person acquires citizenship as a result of an application under section 5 or 5.1 or subsection 11(1), the Minister shall

(a) issue a certificate of citizenship to the person; or

(b) provide the person with some other means to establish their citizenship.

R.S., 1985, c. C-29, s. 12; 2008, c. 14, ss. 8, 13; 2014, c. 22, s. 10; 2023, c. 26, s. 301.

Attribution de la citoyenneté — preuve

(2) Après qu'une personne obtient la citoyenneté à la suite d'une demande présentée au titre des articles 5 ou 5.1 ou du paragraphe 11(1), le ministre :

a) soit lui délivre un certificat de citoyenneté;

b) soit lui fournit un autre moyen de prouver sa qualité de citoyen.

L.R. (1985), ch. C-29, art. 12; 2008, ch. 14, art. 8 et 13; 2014, ch. 22, art. 10; 2023, ch. 26, art. 301.

PART V

Procedure

Applications

13 An application is to be accepted for processing under this Act only if all of the following conditions are satisfied:

(a) the application is made in the form and manner and at the place required under this Act;

(b) it includes the information required under this Act;

(c) it is accompanied by any supporting evidence and fees required under this Act.

R.S., 1985, c. C-29, s. 13; 2008, c. 14, s. 9; 2014, c. 22, s. 11.

PARTIE V

Procédure

Demandes

13 Les demandes ne sont reçues aux fins d'examen au titre de la présente loi que si les conditions ci-après sont réunies :

a) elles sont présentées selon les modalités, en la forme et au lieu prévus sous le régime de la présente loi;

b) elles contiennent les renseignements prévus sous le régime de la présente loi;

c) elles sont accompagnées des éléments de preuve à fournir à leur appui et des droits à acquitter à leur égard prévus sous le régime de la présente loi.

L.R. (1985), ch. C-29, art. 13; 2008, ch. 14, art. 9; 2014, ch. 22, art. 11.

Suspension of processing

13.1 The Minister may suspend the processing of an application for as long as is necessary to receive

(a) any information or evidence or the results of any investigation or inquiry for the purpose of ascertaining whether the applicant meets the requirements under this Act relating to the application, whether the applicant should be the subject of an admissibility hearing or a removal order under the *Immigration and Refugee Protection Act* or whether section 20 or 22 applies with respect to the applicant; and

(b) in the case of an applicant who is a permanent resident and who is the subject of an admissibility hearing under the *Immigration and Refugee Protection Act*, the determination as to whether a removal order is to be made against the applicant.

2014, c. 22, s. 11.

Suspension de la procédure d'examen

13.1 Le ministre peut suspendre, pendant la période nécessaire, la procédure d'examen d'une demande :

a) dans l'attente de renseignements ou d'éléments de preuve ou des résultats d'une enquête, afin d'établir si le demandeur remplit, à l'égard de la demande, les conditions prévues sous le régime de la présente loi, si celui-ci devrait faire l'objet d'une enquête dans le cadre de la *Loi sur l'immigration et la protection des réfugiés* ou d'une mesure de renvoi au titre de cette loi, ou si les articles 20 ou 22 s'appliquent à l'égard de celui-ci;

b) dans le cas d'un demandeur qui est un résident permanent qui a fait l'objet d'une enquête dans le cadre de la *Loi sur l'immigration et la protection des réfugiés*, dans l'attente de la décision sur la question de savoir si une mesure de renvoi devrait être prise contre celui-ci.

2014, ch. 22, art. 11.

Abandonment of application

13.2 (1) The Minister may treat an application as abandoned

(a) if the applicant fails, without reasonable excuse, when required by the Minister under section 23.1,

(i) in the case where the Minister requires additional information or evidence without requiring an appearance, to provide the additional information or evidence by the date specified, or

(ii) in the case where the Minister requires an appearance for the purpose of providing additional information or evidence, to appear at the time and at the place — or at the time and by the means — specified or to provide the additional information or evidence at his or her appearance; or

(b) in the case of an applicant who must take the oath of citizenship to become a citizen, if the applicant fails, without reasonable excuse, to appear and take the oath at the time and at the place — or at the time and by the means — specified in an invitation from the Minister.

Abandon de la demande

13.2 (1) Le ministre peut considérer une demande comme abandonnée dans les cas suivants :

a) le demandeur omet, sans excuse légitime, alors que le ministre l'exige au titre de l'article 23.1 :

(i) de fournir, au plus tard à la date précisée, les renseignements ou les éléments de preuve supplémentaires, lorsqu'il n'est pas tenu de comparaître pour les présenter,

(ii) de comparaître aux moment et lieu — ou au moment et par le moyen — fixés, ou de fournir les renseignements ou les éléments de preuve supplémentaires lors de sa comparution, lorsqu'il est tenu de comparaître pour les présenter;

b) le demandeur omet, sans excuse légitime, de se présenter aux moment et lieu — ou au moment et par le moyen — fixés et de prêter le serment alors qu'il a été invité à le faire par le ministre et qu'il est tenu de le faire pour avoir la qualité de citoyen.

Effect of abandonment

(2) If the Minister treats an application as abandoned, no further action is to be taken with respect to it.

2014, c. 22, s. 11.

Effet de l'abandon

(2) Il n'est donné suite à aucune demande considérée comme abandonnée par le ministre.

2014, ch. 22, art. 11.

Consideration by citizenship judge

14 (1) If an application is accepted for processing and later referred to a citizenship judge because the Minister is not satisfied that the applicant meets the requirements of the following provisions, the citizenship judge shall determine whether the applicant meets those requirements within 60 days after the day on which the application is referred:

(a) subparagraph 5(1)(c)(i), in the case of an application for citizenship under subsection 5(1);

(b) paragraph 5(5)(d), in the case of an application for citizenship under subsection 5(5); and

(c) subparagraph 11(1)(d)(i), in the case of an application for resumption of citizenship under subsection 11(1).

Examen par un juge de la citoyenneté

14 (1) Lorsqu'une demande est reçue aux fins d'examen puis transmise à un juge de la citoyenneté parce que le ministre n'est pas convaincu que le demandeur remplit les conditions mentionnées dans les dispositions ci-après, le juge de la citoyenneté statue, dans les soixante jours suivant sa saisine, sur la question de savoir si le demandeur les remplit :

a) le sous-alinéa 5(1)c)(i), dans le cas de la demande de citoyenneté présentée au titre du paragraphe 5(1);

b) l'alinéa 5(5)d), dans le cas de la demande de citoyenneté présentée au titre du paragraphe 5(5);

c) le sous-alinéa 11(1)d)(i), dans le cas de la demande de réintégration dans la citoyenneté présentée au titre du paragraphe 11(1).

Interruption of proceedings

(1.1) Despite subsection (1), the citizenship judge is not authorized to make a determination until

Interruption de la procédure

(1.1) Malgré le paragraphe (1), le juge de la citoyenneté ne peut statuer sur la demande :

(a) the completion of any investigation or inquiry for the purpose of ascertaining whether the applicant should be the subject of an admissibility hearing or a removal order under the *Immigration and Refugee Protection Act* or whether section 20 or 22 applies to the applicant; and

(b) if the applicant is the subject of an admissibility hearing under the *Immigration and Refugee Protection Act*, a determination as to whether a removal order is to be made against that applicant.

Application returned to Minister

(1.2) Despite subsection (1), the citizenship judge is not authorized to make a determination if

(a) after the completion of an investigation or inquiry referred to in paragraph (1.1)(a), it is determined that section 20 or 22 applies to the applicant; and

(b) after an admissibility hearing referred to in paragraph (1.1)(b), there has been a determination to make a removal order against the applicant.

Notice to Minister

(2) Without delay after making a determination under subsection (1) in respect of an application, the citizenship judge shall approve or not approve the application in accordance with his or her determination, notify the Minister accordingly and provide the Minister with the reasons for his or her decision.

Notice to applicant

(3) If a citizenship judge does not approve an application under subsection (2), the citizenship judge shall without delay notify the applicant of his or her decision, of the reasons for it and of the right to apply for judicial review.

(4) to (6) [Repealed, 2014, c. 22, s. 12]

R.S., 1985, c. C-29, s. 14; 1995, c. 15, s. 23; 2001, c. 27, s. 230; 2008, c. 14, s. 10; 2014, c. 22, s. 12; 2017, c. 14, s. 8.

Obligation — answer truthfully

15 A person who makes an application under this Act must answer truthfully all questions put to him or her that are related to the application.

R.S., 1985, c. C-29, s. 15; 2014, c. 22, s. 13.

16 [Repealed, 2014, c. 22, s. 13]

17 [Repealed, 2014, c. 22, s. 13]

18 [Repealed, 2014, c. 22, s. 14]

a) tant que n'est pas terminée l'enquête menée pour établir si le demandeur devrait faire l'objet d'une enquête dans le cadre de la *Loi sur l'immigration et la protection des réfugiés* ou d'une mesure de renvoi au titre de cette loi ou si les articles 20 ou 22 s'appliquent à l'égard de celui-ci;

b) lorsque celui-ci fait l'objet d'une enquête dans le cadre de la *Loi sur l'immigration et la protection des réfugiés*, tant qu'il n'a pas été décidé si une mesure de renvoi devrait être prise contre lui.

Demande retransmise au ministre

(1.2) Malgré le paragraphe (1), le juge de la citoyenneté ne peut statuer sur la demande si :

a) l'enquête visée à l'alinéa (1.1)a) révèle que les articles 20 ou 22 s'appliquent à l'égard du demandeur;

b) après la tenue de l'enquête visée à l'alinéa (1.1)b), il est décidé qu'une mesure de renvoi devrait être prise contre le demandeur.

Communication au ministre

(2) Aussitôt après avoir statué sur la demande visée au paragraphe (1), le juge de la citoyenneté approuve ou rejette la demande selon qu'il conclut ou non à la conformité de celle-ci et transmet sa décision motivée au ministre.

Communication au demandeur

(3) En cas de rejet de la demande, le juge de la citoyenneté en informe sans délai le demandeur en lui faisant connaître les motifs de sa décision et l'existence du droit de demander le contrôle judiciaire.

(4) à (6) [Abrogés, 2014, ch. 22, art. 12]

L.R. (1985), ch. C-29, art. 14; 1995, ch. 15, art. 23; 2001, ch. 27, art. 230; 2008, ch. 14, art. 10; 2014, ch. 22, art. 12; 2017, ch. 14, art. 8.

Obligation du demandeur

15 L'auteur d'une demande présentée au titre de la présente loi doit répondre véridiquement aux questions qui lui sont posées relativement à la demande.

L.R. (1985), ch. C-29, art. 15; 2014, ch. 22, art. 13.

16 [Abrogé, 2014, ch. 22, art. 13]

17 [Abrogé, 2014, ch. 22, art. 13]

18 [Abrogé, 2014, ch. 22, art. 14]

Definitions

19 (1) The following definitions apply in this section and sections 19.1, 19.2 and 20.

Review Agency means the National Security and Intelligence Review Agency. (*Office de surveillance*)

threats to the security of Canada has the same meaning as in section 2 of the *Canadian Security Intelligence Service Act*. (*menaces envers la sécurité du Canada*)

Report to Review Agency

(2) The Minister may make a report to the Review Agency if the Minister is of the opinion that a person should not be granted citizenship under section 5 or subsection 11(1) or administered the oath of citizenship or be issued a certificate of renunciation under section 9 because there are reasonable grounds to believe that the person has engaged, is engaging or may engage in activity

(a) that constitutes a threat to the security of Canada; or

(b) that is part of a pattern of criminal activity planned and organized by a number of persons acting in concert in furtherance of the commission of any offence that may be punishable under any Act of Parliament by way of indictment.

Notice to be sent to person affected

(3) The Minister shall, within ten days after a report is made pursuant to subsection (2), cause a notice to be sent informing the person referred to in that subsection of the report and stating that following an investigation in relation thereto, a declaration with respect to that person may be made by the Governor in Council under section 20.

Application of the *National Security and Intelligence Review Agency Act*

(4) Where a report is made to the Review Agency pursuant to subsection (2), the Review Agency shall investigate the grounds on which it is based and for that purpose sections 10 to 12, 20, 25 to 28 and 30 of the *National Security and Intelligence Review Agency Act* apply, with any necessary modifications, to the investigation as if the investigation were conducted in relation to a complaint made under subsection 18(3) of that Act, except that a reference in any of those provisions to "deputy head" shall be read as a reference to the Minister.

Définitions

19 (1) Les définitions qui suivent s'appliquent au présent article et aux articles 19.1, 19.2 et 20.

menaces envers la sécurité du Canada S'entend au sens de l'article 2 de la *Loi sur le Service canadien du renseignement de sécurité*. (*threats to the security of Canada*)

Office de surveillance L'Office de surveillance des activités en matière de sécurité nationale et de renseignement. (*Review Agency*)

Renvoi à l'Office de surveillance

(2) Le ministre peut, en lui adressant un rapport à cet effet, saisir l'Office de surveillance des cas où il est d'avis que l'intéressé devrait se voir refuser l'attribution de citoyenneté au titre de l'article 5 ou du paragraphe 11(1), ou la délivrance du certificat de répudiation visé à l'article 9, ou encore la prestation du serment de citoyenneté, parce qu'il existe des motifs raisonnables de croire qu'il s'est livré, se livre ou pourrait se livrer à des activités qui :

a) soit constituent des menaces envers la sécurité du Canada;

b) soit font partie d'un plan d'activités criminelles organisées par plusieurs personnes agissant de concert en vue de la perpétration d'une infraction punissable par voie de mise en accusation aux termes d'une loi fédérale.

Avis à l'intéressé

(3) Dans les dix jours suivant la date du rapport, le ministre fait envoyer à l'intéressé un avis l'informant de l'existence du rapport et du fait qu'au terme d'une enquête sur la question, le gouverneur en conseil pourrait faire à son sujet la déclaration prévue à l'article 20.

Application de la *Loi sur l'Office de surveillance des activités en matière de sécurité nationale et de renseignement*

(4) L'Office de surveillance examine les motifs sur lesquels est fondé le rapport dont il est saisi en suivant — avec les adaptations nécessaires — la procédure prévue aux articles 10 à 12, 20, 25 à 28 et 30 de la *Loi sur l'Office de surveillance des activités en matière de sécurité nationale et de renseignement* pour les enquêtes portant sur les plaintes présentées au titre du paragraphe 18(3) de cette loi, étant entendu que la mention de l'administrateur général équivaut à celle du ministre.

Investigation to cease

(4.1) If the Review Agency is of the opinion that it cannot perform its duties described in subsections (4), (5) and (6), it must cease its investigation and give notice to the Minister and the person referred to in subsection (2).

Statement to be sent to person affected

(5) The Review Agency shall, as soon as practicable after a report is made to it pursuant to subsection (2), send to the person with respect to whom the report is made a statement summarizing such information available to it as will enable the person to be as fully informed as possible of the circumstances giving rise to the report.

Report

(6) The Review Agency shall, on completion of an investigation made pursuant to subsection (4), make a report to the Governor in Council on all matters relating thereto and shall, at the same time as or after the report is made, provide the complainant with the conclusions of the report.

R.S., 1985, c. C-29, s. 19; 1992, c. 1, s. 144(F); 1997, c. 22, s. 1; 2014, c. 22, s. 15; 2019, c. 13, s. 24; 2019, c. 13, s. 25.

Appointment of a judge

19.1 (1) After consultation by the Prime Minister of Canada with the Leader of the Opposition in the House of Commons and the leader in the House of Commons of each party having at least twelve members in that House, the Governor in Council may appoint a retired judge of a superior court for a term of three to five years to perform the duties of the Review Agency described in subsections 19(4), (5) and (6).

Tenure and re-appointment

(2) The appointed person holds office during good behaviour and may be removed by the Governor in Council at any time for cause. The person is eligible to be re-appointed.

Remuneration and expenses

(3) The appointed person shall be paid, for each day that the person performs duties under this Act, such remuneration as is fixed by the Governor in Council, and is entitled to be paid reasonable travel and living expenses incurred in the course of their duties under this Act while absent from their ordinary place of residence.

1997, c. 22, s. 2; 2019, c. 13, s. 25.

Referral

19.2 (1) The Minister may refer to the person appointed under subsection 19.1(1) any case that the Review Agency has ceased to investigate under subsection 19(4.1) and, in

Fin de l'enquête

(4.1) S'il est d'avis qu'il ne peut s'acquitter des fonctions prévues aux paragraphes (4), (5) et (6), l'Office de surveillance met fin à son enquête et en avise le ministre et l'intéressé.

Information de l'intéressé

(5) Afin de permettre à l'intéressé d'être informé le mieux possible des circonstances qui ont donné lieu à l'établissement du rapport, l'Office de surveillance lui adresse, dans les meilleurs délais suivant la réception de celui-ci, un résumé des informations dont il dispose à ce sujet.

Rapport

(6) Au terme de son enquête, l'Office de surveillance fait rapport de celle-ci au gouverneur en conseil; en même temps ou plus tard, il communique à l'intéressé les conclusions du rapport.

L.R. (1985), ch. C-29, art. 19; 1992, ch. 1, art. 144(F); 1997, ch. 22, art. 1; 2014, ch. 22, art. 15; 2019, ch. 13, art. 24; 2019, ch. 13, art. 25.

Nomination d'un juge à la retraite

19.1 (1) Le gouverneur en conseil peut nommer, pour une période de trois à cinq ans, un juge à la retraite d'une juridiction supérieure qu'il charge de remplir les fonctions de l'Office de surveillance prévues aux paragraphes 19(4), (5) et (6). Cette nomination est précédée de consultations entre le premier ministre du Canada, le chef de l'opposition à la Chambre des communes et le chef de chacun des partis qui y disposent d'au moins douze députés.

Occupation du poste et nouveau mandat

(2) La personne ainsi nommée occupe son poste à titre inamovible, sous réserve de révocation motivée par le gouverneur en conseil. Elle peut recevoir un nouveau mandat.

Rémunération et frais de déplacement et de séjour

(3) Elle reçoit, pour chaque jour qu'elle exerce ses fonctions, la rémunération que fixe le gouverneur en conseil et est indemnisée des frais de déplacement et de séjour entraînés par l'accomplissement de celles-ci hors de son lieu de résidence.

1997, ch. 22, art. 2; 2019, ch. 13, art. 25.

Renvoi

19.2 (1) Le ministre peut saisir la personne nommée au titre du paragraphe 19.1(1) des cas à l'égard desquels l'Office de surveillance a mis fin à son enquête en

that case, the Minister must make a report described in subsection 19(2) to the appointed person and send the notice described in subsection 19(3).

Application of subsections 19(4), (5) and (6)

(2) Subsections 19(4), (5) and (6) apply to the appointed person as if that person were the Review Committee.

1997, c. 22, s. 2; 2019, c. 13, s. 25.

Annual report

19.3 The person appointed under subsection 19.1(1) must, not later than September 30, submit to the Minister of Public Safety and Emergency Preparedness a report of the activities of the person during the preceding fiscal year and that Minister must cause the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the day on which the Minister receives it.

1997, c. 22, s. 2; 2005, c. 10, s. 14.

Declaration by Governor in Council — security

20 (1) Despite anything in this Act, a person shall not be granted citizenship under section 5 or subsection 11(1) or administered the oath of citizenship or be issued a certificate of renunciation under section 9 if, after considering the report made under subsection 19(6) by the Review Agency or the person appointed under subsection 19.1(1), the Governor in Council declares that there are reasonable grounds to believe that the person with respect to whom the report was made has engaged, is engaging or may engage in an activity described in paragraph 19(2)(a) or (b).

Effect on applications and appeals

(2) If a person is the subject of a declaration made under subsection (1), any application that has been made by that person under section 5 or 9 or subsection 11(1) is deemed to be refused and any related application for judicial review or appeal is deemed to be dismissed.

Expiration of declaration

(3) A declaration made under subsection (1) ceases to have effect 10 years after the day on which it is made.

Further declaration

(4) Notwithstanding that a declaration has been previously made under subsection 20(1) with respect to a person, the Governor in Council may, after considering any further application made by that person, make a further declaration under that subsection with respect to that person.

application du paragraphe 19(4.1). Le cas échéant, il adresse à celle-ci le rapport visé au paragraphe 19(2) et envoie à l'intéressé l'avis prévu au paragraphe 19(3).

Application des paragraphes 19(4), (5) et (6)

(2) Les paragraphes 19(4), (5) et (6) s'appliquent à la personne ainsi nommée.

1997, ch. 22, art. 2; 2019, ch. 13, art. 25.

Rapport annuel

19.3 Au plus tard le 30 septembre, la personne nommée au titre du paragraphe 19.1(1) présente au ministre de la Sécurité publique et de la Protection civile son rapport d'activité pour l'exercice précédant cette date. Ce dernier le fait déposer devant chaque chambre du Parlement dans les quinze premiers jours de séance de celle-ci suivant sa réception.

1997, ch. 22, art. 2; 2005, ch. 10, art. 14.

Déclaration du gouverneur en conseil : sécurité

20 (1) Malgré les autres dispositions de la présente loi, lorsque le gouverneur en conseil déclare, après avoir étudié le rapport fait en vertu du paragraphe 19(6) par l'Office de surveillance ou la personne nommée au titre du paragraphe 19.1(1), qu'il existe des motifs raisonnables de croire que la personne visée dans ce rapport s'est livrée, se livre ou pourrait se livrer à des activités mentionnées aux alinéas 19(2)a) ou b), la citoyenneté demandée au titre de l'article 5 ou du paragraphe 11(1) ne peut être attribuée à cette personne, le certificat de répudiation visé à l'article 9 ne peut lui être délivré ou elle ne peut prêter le serment de citoyenneté.

Effets sur les demandes et l'appel

(2) Une telle déclaration vaut rejet de la demande en cause et de toute demande de contrôle judiciaire ou de tout appel relatifs à cette demande.

Caducité de la déclaration

(3) La déclaration visée au paragraphe (1) cesse d'avoir effet dix ans après la date où elle a été faite.

Nouvelle déclaration

(4) L'existence d'une première déclaration n'empêche pas le gouverneur en conseil d'en faire une autre, après examen de toute nouvelle demande faite par la personne visée.

Conclusive proof

(5) Notwithstanding anything in this Act or any other Act of Parliament, a declaration by the Governor in Council under subsection (1) is conclusive of the matters stated therein in relation to an application for citizenship or for the issue of a certificate of renunciation.

R.S., 1985, c. C-29, s. 20; 1997, c. 22, s. 3; 2014, c. 22, s. 16; 2019, c. 13, s. 25.

Preuve péremptoire

(5) Malgré les autres dispositions de la présente loi ou toute autre loi fédérale, la déclaration visée au paragraphe (1) fait péremptoirement foi de son contenu en ce qui a trait à la demande de citoyenneté ou à la délivrance d'un certificat de répudiation.

L.R. (1985), ch. C-29, art. 20; 1997, ch. 22, art. 3; 2014, ch. 22, art. 16; 2019, ch. 13, art. 25.

Periods not counted as physical presence

21 Despite anything in this Act, no period may be counted as a period of physical presence for the purpose of this Act during which a person, under any enactment in force in Canada,

(a) has been under a probation order;

(b) has been a paroled inmate; or

(c) has served a term of imprisonment.

R.S., 1985, c. C-29, s. 21; 2014, c. 22, s. 17; 2017, c. 14, s. 9.

Période ne comptant pas pour la présence effective

21 Malgré les autres dispositions de la présente loi, ne sont pas prises en compte pour la durée de présence effective les périodes où, en application d'une disposition législative en vigueur au Canada, l'intéressé :

a) a été sous le coup d'une ordonnance de probation;

b) a bénéficié d'une libération conditionnelle;

c) a purgé une peine d'emprisonnement.

L.R. (1985), ch. C-29, art. 21; 2014, ch. 22, art. 17; 2017, ch. 14, art. 9.

Representation or advice for consideration

21.1 (1) Every person commits an offence who knowingly, directly or indirectly, represents or advises a person for consideration — or offers to do so — in connection with a proceeding or application under this Act.

Représentation ou conseil moyennant rétribution

21.1 (1) Commet une infraction quiconque sciemment, de façon directe ou indirecte, représente ou conseille une personne, moyennant rétribution, relativement à une demande ou à une instance prévue par la présente loi, ou offre de le faire.

Persons who may represent or advise

(2) Subsection (1) does not apply to

(a) a lawyer who is a member in good standing of a law society of a province or a notary who is a member in good standing of the Chambre des notaires du Québec;

(b) any other member in good standing of a law society of a province; or

(c) a member in good standing of the *College*, as defined in section 2 of the *College of Immigration and Citizenship Consultants Act*.

Personnes pouvant représenter ou conseiller

(2) Le paragraphe (1) ne s'applique pas aux personnes suivantes :

a) les avocats qui sont membres en règle du barreau d'une province et les notaires qui sont membres en règle de la Chambre des notaires du Québec;

b) les autres membres en règle du barreau d'une province;

c) les membres en règle du *Collège*, au sens de l'article 2 de la *Loi sur le Collège des consultants en immigration et en citoyenneté*.

Students-at-law

(3) Subsection (1) does not apply to a student-at-law who offers or provides representation or advice to a person if the student-at-law is acting under the supervision of a person described in paragraph (2)(a) who is representing or advising the person — or offering to do so — in connection with a proceeding or application under this Act.

Stagiaires en droit

(3) Il ne s'applique pas non plus au stagiaire en droit qui représente ou conseille une personne, ou qui offre de le faire, s'il agit sous la supervision d'une personne visée à l'alinéa (2)a) qui représente ou conseille une personne, ou qui offre de le faire, relativement à une demande ou à une instance prévue par la présente loi.

Agreement or arrangement with Her Majesty

(4) Subsection (1) does not apply to an entity, including a person acting on its behalf, that offers or provides services to assist persons in connection with an application under this Act if it is acting in accordance with an agreement or arrangement between that entity and Her Majesty in right of Canada that authorizes it to provide those services.

(5) [Repealed, 2019, c. 29, s. 293]

(6) [Repealed, 2019, c. 29, s. 293]

(7) [Repealed, 2019, c. 29, s. 293]

(8) [Repealed, 2019, c. 29, s. 293]

Meaning of *proceeding*

(9) For greater certainty, in this section ***proceeding*** does not include a proceeding before a superior court.

2014, c. 22, s. 18; 2019, c. 29, s. 293.

Prohibition

22 (1) Despite anything in this Act, a person shall not be granted citizenship under subsection 5(1), (2) or (4) or 11(1) or take the oath of citizenship

(a) while the person, under any enactment in force in Canada,

(i) is under a probation order,

(ii) is a paroled inmate, or

(iii) is serving a term of imprisonment;

(a.1) while the person is serving a sentence outside Canada for an offence committed outside Canada that, if committed in Canada, would constitute an offence under an enactment in force in Canada;

(a.2) while the person is serving a sentence outside Canada for an offence under any Act of Parliament;

(b) while the person is charged with, on trial for, subject to or a party to an appeal relating to an offence under subsection 21.1(1) or 29.2(1) or (2), or an indictable offence under subsection 29(2) or (3) or any other Act of Parliament, other than an offence that is designated as a contravention under the *Contraventions Act*;

(b.1) subject to subsection (1.1), while the person is charged with, on trial for, subject to or a party to an appeal relating to an offence committed outside

Accord ou entente avec Sa Majesté

(4) Enfin, il ne s'applique pas à l'entité — ou à la personne agissant en son nom — qui offre ou fournit des services relativement à une demande prévue par la présente loi si elle agit conformément à un accord ou à une entente avec Sa Majesté du chef du Canada l'autorisant à fournir ces services.

(5) [Abrogé, 2019, ch. 29, art. 293]

(6) [Abrogé, 2019, ch. 29, art. 293]

(7) [Abrogé, 2019, ch. 29, art. 293]

(8) [Abrogé, 2019, ch. 29, art. 293]

Précision

(9) Il est entendu qu'au présent article ***instance*** ne vise pas une instance devant une cour supérieure.

2014, ch. 22, art. 18; 2019, ch. 29, art. 293.

Interdiction

22 (1) Malgré les autres dispositions de la présente loi, nul ne peut recevoir la citoyenneté au titre des paragraphes 5(1), (2) ou (4) ou 11(1) ni prêter le serment de citoyenneté :

a) pendant la période où, en application d'une disposition législative en vigueur au Canada :

(i) il est sous le coup d'une ordonnance de probation,

(ii) il bénéficie d'une libération conditionnelle,

(iii) il purge une peine d'emprisonnement;

a.1) tant qu'il purge une peine à l'étranger pour une infraction commise à l'étranger qui, si elle avait été commise au Canada, aurait constitué une infraction à une disposition législative en vigueur au Canada;

a.2) tant qu'il purge une peine à l'étranger pour une infraction à une loi fédérale;

b) tant qu'il est inculpé pour une infraction prévue aux paragraphes 21.1(1) ou 29.2(1) ou (2) ou pour un acte criminel prévu par les paragraphes 29(2) ou (3) ou par une autre loi fédérale, autre qu'une infraction qualifiée de contravention en vertu de la *Loi sur les contraventions*, et ce, jusqu'à la date d'épuisement des voies de recours;

b.1) sous réserve du paragraphe (1.1), tant qu'il est inculpé pour une infraction commise à l'étranger qui,

Canada that, if committed in Canada, would constitute an indictable offence under any Act of Parliament;

(c) while the person is under investigation by the Minister of Justice, the Royal Canadian Mounted Police or the Canadian Security Intelligence Service for, or is charged with, on trial for, subject to or a party to an appeal relating to, an offence under any of sections 4 to 7 of the *Crimes Against Humanity and War Crimes Act*;

(d) if the person has been convicted of an offence under any of sections 4 to 7 of the *Crimes Against Humanity and War Crimes Act*;

(e) if the person has not obtained the authorization to return to Canada required under subsection 52(1) of the *Immigration and Refugee Protection Act*;

(e.1) if the person directly or indirectly misrepresents or withholds material circumstances relating to a relevant matter, which induces or could induce an error in the administration of this Act;

(e.2) if, during the five years immediately before the person's application, the person was prohibited from being granted citizenship or taking the oath of citizenship under paragraph (e.1); or

(f) if, during the 10 years immediately before the person's application, the person ceased to be a citizen under paragraph 10(1)(a), as it read immediately before the coming into force of section 8 of the *Strengthening Canadian Citizenship Act*, or under subsection 10(1) or 10.1(3).

(g) [Repealed, 2017, c. 14, s. 10]

si elle avait été commise au Canada, aurait constitué un acte criminel prévu par une loi fédérale, et ce, jusqu'à la date d'épuisement des voies de recours;

c) tant qu'il fait l'objet d'une enquête menée par le ministre de la Justice, la Gendarmerie royale du Canada ou le Service canadien du renseignement de sécurité, relativement à une infraction visée à l'un des articles 4 à 7 de la *Loi sur les crimes contre l'humanité et les crimes de guerre*, ou tant qu'il est inculpé pour une telle infraction et ce, jusqu'à la date d'épuisement des voies de recours;

d) s'il a été déclaré coupable d'une infraction visée à l'un des articles 4 à 7 de la *Loi sur les crimes contre l'humanité et les crimes de guerre*;

e) s'il n'a pas obtenu l'autorisation requise préalablement à son retour au Canada par le paragraphe 52(1) de la *Loi sur l'immigration et la protection des réfugiés*;

e.1) si, directement ou indirectement, il fait une présentation erronée sur un fait essentiel quant à un objet pertinent ou omet de révéler un tel fait, entraînant ou risquant d'entraîner ainsi une erreur dans l'application de la présente loi;

e.2) si, au cours des cinq années qui précèdent sa demande, il n'a pu recevoir la citoyenneté ou prêter le serment de citoyenneté en vertu de l'alinéa e.1);

f) si, au cours des dix années qui précèdent sa demande, il a cessé d'être citoyen en vertu d'un décret pris au titre de l'alinéa 10(1)a), dans sa version antérieure à l'entrée en vigueur de l'article 8 de la *Loi renforçant la citoyenneté canadienne*, ou en application des paragraphes 10(1) ou 10.1(3).

g) [Abrogé, 2017, ch. 14, art. 10]

Waiver

(1.1) The Minister may, in his or her discretion in the case of any person, waive the application of paragraph (1)(b.1) on compassionate grounds.

Dispense

(1.1) Le ministre a le pouvoir discrétionnaire de soustraire quiconque à l'application de l'alinéa (1)b.1) pour des raisons d'ordre humanitaire.

Prohibition

(2) Despite anything in this Act, but subject to the *Criminal Records Act*, a person shall not be granted citizenship under subsection 5(1), (2) or (4) or 11(1) or take the oath of citizenship if the person has been convicted of an offence under subsection 21.1(1) or 29.2(1) or (2), or an indictable offence under subsection 29(2) or (3) or any other Act of Parliament, other than an offence that is designated as a contravention under the *Contraventions Act*,

Interdiction

(2) Malgré les autres dispositions de la présente loi, mais sous réserve de la *Loi sur le casier judiciaire*, nul ne peut recevoir la citoyenneté au titre des paragraphes 5(1), (2) ou (4) ou 11(1) ni prêter le serment de citoyenneté s'il a été déclaré coupable d'une infraction prévue aux paragraphes 21.1(1) ou 29.2(1) ou (2) ou d'un acte criminel prévu par les paragraphes 29(2) ou (3) ou par une autre loi fédérale, autre qu'une infraction qualifiée de contravention en vertu de la *Loi sur les contraventions* :

(a) during the four-year period immediately before the date of the person's application; or

(b) during the period beginning on the date of the person's application and ending on the date on which the person would otherwise be granted citizenship or take the oath of citizenship.

a) au cours des quatre ans précédant la date de sa demande;

b) au cours de la période commençant à la date de sa demande et se terminant à la date prévue pour l'attribution de la citoyenneté ou la prestation du serment.

Prohibition — conviction of offence outside Canada

(3) Despite anything in this Act, a person shall not be granted citizenship under subsection 5(1), (2) or (4) or 11(1) or take the oath of citizenship if the person has been convicted of an offence outside Canada that, if committed in Canada, would constitute an indictable offence under any Act of Parliament, regardless of whether the person was pardoned or otherwise granted amnesty for the offence, and the conviction occurred during

(a) the four-year period immediately before the date of the person's application; or

(b) the period beginning on the date of the person's application and ending on the date that he or she would otherwise be granted citizenship or take the oath of citizenship.

Interdiction — coupable d'une infraction à l'étranger

(3) Malgré les autres dispositions de la présente loi, nul ne peut recevoir la citoyenneté au titre des paragraphes 5(1), (2) ou (4) ou 11(1) ni prêter le serment de citoyenneté si, au cours de l'une des périodes ci-après, il a été déclaré coupable à l'étranger d'une infraction qui, si elle avait été commise au Canada, aurait constitué un acte criminel prévu par une loi fédérale, qu'il ait ou non fait l'objet d'une réhabilitation ou d'une amnistie :

a) les quatre ans précédant la date de sa demande;

b) la période commençant à la date de sa demande et se terminant à la date prévue à l'égard de l'attribution de la citoyenneté ou la prestation du serment.

Prohibition — specific cases

(4) Despite anything in this Act, a person shall not be granted citizenship under subsection 5(1), (2) or (4) or 11(1) or take the oath of citizenship if the person, before or after the coming into force of this subsection and while the person was a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*,

(a) was convicted under section 47 of the *Criminal Code* of treason and sentenced to imprisonment for life or was convicted of high treason under that section;

(b) was convicted of a terrorism offence as defined in section 2 of the *Criminal Code* — or an offence outside Canada that, if committed in Canada, would constitute a terrorism offence as defined in that section — and sentenced to at least five years of imprisonment;

(c) was convicted of an offence under any of sections 73 to 76 of the *National Defence Act* and sentenced to imprisonment for life because the person acted traitorously;

(d) was convicted of an offence under section 78 of the *National Defence Act* and sentenced to imprisonment for life;

Interdiction — cas particuliers

(4) Malgré les autres dispositions de la présente loi, une personne ne peut recevoir la citoyenneté au titre des paragraphes 5(1), (2) ou (4) ou 11(1) ni prêter le serment de citoyenneté si celle-ci, avant ou après l'entrée en vigueur du présent paragraphe, et alors qu'elle était un résident permanent, au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés*, selon le cas :

a) a été condamnée au titre de l'article 47 du *Code criminel* soit à l'emprisonnement à perpétuité pour une infraction de trahison soit pour haute trahison;

b) a été condamnée à une peine d'emprisonnement de cinq ans ou plus soit pour une infraction de terrorisme au sens de l'article 2 du *Code criminel*, soit, à l'étranger, pour une infraction qui, si elle était commise au Canada, constituerait une infraction de terrorisme au sens de cet article;

c) a été condamnée, au titre de l'un des articles 73 à 76 de la *Loi sur la défense nationale*, à l'emprisonnement à perpétuité pour s'être conduit en traître;

d) a été condamnée, au titre de l'article 78 de la *Loi sur la défense nationale*, à l'emprisonnement à perpétuité;

e) a été condamnée à l'emprisonnement à perpétuité au titre de l'article 130 de la *Loi sur la défense*

(e) was convicted of an offence under section 130 of the *National Defence Act* in respect of an act or omission that is punishable under section 47 of the *Criminal Code* and sentenced to imprisonment for life;

(f) was convicted under the *National Defence Act* of a terrorism offence as defined in subsection 2(1) of that Act and sentenced to at least five years of imprisonment;

(g) was convicted of an offence described in section 16 or 17 of the *Foreign Interference and Security of Information Act* and sentenced to imprisonment for life;

(h) was convicted of an offence under section 130 of the *National Defence Act* in respect of an act or omission that is punishable under section 16 or 17 of the *Foreign Interference and Security of Information Act* and sentenced to imprisonment for life; or

(i) served as a member of an armed force of a country or as a member of an organized armed group and that country or group was engaged in an armed conflict with Canada.

Exceptional circumstances

(5) If the Minister considers that exceptional circumstances warrant it, he or she may decide that subsection (4) does not apply in respect of a person.

Prohibition — taking oath

(6) Despite anything in this Act, a person shall not take the oath of citizenship if they never met or they no longer meet the requirements of this Act for the grant of citizenship.

R.S., 1985, c. C-29, s. 22; R.S., 1985, c. 30 (3rd Supp.), s. 11; 1992, c. 47, s. 67, c. 49, s. 124; 1999, c. 31, s. 42; 2000, c. 24, s. 33; 2001, c. 27, s. 231; 2008, c. 14, s. 11; 2014, c. 22, s. 19; 2017, c. 14, s. 10; 2024, c. 16, s. 57.

nationale relativement à tout acte ou omission punissable au titre de l'article 47 du *Code criminel*;

f) a été condamnée à une peine d'emprisonnement de cinq ans ou plus au titre de la *Loi sur la défense nationale* pour une infraction de terrorisme au sens du paragraphe 2(1) de cette loi;

g) a été condamnée à l'emprisonnement à perpétuité pour une infraction visée aux articles 16 ou 17 de la *Loi sur l'ingérence étrangère et la protection de l'information*;

h) a été condamnée à l'emprisonnement à perpétuité au titre de l'article 130 de la *Loi sur la défense nationale* relativement à tout acte ou omission punissable au titre des articles 16 ou 17 de la *Loi sur l'ingérence étrangère et la protection de l'information*;

i) a servi en tant que membre d'une force armée d'un pays ou en tant que membre d'un groupe armé organisé qui étaient engagés dans un conflit armé avec le Canada.

Circonstances exceptionnelles

(5) Le ministre peut, s'il estime que des circonstances exceptionnelles le justifient, décider que le paragraphe (4) ne s'applique pas à une personne.

Interdiction — serment

(6) Malgré les autres dispositions de la présente loi, nul ne peut prêter le serment de citoyenneté s'il ne satisfait plus ou n'a jamais satisfait aux exigences de la présente loi pour l'attribution de la citoyenneté.

L.R. (1985), ch. C-29, art. 22; L.R. (1985), ch. 30 (3e suppl.), art. 11; 1992, ch. 47, art. 67, ch. 49, art. 124; 1999, ch. 31, art. 42; 2000, ch. 24, art. 33; 2001, ch. 27, art. 231; 2008, ch. 14, art. 11; 2014, ch. 22, art. 19; 2017, ch. 14, art. 10; 2024, ch. 16, art. 57.

PART V.1

Judicial Review

Application for judicial review only with leave

22.1 (1) An application for judicial review with respect to any matter under this Act may be made only with leave of the Court.

Application for leave

(2) The following provisions govern an application for leave:

PARTIE V.1

Contrôle judiciaire

Contrôle judiciaire sur autorisation seulement

22.1 (1) Toute demande de contrôle judiciaire concernant toute question relevant de l'application de la présente loi est subordonnée à l'autorisation de la Cour.

Demande d'autorisation

(2) Les dispositions ci-après s'appliquent à la demande d'autorisation :

a) elle doit être signifiée à l'autre partie et déposée au greffe de la Cour dans les trente jours suivant la date

(a) the application must be filed in the Registry of the Court and served on the other party within 30 days after the day on which the applicant is notified of or otherwise becomes aware of the matter;

(b) a judge of the Court may, for special reasons, allow an extended time for filing and serving the application;

(c) a judge of the Court shall dispose of the application without delay and in a summary way and, unless a judge of the Court directs otherwise, without personal appearance; and

(d) no appeal lies from the decision of the Court with respect to the application or with respect to an interlocutory decision.

où le demandeur a été avisé ou a eu connaissance de la question;

b) le délai peut toutefois être prorogé, pour motifs valables, par un juge de la Cour;

c) il est statué sur la demande à bref délai et selon la procédure sommaire et, sauf autorisation d'un juge de la Cour, sans comparution en personne;

d) le jugement sur la demande et toute décision interlocutoire ne sont pas susceptibles d'appel.

Application by Minister

(3) The Minister may make an application in respect of a decision of a citizenship judge.

2014, c. 22, s. 20.

Demande présentée par le ministre

(3) Le ministre peut présenter une demande à l'égard d'une décision prise par un juge de la citoyenneté.

2014, ch. 22, art. 20.

Judicial review

22.2 The following provisions govern the judicial review:

(a) the judge who grants leave shall fix the day and place for a hearing;

(b) the hearing shall be held no later than 90 days after the day on which leave is granted and, unless the parties agree otherwise, no earlier than 30 days after that day;

(c) the judge shall dispose of the application without delay and in a summary way; and

(d) an appeal to the Federal Court of Appeal may be made only if, in rendering judgment, the judge certifies that a serious question of general importance is involved and states the question.

2014, c. 22, s. 20.

Contrôle judiciaire

22.2 Les dispositions ci-après s'appliquent au contrôle judiciaire :

a) le juge qui accueille la demande d'autorisation fixe les date et lieu d'audition de la demande;

b) l'audition est tenue au plus tard quatre-vingt-dix jours après la date à laquelle la demande d'autorisation est accueillie mais, sauf consentement des parties, au plus tôt trente jours après cette date;

c) le juge statue à bref délai et selon la procédure sommaire;

d) le jugement consécutif au contrôle judiciaire n'est susceptible d'appel à la Cour d'appel fédérale que si le juge certifie que l'affaire soulève une question grave de portée générale et énonce celle-ci.

2014, ch. 22, art. 20.

Rules

22.3 With the approval of the Governor in Council, the rules committee established under section 45.1 of the *Federal Courts Act* may make rules governing the practice and procedure in relation to applications for leave to commence an application for judicial review, applications for judicial review and appeals. The rules are binding despite any rule or practice that would otherwise apply.

2014, c. 22, s. 20.

Règles

22.3 Le comité des règles constitué aux termes de l'article 45.1 de la *Loi sur les Cours fédérales* peut, avec l'agrément du gouverneur en conseil, prendre des règles régissant la pratique et la procédure relatives à la demande d'autorisation et de contrôle judiciaire et à l'appel; ces règles l'emportent sur les règles et usages qui seraient par ailleurs applicables.

2014, ch. 22, art. 20.

Inconsistency with *Federal Courts Act*

22.4 In the event of an inconsistency between the provisions of this Part and any provision of the *Federal Courts Act*, this Part prevails to the extent of the inconsistency.

2014, c. 22, s. 20.

Incompatibilité avec la *Loi sur les Cours fédérales*

22.4 Les dispositions de la présente partie l'emportent sur les dispositions incompatibles de la *Loi sur les Cours fédérales*.

2014, ch. 22, art. 20.

PART VI

Administration

PARTIE VI

Application

Delegation of authority

23 Anything that is required to be done or that may be done by the Minister or the Minister of Public Safety and Emergency Preparedness under this Act or the regulations may be done on that Minister's behalf by any person authorized by that Minister in writing to act on that Minister's behalf without proof of the authenticity of the authorization.

R.S., 1985, c. C-29, s. 23; 2014, c. 22, s. 21.

Délégation de pouvoirs

23 Le ministre ou le ministre de la Sécurité publique et de la Protection civile peut déléguer, par écrit, les pouvoirs qui lui sont conférés par la présente loi ou ses règlements et il n'est pas nécessaire de prouver l'authenticité de la délégation.

L.R. (1985), ch. C-29, art. 23; 2014, ch. 22, art. 21.

Additional information, evidence or appearance

23.1 The Minister may require an applicant to provide any additional information or evidence relevant to his or her application, specifying the date by which it is required. For that purpose, the Minister may require the applicant to appear in person or by any means of telecommunication to be examined before the Minister or before a citizenship judge, specifying the time and the place — or the time and the means — for the appearance.

2014, c. 22, s. 22.

Autres renseignements, éléments de preuve et comparution

23.1 Le ministre peut exiger que le demandeur fournisse des renseignements ou des éléments de preuve supplémentaires se rapportant à la demande et préciser la date limite pour le faire. Il peut exiger à cette fin que le demandeur comparaisse — devant lui ou devant le juge de la citoyenneté pour être interrogé — soit en personne et aux moment et lieu qu'il fixe, soit par le moyen de télécommunication et au moment qu'il fixe.

2014, ch. 22, art. 22.

Seizure

23.2 The Minister may seize and detain any document that is provided to him or her for the purposes of this Act if he or she has reasonable grounds to believe that it was fraudulently or improperly obtained or used or that the measure is necessary to prevent its fraudulent or improper use.

2017, c. 14, s. 11.

Saisie

23.2 Le ministre peut saisir et retenir tout document qui lui est fourni pour l'application de la présente loi s'il a des motifs raisonnables de croire que le document a été obtenu ou utilisé irrégulièrement ou frauduleusement ou que la mesure est nécessaire pour en empêcher l'utilisation irrégulière ou frauduleuse.

2017, ch. 14, art. 11.

Requirement to take oath of citizenship

24 Where a person is required under this Act to take the oath of citizenship, the person shall swear or affirm in the form set out in the schedule and in accordance with the regulations.

1974-75-76, c. 108, s. 23.

Obligation de prêter le serment de citoyenneté

24 Le serment de citoyenneté est prêté dans les termes prescrits par l'annexe et selon les modalités fixées par règlement.

1974-75-76, ch. 108, art. 23.

Evidence of declarations

25 (1) Any declaration made under this Act or prior legislation or any regulations made thereunder may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be

Preuve des déclarations

25 (1) L'original ou une copie certifiée conforme par le ministre des déclarations faites sous le régime de la présente loi, de la législation antérieure ou de leurs règlements d'application fait péremptoirement foi, en justice,

a true copy by the Minister, and the production of the declaration or copy is conclusive evidence of the contents thereof and of the person named therein as declarant having made the declaration at the date therein mentioned.

de leur contenu, de l'identité des déclarants et de leur date.

Proof of certificates or other documents

(2) A certificate of citizenship, a document provided under paragraph 12(1)(b) or (2)(b), a certificate of naturalization or a certificate of renunciation may be proved in any legal proceeding by the production of the original certificate or document or of a document that is certified by the Minister as bearing the same information.

R.S., 1985, c. C-29, s. 25; 2014, c. 22, s. 23.

Preuve de certificats ou autres documents

(2) Fait foi en justice l'original du certificat de citoyenneté, de tout document fourni en application des alinéas 12(1)b) ou (2)b), du certificat de naturalisation, ou du certificat de répudiation ou tout document certifié équivalent par le ministre.

L.R. (1985), ch. C-29, art. 25; 2014, ch. 22, art. 23.

Citizenship judges

26 (1) The Governor in Council may appoint any citizen to be a citizenship judge.

Juges de la citoyenneté

26 (1) Le gouverneur en conseil peut nommer tout citoyen juge de la citoyenneté.

Duties

(2) In addition to his other duties set out in this Act, a citizenship judge shall perform such other duties as the Minister prescribes for carrying into effect the purposes and provisions of this Act.

1974-75-76, c. 108, s. 26.

Fonctions

(2) En plus des fonctions que lui attribue la présente loi, le juge de la citoyenneté s'acquitte de celles que lui confie le ministre en vue de la mise en œuvre de la présente loi.

1974-75-76, ch. 108, art. 26.

Regulations

27 (1) The Governor in Council may make regulations

(a) [Repealed, 2014, c. 22, s. 24]

(b) respecting fees for services provided in the administration of this Act, and cases in which those fees may be waived;

(c) providing for the remission of fees referred to in paragraph (b);

(c.1) providing for the circumstances in which an unfulfilled condition referred to in paragraph 5(1)(c), (2)(b) or 11(1)(d) need not be fulfilled;

(d) providing for various criteria that may be applied to determine whether a person

(i) has an adequate knowledge of one of the official languages of Canada, or

(ii) has an adequate knowledge of Canada and of the responsibilities and privileges of citizenship, as demonstrated in one of the official languages of Canada;

(iii) [Repealed, 2008, c. 14, s. 12]

Règlements

27 (1) Le gouverneur en conseil peut, par règlement :

a) [Abrogé, 2014, ch. 22, art. 24]

b) prendre des mesures concernant les droits à acquitter pour les services offerts dans le cadre de l'application de la présente loi, ainsi que les cas de dispense de ces droits;

c) déterminer les cas d'exemption des droits mentionnés à l'alinéa b);

c.1) prévoir les circonstances dans lesquelles une condition visée aux alinéas 5(1)c) ou (2)b) ou à l'alinéa 11(1)d) n'a pas à être remplie;

d) établir les divers critères permettant de déterminer :

(i) la connaissance suffisante de l'une des langues officielles au Canada,

(ii) la connaissance suffisante du Canada et des responsabilités et avantages conférés par la citoyenneté, démontrée dans l'une des langues officielles du Canada;

(iii) [Abrogé, 2008, ch. 14, art. 12]

(d.1) providing for the factors to be considered in determining whether the requirements set out in section 5.1 are met;

(d.2) providing for the circumstances in which the Minister shall determine that any of the requirements of subsections 5.1(1) and (2) are met;

(d.3) providing for the circumstances in which a review of an application under section 5.1 is suspended;

(e) prescribing the procedures to be followed in the referral of applications to citizenship judges;

(f) prescribing the procedures to be followed by citizenship judges in the performance of their duties;

(g) prescribing the ceremonial procedures to be followed by citizenship judges;

(h) respecting the taking of the oath of citizenship;

(i) providing for the number of copies of any declaration, certificate, or other document made, issued or provided under this Act or prior legislation that any person is entitled to have;

(i.1) respecting the provision under paragraph 12(1)(b) or (2)(b) of a means of establishing citizenship other than a certificate of citizenship;

(i.2) prescribing the procedures to be followed in relation to a document that may be seized under section 23.2, including in relation to its seizure, storage, return and disposition;

(j) providing for the surrender and retention of certificates of citizenship, certificates of naturalization and certificates of renunciation issued or granted under this Act or prior legislation and of documents provided under paragraph 12(1)(b) or (2)(b) if there is reason to believe that their holder may not be entitled to them or has contravened any of the provisions of this Act;

(j.1) providing for the renunciation of citizenship by persons

(i) who are citizens under paragraph 3(1)(f) or (g),

(ii) who are citizens under any of paragraphs 3(1)(k) to (r) and who did not, before the coming into force of this subparagraph, become citizens by way of grant as defined in subsection 3(9),

(iii) who are citizens under paragraph 3(1)(b) for the sole reason that one or both parents are persons referred to in any of paragraphs 3(1)(k) to (n) and

d.1) prévoir les facteurs à considérer pour établir si les conditions prévues à l'article 5.1 sont remplies;

d.2) prévoir les circonstances dans lesquelles le ministre décide si l'une ou l'autre des conditions prévues aux paragraphes 5.1(1) ou (2) sont remplies;

d.3) prévoir les circonstances dans lesquelles l'examen des demandes présentées en vertu de l'article 5.1 est suspendu;

e) fixer la procédure de saisine du juge de la citoyenneté;

f) fixer la procédure à suivre par le juge de la citoyenneté;

g) prévoir le cérémonial à suivre par le juge de la citoyenneté;

h) régir la prestation du serment de citoyenneté;

i) préciser le nombre de copies de déclarations, certificats ou autres documents établis, délivrés ou fournis en vertu de la présente loi ou de la législation antérieure qu'une personne a le droit d'avoir;

i.1) régir la fourniture, en application des alinéas 12(1)b) ou (2)b), des moyens de prouver la qualité de citoyen autres que les certificats de citoyenneté;

i.2) prévoir la procédure à suivre relativement aux documents qui peuvent être saisis au titre de l'article 23.2, notamment relativement à la saisie, à l'entreposage, à la remise et à la disposition de tels documents;

j) régir la restitution et la rétention des certificats de citoyenneté, de naturalisation ou de répudiation délivrés en vertu de la présente loi ou de la législation antérieure ou des documents fournis en application des alinéas 12(1)b) ou (2)b), lorsqu'il y a des raisons de croire que leur titulaire n'y a peut-être pas droit ou a enfreint la présente loi;

j.1) régir la répudiation de la citoyenneté de quiconque :

(i) a qualité de citoyen au titre des alinéas 3(1)f) ou g),

(ii) a qualité de citoyen au titre des alinéas 3(1)k) à r) et n'a pas obtenu, avant l'entrée en vigueur du présent sous-alinéa, la citoyenneté par attribution au sens du paragraphe 3(9),

(iii) a qualité de citoyen en vertu de l'alinéa 3(1)b) pour la seule raison que son père ou sa mère ou ses

who did not, before the coming into force of this subparagraph, become citizens by way of grant as defined in subsection 3(9), or

(iv) who are citizens as a result of the coming into force of *An Act to amend the Citizenship Act (2025)*, who were born before the day on which that Act comes into force and who did not, before that day, become citizens by way of grant as defined in subsection 3(9);

(j.2) prescribing the factors that the Minister shall consider in forming an opinion as to whether a hearing is required under subsection 10(4);

(k) providing for the surrender and cancellation of certificates and documents referred to in paragraph (j) if their holder is not entitled to them;

(k.1) providing for the collection, retention, use, disclosure and disposal of information for the purposes of this Act;

(k.2) providing for the disclosure of information for the purposes of national security, the defence of Canada or the conduct of international affairs, including the implementation of an agreement or arrangement entered into under section 5 of the *Department of Citizenship and Immigration Act*;

(k.3) providing for the disclosure of information to verify the citizenship status or identity of any person for the purposes of administering any federal or provincial law or law of another country;

(k.4) providing for the disclosure of information for the purposes of cooperation within the Government of Canada and between the Government of Canada and the government of a province;

(k.5) respecting the disclosure of information relating to the professional or ethical conduct of a person referred to in any of paragraphs 21.1(2)(a) to (c) in connection with a proceeding — other than a proceeding before a superior court — or application under this Act to a body that is responsible for governing or investigating that conduct or to a person who is responsible for investigating that conduct, for the purposes of ensuring that persons referred to in those paragraphs offer and provide professional and ethical representation and advice to persons in connection with such proceedings and applications;

(k.6) establishing a system of administrative penalties and consequences — including of administrative monetary penalties — applicable to the violations designated in regulations made under paragraph (k.7) and

deux parents sont visés à l'un des alinéas 3(1)k) à n) et n'a pas obtenu, avant l'entrée en vigueur du présent sous-alinéa, la citoyenneté par attribution au sens du paragraphe 3(9),

(iv) a qualité de citoyen par suite de l'entrée en vigueur de la *Loi modifiant la Loi sur la citoyenneté (2025)*, est né avant la date d'entrée en vigueur de cette loi et n'a pas obtenu, avant cette date, la citoyenneté par attribution au sens du paragraphe 3(9);

j.2) établir les facteurs dont le ministre doit tenir compte pour fonder sa décision quant à la nécessité de la tenue d'une audience visée au paragraphe 10(4);

k) régir la restitution et l'annulation des certificats ou des documents mentionnés à l'alinéa j), lorsque leur titulaire n'y a pas droit;

k.1) prévoir la collecte, la conservation, l'utilisation, la communication et la destruction de renseignements pour l'application de la présente loi;

k.2) prévoir la communication de renseignements aux fins de sécurité nationale, de défense du Canada, de conduite des affaires internationales, y compris la mise en œuvre d'accords ou d'ententes conclus au titre de l'article 5 de la *Loi sur le ministère de la Citoyenneté et de l'Immigration*;

k.3) prévoir la communication de renseignements aux fins de vérification du statut de citoyenneté et de l'identité d'une personne dans le cadre de l'administration de toute loi fédérale, provinciale ou étrangère;

k.4) prévoir la communication de renseignements aux fins de coopération au sein de l'administration publique fédérale et entre l'administration publique fédérale et celle d'une province;

k.5) régir la communication de renseignements relatifs à la conduite, sur le plan professionnel ou de l'éthique, d'une personne visée à l'un des alinéas 21.1(2)a) à c) relativement à une demande ou à une instance prévue par la présente loi — à l'exception d'une instance devant une cour supérieure — à l'organisme qui régit la conduite de cette personne ou à l'organisme ou à la personne qui enquête sur cette conduite, et ce en vue de veiller à ce que la personne visée à l'un ou l'autre de ces alinéas représente ou conseille des personnes, ou offre de le faire, en conformité avec les règles de sa profession et les règles d'éthique relativement à une telle demande ou instance;

setting the amounts of those administrative monetary penalties;

(k.7) designating as a violation the contravention — including a contravention committed outside Canada — of any specified provision of this Act or of the regulations by any person who, directly or indirectly, represents or advises a person for consideration — or offers to do so — in connection with a proceeding or application under this Act;

(k.8) prohibiting acts in relation to the activity of representing or advising — or offering to do so — described in paragraph (k.7);

(k.9) providing for the power to inspect — including the power to require documents to be provided by individuals and entities for inspection — for the purpose of verifying compliance with the provisions specified in regulations made under paragraph (k.7);

(k.91) providing the circumstances in which the Minister may require a person, or a person who is a member of a class of persons, who makes an application or request or who provides any document, information or evidence under this Act to do so using any means that are specified by the Minister; and

(l) generally, to carry out the purposes and provisions of this Act.

k.6) établir un régime de sanctions et de conséquences administratives — y compris de sanctions administratives pécuniaires — applicable aux violations désignées dans un règlement pris en vertu de l'alinéa k.7) et établir le montant des sanctions administratives pécuniaires;

k.7) désigner comme violation la contravention — même celle commise à l'étranger — à toute disposition spécifiée de la présente loi ou des règlements, par toute personne qui, de façon directe ou indirecte, représente ou conseille une personne, moyennant rétribution, relativement à une demande ou à une instance prévue par la présente loi, ou offre de le faire;

k.8) interdire tout acte en lien avec les activités consistant à représenter ou à conseiller une personne ou à offrir de le faire visées à l'alinéa k.7);

k.9) prévoir les pouvoirs d'inspection, dont celui d'exiger la fourniture par toute personne ou entité de tout document pour inspection, à des fins de vérification du respect des dispositions spécifiées dans un règlement pris en vertu de l'alinéa k.7);

k.91) prévoir les circonstances dans lesquelles le ministre peut exiger des personnes ou de celles faisant partie d'une catégorie de personnes qui font une demande ou fournissent un document, des renseignements ou des éléments de preuve sous le régime de la présente loi qu'elles le fassent par tout moyen qu'il précise;

l) prendre toute autre mesure d'application de la présente loi.

Conditions

(2) Regulations made under paragraphs (1)(k.1) to (k.5) may include conditions under which the collection, retention, use, disposal and disclosure may be made.

Conditions

(2) Les règlements pris en vertu des alinéas (1)k.1) à k.5) peuvent notamment prévoir les conditions relatives à la collecte, la conservation, l'utilisation, la destruction et la communication de renseignements.

Right to request review

(3) Any regulation made under paragraph (1)(k.6) must provide that a person who is the subject of a notice of violation has the right to request, from a person appointed under subsection (4), a review of the notice or of the penalty imposed.

Droit de demander une révision

(3) Tout règlement pris en vertu de l'alinéa (1)k.6) doit prévoir le droit de toute personne qui fait l'objet d'un procès-verbal de demander à une personne nommée au titre du paragraphe (4) de réviser le procès-verbal ou la sanction infligée.

Appointment — order

(4) The Governor in Council may, by order, appoint one or more citizens or *permanent residents*, as defined in subsection 2(1) of the *Immigration and Refugee Protection Act*, to conduct reviews in respect of notices of violation issued, or penalties imposed, under a regulation

Nomination par décret

(4) Le gouverneur en conseil peut, par décret, nommer un ou plusieurs citoyens ou *résidents permanents*, au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés*, ayant pour fonction de réviser tout procès-verbal dressé ou toute sanction infligée au

made under paragraph (1)(k.6) and to perform any other function conferred on them by a regulation made under that paragraph.

Tenure

(5) A person appointed by order under subsection (4) holds office during good behaviour for a term that the Governor in Council may specify, by order, but may be removed for cause by the Governor in Council at any time.

R.S., 1985, c. C-29, s. 27; 2007, c. 24, s. 3; 2008, c. 14, s. 12; 2013, c. 33, s. 170; 2014, c. 22, s. 24; 2015, c. 9, s. 10; 2017, c. 14, s. 12; 2019, c. 29, s. 294; 2023, c. 26, s. 298; 2023, c. 26, s. 302; 2025, c. 5, s. 6.

Laying of proposed regulations

27.1 (1) The Minister shall cause a copy of each regulation proposed to be made under paragraph 27(1)(d.1) to be laid before each House of Parliament, and each House shall refer the proposed regulation to the appropriate Committee of that House.

Exception

(2) No proposed regulation that has been laid under subsection (1) need again be laid under that subsection, whether or not it has been altered.

Making of regulations

(3) The Governor in Council may make the regulation at any time after the proposed regulation has been laid before each House of Parliament under subsection (1).

2007, c. 24, s. 3.1; 2014, c. 22, s. 25.

Regulations — Minister

27.2 The Minister may make regulations

(a) prescribing the manner in which and the place at which applications are to be made and notices are to be given under this Act and specifying the information and evidence that is to be provided in support of them;

(b) respecting the acceptance for processing of applications made under this Act by a person who has been represented or advised by a third party for consideration;

(c) with regard to the requirements of paragraphs 5(1)(d) and (e),

(i) respecting the procedures to be followed or evaluation methods or tools to be used in determining whether an applicant meets those requirements or any of the criteria provided for under paragraph 27(1)(d),

titre d'un règlement pris en vertu de l'alinéa (1)k.6) et de s'acquitter de toute autre fonction que lui confère un règlement pris en vertu de cet alinéa.

Mandat

(5) La personne nommée au titre d'un décret pris en vertu du paragraphe (4) occupe sa charge à titre inamovible pour la durée du mandat fixée par décret du gouverneur en conseil, sauf révocation motivée par ce dernier.

L.R. (1985), ch. C-29, art. 27; 2007, ch. 24, art. 3; 2008, ch. 14, art. 12; 2013, ch. 33, art. 170; 2014, ch. 22, art. 24; 2015, ch. 9, art. 10; 2017, ch. 14, art. 12; 2019, ch. 29, art. 294; 2023, ch. 26, art. 298; 2023, ch. 26, art. 302; 2025, ch. 5, art. 6.

Dépôt des projets de règlement

27.1 (1) Le ministre fait déposer tout projet de règlement fondé sur l'alinéa 27(1)d.1) devant chaque chambre du Parlement; celle-ci renvoie le projet de règlement à son comité compétent.

Modification du projet de règlement

(2) Il n'est pas nécessaire de déposer de nouveau le projet de règlement devant le Parlement même s'il a subi des modifications.

Prise du règlement

(3) Le gouverneur en conseil peut prendre le règlement après le dépôt du projet de règlement devant chaque chambre du Parlement.

2007, ch. 24, art. 3.1; 2014, ch. 22, art. 25.

Règlements du ministre

27.2 Le ministre peut, par règlement :

a) fixer les modalités des demandes et avis prévus sous le régime de la présente loi, le lieu où ils doivent se faire ou se donner et préciser les renseignements à fournir ainsi que les éléments de preuve à produire à leur appui;

b) régir, dans le cas où le demandeur s'est fait représenter ou conseiller par un tiers moyennant rétribution, la réception aux fins d'examen des demandes présentées au titre de la présente loi;

c) concernant les conditions prévues aux alinéas 5(1)d) et e) :

(i) régir la procédure à suivre, les méthodes et les outils à utiliser pour décider si le demandeur remplit ces conditions ou tout critère établi en vertu de l'alinéa 27(1)d),

(ii) respecting the organizations or institutions that may conduct assessments related to those requirements or criteria, and

(iii) respecting what constitutes evidence that an applicant meets those requirements or criteria; and

(d) requiring an applicant who seeks a waiver by the Minister under subsection 5(3) or 9(2) to request the waiver, specifying the time and manner for making the request and respecting the justification or evidence to be provided in support.

2014, c. 22, s. 26; 2017, c. 14, s. 13.

(ii) régir les institutions ou organisations qui peuvent évaluer la compétence se rapportant à ces conditions ou à ces critères,

(iii) régir ce qui constitue une preuve que le demandeur remplit ces conditions ou ces critères;

d) exiger du demandeur qui veut que le ministre exerce son pouvoir de dispense au titre des paragraphes 5(3) ou 9(2) qu'il le demande, préciser le moment et les modalités de la présentation de la demande et régir les motifs et les éléments de preuve qui doivent être fournis à son appui.

2014, ch. 22, art. 26; 2017, ch. 14, art. 13.

Regulations — electronic means

27.21 (1) The Minister may make regulations respecting the application of section 28.2 and paragraph 28.3(b), including regulations respecting

(a) the technology or format to be used, or the standards, specifications or processes to be followed, including for the making or verifying of an electronic signature and the manner in which it is to be used; and

(b) the date and time when, and the place where, an electronic version of an application, request, notice, decision, determination or document or any information or evidence is deemed to be sent or received.

Règlements — voie électronique

27.21 (1) Le ministre peut prendre des règlements régissant l'application de l'article 28.2 et de l'alinéa 28.3b), notamment en ce qui touche :

a) la technologie ou le format à utiliser ou les normes, les spécifications ou les procédés à respecter, notamment la production ou la vérification d'une signature électronique, et la manière d'utiliser une telle signature;

b) les lieu, date et heure où la version électronique d'une demande, d'un avis, d'une décision, d'un document, de renseignements ou des éléments de preuve est réputée envoyée ou reçue.

Electronic and other means

(2) The regulations made under subsection (1) may include provisions requiring a person who makes an application or request or who provides any document, information or evidence under this Act to do so using electronic means, including an electronic system, and provisions respecting such means, including such a system. The regulations may also include provisions prescribing the circumstances in which the application, request, document, information or evidence may be provided by other means and respecting those other means.

Moyens électroniques ou autres

(2) Les règlements pris en vertu du paragraphe (1) peuvent exiger des personnes qui font une demande ou fournissent un document, des renseignements ou des éléments de preuve sous le régime de la présente loi qu'elles le fassent à l'aide de moyens électroniques, notamment un système électronique, et régir ces moyens, notamment le système électronique. Ils peuvent aussi prévoir les circonstances dans lesquelles les demandes peuvent être faites ou les documents, les renseignements ou les éléments de preuve peuvent être fournis par tout autre moyen, et régir le moyen en question.

Electronic payments

(3) The regulations may also include provisions

(a) requiring that payments that are required to be made or evidence of payment that is required to be provided under this Act must be made or provided by means of an electronic system and respecting such a system;

(b) prescribing the circumstances in which such payments may be made or evidence of such payments

Paiements électroniques

(3) Les règlements peuvent aussi :

a) exiger que les paiements qui doivent être faits ou que les preuves de paiement qui doivent être fournies sous le régime de la présente loi le soient par un système électronique et régir le système en question;

b) prévoir les circonstances dans lesquelles les paiements peuvent être faits ou les preuves de paiement

may be provided by other means and respecting such other means; and

(c) respecting the date and time when, and the place where, an electronic payment or evidence of payment is deemed to be sent or received.

2023, c. 26, s. 304.

peuvent être fournies par tout autre moyen et régir le moyen en question;

c) régir les lieu, date et heure où le paiement électronique ou la preuve de paiement est réputé envoyé ou reçu.

2023, ch. 26, art. 304.

Service Fees Act

27.3 The *Service Fees Act* does not apply in respect of a fee for services provided in the administration of this Act.

2013, c. 33, s. 171; 2014, c. 22, s. 44; 2017, c. 20, s. 454.

Loi sur les frais de service

27.3 La *Loi sur les frais de service* ne s'applique pas aux droits à acquitter pour les services offerts dans le cadre de l'application de la présente loi.

2013, c. 33, s. 171; 2014, ch. 22, art. 44; 2017, ch. 20, art. 454.

Powers of Minister

28 The Minister may prescribe the forms of applications, certificates and other documents required for the purposes of this Act.

1974-75-76, c. 108, s. 27.

Pouvoirs du ministre

28 Le ministre peut prescrire les formules des demandes, des certificats et des autres documents requis pour l'application de la présente loi.

1974-75-76, ch. 108, art. 27.

Sunset — after five years

28.1 (1) Section 14 expires five years after the day on which subsection 22.1(3) comes into force unless, before then, the Minister extends its application for up to five years.

Temporarisation — après cinq ans

28.1 (1) L'article 14 cesse d'avoir effet cinq ans après la date à laquelle le paragraphe 22.1(3) entre en vigueur, sauf si, avant l'expiration de la période, le ministre en prolonge l'application pour une période maximale de cinq ans.

Sunset — further periods of up to five years

(2) The Minister may, before the expiry of each extended period, extend the application of that section for up to five years.

Temporarisation — périodes d'au plus cinq ans

(2) Le ministre peut, avant l'expiration de chaque période de prolongation, prolonger l'application de cet article pour une période maximale de cinq ans.

Sunset — subsection 22.1(3)

(3) Subsection 22.1(3) expires 30 days after the day on which section 14 expires.

2014, c. 22, s. 27.

Temporarisation — paragraphe 22.1(3)

(3) Le paragraphe 22.1(3) cesse d'avoir effet trente jours après que l'article 14 cesse d'avoir effet.

2014, ch. 22, art. 27.

PART VI.1

Electronic Administration and Enforcement

PARTIE VI.1

Exécution et contrôle d'application par voie électronique

Power — Minister

28.2 (1) The Minister may administer and enforce this Act using electronic means.

Pouvoir — ministre

28.2 (1) Le ministre peut assurer l'exécution et le contrôle d'application de la présente loi par voie électronique.

Power — citizenship judges and Registrar

(2) A citizenship judge and the Registrar of Canadian Citizenship may, in the exercise of their powers and

Pouvoir — juges de la citoyenneté et greffier

(2) Le juge de la citoyenneté et le greffier de la citoyenneté canadienne peuvent, dans l'exercice de leurs

performance of their duties and functions under this Act, use the electronic means that are made available or specified by the Minister.

Delegation

(3) A person who has been authorized by the Minister to do anything that may be done by the Minister under this Act, may do so using the electronic means that are made available or specified by the Minister.

Decision or determination — automated system

(4) For greater certainty, an electronic system, including an automated system, may be used to process an application, proceed with an examination or make a decision or determination under this Act.

2023, c. 26, s. 305.

Conditions for electronic version

28.3 If any provision of this Act or the regulations requires a signature or any information or evidence to be provided, an application, request, decision or determination to be made, a notice to be given or any other document to be issued or otherwise provided, the electronic version of the signature, information or evidence, application, request, decision or determination, notice or other document is satisfied by its electronic version, if

(a) the electronic version is provided by the electronic means, including an electronic system, that are made available or specified by the Minister; and

(b) any other requirements that may be prescribed are met.

2023, c. 26, s. 305.

For greater certainty

28.4 For greater certainty, if any provision of this Act or the regulations authorizes the Minister to require that any document, information or evidence be provided, the Minister is not precluded by this Part from requiring that the document, information or evidence, as the case may be, be provided in accordance with that provision.

2023, c. 26, s. 305.

PART VII

Offences

Definition of *document of citizenship*

29 (1) For the purposes of this section, ***document of citizenship*** means a certificate of citizenship, a

attributions sous le régime de la présente loi, utiliser les moyens électroniques que le ministre met à leur disposition ou qu'il précise.

Délégation

(3) Les personnes à qui le ministre délègue des pouvoirs qui lui sont conférés par la présente loi peuvent, dans l'exercice de ces pouvoirs, utiliser les moyens électroniques que le ministre met à leur disposition ou qu'il précise.

Décision — système automatisé

(4) Il est entendu qu'un système électronique, notamment un système automatisé, peut être utilisé pour traiter les demandes, procéder à des interrogatoires ou prendre des décisions sous le régime de la présente loi.

2023, ch. 26, art. 305.

Conditions : version électronique

28.3 Dans le cas où une disposition de la présente loi ou de ses règlements exige une signature ou qu'une demande soit faite, qu'un avis soit délivré, qu'une décision soit prise, qu'un document soit délivré ou fourni ou que des renseignements ou des éléments de preuve soient fournis, la version électronique de ceux-ci satisfait à l'exigence si les conditions suivantes sont réunies :

a) la version électronique est fournie par les moyens électroniques, notamment au moyen d'un système électronique, que le ministre met à la disposition des intéressés ou qu'il précise;

b) toute autre exigence réglementaire est remplie.

2023, ch. 26, art. 305.

Précision

28.4 Il est entendu que, si une disposition de la présente loi ou de ses règlements prévoit que le ministre peut exiger qu'un document, des renseignements ou des éléments de preuve soient fournis, la présente partie n'a pas pour effet d'empêcher le ministre d'exiger que ce document, ces renseignements ou ces éléments de preuve soient fournis en conformité avec cette disposition.

2023, ch. 26, art. 305.

PARTIE VII

Infractions

Définition de *document de citoyenneté*

29 (1) Au présent article, ***document de citoyenneté*** s'entend du certificat de citoyenneté, de tout document

document provided under paragraph 12(1)(b) or (2)(b), a certificate of naturalization or a certificate of renunciation.

Indictable offences and punishment

(2) A person is guilty of an indictable offence and liable to imprisonment for a term of not more than five years if that person

(a) obtains or uses a document of citizenship of another person to personate that other person;

(b) knowingly permits a document of citizenship relating to him or her to be used by another person to personate him or her; or

(c) is in possession of a document of citizenship that he or she knows has been unlawfully issued or altered, or counterfeited.

Offences and punishment

(3) A person is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years if that person

(a) without lawful authority issues, provides or alters a document of citizenship;

(b) counterfeits a document of citizenship;

(c) uses, acts on or causes or attempts to cause any person to use or act on a document of citizenship, knowing it to have been unlawfully issued, provided or altered or to have been counterfeited; or

(d) traffics in documents of citizenship or has such documents in his or her possession for the purpose of trafficking.

Idem

(4) A person who contravenes any provision of this Act or the regulations for the contravention of which no fine or imprisonment is provided in this Act is guilty of an offence punishable on summary conviction.

R.S., 1985, c. C-29, s. 29; 2014, c. 22, s. 28.

Contravention of subsection 21.1(1)

29.1 A person who commits an offence under subsection 21.1(1) is liable

(a) on conviction on indictment, to a fine of not more than $200,000 or to imprisonment for a term of not more than two years, or to both; or

fourni en application des alinéas 12(1)b) ou (2)b), du certificat de naturalisation ou du certificat de répudiation.

Infractions et peines — acte criminel

(2) Est coupable d'un acte criminel et passible d'un emprisonnement maximal de cinq ans quiconque, selon le cas :

a) obtient ou utilise le document de citoyenneté d'une autre personne en vue de se faire passer pour elle;

b) permet sciemment que son document de citoyenneté soit utilisé par une autre personne pour se faire passer pour lui;

c) a en sa possession un document de citoyenneté qu'il sait avoir été délivré ou modifié illégalement ou contrefait.

Infractions et peines

(3) Est coupable d'un acte criminel et passible d'un emprisonnement maximal de quatorze ans quiconque, selon le cas :

a) sans autorisation légale, délivre, fournit ou modifie un document de citoyenneté;

b) contrefait un document de citoyenneté;

c) sachant qu'il a été illégalement délivré, fourni ou modifié ou qu'il a été contrefait, se sert d'un document de citoyenneté, en permet l'utilisation ou incite ou tente d'inciter une autre personne à s'en servir ou à en permettre l'utilisation;

d) fait le trafic de documents de citoyenneté ou en a en sa possession à cette intention.

Idem

(4) Quiconque contrevient à une disposition de la présente loi ou de ses règlements pour la violation de laquelle aucune peine n'est prévue commet une infraction punissable par procédure sommaire.

L.R. (1985), ch. C-29, art. 29; 2014, ch. 22, art. 28.

Peine — paragraphe 21.1(1)

29.1 L'auteur de l'infraction prévue au paragraphe 21.1(1) est passible, sur déclaration de culpabilité :

a) par mise en accusation, d'une amende maximale de deux cent mille dollars et d'un emprisonnement maximal de deux ans, ou de l'une de ces peines;

(b) on summary conviction, to a fine of not more than $40,000 or to imprisonment for a term of not more than six months, or to both.

2014, c. 22, s. 29; 2019, c. 29, s. 295.

b) par procédure sommaire, d'une amende maximale de quarante mille dollars et d'un emprisonnement maximal de six mois, ou de l'une de ces peines.

2014, ch. 22, art. 29; 2019, ch. 29, art. 295.

Counselling misrepresentation

29.2 (1) Every person commits an offence who knowingly counsels, induces, aids or abets or attempts to counsel, induce, aid or abet any person to directly or indirectly misrepresent or withhold material circumstances relating to a relevant matter, which induces or could induce an error in the administration of this Act.

Infraction en matière de fausses présentations

29.2 (1) Commet une infraction quiconque, sciemment, incite, aide ou encourage ou tente d'inciter, d'aider ou d'encourager, directement ou indirectement, une personne à faire des présentations erronées sur un fait essentiel quant à un objet pertinent ou à omettre de révéler un tel fait, entraînant ou risquant d'entraîner ainsi une erreur dans l'application de la présente loi.

Misrepresentation

(2) Every person commits an offence who knowingly

(a) for any of the purposes of this Act, directly or indirectly, makes any false representation, commits fraud or conceals any material circumstances;

(b) communicates directly or indirectly, by any means, false or misleading information or representations with the intent to induce a person to make, or deter a person from making, an application to become a citizen, to obtain a certificate of citizenship or another document establishing citizenship or to renounce citizenship; or

(c) refuses to answer a question put to him or her at an interview or a proceeding held under this Act.

Fausses présentations

(2) Commet une infraction quiconque, sciemment :

a) dans le cadre de la présente loi, directement ou indirectement, fait une fausse déclaration, commet une fraude ou dissimule des faits essentiels;

b) communique, directement ou indirectement, sur quelque support que ce soit, des déclarations ou renseignements faux ou trompeurs en vue d'encourager quiconque à présenter une demande de citoyenneté, à obtenir un certificat de citoyenneté ou un autre document prouvant sa qualité de citoyen ou à répudier sa citoyenneté, ou en vue de le décourager de le faire;

c) refuse de répondre à toute question posée au cours d'une entrevue ou d'une instance prévue par la présente loi.

Penalties

(3) Every person who commits an offence under subsection (1) or (2)

(a) is guilty of an indictable offence and is liable to a fine of not more than $100,000 or to imprisonment for a term of not more than five years, or to both; or

(b) is guilty of an offence punishable on summary conviction and is liable to a fine of not more than $50,000 or to imprisonment for a term of not more than two years, or to both.

2014, c. 22, s. 29.

Peine

(3) L'auteur de l'infraction prévue aux paragraphes (1) ou (2) est passible, sur déclaration de culpabilité :

a) par mise en accusation, d'une amende maximale de cent mille dollars et d'un emprisonnement maximal de cinq ans, ou de l'une de ces peines;

b) par procédure sommaire, d'une amende maximale de cinquante mille dollars et d'un emprisonnement maximal de deux ans, ou de l'une de ces peines.

2014, ch. 22, art. 29.

Where offence is committed outside Canada

30 (1) An act or omission that would, if committed in Canada, be an offence under this Act is, if committed outside Canada, an offence under this Act.

Infraction commise à l'étranger

30 (1) Toute violation de la présente loi commise à l'étranger a valeur d'infraction commise au Canada.

Jurisdiction

(2) Where a person has committed outside Canada an act or omission that is an offence under this Act, the

Compétence

(2) Quiconque contrevient à la présente loi à l'étranger peut être jugé et puni par tout tribunal compétent pour

offence is within the competence of and may be tried and punished by any court having jurisdiction in respect of similar offences in the place in Canada where that person is found in the same manner as if the offence had been committed in that place, or by any other court to which jurisdiction has been lawfully transferred.

1974-75-76, c. 108, s. 29.

connaître de l'infraction au lieu du Canada où il se trouve, tout comme si l'infraction avait été commise en ce lieu, ou par tout autre tribunal auquel cette compétence a été légalement transférée.

1974-75-76, ch. 108, art. 29.

Limitation period

31 Any proceedings in respect of an offence under this Act or the regulations that is punishable on summary conviction may be instituted at any time within but not later than 10 years after the time when the offence was committed.

R.S., 1985, c. C-29, s. 31; 2014, c. 22, s. 30.

Prescription

31 Les poursuites visant une infraction à la présente loi ou aux règlements punissable par procédure sommaire se prescrivent par dix ans à compter de sa perpétration.

L.R. (1985), ch. C-29, art. 31; 2014, ch. 22, art. 30.

PART VIII

Status of Persons in Canada

Citizen of the Commonwealth

32 (1) Every person who, under an enactment of a Commonwealth country other than Canada, is a citizen or national of that country has in Canada the status of a citizen of the Commonwealth.

British subject

(2) For the purposes of any law in force in Canada on and after February 15, 1977 that refers to the status of British subject, the status so described shall refer to the status of Canadian citizen or citizen of the Commonwealth or both as the intent of that law may require.

1974-75-76, c. 108, s. 31.

Citizen of Ireland

33 Any law of Canada and any regulation made thereunder shall, unless it otherwise provides, have effect in relation to a citizen of Ireland who is not a citizen of the Commonwealth in like manner as it has in relation to a citizen of the Commonwealth.

1974-75-76, c. 108, s. 32.

Rights

34 Subject to section 35,

(a) real and personal property of every description may be taken, acquired, held and disposed of by a person who is not a citizen in the same manner in all respects as by a citizen; and

(b) a title to real and personal property of every description may be derived through, from or in

PARTIE VIII

Différents statuts personnels au Canada

Citoyen du Commonwealth

32 (1) Les personnes qui, dans un autre pays du Commonwealth, jouissent du statut légal de citoyen ou ressortissant de ce pays ont, au Canada, le statut de citoyen du Commonwealth.

Sujet britannique

(2) Dans toute disposition législative qui continue de s'appliquer au Canada après le 14 février 1977, la mention du statut de sujet britannique vaut mention de celui de citoyen canadien ou de citoyen du Commonwealth ou des deux, selon l'esprit de la disposition en question.

1974-75-76, ch. 108, art. 31.

Citoyens irlandais

33 Pour l'application des lois du Canada et de leurs règlements d'application, le citoyen irlandais qui n'est pas citoyen du Commonwealth y est assimilé, sauf disposition contraire du texte.

1974-75-76, ch. 108, art. 32.

Droits

34 Sous réserve de l'article 35 :

a) le non-citoyen peut acquérir, détenir ou aliéner des biens meubles ou immeubles de toute nature au même titre que le citoyen;

b) le non-citoyen peut transmettre un titre afférent à des biens meubles ou immeubles de toute nature soit

succession to a person who is not a citizen in the same manner in all respects as though through, from or in succession to a citizen.

1974-75-76, c. 108, s. 33.

directement, soit en servant d'intermédiaire, soit par voie de succession, au même titre que le citoyen.

1974-75-76, ch. 108, art. 33.

Authority to prohibit or restrict acquisitions of property in a province by non-Canadians

35 (1) Subject to subsection (3), the Lieutenant Governor in Council of a province or such other person or authority in the province as is designated by the Lieutenant Governor in Council thereof is authorized to prohibit, annul or in any manner restrict the taking or acquisition directly or indirectly of, or the succession to, any interest in real property located in the province by persons who are not citizens or by corporations or associations that are effectively controlled by persons who are not citizens.

Regulations

(2) The Lieutenant Governor in Council of a province may make regulations applicable in the province for the purposes of determining

(a) what transactions constitute a direct or an indirect taking or acquisition of any interest in real property located in the province;

(b) what constitutes effective control of a corporation or association by persons who are not citizens; and

(c) what constitutes an association.

Restriction

(3) Subsections (1) and (2) do not operate so as to authorize or permit the Lieutenant Governor in Council of a province, or such other person or authority as is designated by the Lieutenant Governor in Council thereof, to make any decision or take any action that

(a) prohibits, annuls or restricts the taking or acquisition directly or indirectly of, or the succession to, any interest in real property located in a province by a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*;

(b) conflicts with any legal obligation of Canada under any international law, custom or agreement;

(c) discriminates as between persons who are not citizens on the basis of their nationalities, except in so far as more favourable treatment is required by any legal obligation of Canada under any international law, custom or agreement;

(d) hinders any foreign state in taking or acquiring real property located in a province for diplomatic or consular purposes; or

Interdiction ou limitation visant les non-Canadiens

35 (1) Le lieutenant-gouverneur en conseil d'une province, ou la personne ou l'autorité qu'il désigne, peut, sous réserve du paragraphe (3), interdire, annuler ou limiter de quelque façon que ce soit l'acquisition directe ou indirecte notamment par dévolution successorale de droits sur des biens immeubles situés dans la province par des non-citoyens ou par des personnes morales ou associations qui sont en fait contrôlées par des non-citoyens.

Règlements

(2) Le lieutenant-gouverneur en conseil peut, par règlement, définir :

a) les opérations qui constituent une acquisition, directe ou indirecte, de droits sur des biens immeubles situés dans la province;

b) ce qu'il faut entendre par *personnes morales ou associations en fait contrôlées par des non-citoyens*;

c) la notion d'association.

Réserve

(3) Les paragraphes (1) et (2) n'ont pas pour effet de permettre au lieutenant-gouverneur en conseil, ou à la personne ou autorité qu'il désigne, de prendre des décisions ou mesures visant à :

a) appliquer les restrictions en matière de biens immeubles aux résidents permanents au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés*;

b) faire obstacle à l'exécution des obligations imposées au Canada, sur le plan international, par le droit, la coutume ou une convention;

c) établir des distinctions entre les non-citoyens en fonction de leur nationalité, sauf si les obligations imposées au Canada, sur le plan international, par le droit, la coutume ou une convention exigent de sa part un traitement privilégié à leur égard;

d) empêcher tout État étranger d'acquérir des biens immeubles situés dans une province pour un usage diplomatique ou consulaire;

(e) prohibits, annuls or restricts the taking or acquisition directly or indirectly of any interest in real property located in a province by any person in the course or as a result of an investment that the Minister is satisfied or is deemed to be satisfied is likely to be of net benefit to Canada under the *Investment Canada Act*.

R.S., 1985, c. C-29, s. 35; R.S., 1985, c. 28 (1st Supp.), s. 49; 2001, c. 27, s. 232.

e) appliquer les restrictions en matière de biens immeubles aux investissements au sujet desquels le ministre est d'avis ou est réputé être d'avis aux termes de la *Loi sur Investissement Canada* qu'ils seront vraisemblablement à l'avantage net du Canada.

L.R. (1985), ch. C-29, art. 35; L.R. (1985), ch. 28 (1er suppl.), art. 49; 2001, ch. 27, art. 232.

Offences and punishment

36 (1) Every person who fails to comply with any prohibition, annulment or restriction made pursuant to subsection 35(1) is guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year or to both.

Officers, etc., of corporations

(2) Where a corporation commits an offence under subsection (1), any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

1974-75-76, c. 108, s. 33.

Infractions et peines

36 (1) Quiconque contrevient à une interdiction, annulation ou limitation édictée aux termes du paragraphe 35(1) commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de dix mille dollars et un emprisonnement maximal d'un an, ou l'une de ces peines.

Personnes morales et leurs dirigeants, etc.

(2) En cas de perpétration par une personne morale de l'infraction prévue au paragraphe (1), ceux de ses dirigeants, administrateurs ou mandataires qui l'ont ordonnée ou autorisée, ou qui y ont consenti ou participé, sont considérés comme des coauteurs de l'infraction et encourent, sur déclaration de culpabilité, la peine prévue, que la personne morale ait été ou non poursuivie ou déclarée coupable.

1974-75-76, ch. 108, art. 33.

Coming into force

37 Sections 35 and 36 shall come into force in any of the Provinces of Ontario, Quebec, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, Saskatchewan and Newfoundland and Labrador or in Yukon, the Northwest Territories or Nunavut on a day fixed in a proclamation of the Governor in Council declaring those sections to be in force in that Province or any of those territories.

R.S., 1985, c. C-29, s. 37; 1993, c. 28, s. 78; 2002, c. 7, s. 131; 2015, c. 3, s. 172.

Entrée en vigueur

37 Les articles 35 et 36 entrent en vigueur dans l'une ou l'autre des provinces d'Ontario, de Québec, de la Nouvelle-Écosse, du Nouveau-Brunswick, de la Colombie-Britannique, de l'Île-du-Prince-Édouard, de la Saskatchewan ou de Terre-Neuve-et-Labrador, ou au Yukon, dans les Territoires du Nord-Ouest ou au Nunavut, à la date fixée par proclamation du gouverneur en conseil à cet effet.

L.R. (1985), ch. C-29, art. 37; 1993, ch. 28, art. 78; 2002, ch. 7, art. 131; 2015, ch. 3, art. 172.

Disabilities

38 Sections 34 and 35 do not operate so as to

(a) qualify any person for any office or for any municipal, parliamentary or other franchise;

(b) qualify any person to be the owner of a Canadian ship;

(c) qualify any person to take, acquire, hold or dispose of any property that under or pursuant to any Act of Parliament may be taken, acquired, held or disposed of only by citizens;

(d) entitle any person to any right or privilege as a Canadian citizen except such rights and privileges in

Incapacités

38 Les articles 34 et 35 n'ont pas les effets suivants :

a) l'habilitation à une charge ou à l'exercice du droit de vote aux élections municipales, législatives ou autres;

b) l'habilitation à devenir propriétaire d'un navire canadien;

c) l'extension aux non-citoyens du droit — réservé par un texte législatif fédéral aux citoyens — d'acquérir, de détenir ou d'aliéner des biens donnés;

respect of property as are by this Act expressly given to the person; or

(e) affect any estate or interest in real or personal property to which a person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before July 4, 1883, or in pursuance of any devolution by law on the death of any person dying before July 4, 1883.

1974-75-76, c. 108, s. 33.

d) l'octroi de droits ou avantages attachés à la qualité de citoyen autres que ceux qui sont expressément conférés par la présente loi en matière de biens;

e) la modification des droits sur des biens meubles ou immeubles dont une personne est ou peut devenir titulaire, directement ou par intermédiaire, pour jouissance immédiate ou ultérieure par suite d'une aliénation faite avant le 4 juillet 1883 ou d'une dévolution légale intervenue au décès d'une personne survenu avant cette date.

1974-75-76, ch. 108, art. 33.

Trial

39 A person who is not a citizen is triable at law in the same manner as if the person were a citizen.

1974-75-76, c. 108, s. 34.

Procès

39 Le non-citoyen est justiciable des tribunaux au même titre que le citoyen.

1974-75-76, ch. 108, art. 34.

SCHEDULE

(Section 24)

Oath or Affirmation of Citizenship

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada, including the Constitution, which recognizes and affirms the Aboriginal and treaty rights of First Nations, Inuit and Métis peoples, and fulfil my duties as a Canadian citizen.

R.S., 1985, c. C-29, Sch.; 2021, c. 13, s. 1.

ANNEXE

(article 24)

Serment de citoyenneté

Je jure fidélité et sincère allégeance à Sa Majesté la Reine Elizabeth Deux, Reine du Canada, à ses héritiers et successeurs et je jure d'observer fidèlement les lois du Canada, y compris la Constitution, qui reconnaît et confirme les droits — ancestraux ou issus de traités — des Premières Nations, des Inuits et des Métis, et de remplir loyalement mes obligations de citoyen canadien.

Affirmation solennelle

J'affirme solennellement que je serai fidèle et porterai sincère allégeance à Sa Majesté la Reine Elizabeth Deux, Reine du Canada, à ses héritiers et successeurs, que j'observerai fidèlement les lois du Canada, y compris la Constitution, qui reconnaît et confirme les droits — ancestraux ou issus de traités — des Premières Nations, des Inuits et des Métis, et que je remplirai loyalement mes obligations de citoyen canadien.

L.R. (1985), ch. C-29, ann.; 2021, ch. 13, art. 1.

RELATED PROVISIONS

— 1997, c. 22, s. 10

Citizenship Act

10 If, before section 1 of this Act comes into force, a legal proceeding has been commenced with respect to an investigation under subsection 19(4) of the *Citizenship Act*, a final decision in that proceeding that the Review Committee must cease its investigation is deemed to be a decision of the Review Committee under subsection 19(4.1) of that Act, as enacted by subsection 1(2) of this Act.

— 2014, c. 22, s. 31, as amended by 2015, c. 9, s. 11

Existing applications — sections 5, 5.1, 9 and 11

31 (1) Subject to subsections (2) and (3), an application that was made under subsection 5(1), (2), or (5), 5.1(1), (2) or (3), 9(1) or 11(1) of the *Citizenship Act* before the day on which subsection 2(2) comes into force and was not finally disposed of before that day is to be dealt with and disposed of in accordance with

(a) the provisions of that Act — except section 3, subsection 5(4), sections 5.1 and 14 and paragraph 22(1)(f) — as they read immediately before that day; and

(b) the following provisions of that Act as they read on that day:

(i) section 3,

(ii) paragraph 5(2)(b) and subsection 5(4),

(iii) section 5.1 other than paragraph (1)(c.1),

(iv) sections 13.1 to 14, and

(v) paragraphs 22(1)(a.1), (a.2), (b.1), (e.1), (e.2) and (f) and subsections 22(1.1), (3) and (4).

Order in council

(2) On the day on which section 11 comes into force, the reference to subsection 3(7) in subsection (1) is replaced by a reference to that section 11.

Order in council

(2.1) On the day on which section 8 comes into force, the reference to section 11 in subsection (1) is replaced by a reference to that section 8.

DISPOSITIONS CONNEXES

— 1997, ch. 22, art. 10

Loi sur la citoyenneté

10 Dans le cas où une procédure judiciaire a été intentée, avant l'entrée en vigueur de l'article 1 de la présente loi, à l'égard d'une enquête visée au paragraphe 19(4) de la *Loi sur la citoyenneté*, la décision définitive selon laquelle le comité de surveillance doit y mettre fin vaut décision du comité rendue au titre du paragraphe 19(4.1) de cette loi, édicté par le paragraphe 1(2) de la présente loi.

— 2014, ch. 22, art. 31, modifié par 2015, ch. 9, art. 11

Demandes en instance — articles 5, 5.1, 9 ou 11

31 (1) Sous réserve des paragraphes (2) et (3), la demande qui a été présentée en vertu des paragraphes 5(1), (2) ou (5), 5.1(1), (2) ou (3), 9(1) ou 11(1) de la *Loi sur la citoyenneté* avant la date d'entrée en vigueur du paragraphe 2(2) dont il n'a pas été décidé définitivement avant cette date est régie à la fois par :

a) cette loi, dans sa version antérieure à cette date, exception faite de l'article 3, du paragraphe 5(4), des articles 5.1 et 14 et de l'alinéa 22(1)f);

b) les dispositions ci-après de cette loi, dans leur version à cette date :

(i) l'article 3,

(ii) l'alinéa 5(2)b) et le paragraphe 5(4),

(iii) l'article 5.1, exception faite de l'alinéa (1)c.1),

(iv) les articles 13.1 à 14,

(v) les alinéas 22(1)a.1), a.2), b.1), e.1), e.2) et f) et les paragraphes 22(1.1), (3) et (4).

Décret

(2) À la date d'entrée en vigueur de l'article 11, le renvoi au paragraphe 3(7) visé au paragraphe (1) est remplacé par un renvoi à cet article 11.

Décret

(2.1) À la date d'entrée en vigueur de l'article 8, le renvoi à l'article 11 visé au paragraphe (1) est remplacé par un renvoi à cet article 8.

Paragraphs 5(1)(c) and 11(1)(d)

(3) On the day on which subsection 2(2) comes into force

(a) the reference to section 8 in subsection (1) is replaced by a reference to that subsection 2(2); and

(b) the requirement described in paragraph 5(1)(c) or 11(1)(d) of that Act, as enacted by subsections 3(1) and 9(2), respectively, that a person have no unfulfilled conditions relating to their status as a permanent resident, applies to an application referred to in subsection (1).

— 2014, c. 22, s. 32

Reports under former section 10

32 If, immediately before the day on which section 8 comes into force, the Minister, within the meaning of the *Citizenship Act*, was entitled to make or had made a report referred to in section 10 of that Act, as that section 10 read immediately before that day, the matter is to be dealt with and disposed of in accordance with that Act, as it read immediately before that day.

— 2014, c. 22, s. 33

Judicial review — subsection 10(1)

33 If a matter is the subject of an order that is made under subsection 10(1) of the *Citizenship Act* before the day on which section 8 comes into force or as a result of the application of section 32 or subsection 40(1) and that is set aside by the Federal Court and referred back for determination, the matter is to be determined by the Governor in Council in accordance with that subsection 10(1) as it read immediately before that day.

— 2014, c. 22, s. 34

Existing applications — subsections 5(1.2) and (1.3) and 11(1.1) and (1.2)

34 (1) Subject to subsection (2), subsections 5(1.2) and (1.3) and 11(1.1) and (1.2) of the *Citizenship Act*, as enacted by subsections 3(3) and 9(3), respectively, continue to apply in respect of applications that were made before the day on which subsections 3(4) and 9(4) come into force and were not finally disposed of before that day.

Exception

(2) The requirement described in subsections 5(1.2) and 11(1.1) of the *Citizenship Act*, as enacted by subsections 3(4) and 9(4), respectively, that a person have no unfulfilled conditions relating to his or her status as a

Alinéas 5(1)c) et 11(1)d)

(3) À la date d'entrée en vigueur du paragraphe 2(2) :

a) le renvoi à l'article 8 visé au paragraphe (1) est remplacé par un renvoi à ce paragraphe 2(2);

b) l'exigence selon laquelle la personne est tenue de satisfaire à toute condition rattachée à son statut de résident permanent, mentionnée aux alinéas 5(1)c) et 11(1)d) de cette loi édictés par les paragraphes 3(1) et 9(2), respectivement, s'applique aux demandes visées au paragraphe (1).

— 2014, ch. 22, art. 32

Rapport établi sous le régime de la version antérieure de l'article 10

32 Si, à l'entrée en vigueur de l'article 8, le ministre, au sens de la *Loi sur la citoyenneté*, pouvait établir ou avait établi un rapport visé à l'article 10 de cette loi, dans sa version antérieure à cette entrée en vigueur, l'affaire se poursuit sous le régime de cette loi, dans sa version antérieure à cette entrée en vigueur.

— 2014, ch. 22, art. 33

Révision judiciaire — paragraphe 10(1)

33 Toute question visée par un décret pris au titre du paragraphe 10(1) de la *Loi sur la citoyenneté* — soit avant la date d'entrée en vigueur de l'article 8, soit par application de l'article 32 ou du paragraphe 40(1) — et infirmé et renvoyé par la Cour fédérale pour jugement est jugée par le gouverneur en conseil conformément à ce paragraphe 10(1), dans sa version antérieure à la date d'entrée en vigueur de l'article 8.

— 2014, ch. 22, art. 34

Demande en instance — paragraphes 5(1.2) et (1.3) et 11(1.1) et (1.2)

34 (1) Sous réserve du paragraphe (2), les paragraphes 5(1.2) et (1.3) et 11(1.1) et (1.2) de la *Loi sur la citoyenneté*, respectivement édictés par les paragraphes 3(3) et 9(3), continuent de s'appliquer à la demande qui a été présentée avant la date d'entrée en vigueur des paragraphes 3(4) et 9(4) et dont il n'a pas été décidé définitivement avant cette date.

Exception

(2) L'exigence selon laquelle la personne est tenue de satisfaire à toute condition rattachée à son statut de résident permanent, mentionnée aux alinéas 5(1.2) et 11(1.1) de cette loi, respectivement édictés par les

permanent resident applies in respect of applications referred to in subsection (1).

— 2014, c. 22, s. 35

Redetermination of decisions — sections 5, 9 and 11

35 Any decision that is made under section 5, 9 or 11 of the *Citizenship Act* before the day on which subsection 12(1) comes into force and that is set aside by the Federal Court and sent back for a redetermination on or after the day on which that subsection comes into force is to be determined in accordance with that Act as it reads on that day.

— 2014, c. 22, s. 36

Expiry of section 14 — decisions under section 5 or 11

36 In the event that section 14 of the *Citizenship Act* expires in accordance with section 28.1 of that Act, any decision that is made under section 5 or 11 of that Act before the day on which that section 14 expires and that is set aside by the Federal Court and sent back for a redetermination on or after that day is to be determined in accordance with that Act as it reads on that day.

— 2014, c. 22, s. 37

Existing applications — subsection 12(1)

37 (1) An application that was made under subsection 12(1) of the *Citizenship Act* before the day on which subsection 2(2) comes into force and was not finally disposed of before that day is to be dealt with and disposed of in accordance with

(a) the provisions of that Act — except section 3 — as they read immediately before that day; and

(b) section 3 of that Act as it reads on that day.

Order in council

(2) On the day on which subsection 2(2) comes into force, the reference to subsection 3(7) in subsection (1) is replaced by a reference to that subsection 2(2).

— 2014, c. 22, s. 38

Existing applications — expiry of section 14

38 In the event that section 14 of the *Citizenship Act* expires in accordance with section 28.1 of that Act, every application that is referred to a citizenship judge for determination under that section 14 and in respect of which

paragraphes 3(4) et 9(4), s'applique aux demandes visées au paragraphe (1).

— 2014, ch. 22, art. 35

Révision d'une décision — articles 5, 9 ou 11

35 Toute décision rendue au titre des articles 5, 9 ou 11 de la *Loi sur la citoyenneté* dans sa version antérieure à la date d'entrée en vigueur du paragraphe 12(1), mise de côté par la Cour fédérale après cette date et renvoyée pour un nouvel examen, sera révisée en conformité avec la *Loi sur la citoyenneté* dans sa version postérieure à cette date.

— 2014, ch. 22, art. 36

Cessation d'effet de l'article 14 — décision rendue au titre des articles 5 ou 11

36 Dans le cas où, conformément à l'article 28.1 de la *Loi sur la citoyenneté*, l'article 14 de cette loi cesse d'avoir effet, une décision rendue au titre des articles 5 ou 11 de cette loi avant la date où cet article 14 cesse d'avoir effet, mise de côté par la Cour fédérale après cette date et renvoyée pour un nouvel examen, sera révisée en conformité avec la *Loi sur la citoyenneté* dans sa version postérieure à cette date.

— 2014, ch. 22, art. 37

Demande en instance — paragraphe 12(1)

37 (1) La demande qui a été présentée en vertu du paragraphe 12(1) de la *Loi sur la citoyenneté* avant la date d'entrée en vigueur du paragraphe 2(2) et dont il n'a pas été décidé définitivement avant cette date est régie à la fois par :

a) cette loi, dans sa version antérieure à cette date, exception faite de l'article 3;

b) l'article 3 de cette loi, dans sa version à cette date.

Décret

(2) À la date d'entrée en vigueur du paragraphe 2(2), le renvoi au paragraphe 3(7) visé au paragraphe (1) est remplacé par un renvoi à ce paragraphe 2(2).

— 2014, ch. 22, art. 38

Demandes en instance — cessation d'effet de l'article 14

38 Dans le cas où, conformément à l'article 28.1 de la *Loi sur la citoyenneté*, l'article 14 de cette loi cesse d'avoir effet, la demande qui a été transmise au juge de la citoyenneté afin qu'il puisse statuer sur celle-ci en application de

a decision to approve or not to approve is not made before the expiry of that section 14 is to be dealt with and disposed of in accordance with the provisions of that Act, as if that section 14 had been repealed.

— 2014, c. 22, s. 39

Existing appeals and judicial review applications

39 An appeal under subsection 14(5) of the *Citizenship Act* — or an application for judicial review with respect to any matter under that Act — that was commenced before the day on which section 20 comes into force and was not finally disposed of before that day is to be dealt with and disposed of in accordance with that Act and the *Federal Courts Act* as they read immediately before that day.

— 2014, c. 22, s. 40

Proceeding pending

40 (1) A proceeding that is pending before the Federal Court immediately before the day on which section 8 comes into force, as a result of a referral under section 18 of the *Citizenship Act* as that section 18 read immediately before that day, is to be dealt with and disposed of in accordance with that Act, as it read immediately before that day.

Revocation cases — sections 34, 35 and 37 of *Immigration and Refugee Protection Act*

(2) Any proceeding with respect to allegations that a person obtained, retained, renounced or resumed his or her citizenship by false representation or fraud or by knowingly concealing material circumstances, with respect to a fact described in section 34, 35 or 37 of the *Immigration and Refugee Protection Act* other than a fact that is also described in paragraph 36(1)(a) or (b) or (2)(a) or (b) of that Act, that is pending before the Federal Court immediately before the day on which section 8 comes into force, as a result of a referral under section 18 of the *Citizenship Act* as that section 18 read immediately before that day, is to be continued as a proceeding under subsection 10.1(1) of the *Citizenship Act*, as enacted by section 8.

Minister of Public Safety and Emergency Preparedness

(3) In a proceeding that is continued as set out in subsection (2), the Minister of Citizenship and Immigration, on the request of the Minister of Public Safety and Emergency Preparedness, may seek a declaration that the person is inadmissible on security grounds, on grounds of violating human or international rights or on grounds of organized criminality under, respectively, subsection

l'article 14 et qui n'a pas encore été approuvée ou rejetée à la date de cessation d'effet de cet article 14 est régie par les dispositions de cette loi comme si l'article 14 avait été abrogé.

— 2014, ch. 22, art. 39

Appels et demandes de contrôle judiciaire en instance

39 L'appel qui a été interjeté en vertu du paragraphe 14(5) de la *Loi sur la citoyenneté* et la demande de contrôle judiciaire concernant toute question relevant de l'application de cette loi qui a été présentée, avant la date d'entrée en vigueur de l'article 20, dont il n'a pas été décidé définitivement avant cette date sont régis par cette loi et la *Loi sur les Cours fédérales*, dans leur version antérieure à cette date.

— 2014, ch. 22, art. 40

Instances en cours

40 (1) Les instances en cours, à l'entrée en vigueur de l'article 8, devant la Cour fédérale à la suite d'un renvoi visé à l'article 18 de la *Loi sur la citoyenneté*, dans sa version antérieure à cette entrée en vigueur, sont continuées sous le régime de cette loi, dans cette version.

Révocation — articles 34, 35 et 37 de la *Loi sur l'immigration et la protection des réfugiés*

(2) Les instances en cours relatives à des allégations portant que l'acquisition, la conservation ou la répudiation de la citoyenneté d'une personne ou sa réintégration dans celle-ci est intervenue par fraude ou au moyen d'une fausse déclaration ou de la dissimulation intentionnelle de faits essentiels — concernant des faits visés à l'un des articles 34, 35 et 37 de la *Loi sur l'immigration et la protection des réfugiés*, autre qu'un fait également visé à l'un des alinéas 36(1)a) et b) et (2)a) et b) de cette loi —, à l'entrée en vigueur de l'article 8, devant la Cour fédérale à la suite d'un renvoi visé à l'article 18 de la *Loi sur la citoyenneté*, dans sa version antérieure à cette entrée en vigueur, sont continuées sous le régime du paragraphe 10.1(1) de cette loi, édicté par l'article 8.

Ministre de la Sécurité publique et de la Protection civile

(3) Dans le cadre des instances continuées conformément au paragraphe (2), à la requête du ministre de la Sécurité publique et de la Protection civile, le ministre de la Citoyenneté et de l'Immigration peut demander que l'intéressé soit déclaré interdit de territoire pour raison de sécurité, pour atteinte aux droits humains ou internationaux ou pour criminalité organisée, aux termes,

34(1), paragraph 35(1)(a) or (b) or subsection 37(1) of the *Immigration and Refugee Protection Act*.

Other cases

(4) If, immediately before the coming into force of section 8, a notice has been given under subsection 18(1) of the *Citizenship Act*, as that subsection read immediately before that coming into force, and the case is not provided for under section 32 or any of subsections (1) to (3), the notice is cancelled and any proceeding arising from it is terminated on that coming into force, in which case the Minister, within the meaning of that Act, may provide the person to whom that notice was given a notice under subsection 10(3) of that Act, as enacted by section 8, or may commence an action for a declaration in respect of that person under subsection 10.1(1) of that Act, as enacted by section 8.

— 2017, c. 14, s. 14

Presence in Canada — pending applications

14 Paragraphs 5(1)(c) and 14(1)(a) of the *Citizenship Act*, as they read immediately before the day on which subsection 1(1) comes into force, apply to a person whose application for citizenship was made on or after June 11, 2015 but before the day on which that subsection comes into force and has not been finally disposed of before the day on which that subsection comes into force.

— 2017, c. 14, s. 15

Presence in Canada — pending applications (subsections 1(1) and (2))

15 If subsection 1(1) comes into force before subsection 1(2), then paragraph 5(1)(c) of the *Citizenship Act*, as it read immediately before the day on which subsection 1(2) comes into force, applies to a person whose application for citizenship is made on or after the day on which subsection 1(1) comes into force but before the day on which subsection 1(2) comes into force and has not been finally disposed of before the day on which subsection 1(2) comes into force.

— 2017, c. 14, s. 16

Intention to reside in Canada — citizenship granted

16 Paragraph 5(1)(c.1) of the *Citizenship Act*, as it read immediately before the day on which subsection 1(5) comes into force, is deemed never to have applied to a person whose application for citizenship was made on or after June 11, 2015 and who was granted citizenship before the day on which that subsection comes into force.

respectivement, du paragraphe 34(1), des alinéas 35(1)a) ou b) et du paragraphe 37(1) de la *Loi sur l'immigration et la protection des réfugiés*.

Autres cas

(4) Si, à l'entrée en vigueur de l'article 8, un avis a été donné en application du paragraphe 18(1) de la *Loi sur la citoyenneté*, dans sa version antérieure à cette entrée en vigueur, et qu'il ne s'agit pas d'un cas prévu à l'article 32 ou à l'un des paragraphes (1) à (3), l'avis et toute instance qui en découle sont dès lors annulés et le ministre, au sens de cette loi, peut fournir à la personne à qui l'avis a été donné un avis en vertu du paragraphe 10(3) de cette loi, édicté par l'article 8, ou intenter une action pour obtenir une déclaration relativement à cette personne en vertu du paragraphe 10.1(1) de cette loi, édicté par l'article 8.

— 2017, ch. 14, art. 14

Présence au Canada : demandes pendantes

14 Les alinéas 5(1)c) et 14(1)a) de la *Loi sur la citoyenneté*, dans leur version antérieure à la date d'entrée en vigueur du paragraphe 1(1), s'appliquent à la personne dont la demande de citoyenneté, qui a été présentée le 11 juin 2015 ou après cette dernière date mais avant la date d'entrée en vigueur de ce paragraphe, n'a pas fait l'objet d'une décision définitive avant la date d'entrée en vigueur de ce paragraphe.

— 2017, ch. 14, art. 15

Présence au Canada : demandes pendantes (paragraphes 1(1) et (2))

15 Si le paragraphe 1(1) entre en vigueur avant le paragraphe 1(2), l'alinéa 5(1)c) de la *Loi sur la citoyenneté*, dans sa version antérieure à la date d'entrée en vigueur du paragraphe 1(2), s'applique à la personne dont la demande de citoyenneté, qui a été présentée à la date d'entrée en vigueur du paragraphe 1(1) ou après cette dernière date mais avant la date d'entrée en vigueur du paragraphe 1(2), n'a pas fait l'objet d'une décision définitive avant la date d'entrée en vigueur du paragraphe 1(2).

— 2017, ch. 14, art. 16

Intention de résider au Canada : citoyenneté attribuée

16 L'alinéa 5(1)c.1) de la *Loi sur la citoyenneté*, dans sa version antérieure à la date d'entrée en vigueur du paragraphe 1(5), est réputé ne pas s'être appliqué à la personne qui a présenté une demande de citoyenneté le 11

juin 2015 ou après cette dernière date et à qui la citoyenneté a été attribuée avant la date d'entrée en vigueur de ce paragraphe.

— 2017, c. 14, s. 17

— 2017, ch. 14, art. 17

Intention to reside in Canada — pending applications

17 Paragraph 5(1)(c.1) of the *Citizenship Act*, as it read immediately before the day on which subsection 1(5) comes into force, does not apply to a person whose application for citizenship was made on or after June 11, 2015 but before the day on which that subsection comes into force and has not been finally disposed of before the day on which that subsection comes into force.

Intention de résider au Canada : demandes pendantes

17 L'alinéa 5(1)c.1) de la *Loi sur la citoyenneté*, dans sa version antérieure à la date d'entrée en vigueur du paragraphe 1(5), ne s'applique pas à la personne dont la demande de citoyenneté, qui a été présentée le 11 juin 2015 ou après cette dernière date mais avant la date d'entrée en vigueur de ce paragraphe, n'a pas fait l'objet d'une décision définitive avant la date d'entrée en vigueur de ce paragraphe.

— 2017, c. 14, s. 17.1

— 2017, ch. 14, art. 17.1

Knowledge of Canada and official languages

17.1 Until the day on which subsection 1(6) comes into force, paragraphs 5(1)(d) and (e) of the *Citizenship Act* are replaced by the following:

(d) if 18 years of age or more but less than 65 years of age at the date of his or her application, has an adequate knowledge of one of the official languages of Canada;

(e) if 18 years of age or more but less than 65 years of age at the date of his or her application, demonstrates in one of the official languages of Canada that he or she has an adequate knowledge of Canada and of the responsibilities and privileges of citizenship; and

Connaissance du Canada et des langues officielles

17.1 Jusqu'à la date d'entrée en vigueur du paragraphe 1(6), les alinéas 5(1)d) et e) de la *Loi sur la citoyenneté* sont remplacés par ce qui suit :

d) si elle a 18 ans ou plus mais moins de 65 ans à la date de sa demande, a une connaissance suffisante de l'une des langues officielles du Canada;

e) si elle a 18 ans ou plus mais moins de 65 ans à la date de sa demande, démontre dans l'une des langues officielles du Canada qu'elle a une connaissance suffisante du Canada et des responsabilités et avantages conférés par la citoyenneté;

— 2017, c. 14, s. 18

— 2017, ch. 14, art. 18

Knowledge of Canada and official language — pending applications

18 Paragraphs 5(1)(d) and (e) of the *Citizenship Act*, as enacted by subsection 1(6), apply to a person whose application for citizenship was made on or after June 11, 2015 but before the day on which that subsection comes into force and has not been finally disposed of before the day on which that subsection comes into force.

Connaissance du Canada et des langues officielles : demandes pendantes

18 Les alinéas 5(1)d) et e) de la *Loi sur la citoyenneté*, édictés par le paragraphe 1(6), s'appliquent à la personne dont la demande de citoyenneté, qui a été présentée le 11 juin 2015 ou après cette date mais avant la date d'entrée en vigueur de ce paragraphe, n'a pas fait l'objet d'une décision définitive avant la date d'entrée en vigueur de ce paragraphe.

— 2017, c. 14, s. 19

— 2017, ch. 14, art. 19

Knowledge of Canada and official language (minors) — pending applications

19 Paragraphs 5(2)(c) and (d) of the *Citizenship Act*, as they read immediately before the day on which subsection 1(9) comes into force, do not apply to a person whose application for citizenship was made on or after

Mineurs — connaissance du Canada et des langues officielles : demandes pendantes

19 Les alinéas 5(2)c) et d) de la *Loi sur la citoyenneté*, dans leur version antérieure à la date d'entrée en vigueur du paragraphe 1(9), ne s'appliquent pas à la personne dont la demande de citoyenneté, qui a été présentée le 11

June 11, 2015 but before the day on which that subsection comes into force and has not been finally disposed of before the day on which that subsection comes into force.

juin 2015 ou après cette dernière date mais avant la date d'entrée en vigueur de ce paragraphe, n'a pas fait l'objet d'une décision définitive avant la date d'entrée en vigueur de ce paragraphe.

— 2017, c. 14, s. 19.1

— 2017, ch. 14, art. 19.1

Decisions sent back for redetermination

19.1 (1) Any decision that is made under subsection 10(1) of the *Citizenship Act* as it read immediately before the day on which subsection 3(2) comes into force and that is set aside by the Federal Court and sent back for a redetermination on or after that day is to be determined in accordance with that Act as it reads on that day.

Décisions renvoyées pour nouvel examen

19.1 (1) Toute décision rendue au titre du paragraphe 10(1) de la *Loi sur la citoyenneté*, dans sa version antérieure à la date d'entrée en vigueur du paragraphe 3(2), mise de côté par la Cour fédérale et renvoyée à cette date ou par la suite pour un nouvel examen, est jugée en conformité avec la *Loi sur la citoyenneté*, dans sa version à cette date.

Pending proceedings

(2) A proceeding that is pending before the Federal Court before the day on which subsection 3(2) comes into force as a result of an action commenced under subsection 10.1(1) of the *Citizenship Act* is to be dealt with and disposed of in accordance with that Act as it read immediately before that day.

Instances en cours

(2) Les instances en cours, à la date d'entrée en vigueur du paragraphe 3(2), devant la Cour fédérale à la suite d'une action intentée au titre du paragraphe 10.1(1) de la *Loi sur la citoyenneté* sont continuées sous le régime de cette loi, dans sa version antérieure à cette date.

— 2017, c. 14, s. 20

— 2017, ch. 14, art. 20

Citizenship deemed not to have been revoked

20 A person whose citizenship was revoked under subsection 10(2) of the *Citizenship Act*, as it read immediately before the day on which section 3 comes into force, is deemed never to have had their citizenship revoked.

Citoyenneté réputée non révoquée

20 La personne dont la citoyenneté a été révoquée en vertu du paragraphe 10(2) de la *Loi sur la citoyenneté*, dans sa version antérieure à la date d'entrée en vigueur de l'article 3, est réputée ne pas avoir vu sa citoyenneté révoquée.

— 2017, c. 14, s. 20.1

— 2017, ch. 14, art. 20.1

Request — new procedure

20.1 If, before the day on which subsection 3(2) comes into force, a notice has been given to a person under subsection 10(3) of the *Citizenship Act* and a decision has not been made by the Minister before that day, the person may, within 30 days after that day, request to have the matter dealt with and disposed of as if the notice had been given under subsection 10(3) of that Act as it reads on that day.

Demande : nouveau régime

20.1 Si, avant la date d'entrée en vigueur du paragraphe 3(2), un avis a été donné à une personne en application du paragraphe 10(3) de la *Loi sur la citoyenneté* sans que l'affaire ait été tranchée par le ministre avant cette date, la personne peut, dans les trente jours suivant cette date, demander que l'affaire se poursuive comme si l'avis avait été donné en application du paragraphe 10(3) de cette loi, dans sa version à cette date.

— 2017, c. 14, s. 21

— 2017, ch. 14, art. 21

Intention to reside in Canada — citizenship granted (resumption)

21 Paragraph 11(1)(e) of the *Citizenship Act*, as it read immediately before the day on which section 7 comes into force, is deemed never to have applied to a person whose application for resumption of citizenship was made on or after June 11, 2015 and who was granted

Intention de résider au Canada : citoyenneté attribuée (réintégration)

21 L'alinéa 11(1)e) de la *Loi sur la citoyenneté*, dans sa version antérieure à la date d'entrée en vigueur de l'article 7, est réputé ne pas s'être appliqué à la personne qui a présenté une demande de réintégration dans la citoyenneté le 11 juin 2015 ou après cette dernière date et à qui

citizenship before the day on which that section comes into force.

— 2017, c. 14, s. 22

Intention to reside in Canada — pending applications (resumption)

22 Paragraph 11(1)(e) of the *Citizenship Act*, as it read immediately before the day on which section 7 comes into force, does not apply to a person whose application for resumption of citizenship was made on or after June 11, 2015 but before the day on which that section comes into force and has not been finally disposed of before the day on which that section comes into force.

— 2017, c. 14, s. 23

Persons serving term of imprisonment — pending applications

23 Paragraph 21(c) and subparagraph 22(1)(a)(iii) of the *Citizenship Act*, as enacted by subsections 9(2) and 10(2), respectively, apply to a person whose application has not been finally disposed of before the day on which section 9 comes into force.

— 2017, c. 14, s. 24

Prohibition — taking oath

24 Subsection 22(6) of the *Citizenship Act* applies to a person who made an application under subsection 5(1) or (2) or 11(1) of that Act before June 11, 2015 and who is required under that Act to take the oath of citizenship to become a citizen but has not done so before the day on which this section comes into force.

— 2023, c. 19, s. 23

Referral to committee

23 (1) As soon as possible after the third anniversary of the day on which this Act receives royal assent, the provisions enacted or amended by this Act are to be referred to the committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established for the purpose of reviewing those provisions.

Report

(2) The committee to which the provisions are referred is to review them and submit a report to the House or Houses of Parliament of which it is a committee, including a statement setting out any changes to the provisions that the committee recommends.

la citoyenneté a été attribuée avant la date d'entrée en vigueur de cet article.

— 2017, ch. 14, art. 22

Intention de résider au Canada : demandes pendantes (réintégration)

22 L'alinéa 11(1)e) de la *Loi sur la citoyenneté*, dans sa version antérieure à la date d'entrée en vigueur de l'article 7, ne s'applique pas à la personne dont la demande de réintégration dans la citoyenneté, qui a été présentée le 11 juin 2015 ou après cette dernière date mais avant la date d'entrée en vigueur de cet article, n'a pas fait l'objet d'une décision définitive avant la date d'entrée en vigueur de cet article.

— 2017, ch. 14, art. 23

Personnes purgeant une peine d'emprisonnement : demandes pendantes

23 L'alinéa 21c) et le sous-alinéa 22(1)a)(iii) de la *Loi sur la citoyenneté*, édictés respectivement par les paragraphes 9(2) et 10(2), s'appliquent à la personne dont la demande n'a pas fait l'objet d'une décision définitive avant la date d'entrée en vigueur de l'article 9.

— 2017, ch. 14, art. 24

Interdiction — serment

24 Le paragraphe 22(6) de la *Loi sur la citoyenneté* s'applique à la personne qui a présenté une demande au titre des paragraphes 5(1) ou (2) ou 11(1) de cette loi avant le 11 juin 2015 et qui est tenue de prêter le serment de citoyenneté en application de cette loi pour avoir la qualité de citoyen mais qui ne l'a pas encore fait à la date d'entrée en vigueur du présent article.

— 2023, ch. 19, art. 23

Renvoi au comité

23 (1) Dans les meilleurs délais après le troisième anniversaire de la sanction de la présente loi, les dispositions édictées ou modifiées par la présente loi sont soumises à l'examen d'un comité soit du Sénat, soit de la Chambre des communes, soit mixte, constitué ou désigné pour les examiner.

Rapport

(2) Le comité procède à l'examen de ces dispositions et remet à la chambre ou aux chambres l'ayant constitué ou désigné un rapport comportant les modifications, s'il en est, qu'il recommande d'y apporter.

AMENDMENTS NOT IN FORCE

— 2023, c. 26, s. 300

300 The *Citizenship Act* is amended by adding the following after section 2:

Biometric Information

Biometric information — collection, use, etc.

2.1 The Minister may, for the purpose of administering and enforcing this Act, collect, use, verify, retain and disclose biometric information in accordance with the regulations.

Provision of biometric information

2.2 (1) Subject to subsection (2) and the regulations, a person who makes an application or request under this Act must provide the biometric information specified by the regulations in accordance with the procedures set out in the regulations for the collection and verification of biometric information.

Exceptional circumstances

(2) If the Minister considers that exceptional circumstances warrant it, the Minister may, on the Minister's own initiative, decide that subsection (1) does not apply in respect of a class of persons and may specify the biometric information that a person who is a member of that class is to provide and the procedure to follow for the collection and verification of that biometric information.

— 2023, c. 26, ss. 302(1), (2)

302 (1) Subsection 27(1) of the Act is amended by adding the following before paragraph (b):

(a) respecting the application of section 2.2, including regulations respecting

(i) restrictions on the persons to whom and on the applications or requests to which that section applies,

(ii) the biometric information that is to be provided,

(iii) the circumstances in which a person is not required to provide certain biometric information, and

MODIFICATIONS NON EN VIGUEUR

— 2023, ch. 26, art. 300

300 La *Loi sur la citoyenneté* est modifiée par adjonction, après l'article 2, de ce qui suit :

Renseignements biométriques

Renseignements biométriques — collecte, utilisation, etc.

2.1 Aux fins d'exécution ou de contrôle d'application de la présente loi, le ministre peut recueillir, utiliser, vérifier, conserver et communiquer des renseignements biométriques conformément aux règlements.

Fourniture de renseignements biométriques

2.2 (1) Sous réserve du paragraphe (2) et des règlements, l'auteur de toute demande présentée au titre de la présente loi doit fournir les renseignements biométriques précisés par règlement et à cette fin suivre la procédure réglementaire de collecte et de vérification de renseignements biométriques.

Circonstances exceptionnelles

(2) Le ministre peut, de sa propre initiative, s'il estime que des circonstances exceptionnelles le justifient, décider que le paragraphe (1) ne s'applique pas à une catégorie de personnes et préciser pour ces personnes les renseignements biométriques à fournir ainsi que la procédure de collecte et de vérification de renseignements biométriques à suivre.

— 2023, ch. 26, par. 302(1) et (2)

302 (1) Le paragraphe 27(1) de la même loi est modifié par adjonction, avant l'alinéa b), de ce qui suit :

a) régir l'application de l'article 2.2, notamment en ce qui touche :

(i) les restrictions applicables quant aux personnes et aux demandes visées à cet article,

(ii) les renseignements biométriques à fournir,

(iii) les circonstances dans lesquelles une personne n'est pas tenue de fournir certains renseignements biométriques,

(iv) the circumstances in which a person is exempt from the application of that section;

(2) Paragraph 27(1)(k.1) of the Act is replaced by the following:

(k.1) providing for the collection, retention, use, verification, disclosure and disposal of information for the purposes of this Act;

— 2023, c. 26, s. 303

303 Subsection 27.2 of the Act is amended by adding the following after paragraph (a):

(a.1) respecting the procedures for the collection and verification of biometric information;

(a.2) respecting the processing of collected biometric information, including the creation of biometric templates;

(iv) les circonstances dans lesquelles une personne est soustraite à l'application de cet article;

(2) L'alinéa 27(1)k.1) de la même loi est remplacé par ce qui suit :

k.1) prévoir la collecte, la conservation, l'utilisation, la vérification, la communication et la destruction de renseignements pour l'application de la présente loi;

— 2023, ch. 26, art. 303

303 L'article 27.2 de la même loi est modifié par adjonction, après l'alinéa a), de ce qui suit :

a.1) régir la procédure de collecte et de vérification de renseignements biométriques;

a.2) régir le traitement des renseignements biométriques recueillis, notamment la création d'un modèle biométrique;

C. Trevor Clarke
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May 18, 2026

Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Trafalgar Street
Bridgetown

Dear Sir

Barbados Citizenship Bill 2026

My daughter Maria Amy Clarke was born in Geneva, Switzerland in the year 2009 while I held the post of Permanent Representative to the United Nations in Geneva, and Special Representative to the World Trade Organization (WTO) at the level of Ambassador in Geneva.

That birth was registered in Geneva and **a birth certificate was issued by the Swiss Authorities who recognized my daughter as Barbadian**. That recognition was dependent on the fact that I was a Barbadian diplomat in Geneva at the time of her birth. Yet my daughter is being denied the recognition of **citizenship by birth,** as provided for in our Constitution. The Ministry of Foreign Affairs has acknowledged and promised to address this challenge over the last 16 years.

By restricting the persons who are deemed to be citizens of Barbados to where a state refuses to grant a birth certificate, the Barbados Citizenship Bill 2006, if it is not amended and if it becomes law, will make it more difficult for my daughter to be recognised as a **citizen of Barbados by birth**.

Her passport says "Barbadian" but there is no document recognising that she has been deemed a citizen of Barbados by birth – as provided for in our Constitution. We therefore remain greatly concerned should this Bill becomes law in its current form, especially Section 2(8) which purports to remove the basis on which she is Barbadian. **This would be unconstitutional!**

Your consideration would be greatly appreciated.

C. Trevor Clarke
Former Ambassador in Geneva

20 May 2026

The Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Trafalgar Street
BRIDGETOWN

Dear Sir,

Re: Section 2 (8) of the Barbados Citizenship Bill 2026

I am writing to convey my deep concern over section 2 (8) of the draft Barbados Citizenship Bill 2026. I believe the draft provision, as it is currently formulated, is problematic on three (3) grounds, namely that section 2 (8) of the draft Barbados Citizenship Bill 2026 is (1) prejudicial; (2) discriminatory and unfair; and (3) unconstitutional.

My name is Juliette Babb-Riley. I joined the Barbados Foreign Service in April 1991 and have been continuously employed by the Ministry of Foreign Affairs since that date. Pursuant to the External Service Orders of Barbados, the Ministry of Foreign Affairs comprises two Divisions. The Headquarters Division and the Overseas Division.

In 1997, I was transferred to the Overseas Division - the High Commission of Barbados to Canada - in the capacity of First Secretary, and remained there until my transfer back to the Headquarters Division in 2003. While in Ottawa, Canada as a duly accredited representative of the Government of Barbados to Canada, I gave birth to two children namely Danielle Riley, born on 11 September 1999, and Nathan Riley, born on 29 June 2002. Consequently, they were both issued with birth certificates by the Province of Ontario, Canada. **However**, in accordance with section 3 (2) of the **Citizenship Act of Canada**, their respective births in Canada do not entitle or confer them with Canadian citizenship. This position is expressly stated by Global Affairs Canada in the following words:

> "No accredited foreign representative is eligible to claim Canadian citizenship for a child born in Canada. While children of accredited foreign representatives may obtain a birth certificate, this document does not confer any rights to citizenship.... **A birth certificate is simply meant to provide evidence of the birth in Canada**" *(emphasis added)*

On the other hand, section 2 (9) of the current **Barbados Citizenship Act, Cap 186** reads:

> "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 on Barbados".

Section 2 (8) of the draft Barbados Citizenship Bill 2026 purports to repeal section 2 (9) of the **Barbados Citizenship Act, Cap 186** and replace it with the following provision:

"For the purposes of this Act, a person born outside of 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**" (*emphasis added*).

Grounds of Concern

1. **Section 2 (8) is Prejudicial**

This new provision is extremely prejudicial to my children and those in a similar position because it will mean that neither Canada nor Barbados will recognise them as citizens by birth. More egregiously, it would mean that pursuant to section 3 (2) of the **Citizenship Act of Canada**, they would have been disqualified from obtaining citizenship by birth from Canada and they would be disqualified from citizenship by birth from Barbados – on the sole ground that at the time of their births, their parents were foreign representatives, and in the case of Barbados, that the State in which they were born issued them with a birth certificate – which as explained by the Government of Canada "***is simply meant to provide evidence of where they were born***" but does not confer rights of nationality. What then is to be their nationality? Where is their birthright to be founded?

The prejudice resulting from section 2 (8) of the draft Barbados Citizenship Bill 2026 is unmistakable and irrebuttable as it will have implications for their residency and nationality status, including their right to hold and maintain their Barbados national identification cards and passports, as well as their ability to travel, work and access social services.

2. **Section 2 (8) is Discriminatory and Unfair**

The provision is discriminatory and unfair because it makes a distinction between certain children born to officers who, at the time of their births were assigned to the Overseas Division of the Ministry of Foreign Affairs, and children born to officers who at the time of their births were serving in the Headquarters Division of the Ministry of Foreign Affairs. It makes a further distinction between children born in States that issue birth certificates and States that refuse to issue birth certificates. In other words, the effect of section 2 (8) of the draft Citizenship Bill is that children born to officers who are in the service of Barbados overseas, in a diplomatic or consular capacity, and have been given a birth certificate, simply as evidence of where they were born, would have a different citizenship status to those which were born to officers, who at the time of their births were assigned to the Headquarters Division.

It is not fair. It is not right and it unjustifiably takes away existing rights that they presently enjoy under section 2 (9) of the Barbados Citizenship Act and section 4 A of the Constitution of Barbados.

3. **Section 2 (8) is Unconstitutional**

Section 1 of the Constitution of Barbados states as follows:

> "This Constitution is the supreme law of Barbados and subject to the provisions of this Constitution, if any other law is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of inconsistency, be void".

Section 4 A of the Constitution of Barbados states as follows:

> "A person born outside of Barbados after 29 November 1966 shall be deemed to be citizen of Barbados within section 4 at the date of his birth if he is born to a citizen of Barbados who at the date of the birth is in the service of Barbados in a diplomatic or consular capacity".

The courts have repeatedly indicated that constitutional rights should be given "***a generous interpretation avoiding… the austerity of tabulated legalism***". Section 2 (8) of the draft Barbados Citizenship Bill 2026 seeks to restrict the rights reflected in section 2 (9) of the **Barbados Citizenship Act, Cap 186** and granted in section 4 A of the **Constitution of Barbados** and is therefore unconstitutional.

Moreover, section 2 (8) of the draft Barbados Citizenship Bill also violates section 23 of the **Constitution of Barbados**, which guarantees protection from discrimination. The courts have interpreted discriminatory conduct as conduct which treats one class of people differently to a similar class of persons. In fact, section 23 (2) of the **Constitution of Barbados** refers to discriminatory treatment as one "whereby persons of one description are subjected to disabilities or restrictions to which persons of such description are not made subject or are accorded privileges or advantages which are not afforded to persons of another such description".

It is therefore respectfully submitted that the treatment of children of officers based on whether at the time of their births, their parents were assigned to the Overseas Division of the Ministry of Foreign Affairs as opposed to the Headquarters Division and that the foreign State in which they were born provides them with a birth certificate as mere evidence of where they were born is discriminatory and further unconstitutional.

In sum, section 2 (8) of the draft Barbados Citizenship Bill is prejudicial, discriminatory and unconstitutional. If left unchanged, section 2 (8) will be prejudicial to the rights of my children, Danielle Riley and Nathan Riley, as well as to my nephews, Johannes Schaefer and Yannick Schaefer, who were born in Geneva, Switzerland in 2009 and 2012 respectively. It will also be prejudicial in varying degrees to the children of other persons who were in the service of Barbados since Independence. Section 4 A of the **Constitution of Barbados** represents years of advocacy by many who gave tirelessly in the service of Barbados, in jurisdictions around the world, to ensure that their children were not conferred with a citizenship status that was inferior to those who were born physically in Barbados.

Section 2 (8) of the draft Barbados Citizenship as it is currently formulated is therefore blatantly wrong and unjustifiable. Accordingly, I am requesting that the Joint Select Committee recommend that the words "**where that State in which they were born refuses to grant a birth certificate**" be deleted from section 2 (8) of the draft Barbados Citizenship Bill 2026.

I am further requesting that the Joint Select Committee recommend that the requisite steps be taken to empower the Registration Department to issue a Certificate that expressly recognises that the children born to officers who, at the time of their births, are in the service of Barbados in a diplomatic or consular capacity are citizens of Barbados by birth, pursuant to section 4 A of the Constitution of Barbados. In this regard, I have been informed that the birth certificate issued by the Swiss Authorities contains a section which states the place of birth as "Geneve" and the place of nationality as the country of the accredited foreign representative. I similarly wish to refer to our own Barbados passports which, for example, states the place of birth in the case of my children as – "Canada" and their nationality as "Barbadian".

I thank you for your urgent attention to this matter.

Yours faithfully,

Juliette Babb-Riley

Democratic Labour Party
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PRESIDENT: Mr. Stephen Lashley, KC ***GENERAL SECRETARY: Mr. Pedro Shepherd BSc***

May 22, 2026

Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Trafalgar Street
BRIDGETOWN, St. Michael

BY EMAIL

Dear Sir

Written Submissions on the Citizenship Bill, 2026 and the Immigration Bill, 2026

On behalf of the Democratic Labour Party, I wish to express our sincere appreciation to the Joint Select Committee for extending the opportunity for public participation and written submissions as part of its consideration of the Citizenship Bill, 2026 and Immigration Bill, 2026.

Please find enclosed the Democratic Labour Party's written submission for the Committee's consideration, prepared and submitted by Corey C. Greenidge, Attorney-at-Law and Spokesperson on Legal Affairs, Office of the Attorney General, and Home Affairs.

Given the importance and complexity of the issues raised, the Democratic Labour Party respectfully requests the opportunity to have Mr. Greenidge appear before the Joint Select Committee to make oral submissions in support of the enclosed document and to respond to any questions or matters on which the Committee may wish to seek clarification.

We would be grateful if the Committee could advise of any arrangements, dates or procedural requirements for oral appearances should the Committee be minded to accommodate this request. Response to our request should be sent to coreygreenidge@dlp-barbados.com and copied to our official email above.

We thank the Committee for its consideration of this submission and remain available to provide any further information or assistance that may be helpful to the Committee in the execution of its mandate.

Yours faithfully
Democratic Labour Party
Per:

Corey Greenidge, Spokesperson

cc. The General Secretary, The Democratic Labour Party
The President, The Democratic Labour Party

THE BARBADOS PARLIAMENT

JOINT SELECT COMMITTEE (STANDING)

ON ECONOMIC AND PRODUCTIVE SECTORS

ON THE

IMMIGRATION BILL, 2026

AND

BARBADOS CITIZENSHIP BILL, 2026

WRITTEN SUBMISSIONS

Submitted by

Corey C. Greenidge
Attorney-at-Law
&
Democratic Labour Party Spokesperson
On
Legal Affairs, Office of the Attorney General, and Home Affairs

DLP
DEMOCRATIC LABOUR PARTY

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1. EXECUTIVE SUMMARY

This submission is respectfully presented to the Joint Select Committee of Parliament (Standing) on Economic and Productive Sectors (the "**Committee**") in relation to the Barbados Citizenship Bill, 2026 and the Immigration Bill, 2026.

The submission recognises at the outset that Barbados faces genuine demographic and economic challenges. The country is experiencing an ageing population, declining fertility rates, labour-market pressures in key sectors, and long-term concerns regarding productivity, economic competitiveness, and fiscal sustainability. Official policy documents, including the Draft Barbados Population Policy and the BERT 2026 framework, acknowledge these realities and support the need for carefully managed migration and human-capital development strategies.

Accordingly, this submission does not oppose immigration or citizenship reform in principle. Nor does it dispute the Government's stated objective of modernising Barbados' immigration framework to support economic development, workforce sustainability, innovation, and diaspora engagement.

However, while the need for reform is accepted, this submission concludes that the Government has not yet established a sufficiently evidence-based case for the specific framework proposed in the Bills in their current form.

The combined effect of the proposed legislation represents one of the most significant shifts in Barbados' citizenship and immigration policy since Independence. Most notably, the Bills substantially compress the pathway to citizenship, permitting eligibility for citizenship after comparatively short periods of lawful residence as permanent residents — as little as 180 days in certain cases. Comparative analysis demonstrates that these timelines are substantially shorter than those typically found across CARICOM jurisdictions and selected western democracies.

In addition, the Immigration Bill introduces a points-based pathway to permanent residence that expressly incorporates financial resources, property ownership, and asset holdings as qualifying considerations. While the proposed framework is not formally

structured as a citizenship-by-investment programme, the interaction between the permanent residence regime and the accelerated citizenship provisions creates a pathway in which financial capacity may materially influence progression toward citizenship.

This raises important policy, governance, and reputational questions.

The submission further notes that international scrutiny of citizenship frameworks has intensified significantly in recent years. Official actions taken by the United Kingdom, Canada, and the European Union demonstrate that major international partners are increasingly prepared to reassess visa-free access arrangements where citizenship systems are perceived to involve inadequate due diligence, weak connection requirements, or investor-linked pathways to nationality. The recent judgment of the Court of Justice of the European Union in *European Commission v Republic of Malta* further illustrates the growing international emphasis on citizenship integrity and the avoidance of overly transactional citizenship frameworks.

Barbados currently benefits from one of the strongest passports in the Caribbean region. The submission therefore argues that the integrity and international reputation of Barbadian citizenship should be treated as a strategic national asset closely linked to economic competitiveness, international mobility, tourism, investment confidence, and global trust.

The submission also raises concerns regarding the absence of sufficiently robust physical-presence requirements, the breadth of ministerial discretion within the proposed framework, the potential disconnect between the reforms and verified labour-market needs, and the possible implications for housing, healthcare, infrastructure, and public-service capacity if migration and citizenship policy are not carefully aligned with national absorptive capacity.

Importantly, this submission does not merely identify concerns. It advances a series of constructive recommendations intended to strengthen the Bills and better align them with the principles of managed migration, evidence-based governance, transparency, and sustainable national development.

Among the recommendations proposed are:

- reconsideration of the compressed citizenship timelines;
- stronger physical-presence and integration requirements;
- rebalancing of the permanent residence points system toward skills and strategic economic contribution rather than passive asset ownership;
- enhanced due diligence and transparency measures;
- periodic labour-market and fiscal-impact assessments;
- annual parliamentary reporting obligations;
- and statutory review mechanisms to assess the long-term effects of the legislation.

Ultimately, the submission concludes that Barbados should modernise its immigration and citizenship framework, but that such reform must proceed carefully, proportionately, and with appropriate safeguards.

Citizenship is not merely an administrative status. It is a constitutional, social, economic, and international institution that carries profound long-term implications for national identity, governance, sovereignty, and international confidence.

The central question before the Committee is therefore not whether Barbados should reform its immigration and citizenship laws, but whether the proposed Bills strike the appropriate balance between:

- economic competitiveness and citizenship integrity;
- population renewal and social capacity;
- migration management and public confidence;
- and short-term economic objectives and long-term national interests.

This submission respectfully contends that further refinement, safeguards, and evidentiary justification are necessary before that balance can properly be said to have been achieved.

2. INTRODUCTION

This submission is respectfully presented to the Committee established to consider the Barbados Citizenship Bill, 2026 and the Immigration Bill, 2026. The submission is made in response to the Committee's invitation for public engagement and seeks to contribute constructively to the Committee's deliberations by providing legal, economic, governance, and comparative policy analysis of the proposed legislative reforms.

At the outset, this submission acknowledges and welcomes the Committee's broad Terms of Reference, which recognise that immigration and citizenship policy cannot be assessed solely as matters of legal administration, but must also be examined in the context of:

- economic competitiveness;
- sustainable population growth;
- labour market development;
- innovation and investment;
- governance and transparency;
- international obligations;
- diaspora engagement;
- and Barbados' broader national development objectives.

This submission fully accepts that Barbados, like many small island developing states, faces legitimate demographic and economic pressures. Official Government policy documents and public statements identify several interconnected challenges, including:

- population ageing;
- fertility rates below replacement level;
- outward migration of working-age populations;
- tightening labour markets in selected sectors;
- rising pressure on healthcare and social support systems;
- and the need to maintain economic competitiveness in an increasingly global and mobile economy.

These challenges warrant serious policy consideration and may justify measured reform of Barbados' immigration and citizenship framework.

Accordingly, this submission does not proceed from the position that immigration reform should be resisted, nor does it reject the principle of population renewal, labour mobility, human-capital attraction, or diaspora engagement. Indeed, immigration has historically contributed to Barbados' social, economic, and cultural development and will likely continue to play an important role in the country's future prosperity.

The central issue addressed in this submission is therefore not whether reform should occur. Rather, the question is whether the particular mechanisms proposed by the Barbados Citizenship Bill, 2026 and the Immigration Bill, 2026 represent the most appropriate, proportionate, and evidence-based means of achieving the Government's stated objectives. That question is especially important given the scale and significance of the reforms proposed.

Taken together, the Bills substantially alter the relationship between migration, permanent residence, and citizenship. They compress traditional pathways to citizenship, introduce new mechanisms for acquiring permanent residence, broaden certain areas of executive discretion, and establish policy choices that may carry long-term implications for: citizenship integrity; public confidence; economic competitiveness; social capacity; and Barbados' international standing.

As such, the proposed reforms should not be evaluated solely on the basis of intended economic outcomes. They should also be assessed against broader principles of:

- good governance;
- proportionality;
- accountability;
- international credibility;
- institutional resilience;
- and long-term national interest.

This submission therefore adopts four guiding principles in assessing the proposed legislation:

First, immigration and citizenship policy should be evidence-based and proportionate to the problems identified. **Second**, citizenship should remain grounded in meaningful connection and integration with Barbados. **Third**, migration policy should support national development while remaining aligned with labour-market realities and national absorptive capacity. **Fourth**, reforms should preserve and strengthen international confidence in the integrity of Barbadian citizenship and the strength of the Barbadian passport.

The sections that follow examine the proposed reforms against those principles and advance recommendations intended not to oppose reform, but to strengthen it.

3. THE CASE FOR REFORM: BARBADOS' DEMOGRAPHIC AND ECONOMIC CONTEXT

Any meaningful assessment of the Barbados Citizenship Bill, 2026 and Immigration Bill, 2026 must begin with an acknowledgement of the broader demographic and economic realities confronting Barbados. Immigration and citizenship policy are not merely questions of border administration or legal status; increasingly, they operate as instruments through which states respond to structural pressures affecting population composition, labour supply, economic competitiveness, productivity, and long-term fiscal sustainability.

Viewed in that context, the Government's decision to undertake a comprehensive review of Barbados' immigration and citizenship framework is neither unusual nor inherently objectionable. Indeed, the available evidence supports the conclusion that Barbados faces genuine demographic and economic challenges which justify serious consideration of policy reform.

The demographic challenge confronting Barbados is well established in official policy documents. The Draft Barbados Population Policy observes that Barbados has entered an advanced stage of demographic transition characterised by declining fertility, increased life expectancy, and an ageing population (Government of Barbados, 2023, pp. 5–7). Fertility rates have remained below replacement level for several decades and population growth has slowed significantly. The Policy further notes that future population growth is likely to depend substantially upon migration, diaspora engagement, and managed population strategies, given that natural population growth is expected to become increasingly negligible (Government of Barbados, 2023, pp. 7–9).

These demographic developments carry implications extending well beyond population statistics. Population ageing alters the relationship between economically active persons and dependants, with consequences for labour supply, economic output, taxation, pension sustainability, healthcare expenditure, and the long-term financing of public services. The Draft Population Policy expressly recognises that demographic ageing may materially increase demand for health and long-term care expenditure and

alter the fiscal composition of public spending over time (Government of Barbados, 2023, pp. 15–18).

These pressures are not unique to Barbados. Across developed and developing economies alike, governments are increasingly turning to immigration policy, labour mobility arrangements, human-capital attraction, and population management strategies to maintain productive capacity and offset demographic imbalance. Against that backdrop, the broad policy objective of reviewing Barbados' immigration and citizenship framework is understandable and cannot be dismissed without analysis.

At the same time, demographic pressure alone cannot determine policy design.

Barbados' recent economic experience demonstrates that growth and resilience are influenced by a broader set of structural conditions than population size alone. Following fiscal and debt restructuring beginning in 2018, Barbados implemented a programme of macroeconomic reform under the Barbados Economic Recovery and Transformation (BERT) programme and its successor framework, BERT 2026.

Official Government reporting indicates that these reforms have produced measurable improvements in macroeconomic stability. According to BERT 2026, public debt declined from approximately 178.9 per cent of GDP in 2018 to approximately 101.1 per cent by September 2025, while international reserves increased from less than four weeks of import cover to approximately 31.6 weeks and reached approximately BDS $3.3 billion (Government of Barbados, 2026, pp. 4–6).

Similarly, the Central Bank of Barbados reported continued economic expansion following the disruption of the COVID-19 pandemic, with growth driven primarily by tourism, construction, agriculture, business services, and domestic commercial activity (Central Bank of Barbados, 2025a, pp. 1–6). Although growth projections remain positive, official reporting anticipates some moderation relative to the immediate post-pandemic recovery period (Central Bank of Barbados, 2026).

Importantly, however, these same official reports acknowledge that Barbados continues to face structural constraints. BERT 2026 identifies ongoing challenges relating

to labour productivity, housing availability, infrastructure investment, innovation capacity, climate resilience, and fiscal sustainability (Government of Barbados, 2026, pp. 17–24). These observations are significant because they suggest that long-term competitiveness cannot be reduced to population growth alone.

Economic development depends not simply upon increasing the number of persons participating in the economy, but also upon workforce quality, productivity, innovation, infrastructure capacity, institutional effectiveness, and sustainable public finances.

Labour market conditions similarly require careful interpretation.

Recent Central Bank reporting suggests that Barbados has experienced relatively tight labour-market conditions and historically low unemployment levels. The Central Bank reported unemployment of approximately 6.1 per cent by mid-2025 and noted continued employment growth across selected sectors (Central Bank of Barbados, 2025a, p. 9). Those figures are relevant and should not be dismissed. However, they should also be interpreted with caution.

The official unemployment rate is not a complete measure of labour-market distress. By definition, unemployment generally measures persons who are without work, available for work, and actively seeking employment; it does not fully capture discouraged workers, labour-force inactivity, persons who have stopped searching for work, or individuals who are employed but whose work is materially below their level of education, training, or productive capacity (Barbados Statistical Service, 2026; World Bank, 2026).

This distinction is particularly important in the Barbadian context.

Public discussion over recent years has increasingly highlighted concerns regarding graduate underemployment and the difficulty experienced by university graduates in securing employment commensurate with their qualifications. In 2021, the Government itself announced initiatives aimed at creating more than 2,000 employment opportunities for University of the West Indies graduates against a background of

acknowledged concern regarding youth unemployment, graduate unemployment, and underemployment (Barbados Today, 2021).

More recently, public reporting recorded comments by then Minister of Home Affairs Wilfred Abrahams encouraging University of the West Indies Cave Hill graduates who could not find opportunities locally to consider employment elsewhere within the Caribbean under the CARICOM free movement regime (Barbados Today, 2025). Whether intended as encouragement toward regional opportunity or labour mobility, such statements nonetheless expose an important policy tension.

On one hand, Barbados is presented as experiencing labour shortages requiring expanded migration pathways and accelerated citizenship mechanisms. On the other hand, educated Barbadians are publicly encouraged to seek opportunities outside the jurisdiction due to limited domestic employment absorption.

Those realities may not necessarily be contradictory, but they suggest that the labour challenge facing Barbados is more complex than a simple shortage of workers.

Labour shortages can coexist with underemployment, skills mismatch, labour-force inactivity, and inadequate opportunities for educated workers. They may also coexist with segments of the population, particularly young men, who remain detached from formal labour markets and are therefore not captured by headline unemployment statistics.

This observation is not made to undermine official data. Rather, it is intended to illustrate that labour-market indicators should be interpreted holistically when informing major national policy decisions.

If labour shortages are concentrated within specific sectors, then policy responses should likewise be targeted. Many countries address labour constraints through calibrated mechanisms including work permits, sector-specific migration programmes, workforce development initiatives, labour mobility arrangements, return-migration strategies, and skills-based entry pathways. Citizenship, by contrast, is generally treated

as the culmination of longer-term integration rather than the primary instrument through which labour-market shortages are corrected.

The evidence reviewed for this submission therefore supports the proposition that Barbados requires managed migration, human-capital attraction, demographic renewal, and continued economic modernisation. However, the available evidence does not yet establish that accelerated citizenship, particularly when combined with a financially weighted pathway to permanent residence, is necessary to achieve those outcomes.

Accordingly, this submission proceeds from two propositions simultaneously. Barbados faces genuine demographic and economic pressures that justify reform. However, the existence of those pressures does not, by itself, establish that the mechanisms proposed in these Bills represent the most proportionate, evidence-based, or sustainable response.

The sections that follow therefore examine whether the legislative architecture proposed in the Barbados Citizenship Bill, 2026 and Immigration Bill, 2026 appropriately aligns with the policy objectives identified and whether alternative safeguards or policy calibrations may better achieve those outcomes.

4. OVERVIEW OF THE CURRENT LEGAL FRAMEWORK AND THE PROPOSED REFORM

To evaluate the policy implications of the Barbados Citizenship Bill, 2026 and Immigration Bill, 2026, it is first necessary to establish the structure of the existing legal framework governing immigration status and acquisition of citizenship in Barbados and to identify, with precision, the changes proposed by the new legislation.

Citizenship in Barbados is presently governed by the Barbados Citizenship Act, Cap. 186. Immigration status, residence, entry permissions, and related administrative matters are governed under the existing immigration framework.

Under the current legislative structure, citizenship and immigration status operate as distinct legal concepts. Although related, they perform different legal functions and attract different rights and obligations. Entry into Barbados, permission to remain, permanent residence, and citizenship have traditionally existed as progressively more substantial forms of legal attachment to the State.

The existing framework reflects what may broadly be described as an integration-based approach to citizenship acquisition.

Under the current law, citizenship by naturalisation is governed by section 7 of the Barbados Citizenship Act, Cap. 186, which requires an applicant to satisfy the qualifications set out in the Second Schedule. Those qualifications include residence in Barbados throughout the twelve months immediately preceding the application and residence in Barbados during the seven years immediately preceding that period for periods amounting in aggregate to not less than five years.

While the Act also contains provisions governing citizenship by birth, descent, marriage and registration, the naturalisation provisions illustrate the broader structure of the current framework: citizenship generally follows a sustained period of lawful residence and connection to Barbados.

The Barbados Citizenship Bill, 2026 would repeal and replace this existing framework and introduce a revised structure for acquisition of citizenship.

Among the most significant changes proposed by the Bill is the introduction of substantially reduced qualifying periods for certain categories of applicants.

Clause 3(5) of the Barbados Citizenship Bill, 2026 provides that a CARICOM national, spouse, or dependant may be registered as a citizen where that person has lawfully resided in Barbados as a permanent resident for at least 180 days (6 months) during the period of 730 days (2 years) immediately preceding the application (Barbados Citizenship Bill, 2026, cl. 3(5)).

Clause 3(6) further provides that a non-CARICOM national, spouse, or dependant may be registered as a citizen where that person has lawfully resided in Barbados as a permanent resident for at least 270 days (9 months) during the period of 1,095 days (3 years) immediately preceding the application (Barbados Citizenship Bill, 2026, cl. 3(6)). Accordingly, the proposed framework introduces a materially shorter qualifying period for citizenship than presently exists under section 5(1)(c) of Cap. 186.

However, the practical effect of the proposed citizenship timelines cannot be assessed independently of the Immigration Bill, 2026.

The Immigration Bill introduces a revised framework governing entry, status, and permanent residence. In particular, section 7 establishes a pathway through which a person may qualify for permanent residence based upon prescribed criteria.

Section 7 provides that an applicant may qualify having regard to factors including age, Barbadian descent, education, skill, experience and financial resources (Immigration Bill, 2026, s. 7). Those qualifying factors are further elaborated through the Fourth Schedule to the Bill.

The Fourth Schedule establishes a points-based system under which applicants accumulate points across specified categories. Among those categories are financial holdings and property ownership in Barbados.

Clause 5 of the Fourth Schedule allocates points for ownership of real property in Barbados and for ownership of other qualifying assets above specified monetary thresholds (Immigration Bill, 2026, Fourth Schedule, cl. 5).

The significance of these provisions is not that financial criteria appear in an immigration framework. Points-based immigration systems are internationally recognised and frequently include economic contribution measures. Rather, the significance lies in the interaction between the two Bills.

Read together, the Immigration Bill and Citizenship Bill establish a legal pathway through which an individual may obtain lawful status, qualify for permanent residence through a points-based framework that includes financial resources among the qualifying criteria, and subsequently become eligible to apply for citizenship under shortened residence requirements. This observation is descriptive rather than evaluative.

Whether that legislative architecture is appropriate, proportionate, or aligned with the Government's stated objectives is addressed in later sections of this submission.

The proposed reforms also appear to preserve significant executive involvement in immigration administration. The Immigration Bill confers authority upon the Minister in relation to permissions to reside, permissions to work, conditions attached to those permissions, and associated administrative determinations (Immigration Bill, 2026). At this stage, this submission makes no conclusion regarding the appropriateness of those powers. However, their breadth and operation become relevant when assessing governance, transparency, and accountability considerations later in this submission.

For present purposes, it is sufficient to observe that the combined effect of the proposed legislation represents a substantial restructuring of the relationship between residence, permanent status, and citizenship acquisition in Barbados.

The following sections therefore move beyond describing the legislative changes and consider whether the mechanisms adopted are proportionate to the problems identified and supported by the available evidence.

5. DO THE PROPOSED REFORMS MATCH THE PROBLEM THEY SEEK TO SOLVE?

Having established that Barbados faces genuine demographic and economic pressures and having outlined the legal architecture of the proposed reforms, the next issue for consideration is whether the mechanisms adopted in the Barbados Citizenship Bill, 2026 and Immigration Bill, 2026 are proportionate to the problems identified and whether the available evidence supports the legislative choices reflected in the Bills.

This question is important because immigration reform and citizenship reform are not ends in themselves. They are policy instruments intended to achieve broader national objectives. The legitimacy of those instruments depends not simply upon whether the problem identified is real, but whether the measures adopted are appropriately calibrated to the problem they seek to solve.

In this respect, the evidence reviewed in the preceding sections suggests that there remains an important distinction between the challenges identified by Government and the mechanisms selected to address them.

Government policy documents and public statements identify several interconnected concerns including declining fertility, population ageing, workforce sustainability, labour shortages in selected sectors, productivity constraints, investment attraction and the need to maintain economic competitiveness over the medium to long term (Government of Barbados, 2023; Government of Barbados, 2026). Those concerns are legitimate and broadly supported by the demographic and macroeconomic evidence reviewed earlier in this submission.

However, the existence of those concerns does not automatically establish that accelerated pathways to citizenship are required.

This is particularly so because labour shortages, economic competitiveness, investment attraction and citizenship expansion are related but distinct policy objectives which may require different policy instruments.

5.1. Labour Shortages

The labour-market justification for reform warrants particular scrutiny.

Recent reporting from the Central Bank of Barbados suggests that unemployment declined to approximately 6.1 per cent by mid-2025 and that labour-market conditions have remained relatively tight (Central Bank of Barbados, 2025a, p. 9). At first reading, those indicators may support the proposition that Barbados requires greater labour supply and therefore more flexible migration pathways.

That conclusion, however, should be approached cautiously.

Official unemployment statistics measure a specific category of labour-market participation. Consistent with international labour standards, unemployment generally captures persons who are without work, available for work and actively seeking employment (World Bank, 2026). As a result, headline unemployment data does not fully capture discouraged workers, labour-force inactivity, persons who have ceased searching for employment, or individuals who remain employed, but whose work materially underutilises their education, skills or productive capacity (Barbados Statistical Service, 2026).

This distinction becomes important when considered alongside recent public discourse in Barbados.

Over recent years, increasing concern has been expressed regarding graduate underemployment and the ability of the Barbadian economy to absorb highly educated workers into employment commensurate with their qualifications. In 2021, the Government publicly announced initiatives intended to create more than 2,000 employment opportunities for University of the West Indies graduates against a backdrop of concern regarding youth unemployment and underemployment (Barbados Today, 2021).

More significantly, public reporting subsequently recorded comments by then Minister of Home Affairs Wilfred Abrahams encouraging University of the West Indies Cave Hill graduates who experienced difficulty securing local employment to consider

opportunities elsewhere within the region under CARICOM labour mobility arrangements (Barbados Today, 2025).

Those comments should not be overstated. Encouraging regional labour mobility is not inherently inconsistent with a modern labour-market strategy and may reflect a legitimate view that regional labour integration benefits participating states.

Nevertheless, when considered alongside the rationale advanced for immigration and citizenship reform, those statements reveal an important policy tension.

If labour shortages are sufficiently acute to justify structural changes to citizenship acquisition, it becomes necessary to explain why graduate underemployment and outward labour mobility remain persistent concerns. Equally, if local labour-market absorption remains constrained for categories of educated Barbadians, then the underlying challenge may not simply be one of insufficient workers. It may instead reflect a more complex interaction of skills mismatch, productivity limitations, labour-force participation, graduate retention and the economy's capacity to generate high-value employment.

This distinction matters because the policy implications differ materially.

Where labour shortages are concentrated within identifiable sectors, international practice generally favours targeted instruments such as work permits, sector-specific migration pathways, labour mobility arrangements, workforce development strategies and return-migration incentives. Citizenship, by contrast, is ordinarily treated as the culmination of longer-term integration rather than the primary mechanism through which labour-market shortages are corrected.

Labour-market considerations alone, however, may not fully explain the policy direction reflected in the Bills.

5.2. Capital Investment

When the Citizenship Bill and Immigration Bill are read together, the legislative architecture appears capable of supporting a broader economic strategy directed not only toward demographic renewal and labour-force participation but also toward attracting

investment, increasing domestic economic activity and expanding the pool of economically active residents.

This possibility emerges most clearly from the structure of the Immigration Bill.

Section 7 of the Immigration Bill, 2026 establishes eligibility for permanent residence by reference to a points-based framework incorporating age, Barbadian descent, education, skill, experience and financial resources (Immigration Bill, 2026, s. 7). Those factors are then operationalised through the Fourth Schedule.

A closer examination of the Fourth Schedule suggests that financial capacity occupies a particularly influential position within the framework. Points are allocated for ownership of real property in Barbados and for ownership of other qualifying assets above specified value thresholds (Immigration Bill, 2026, Fourth Schedule, cl. 5). When read together with the minimum qualifying threshold established under section 7, the structure appears capable of allowing approximately half of the points required for permanent residence eligibility to be obtained through financial holdings and asset ownership alone. The remaining threshold may then be comparatively easier to satisfy through categories such as age and education. That observation is analytically significant.

Unlike indicators such as productive economic activity, sustained labour participation, business creation or measurable employment generation, asset ownership does not necessarily require ongoing economic engagement. The practical effect may therefore be that financial capacity becomes not merely one factor among many but a disproportionately influential determinant in progression toward permanent residence.

This does not mean that attracting financially successful individuals is inherently problematic. Many jurisdictions actively compete to attract capital, entrepreneurship and economically active residents. Barbados itself has consistently identified competitiveness, productivity and investment attraction as strategic national priorities (Government of Barbados, 2026, pp. 17–24). Properly structured economic migration can support domestic demand, increase investment, stimulate business formation and strengthen fiscal performance. However, once investment attraction forms part of the policy rationale, a different policy question arises.

The Committee must consider whether accelerated access to citizenship is necessary to achieve those economic objectives or whether similar outcomes could be realised through intermediate legal statuses. Long-term residence, permanent residence, targeted investment pathways and economic participation mechanisms may all facilitate capital inflows and economic activity without immediately engaging the constitutional and legal consequences associated with citizenship.

5.3. Ministerial Discretion

This question becomes even more important when considered alongside the degree of executive discretion embedded within the proposed framework.

The Immigration Bill preserves broad ministerial authority in relation to permissions to reside, permissions to reside and work, conditions attached to those permissions and related administrative determinations (Immigration Bill, 2026, s. 5 and related provisions). Flexibility in immigration administration is neither unusual nor inherently improper.

However, broad discretion necessarily changes the operation of a rules-based system. The more discretion that exists to determine outcomes administratively, the less the formal points framework alone becomes the effective gatekeeper.

This observation should not be understood as suggesting improper exercise of discretion. Rather, where legislation combines a materially weighted financial pathway with broad executive authority, considerations of transparency, consistency, accountability and public confidence assume greater importance. If citizenship policy is intended to operate in part as an instrument of economic development, then stronger evidentiary justification and clearer institutional safeguards become necessary.

5.4. Conclusion

At present, no published evidence has been identified quantifying the investment expected to arise from these reforms, the projected employment effects attributable to those investments, the expected fiscal contribution of participants entering under the

framework, or comparative modelling demonstrating that accelerated citizenship would produce superior outcomes to alternative residence mechanisms.

Again, this observation should not be interpreted as establishing that such work has not been undertaken. Rather, where citizenship itself becomes integrated into economic-development strategy, publication of that evidentiary basis becomes increasingly important if public confidence in the reforms is to be sustained.

The evidence reviewed to date strongly supports the proposition that Barbados faces legitimate demographic and economic challenges. What remains less clear is whether accelerated citizenship, particularly when linked to a financially weighted pathway to permanent residence and supported by broad executive discretion, represents the most direct, proportionate and evidence-based response.

The following section therefore examines these questions through a comparative and international lens.

6. COMPARATIVE ANALYSIS AND INTERNATIONAL CONTEXT

The analysis to this point has accepted that Barbados faces legitimate demographic and economic pressures and that reform of immigration and citizenship policy may therefore be justified. The question that remains is whether the particular mechanisms selected in the proposed legislation remain broadly aligned with comparative practice and whether they appropriately account for the increasingly international character of citizenship policy.

Comparative analysis cannot determine domestic legislative choices and should not be treated as binding. Citizenship remains an expression of sovereignty and states are entitled to determine the conditions under which membership in the national community is granted. Nevertheless, comparative analysis performs an important evaluative function because it assists policymakers in determining whether proposed reforms represent incremental adjustment within established practice or whether they amount to a more substantial departure requiring stronger evidentiary justification and institutional safeguards.

This question assumes increasing importance because citizenship now performs functions extending beyond constitutional membership. Nationality increasingly affects international mobility, investment confidence, educational access, labour participation and diplomatic relationships. Citizenship systems therefore no longer operate entirely within domestic boundaries; they increasingly attract external evaluation based upon perceptions of integrity, due diligence and the degree of connection between nationality and the granting state.

6.1. Comparative Citizenship Pathways

Having examined the demographic and economic rationale advanced in support of reform, the next question is whether the legal mechanisms proposed in the Barbados Citizenship Bill, 2026 and Immigration Bill, 2026 remain broadly consistent with comparative regional and international practice. Comparative analysis cannot determine

domestic legislative choices and should not be treated as constraining Barbados' sovereign authority to determine the conditions upon which citizenship is acquired. Nevertheless, comparative review performs an important policy function because it allows legislators to assess whether proposed reforms reflect incremental adaptation within accepted practice or whether they represent a more substantial departure requiring stronger evidentiary justification and additional institutional safeguards.

That exercise is particularly relevant in the present context because the issue raised by these Bills is not whether Barbados should use migration policy to support economic development. Many jurisdictions—both regionally and internationally—actively use immigration frameworks to respond to labour shortages, demographic transition, declining productivity, investment needs and broader competitiveness objectives. Nor is the issue whether Barbados should seek to attract economically active residents. Those objectives are increasingly common features of modern migration policy.

The more precise comparative question is whether those objectives are ordinarily pursued by accelerating access to citizenship itself or whether jurisdictions maintain a clearer separation between economic migration, long-term residence and acquisition of nationality.

To assist in evaluating that question, Table 1 compares ordinary citizenship and naturalisation pathways across selected comparator jurisdictions.

Table 1: Comparative Residence Requirements for Citizenship / Naturalisation

Jurisdiction	Residence Requirement for Citizenship / Naturalisation	Primary Authority
Barbados (Current Law)	Residence throughout the 12 months immediately preceding application and aggregate residence of not less than 5 years during previous 7 years	Barbados Citizenship Act, Cap. 186, s. 7 and Second Schedule
Barbados (Proposed 2026 – CARICOM)	Permanent residence and lawful residence for at least 180 days (6 months) during previous 2 years	Barbados Citizenship Bill, 2026, cl. 3(5)
Barbados (Proposed 2026 – Non-CARICOM)	Permanent residence and lawful residence for at least 270 days (9 months) during previous 3 years	Barbados Citizenship Bill, 2026, cl. 3(6)

Jurisdiction	Residence Requirement for Citizenship / Naturalisation	Primary Authority
Jamaica	Residence throughout 12 months immediately preceding application and aggregate residence **during previous 7 years**	Jamaican Nationality Act
Trinidad and Tobago	Residence throughout 12 months immediately preceding application and aggregate residence **during previous 7 years**	Citizenship of the Republic of Trinidad and Tobago Act
Guyana	Multi-year residence requirement for ordinary naturalisation	Citizenship Act of Guyana
Saint Lucia	Extended residence requirements for naturalisation	Citizenship of Saint Lucia Act
Canada	Physical presence of 1,095 days **(3 years) during previous 5 years**	Government of Canada
United Kingdom	Generally 5 years lawful residence and settled status	UK Government
Australia	Generally **4 years lawful residence** including permanent residence requirement	Australian Department of Home Affairs
New Zealand	Physical presence of 1,350 days **(4 years) during previous 5 years**	Government of New Zealand

Sources: Barbados Citizenship Act, Cap. 186, s. 7 and Second Schedule; Barbados Citizenship Bill, 2026, cls. 3(5)–3(6); Jamaican Nationality Act; Citizenship of the Republic of Trinidad and Tobago Act; Citizenship Act of Guyana; Citizenship of Saint Lucia Act; Government of Canada – Citizenship Eligibility; UK Government – Apply for Citizenship by Naturalisation; Australian Government – Citizenship Eligibility; New Zealand Government – Presence Requirements for Citizenship.

Viewed collectively, the comparative evidence suggests that the most unusual feature of the proposed Barbados framework is not the use of immigration as an economic instrument but rather the relationship it establishes between permanent residence and citizenship acquisition. Across both CARICOM and the wider comparator group, immigration systems commonly provide mechanisms to attract labour, investment, entrepreneurship and economically productive residents. However, those objectives are generally pursued while preserving a more deliberate distinction between residence rights and citizenship rights.

This distinction is not merely procedural. It reflects a broader policy principle that citizenship ordinarily serves a function beyond labour-market participation or economic contribution. Residence permissions and permanent status typically facilitate economic integration and participation in national life, while citizenship remains associated with longer-term physical presence, social integration and sustained attachment to the State.

That pattern remains visible across the regional comparators.

Jamaica, Trinidad and Tobago, Guyana and Saint Lucia all maintain pathways through which non-citizens may ultimately obtain nationality, yet those systems continue to preserve extended residence expectations before citizenship becomes available. Although the exact periods and legal structures differ, the broad approach remains relatively consistent: immigration policy may facilitate settlement, but citizenship is ordinarily treated as the culmination of that process rather than the immediate mechanism through which economic objectives are pursued.

The same distinction appears in jurisdictions that make more extensive use of economic migration.

Canada, Australia and New Zealand each operate structured systems that intentionally select migrants based on characteristics associated with economic contribution, including education, skill, experience and labour-market demand. Canada's Express Entry system and Australia and New Zealand's skilled migration frameworks are among the most developed examples internationally of migration policy designed expressly to support economic competitiveness and productivity. Yet even within those systems, economic selection does not automatically translate into rapid citizenship acquisition. Individuals may gain preferential access to residence because of their anticipated economic contribution, but citizenship itself remains subject to materially longer periods of physical presence and integration.

That comparative pattern becomes particularly relevant when considered alongside the proposed Immigration Bill.

As discussed above, the Immigration Bill establishes a points-based pathway to permanent residence that incorporates age, education, experience, skill, Barbadian descent and financial resources. More significantly, the Fourth Schedule allocates points in a manner that appears to place substantial weight on ownership of real property and other qualifying assets in Barbados. When read together with the minimum threshold for permanent residence qualification, the framework appears capable of allowing a

significant proportion of the required points to be satisfied through financial capacity while the remaining threshold may be met through categories such as age and education.

This structure does not make the framework unusual in the sense that economic criteria are being recognised. What appears more unusual is the interaction between that economically weighted route to permanent residence and the comparatively compressed timelines that follow before citizenship becomes attainable.

That distinction becomes clearer when additional CARICOM experience is considered. Several Caribbean states—notably Antigua and Barbuda, St. Kitts and Nevis and Grenada—have adopted explicit citizenship-by-investment programmes as part of their national development strategy. Whatever one's view of those programmes, they illustrate a different legislative approach to the relationship between investment and citizenship. Those jurisdictions did not generally pursue investment attraction by materially compressing ordinary naturalisation pathways. Instead, they created separate statutory mechanisms that expressly acknowledged investment-based citizenship, subjected those programmes to dedicated administrative structures and made the policy trade-off transparent.

The question raised by the proposed Barbados framework is therefore not whether Barbados is introducing citizenship by investment. The Bills do not establish a direct exchange of investment for nationality and should not be characterised as doing so. The more nuanced question is whether the combined operation of a financially weighted route to permanent residence and comparatively accelerated access to citizenship may gradually move ordinary naturalisation closer to outcomes that resemble investment-linked citizenship without expressly adopting that model.

That concern does not arise because financial resources appear in the legislation. Financial capacity forms part of migration policy in many jurisdictions. Rather, the concern arises because financial weighting, compressed progression timelines and broad access to citizenship begin operating together within a single legal framework.

The closer citizenship becomes connected to economic selection criteria, the more important it becomes to articulate clearly why those mechanisms are necessary and what

safeguards will ensure that citizenship continues to reflect meaningful connection rather than primarily economic qualification.

That comparative observation becomes even more significant when considered alongside recent international developments demonstrating that citizenship systems increasingly attract external scrutiny and that international confidence in nationality frameworks has become an increasingly valuable strategic asset.

6.2. Citizenship Integrity and International Confidence

The comparative analysis above suggests that the proposed reforms would place Barbados toward the more expansive end of contemporary citizenship practice. That observation does not itself determine whether the reforms are appropriate. Citizenship remains a matter of domestic sovereignty and Barbados is entitled to determine the conditions upon which nationality is acquired. However, comparative divergence becomes increasingly important once citizenship is understood not merely as a constitutional status but as an increasingly international instrument with implications extending beyond domestic borders.

Historically, citizenship was treated principally as an internal legal relationship between the individual and the State. That understanding has evolved considerably over recent decades. In an increasingly interconnected world, nationality now affects access to international mobility, educational opportunity, business expansion, investment flows and broader economic participation. Governments and international institutions therefore increasingly evaluate not simply who holds another country's passport but also the legal and administrative pathways through which citizenship may be acquired. Citizenship systems have become part of a wider international architecture built upon reciprocity, confidence and assumptions regarding the integrity of identity, migration and due diligence systems.

This broader international context is especially relevant to Barbados because Barbados already possesses a citizenship framework that carries measurable international value. Recent international rankings consistently place Barbados among the strongest passports globally and among the strongest within the Caribbean region.

According to the Nomad Passport Index 2025, Barbados remains highly ranked across indicators extending beyond visa-free access to include international perception, mobility and broader international flexibility (Nomad Capitalist, 2025)[1]. Similarly, the Henley Passport Index continues to rank Barbados among the leading Caribbean passports based on international travel access (Henley & Partners, 2025)[2]. Although such rankings are often treated as indicators of travel convenience, their significance extends further. Passport strength increasingly functions as a strategic and economic asset that supports international business activity, labour mobility, education, investment and broader participation in global markets. For small island economies in particular, confidence in nationality systems becomes an intangible but economically valuable form of capital.

Against that backdrop, recent international developments demonstrate that international confidence and mobility privileges are not immutable. Small states, including island jurisdictions, have experienced tangible consequences where citizenship and mobility frameworks attracted heightened external scrutiny. Those developments do not establish that citizenship reform necessarily produces adverse consequences, and they do not suggest that Barbados presently faces comparable risks. Their significance lies in illustrating that international partners increasingly examine the design of citizenship frameworks themselves and not merely migration outcomes.

One of the clearest examples emerges from the European Union's response to investor-linked nationality programmes. In 2022, the European Union suspended visa-free travel arrangements with Vanuatu following concerns regarding the operation of its investor citizenship programme and perceived deficiencies relating to due diligence, security screening and the granting of nationality to persons with limited connection to the jurisdiction (Council of the European Union, 2022; European Commission, 2022). The decision represented the first complete withdrawal of visa-free access under the European Union's visa suspension mechanism and demonstrated that citizenship

[1] Nomad Capitalist (2025) *Nomad Passport Index 2025*. Available at: https://nomadcapitalist.com/nomad-passport-index/ (Accessed: 21 May 2026).
[2] Henley & Partners (2025) *Henley Passport Index 2025*. Available at: https://www.henleyglobal.com/passport-index (Accessed: 21 May 2026).

architecture itself may become relevant to international mobility decisions. Importantly, the concerns raised extended beyond migration volume and focused more fundamentally upon confidence in the integrity of acquisition pathways.

Developments affecting Caribbean jurisdictions reinforce this broader trend. Canada's 2024 decision to impose visa requirements on nationals of St. Kitts and Nevis provides a particularly relevant regional example because Canada expressly connected the decision to concerns regarding passport issuance and identity-management practices associated with that country's Citizenship by Investment programme (Government of Canada, 2024). Although the structure of the St. Kitts and Nevis programme differs materially from the proposals presently before Barbados, the case nonetheless illustrates that citizenship frameworks and international mobility can become increasingly connected where partner states conclude that the conditions for acquiring nationality have become inconsistent with expectations regarding security, identity integrity or meaningful connection. The United Kingdom has likewise demonstrated increasing willingness in recent years to reassess visa arrangements affecting jurisdictions where migration governance and pathways to citizenship become matters of concern. Collectively, these developments suggest an emerging international trend in which travel privileges are increasingly understood not as permanent diplomatic entitlements but as relationships sustained through reciprocal confidence in immigration controls, document integrity and citizenship governance.

This broader trend was articulated most directly in *European Commission v Republic of Malta* (Case C-181/23). In that case, the Court of Justice of the European Union examined Malta's investor citizenship framework and concluded that citizenship could not become detached from the concept of a genuine connection between the individual and the State (European Commission v Republic of Malta (Case C-181/23)). The Court criticised a model that effectively reduced nationality to a transactional arrangement and characterised the framework as involving the "commercialisation" of citizenship. Importantly, the Court's concern was not limited to criminality or insufficient vetting. Rather, the judgment reflected a broader concern that nationality should continue to

represent meaningful attachment and sustain relationships of trust extending beyond domestic legal boundaries.

The legal reasoning of the Court arose within the constitutional framework of the European Union and therefore has no direct legal application to Barbados. Nevertheless, aspects of the Court's reasoning remain instructive because the judgment did not reject investment as a legitimate policy objective, nor did it suggest that economic contribution cannot form part of migration policy. The concern identified by the Court was narrower but significant: financial capacity should not become the dominant mechanism through which citizenship is acquired where citizenship itself carries consequences extending beyond national borders.

That principle has relevance to the proposed Barbados framework, not because the Bills establish citizenship by investment; they do not. But because the interaction of several features of the proposed regime warrants careful consideration. Read together, the Bills contemplate comparatively compressed timelines to citizenship following permanent residence, a permanent residence framework that materially recognises financial resources and asset ownership, and broad ministerial discretion in the administration of immigration status. None of those features independently establishes impropriety. However, considered collectively, they raise legitimate questions regarding the extent to which citizenship remains principally connected to integration rather than progressively connected to economic selection.

The point being advanced is therefore not that Barbados should reject reform or abandon legitimate economic objectives. Barbados faces genuine demographic and economic challenges and remains entitled to pursue policies intended to attract investment, productive residents and long-term growth. The narrower question for the Committee is whether those objectives can be achieved while preserving one of Barbados' strongest international assets: the long-term strength, credibility and international reputation attached to Barbadian citizenship.

7. GOVERNANCE, ACCOUNTABILITY AND INSTITUTIONAL SAFTGUARDS

The preceding sections have examined the legal architecture of the proposed reforms, considered whether those reforms correspond to the demographic and economic conditions identified by Government, and assessed their consistency with comparative practice and emerging international expectations surrounding citizenship governance. Those sections do not establish that reform is unnecessary, nor do they suggest that Barbados should not modernise its immigration and citizenship framework. Rather, they indicate that the proposed legislation represents a substantial restructuring of the relationship between residence, permanent status and citizenship acquisition and therefore raises questions not only about policy outcomes but also about institutional design.

That distinction is important because reforms of this nature cannot be assessed solely according to whether they achieve economic or demographic objectives. Public policy legitimacy also depends upon whether institutional safeguards remain proportionate to the scale and permanence of the powers being created. Governance literature increasingly emphasises that durable public confidence arises not merely from outcomes but from the quality of decision-making processes, transparency of implementation and the existence of mechanisms capable of demonstrating that public authority is exercised consistently with legislative intent (OECD, 2017; OECD, 2024). This consideration assumes particular significance in the present context because citizenship differs fundamentally from ordinary administrative permissions.

Unlike temporary immigration status or labour-market interventions, citizenship is generally enduring in character and engages rights and consequences extending beyond residence and economic participation. Citizenship affects constitutional membership, democratic participation, eligibility for public office, international mobility and the long-term composition of the national community. Decisions concerning acquisition of citizenship therefore carry implications that may persist long after the economic conditions that motivated reform have changed. For that reason, constitutional systems have traditionally treated citizenship differently from ordinary migration

administration and have generally maintained stronger expectations of transparency, procedural fairness and public legitimacy in relation to nationality policy (Aleinikoff and Klusmeyer, 2000; Shachar, 2009).

7.1. Governance and Ministerial Accountability

One of the most significant governance questions raised by the proposed framework concerns the relationship between structured legislative criteria and executive discretion.

As discussed previously, the Immigration Bill establishes a points-based framework intended to guide eligibility for permanent residence while simultaneously preserving broad ministerial authority in relation to permissions to reside, permissions to reside and work, conditions attached to those permissions and associated administrative determinations (Immigration Bill, 2026, ss. 5–7). Administrative flexibility in immigration systems is not unusual and, in many respects, is necessary. Immigration policy frequently requires the capacity to respond to labour-market conditions, exceptional circumstances and policy priorities that cannot be fully anticipated in legislation.

However, comparative governance research consistently demonstrates that the legitimacy of discretionary authority depends not simply upon whether discretion exists but upon the extent to which discretion remains structured, transparent and capable of review (OECD, 2017; World Bank, 2024).

This issue becomes more significant when considered alongside the structure of the proposed permanent residence regime. As analysed previously, section 7 and the Fourth Schedule of the Immigration Bill appear capable of permitting a substantial proportion of qualification for permanent residence to arise through financial capacity and asset ownership, with the remaining threshold potentially satisfied through categories such as age and education. Whether that weighting reflects intentional policy design or not, the effect is that significant administrative decisions may occur at the intersection of economically weighted eligibility criteria and broad executive discretion.

That observation should not be interpreted as suggesting that discretion will be exercised improperly. Rather, it reflects a more fundamental principle of public administration: where legislation confers broader authority, stronger institutional safeguards are generally required to maintain confidence in the integrity of decision-making.

International governance frameworks increasingly emphasise that transparency and accountability are not obstacles to effective administration but conditions that improve policy legitimacy and long-term public trust (OECD, 2024). Accordingly, if Parliament intends to preserve broad ministerial flexibility within the proposed framework, consideration may appropriately be given to whether accompanying governance measures should also be strengthened. Examples might include publication of policy guidance governing the exercise of discretionary powers, publication of anonymised aggregate outcomes data, annual reporting to Parliament and administrative review mechanisms capable of demonstrating consistency in decision-making.

Such mechanisms would not diminish ministerial authority. Rather, they would strengthen confidence that administrative outcomes remain connected to the objectives approved by Parliament.

7.2. Citizenship Integrity, Democratic Legitimacy and Genuine Connection

The governance considerations raised by the proposed reforms extend beyond administrative accountability and engage broader constitutional questions concerning democratic legitimacy, public confidence and membership in the political community. Citizenship occupies a distinctive position within public law because it is not merely an immigration status or a permission to remain. Rather, citizenship is the legal mechanism through which the State determines who belongs to the national community and who ultimately participates in the constitutional and democratic life of the country. Once granted, citizenship generally carries enduring consequences extending beyond labour-market participation and economic activity and includes voting rights, eligibility for public office, diplomatic protection and access to institutions of public governance. For

that reason, citizenship law has historically maintained some concept, whether explicit or implicit, of meaningful connection between the individual and the State.

The manner in which that connection is expressed differs across jurisdictions. Some systems emphasise physical presence and sustained residence; others place greater emphasis on integration, family ties, cultural affiliation, contribution or participation in national life. Despite those differences, comparative citizenship scholarship has consistently recognised that citizenship ordinarily reflects more than economic qualification alone and performs a function distinct from ordinary migration administration (Shachar, 2009; Bauböck, 2018). This distinction explains why many states continue to preserve longer residence expectations and integration requirements even where migration policy itself becomes increasingly economically oriented.

This consideration becomes increasingly important in the context of the proposed reforms because the interaction of the Immigration Bill and Citizenship Bill appears capable of altering the traditional relationship between residence, permanent status and citizenship acquisition.

As discussed in Sections 4 and 5, the proposed framework appears capable of creating a pathway in which access to permanent residence may be materially influenced by financial resources and asset ownership while citizenship subsequently becomes attainable through comparatively compressed timelines. The concern raised by this structure is not that investment attraction, labour mobility or economic contribution are inappropriate policy objectives. Barbados faces legitimate demographic and economic pressures and remains entitled to pursue policies intended to attract productive residents, increase investment and strengthen long-term economic competitiveness.

The constitutional question is narrower and more institutional in character. Where economic qualification becomes increasingly influential in determining access to long-term legal status, Parliament may wish to consider whether sufficient mechanisms remain in place to ensure that citizenship itself continues to reflect meaningful connection and integration rather than progressively becoming detached from those concepts. This concern should not be overstated.

The proposed Bills do not establish citizenship by investment, and this submission advances no such conclusion. Nor does the submission suggest that financial success or investment capacity should be excluded from migration policy. Rather, the issue is whether citizenship should continue to preserve some distinct relationship to sustained attachment to Barbados once economic criteria begin to play a more influential role earlier in the pathway.

This question assumes additional importance because citizenship decisions are cumulative and enduring. Immigration policy may be revised, programmes may be redesigned and economic conditions may change. Citizenship decisions, however, ordinarily become part of the permanent constitutional fabric of the State. Governance literature increasingly recognises that where public decisions have enduring constitutional effects, stronger procedural legitimacy and institutional confidence become more important rather than less important (OECD, 2017; OECD, 2024).

Against that background, Parliament may wish to consider whether additional statutory indicators of meaningful connection would strengthen public confidence in the proposed framework. Such mechanisms need not operate as barriers to inclusion and should not be viewed as restrictive in character. Rather, measures such as clearer physical presence requirements, minimum periods of actual residence, objective indicators of sustained participation or other evidence of attachment may assist in preserving the distinction between economic participation and constitutional membership while allowing Barbados to continue pursuing legitimate demographic and economic objectives.

Ultimately, the issue is not whether citizenship should remain inaccessible or whether economic contribution should be disregarded. The issue is whether citizenship continues to reflect both opportunity and belonging and whether the institutional design of the proposed framework preserves public confidence in that principle over time.

7.3. Monitoring, Transparency and Parliamentary Oversight

If Parliament determines that reform should proceed, the final governance question becomes whether sufficient mechanisms exist to evaluate whether the reforms ultimately achieve the outcomes advanced in support of them.

This question assumes particular importance because the policy objectives identified throughout the reform process, including productivity enhancement, labour-force sustainability, demographic renewal, investment attraction and economic growth, are all outcomes capable of measurement and empirical assessment. Public policy legitimacy therefore depends not only upon the quality of ex ante justification but also upon the existence of mechanisms capable of determining whether implementation produces the results anticipated.

This principle is increasingly recognised within governance literature and public administration practice. International institutions have emphasised that durable public confidence is strengthened where major institutional reforms are accompanied by mechanisms that facilitate monitoring, transparency and post-legislative evaluation (OECD, 2024; World Bank, 2024). Such approaches recognise that legislation is not merely an act of enactment but an ongoing process of implementation, evaluation and adjustment.

This consideration has particular relevance in the present context because citizenship reform differs from many other categories of public policy. Unlike expenditure programmes or administrative initiatives that may be revised annually, citizenship decisions are cumulative in nature, and their consequences may become visible only gradually over extended periods. Effects upon labour markets, demographics, public services, housing demand, investment activity and broader social integration may emerge over years rather than months. As a result, the absence of monitoring mechanisms may make it difficult to distinguish between reforms that are functioning as intended and reforms that require recalibration.

This issue becomes even more significant where Government has advanced multiple policy objectives simultaneously.

As discussed in earlier sections, the proposed framework appears directed not only toward labour-force participation but also toward broader goals of economic dynamism, investment attraction and demographic sustainability. Where legislation seeks to achieve multiple outcomes through interconnected legal mechanisms, institutional learning becomes especially important because policy success cannot simply be assumed.

Against that background, consideration may appropriately be given to whether implementation should be accompanied by structured reporting and periodic parliamentary review. Such mechanisms would not operate to constrain executive flexibility or limit future policy choices. Rather, they would create opportunities to evaluate whether measurable outcomes remain aligned with the objectives identified during enactment.

Examples of information capable of supporting that evaluation may include aggregate application outcomes, broad categories of qualification, demographic and labour-market trends, indicators of economic participation and periodic assessment of whether the reforms continue to correspond to their original policy rationale. Importantly, such mechanisms would allow Parliament to remain engaged in the long-term consequences of reforms that extend beyond a single electoral cycle.

The value of transparency in this context therefore lies not in suspicion of reform but in stewardship of reform. Where citizenship policy is used to address long-term demographic and economic challenges, the legitimacy and durability of that policy may ultimately depend upon Government's ability to demonstrate over time that the reforms remain proportionate, effective and consistent with the broader public interest.

8. CONCLUSIONS AND RECOMMENDED AMENDMENTS

8.1. The Bills Should Not Proceed In Their Current Form

This submission has not proceeded from the position that immigration and citizenship reform should be resisted in principle. Barbados faces legitimate demographic and economic pressures, including an ageing population, slower labour-force growth, skills mismatches and the need to maintain competitiveness in an increasingly mobile global economy. Government is therefore entitled to consider whether existing immigration and citizenship frameworks remain fit for purpose and whether legislative reform may support broader national development objectives.

However, the evidence reviewed throughout this submission suggests that the case for reform does not necessarily justify the breadth of the changes presently proposed or the particular mechanisms selected to achieve those objectives.

Section 5 identified a material disconnect between the challenges cited in support of reform and the policy response ultimately advanced in the legislation. Although official indicators point to relatively low unemployment, broader labour-market conditions appear more complex and include persistent concerns relating to graduate underemployment, labour-force participation and workforce utilisation. These dynamics raise questions as to whether structural labour reforms, productivity measures and targeted migration tools may offer more proportionate responses than accelerated pathways to citizenship.

Sections 6 and 7 further demonstrated that the proposed framework departs in important respects from both comparative practice and emerging international expectations surrounding citizenship governance. While many jurisdictions use migration policy to support economic objectives, comparative analysis suggests that citizenship itself is ordinarily treated as distinct from economic selection and generally remains connected to stronger residence and integration requirements. Recent international developments additionally illustrate that nationality systems increasingly attract external scrutiny and that international confidence in citizenship governance has become an increasingly valuable strategic asset.

Read together, the proposed Immigration Bill and Citizenship Bill appear capable of creating a framework in which financial resources materially influence access to permanent residence while citizenship subsequently becomes attainable through comparatively compressed timelines. This submission does not conclude that the Bills establish citizenship by investment, and no such finding is advanced. However, the interaction between financially weighted permanent residence criteria, accelerated progression to citizenship and broad administrative discretion raises legitimate questions regarding whether sufficient safeguards remain to preserve confidence in the integrity of citizenship acquisition.

For those reasons, this submission concludes that the Bills should not proceed in their current form.

That conclusion should not be interpreted as opposition to reform itself. Rather, the conclusion reached is that reform of this magnitude should proceed only where legislative design more clearly aligns with the policy objectives advanced by Government and where stronger mechanisms exist to preserve accountability, transparency, meaningful connection and long-term confidence in Barbadian citizenship.

8.2. Alternative Policy Response to Labour and Economic Challenges

A central proposition advanced in support of the proposed reforms appears to be that Barbados faces labour shortages, demographic pressures and productivity constraints requiring a more flexible immigration and citizenship framework. To the extent that Government has identified demographic and labour-market pressures as legitimate public policy concerns, this submission does not dispute that such issues warrant attention. Barbados, like many small island economies, faces challenges associated with an ageing population, changing workforce dynamics, outward migration and the need to sustain competitiveness in an increasingly mobile global economy (Central Bank of Barbados, 2024; Government of Barbados, 2025). However, the evidence reviewed throughout this submission suggests that the nature of the labour challenge

identified may be considerably more complex than the legislative response presently proposed appears to assume.

As examined in Section 5, official labour indicators continue to report relatively low unemployment. At the same time, broader labour-market conditions suggest persistent concerns relating to graduate underemployment, labour-force participation, outward migration of educated Barbadians, skills mismatches and uneven workforce utilisation (Barbados Statistical Service, 2025; Central Bank of Barbados, 2024). Public discussion has additionally highlighted concerns regarding the availability of meaningful employment opportunities for university graduates and the extent to which segments of the working-age population remain detached from active labour-market participation. These dynamics raise legitimate questions regarding whether the principal challenge confronting Barbados is one of insufficient population growth or labour scarcity in aggregate terms, or whether the challenge is more accurately characterised as one of labour allocation, productivity, skills matching and workforce mobilisation.

This distinction matters because the policy instrument selected should correspond to the nature of the problem identified.

The evidence reviewed in this submission has not established a sufficiently credible nexus between accelerated access to citizenship and the labour and productivity challenges advanced in support of reform. Although the proposed Bills appear designed in part to stimulate economic activity, attract investment and increase the available workforce, limited evidence has been presented demonstrating why accelerated progression to citizenship is expected to achieve those outcomes or why those outcomes could not be achieved through more direct labour and economic policy instruments. Stated differently, the proposition that labour-market constraints exist does not, without more, establish that accelerated citizenship acquisition constitutes an effective or proportionate response.

Comparative practice suggests that jurisdictions facing labour shortages and productivity concerns typically deploy policy tools directed specifically toward workforce outcomes rather than restructuring citizenship acquisition frameworks.

Canada provides one example through occupation-based immigration selection and Provincial Nominee Programmes that align migration approvals with demonstrated labour-market demand while maintaining a clear institutional distinction between economic migration and citizenship acquisition (Government of Canada, 2026). Australia similarly utilises skilled occupation lists, employer-sponsored migration pathways and targeted labour migration mechanisms designed to respond to identified workforce shortages without materially altering the architecture of citizenship acquisition (Australian Department of Home Affairs, 2026). New Zealand's Accredited Employer Work Visa framework likewise links migration approvals directly to employer need and labour-market demand while preserving longer-term citizenship requirements as a separate legal question (Government of New Zealand, 2026).

Regional examples point in the same direction. The Caribbean Single Market and Economy was expressly designed to facilitate movement of skilled labour across CARICOM through a structured regional mobility framework rather than through redesign of citizenship rules (CARICOM Secretariat, 2024). Comparable approaches may also be observed in Singapore, where labour-market competitiveness has historically been supported through targeted migration pathways combined with sustained investment in domestic workforce participation, skills upgrading and human capital development rather than accelerated access to nationality (Ministry of Manpower Singapore, 2025).

These examples are not advanced as preliminary alternatives to accelerated citizenship reform or as transitional measures pending implementation of the Bills. Rather, they demonstrate a narrower but important proposition. Where the policy challenge concerns labour-force participation, productivity, graduate retention, skills shortages or sector-specific workforce constraints, jurisdictions generally respond with instruments directed at those outcomes. Citizenship policy ordinarily remains conceptually and institutionally distinct because citizenship confers constitutional membership and performs functions extending beyond labour-market participation.

Accordingly, if Government's objective is to strengthen workforce participation, increase productivity, attract specialised skills or respond to demographic pressures, the Committee may wish to consider whether those objectives are more appropriately pursued through targeted labour-market interventions and economic policy rather than through substantial restructuring of citizenship acquisition. Measures that may warrant consideration include sector-specific migration programmes directed toward demonstrated labour shortages; occupation-based residence categories; employer-sponsored pathways; specialised work permit arrangements; targeted regional labour mobility mechanisms; graduate retention initiatives; workforce participation programmes and domestic skills development strategies aligned to measurable economic needs.

The issue raised by this submission is therefore not whether Government has identified a legitimate problem. The issue is whether Government has demonstrated that accelerated access to citizenship has a sufficiently direct and evidence-based relationship to solving that problem.

8.3. Recommended Amendments to the Citizenship Bill

If Parliament nevertheless determines that reform should proceed, consideration should be given to amendments designed to preserve the distinction between immigration management and citizenship acquisition.

Recommendation 1 — Restore Longer Residence Requirements Prior to Citizenship Eligibility

Amend clauses 3(5) and 3(6) to require materially longer periods of lawful and physical residence before eligibility for naturalisation.

Rationale:

Longer residence requirements would better preserve the distinction between permanent residence and citizenship and align more closely with comparative practice.

Recommendation 2 — Introduce Clear Physical Presence Requirements

Introduce minimum physical presence thresholds measured by actual days physically present in Barbados.

Rationale:

Physical presence remains among the strongest comparative indicators of meaningful connection.

Recommendation 3 — Introduce an Express Citizenship Integrity Provision

Insert statutory language requiring consideration of indicators of meaningful connection to Barbados.

Rationale:

This would strengthen confidence in citizenship acquisition and preserve citizenship as a distinct constitutional institution.

Recommendation 4 — Introduce Statutory Parliamentary Review

Require formal parliamentary review within three years of commencement.

Rationale:

Citizenship reforms carry long-term consequences and should remain subject to structured evaluation.

8.4. Recommended Amendments to the Immigration Bill

If Parliament proceeds with the Immigration Bill, consideration should be given to amendments intended to improve governance, transparency and alignment with stated policy objectives.

Recommendation 5 — Rebalance the Permanent Residence Points Framework

Review the Fourth Schedule to reduce weighting attached to passive asset ownership and increase weighting attached to productive participation indicators including employment creation, specialised skills, entrepreneurship and labour-market contribution.

Rationale:

Economic objectives may be preserved while reducing concern that financial capacity disproportionately influences progression.

Recommendation 6 — Limit and Clarify Ministerial Discretion

Require publication of decision-making guidance and written reasons for specified categories of decisions.

Rationale:

Transparency strengthens legitimacy while preserving flexibility.

Recommendation 7 — Introduce Annual Reporting Requirements

Require annual publication of aggregate applications, approvals, refusals, broad qualification categories and measurable economic outcomes.

Rationale:

Long-term reforms should be accompanied by mechanisms capable of demonstrating effectiveness and maintaining public confidence.

9. CLOSING REMARKS

The Democratic Labour Party expresses its appreciation to the Joint Select Committee for inviting public participation in the review of the Citizenship Bill, 2026 and Immigration Bill, 2026 and welcomes the opportunity to contribute to this important national discussion.

This submission has sought to engage constructively with the policy objectives advanced in support of the proposed reforms while critically examining whether the legislative mechanisms selected are supported by sufficient evidence, proportionate to the challenges identified and appropriately balanced against considerations of governance, accountability and the long-term integrity of Barbadian citizenship.

For the reasons outlined throughout this submission, it is respectfully submitted that the Bills should not proceed in their current form. While the objectives of strengthening economic competitiveness, responding to demographic change and addressing labour-market challenges are legitimate public policy goals, this submission concludes that insufficient evidence has been advanced to establish a sufficiently direct relationship between accelerated access to citizenship and achievement of those objectives. The submission therefore invites the Committee to give careful consideration to the policy alternatives and legislative amendments proposed.

The Democratic Labour Party further respectfully requests, through its Spokesperson on Legal Affairs, Office of the Attorney General and Home Affairs, Corey Greenidge, the opportunity to appear before the Committee to make oral submissions in support of this written submission and to respond to any questions the Committee may consider appropriate in relation to the analysis, recommendations and authorities presented.

The Party thanks the Committee for its consideration of this submission and expresses its willingness to provide any further information, supporting materials or clarification that may assist the Committee in the discharge of its mandate.

~ END ~

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Respectfully Submitted

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21 May 2026

Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Trafalgar Street
Bridgetown

REPRESENTATION TO THE JOINT SELECT COMMITTEE REGARDING BARBADOS CITIZENSHIP BILL, 2026

I hereby make representation to the Joint Select Committee on Economic and Productive Sectors of the two Houses of Parliament regarding the Barbados Citizenship Bill, 2026, as follows:

I am a believer in the Lord Jesus Christ, having had my sins forgiven through His death and the shedding of His blood on the cross.

I have been a resident in Barbados for 10 years, and received Citizenship of Barbados by Registration in 2023.

My concern with the proposed Citizenship Bill, is that it does not make provision for a believer's conscience, in that it only provides for acceptance of citizenship through an oath, as prescribed in point 18 on page 20 – "Oath of Allegiance".

It is against the conscience of a christian, as guided by the Holy Scriptures, to take an oath:

"But I say unto you, Do not swear at all;" – Matthews Gospel chapter 5 verse 34 – the Lords own words.

"But before all things, my brethren, swear not, neither by heaven, nor by the earth, nor by any other oath;" – Epistle of James, chapter 5 verse 12.

Thus, any christian qualifying for Citizenship under the new Bill would have to revoke the right to Citizenship because of the lack of provision for their conscience.

My experience in this country has been that the current laws make provision for solemn affirmation in any matter, should the conscience not allow one to take the oath.

I therefore respectfully submit that the proposed Bill should be amended to make provision for the christian conscience, and provide for solemn affirmation as an option to taking the oath.

My wife (also a citizen of Barbados by registration since 2023) concurs with me in all I have written.

Respectfully,



Stephen Bricknell

BARBADOS ID NO: 631110-8051

BARBADOS PASSPORT NO: R525981

Barbados Employers' Confederation

May 22, 2026

The Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Trafalgar Street
Bridgetown
Barbados

Dear Sir/Madam,

RE: Submission to the Joint Select Committee – Immigration Act, 2026 and Barbados Citizenship Act, 2026

Please find attached the submission of the Barbados Employers' Confederation in relation to the proposed Immigration Act, 2026 and Barbados Citizenship Act, 2026 currently under consideration by the Joint Select Committee.

The Confederation welcomes the opportunity to contribute to the consultative process on this important legislative reform. Given the significance of immigration and citizenship policy to labour market sustainability, economic competitiveness, regional integration, workforce mobility, and national development, we considered it important to provide comments from the perspective of employers and the broader business community.

The submission highlights several areas for consideration, including:

- alignment with the Barbados Population Policy 2023–2040;
- implications for labour mobility and workforce planning;
- concerns regarding administrative discretion and procedural fairness;
- operational and compliance implications for employers;
- regional and CARICOM considerations; and
- concerns raised by stakeholders within the sporting industry regarding citizenship eligibility and participation in international competitions by persons of Barbadian lineage.

We trust that the observations and recommendations contained in the submission will assist the Committee in its deliberations. The Confederation remains available should the Committee require any clarification or wish to engage further on the matters raised.

Yours faithfully,

Sheena Mayers-Granville
Executive Director

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Barbados Employers' Confederation

Submission to the Joint Select Committee on the Immigration Act, 2026 and the Barbados Citizenship Act, 2026

The Barbados Employers' Confederation welcomes the opportunity to provide comments to the Joint Select Committee regarding the proposed Immigration Act, 2026 and Barbados Citizenship Act, 2026.

The Confederation recognizes the importance of modernizing Barbados' legislative framework governing immigration, residency, citizenship, labour mobility, and national security. We acknowledge that both Bills seek to establish clearer pathways for entry, residence, work authorization, and citizenship while strengthening administrative oversight and regional cooperation.

At the same time, these legislative reforms must be carefully aligned with Barbados' economic development objectives, labour market realities, CARICOM obligations, constitutional protections, the Barbados Population Policy 2023–2040, and the practical realities facing employers, educational institutions, sports organizations, and civil society.

The Confederation submits that immigration and citizenship policy cannot be viewed solely as border control or administrative matters. They are fundamentally linked to population sustainability, labour force participation, economic competitiveness, talent attraction and retention, diaspora engagement, and national development strategy.

1. Alignment with the Barbados Population Policy 2023–2040

The Barbados Population Policy identifies declining fertility rates, population contraction, ageing demographics, and a shrinking working-age population as major national concerns. The Policy explicitly recognizes the need to increase the population of working-age persons, support managed migration, encourage repatriation and diaspora engagement, attract persons with skills and capabilities, improve labour force participation, and sustain economic productivity and social care systems.

Importantly, the Policy identifies that Barbados must promote managed migration of persons who can bring capabilities and resources to invest in the future of Barbados and contribute to areas of the economy where there are unmet labour and skills requirements.

Against this backdrop, the Confederation supports the principle of legislative modernization and expanded pathways to citizenship and permanent residency. However, implementation mechanisms must not inadvertently undermine regional mobility, workforce sustainability, investor confidence, sporting and cultural development, or Barbados' ability to attract and retain talent.

2. Positive Aspects of the Legislative Reform

The Confederation acknowledges several progressive aspects of the Bills, including expanded eligibility for citizenship by descent to grandchildren and great-grandchildren of Barbadian citizens, expanded eligibility for distinguished CARICOM figures and their families, clearer recognition of dependants, spouses, and non-traditional unions, pathways for permanent residents to obtain citizenship, modernization of immigration and border management systems through digital kiosks, biometric authentication, and online forms, facilitation of intra-corporate transfers and business mobility under Section 4(2)(e) of the Immigration Act, support for CARICOM mobility and regional integration, and enhanced pathways for diaspora engagement.

These measures can positively support workforce development, economic diversification, investment attraction, entrepreneurship, tourism and hospitality, international business, and the care economy identified in the Population Policy.

3. Concern Regarding Ministerial Discretion and Finality Clauses

A significant concern relates to provisions granting broad discretionary authority to the Minister while eliminating or severely limiting review mechanisms across both Bills.

Section 13 of the Barbados Citizenship Act, 2026 provides:

"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."

Similarly, the Immigration Act grants extensive discretionary authority regarding entry, permits, revocation, and deportation, with appeals heard by a committee under Section 35 that is constituted by the Minister, whose decisions are expressed to be final under Section 35(2).

The Confederation is concerned that the absence of written reasons, the lack of meaningful and independent appeal rights, and finality clauses across both Acts may create uncertainty for employers and investors, operational risks for businesses employing expatriate or regional staff, constitutional concerns regarding due process and natural justice, and reputational concerns internationally.

The analysis submitted with this presentation confirms that Section 13 of the Citizenship Act is in direct tension with Section 18 of the Constitution of Barbados, which provides that any person whose interests are likely to be affected by any act or decision of any person or authority exercising any power shall be entitled to a fair hearing within a reasonable time by an independent and impartial court or authority established by law.

The Confederation therefore recommends that Section 13 of the Citizenship Act be amended to require the Minister to provide written reasons for any refusal, and to make such decisions subject to judicial review in accordance with the Constitution.

4. Best Interests of the Child — Registration of Minors

The Confederation draws the Committee's attention to a conflict identified between Section 5(1) of the Citizenship Act and the Family Law Act, Cap. 214.

Section 5(1) of the Citizenship Act provides that the Minister may cause the minor child of any citizen of Barbados to be registered as a citizen upon application by a parent or guardian. However, the provision contains no express requirement for the Minister to consider the best interests of the child as the paramount consideration, as required by Section 42 of the Family Law Act, Cap. 214, which provides that in all matters concerning a child, the welfare of the child shall be the paramount consideration.

This omission creates a risk that citizenship registration decisions affecting minors may be made without the procedural safeguard mandated by family law and by international conventions ratified by Barbados, exposing such decisions to legal challenge.

The Confederation recommends that Section 5(1) be amended to insert an express requirement that in determining any application for the registration of a minor child as a citizen, the Minister shall have primary regard to the best interests of the child as the paramount consideration, in accordance with Section 42 of the Family Law Act.

5. Statelessness Prevention

The Confederation also draws the Committee's attention to Section 3(8) of the Citizenship Act, which provides that a person is entitled to be registered as a citizen if that person satisfies the Minister that they have always been stateless and that either parent was a citizen of the United Kingdom and Colonies by reason of the parent's birth in Barbados.

In recognition of international conventions, the Confederation recommends that the eligibility criteria in Section 3(8) be broadened to include an express statement to be consistent with the Convention on the Reduction of Statelessness, 1961.

6. Sporting Sector Concerns

The Confederation wishes to highlight concerns raised by stakeholders within the sporting industry regarding athletes with Barbadian lineage. Over the years, concerns have repeatedly been raised regarding such athletes who, in some instances, were reportedly unable to participate in major international sporting competitions due to unresolved citizenship, immigration, nationality, or documentation issues.

This matter is particularly important in light of the expanded citizenship eligibility to grandchildren and great-grandchildren of Barbadians under the new Act, Barbados' ongoing efforts to strengthen diaspora engagement, the economic and developmental value of sports, youth development objectives, and the importance of cultural and national identity.

The sporting industry is increasingly globalized. Many athletes train abroad, hold dual nationality, represent diaspora communities, or seek to reconnect with Barbados through sport. The Confederation therefore recommends streamlined citizenship and nationality verification processes for athletes of Barbadian descent, expedited pathways for sporting representation in regional and international competitions, clear timelines for citizenship determinations affecting eligibility, coordination between immigration authorities, the Ministry of Sports, and sporting federations, and special consideration for persons contributing to national development through sport, culture, education, or international representation.

Sport forms part of national branding, tourism development, youth engagement, economic opportunity, and diaspora connection. Facilitating participation by athletes with legitimate Barbadian lineage aligns with both the Population Policy's diaspora and population sustainability goals and Barbados' broader national development interests.

7. Regional Integration and CARICOM Obligations

Both Bills must be interpreted consistently with Barbados' obligations under the Revised Treaty of Chaguaramas, CARICOM Single Market and Economy arrangements, and regional free movement principles.

In particular, the broad ministerial discretion to prohibit entry under Section 4(3) of the Immigration Act — which contains no statutory criteria — is in tension with Articles 32 to 38 of the Revised Treaty of Chaguaramas, which establish rights of establishment and free movement for CARICOM nationals. The advance passenger information sharing regime under Sections 14 to 17 of the Immigration Act, requiring data screening of persons travelling within the domestic space without clear proportionality safeguards, is also in potential tension with regional and OECS free movement agreements. These conflicts are further addressed in the summary table below.

The Confederation supports regional integration and notes that the Population Policy itself identifies regional mobility and labour force enhancement as important development tools. Any implementation framework should therefore avoid unnecessary restrictions on CARICOM nationals, inconsistent treatment that undermines regional competitiveness, or administrative barriers to intra-regional business mobility.

8. Administrative Capacity and Transitional Concerns

The effectiveness of the legislation will depend heavily on implementation capacity. The Confederation notes concerns regarding administrative complexity, compliance burdens on employers, uncertainty for pending applications, and lack of clarity regarding transitional arrangements under both Bills.

In respect of the Citizenship Act specifically, Sections 19 and 20 repeal the Barbados Citizenship Act, Cap. 186 and provide that pending applications shall be dealt with under the new Act. However, the existing statutory instruments and procedural regulations made under Cap. 186 are not expressly validated, adapted, or continued by the new legislation. This creates a risk of administrative vacuums affecting pending applications and potentially disrupting labour mobility and expatriate status management for member companies.

Similarly, under the Immigration Act, Section 39 provides that regulations under the former Act (Cap. 190) shall be deemed to continue, but without a time-bound requirement for review and consolidation. This means potentially outdated or contradictory regulations may remain operative alongside the new framework for an indeterminate period.

The Confederation therefore recommends publication of implementation guidelines before commencement, stakeholder education and consultation, explicit transitional provisions protecting pending applicants and requiring written notice of their status and applicable procedures, digitized tracking systems, published processing standards, and formal review and consolidation of all subordinate legislation within a defined period following commencement.

9. Balancing National Security and Economic Development

The Confederation recognizes and supports the need for national security protections, prevention of fraud, integrity in citizenship processes, and appropriate screening mechanisms. However, safeguards must be proportionate and balanced against economic competitiveness, investment certainty, workforce mobility, tourism development, sporting and cultural participation, and Barbados' international reputation as an open and welcoming jurisdiction.

10. Recommendations

The Confederation respectfully recommends that the Joint Select Committee consider the following:

1. Ensure explicit alignment between the Bills and the Barbados Population Policy 2023–2040.
2. Amend Section 13 of the Citizenship Act to require written reasons for refusals and to make such decisions subject to judicial review consistent with Section 18 of the Constitution.
3. Amend Section 4(3) of the Immigration Act to limit ministerial power to deny entry to grounds expressly permitted under Articles 32 to 38 of the Revised Treaty of Chaguaramas, consistent with the Caribbean Community (Movement of Skilled Nationals) Act, Cap. 186A.
4. Amend Section 5(1) of the Citizenship Act to expressly require that the best interests of the child be the paramount consideration in decisions affecting minors, in accordance with Section 42 of the Family Law Act, Cap. 214.
5. Broaden Section 3(8) of the Citizenship Act to ensure statelessness relief is consistent with Article 1 of the 1961 Convention on the Reduction of Statelessness.
6. Harmonize the data collection and sharing provisions of the Immigration Act (Sections 12–16) with the Barbados Data Protection Act, 2019 (Act 2019-29).
7. Amend Section 39 of the Immigration Act and Sections 19–20 of the Citizenship Act to require time-bound review and consolidation of all regulations carried over from the former Acts, with publication of a register of active implementing instruments.
8. Develop streamlined citizenship and nationality verification procedures for athletes and persons of Barbadian lineage representing Barbados internationally.
9. Maintain consistency with CARICOM and international treaty obligations throughout implementation.
10. Continue structured consultation with employers, sports organizations, educational institutions, and civil society during implementation.

Summary Table: Key Legislative Conflicts Identified

#	Bill	Provision	Conflicting Legislation
1	Citizenship Act, 2026	Section 13 — Minister not required to give reasons; decision final	Constitution of Barbados, Section 18 (right to fair hearing by independent authority)
2	Citizenship Act, 2026	Section 5(1) — registration of minor children	Family Law Act, Cap. 214, Section 42 (best interests of the child as paramount consideration)
3	Citizenship Act, 2026	Section 3(8) — no reference to International Conventions	1961 Convention on the Reduction of Statelessness, Article 1
4	Citizenship Act, 2026	Sections 19–20 — repeal of Cap. 186 without adaptation of subordinate legislation	Statutory instruments and regulations under Cap. 186 and Cap. 190
5	Immigration Act, 2026	Section 4(3) — Minister may prohibit entry of any non-citizen or non-permanent resident	Constitution of Barbados, Section 23; Revised Treaty of Chaguaramas, Arts. 32–38 (CSME free movement)
7	Immigration Act, 2026	Section 26 — magistrate may order forfeiture of moveable property by distress	Constitution of Barbados, Section 16 (protection from deprivation of property)
8	Immigration Act, 2026	Sections 4(1)(c), (2), (3), (4) — EU/UK entry subject to reciprocal treatment	Cariforum–EU Economic Partnership Agreement, Article 81 (standstill clause)
9	Immigration Act, 2026	Sections 12–16 — mandatory advance passenger data collection and sharing with JRCC and intelligence agencies	Barbados Data Protection Act, 2019 (Act 2019-29), Sections 6, 14, 22
10	Immigration Act, 2026	Section 39 — former regulations deemed to continue without sunset or review requirement	Immigration Act, Cap. 190 (as amended) and related implementing regulations
11	Immigration Act, 2026	Sections 16–17 — JRCC intelligence screening of persons travelling within domestic space	CARICOM and OECS regional agreements on free movement and privacy protocols

Conclusion

The Confederation supports the modernization of Barbados' immigration and citizenship framework and recognizes the importance of ensuring that the legislative architecture reflects contemporary realities. At the same time, these reforms must support economic growth, labour force sustainability, diaspora engagement, regional integration, constitutional protections, sporting development, and national competitiveness.

As demonstrated by the summary table above, several provisions across both Bills require amendment to ensure constitutional soundness, treaty compliance, consistency with existing Barbadian legislation, and administrative workability. The Confederation stands ready to engage constructively with the Joint Select Committee and relevant government departments to advance a framework that serves Barbados' long-term national interests.

Immigration and citizenship policy should ultimately contribute to a Barbados that is inclusive, economically resilient, regionally connected, globally competitive, and capable of sustaining its social and demographic future.

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21 May 2026

Clerk of Parliament

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Trafalgar Street

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REPRESENTATION TO THE JOINT SELECT COMMITTEE REGARDING BARBADOS CITIZENSHIP BILL 2026

I make representation to the Joint Select Committee on Economic and Productive Sectors regarding the Barbados Citizenship Bill 2026 as follows:

In am a believer in the Lord Jesus Christ and the efficaciousness of his blood and am a committed Christian.

I have been resident here in Barbados for 8 years now, having moved here because of the way Christianity is embraced and supported by the government and people of Barbados. I was granted citizenship here last year.

My concern with the proposed bill is that it does not make provision for conscience in the Second Schedule on Page 22, (refer also point 18 "OATH OF ALLEGIENCE" on page 18} only provides for the acceptance of citizenship through taking an oath.

Any practicing and genuine Christian would not be free to do this as it is clearly against the Lord Jesus Christ's own words (Mathew Chap 5 v 34 "But I say to you, do not swear at all") and other teaching in the Holy Scriptures (Epistle of James Chap 5 v 12 "But before all

things, my brethren, swear not, neither by heaven, nor by earth, nor by any other oath". This would therefore preclude any true practicing Christian from obtaining citizenship, which I am sure is not the intention of the Bill.

There is provision in this country for making a solemn Affirmation rather than taking an oath when attesting to something.

I would therefore respectfully submit that the Bill be amended and the option of an Affirmation be made available to anyone that has a conscience to taking the prescribed oath.

Affirming allegiance to the Government of Barbados is certainly the right thing for a Christian , indeed it is incumbent on a Christian to support and pray for government. (see Romans 13 v 1 "Let every soul be subject to the authorities that are above him" and also v 7 "Render to all their dues: to whom honour, honour"

I would welcome an opportunity to appear before the committee in person to explain in more detail my concern.

Faithfully



Desmond Oliver Eales

42 Bow Bell Avenue
Atlantic Shores
Christ Church
BB17127
Barbados

22 May 2026

Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Trafalgar Street
Bridgetown

REPRESENTATION TO THE JOINT SELECT COMMITTEE REGARDING BARBADOS CITIZENSHIP BILL, 2026

I hereby make representation to the Joint Select Committee on Economic and Productive Sectors of the two Houses of Parliament regarding the Barbados Citizenship Bill, 2026.

I am a believer in God the Father, the Lord Jesus Christ and the Holy Spirit and that the Lord Jesus Christ is my Savior having died and shed His blood for me.

I am a citizen of Barbados by registration since January 2025, having been resident on the island since November 2017.

My concern with the proposed Citizenship Bill is that it does not make provision for a believer's conscience, in that it only provides for acceptance of citizenship through an oath and not by affirmation, as in the Second Schedule on Page 22.

The Holy Scriptures are the infallible word of God and as guided by them it is against the conscience of a Christian to take an oath:

"But before all things, my brethren, swear not, neither by heaven, nor by the earth, nor by any other oath;" – Epistle of James, chapter 5 verse 12.

The Lord's own words: "But I say unto you, Do not swear at all;" – Matthews Gospel chapter 5 verse 34

The proposed new Bill for citizenship does not make provision for a Christian's conscience to be respected as it does not have the option to 'solemnly affirm' and not subscribe to the oath of allegiance as set out in the *Second Schedule*.

I therefore respectfully request that the proposed Bill should be amended to make provision for the Christian conscience to be able to 'solemnly affirm' and not take the prescribed oath.

Respectfully,



Evan Pudney

Mobile : +1 246 829 4764
Email : evanpudney@gmail.com

Comments on Barbados Citizenship Bill, 2026

16

Anthony Joseph <anthonynjoseph@hotmail.com>

Fri 22/05/2026 16:50

To:Parliament <Parliament@barbados.gov.bb>;

Hello,

My comments on the Barbados Citizenship Bill, 2026 are as follows:

I object to the provisions of Section 3 of the said Bill with respect to the acquisition of citizenship.
The provisions of section 3 are wholly unacceptable. The periods to qualify for citizenship of Barbados are way too short. The qualifying period should be set at six (6) consecutive years.

Regards,

Anthony Joseph

This submission addresses specific provisions of the ***Barbados Citizenship Bill, 2026***, with recommendations aimed at ensuring clarity, fairness, and consistency in the administration of citizenship law.

Definition of "Spouse"

On page 7 of the Bill, the definition of "spouse" includes the phrase "at least 5 years." In ordinary language, "at least" implies that five years is a baseline but that the requirement could extend further depending on circumstances. This wording poses the risk of ambiguity.

We recommend that the definition be revised to state: "a minimum of 5 years." This phrasing is more precise and technical, establishing a fixed threshold. Once five years is reached, the requirement is therefore satisfied without leaving room for a discretionary extension.

Part II- Application of Citizenship

Section 3(4) currently provides that persons holding immigrant status under the former ***Immigration Act*** for a period exceeding three years may be registered as citizens.

We however ask that you consider that three years is too short a period for general eligibility. A distinction should be drawn between:

(i) CARICOM nationals and Caribbean spouses: A minimum of three years' residence, provided the applicant is either a citizen by birth of a CARICOM Member State or a citizen of a Caribbean State married to a Barbadian, and has been living in Barbados and paying taxes during that period; and

(ii)Other international applicants: A minimum of five years' residence, with continuous compliance with Barbadian tax laws.

We have taken the liberty to draft the posible amendment below:

Any person who, immediately before the commencement of this Act, held immigrant status under the former Immigration Act shall be entitled to apply for registration as a citizen of Barbados where that person satisfies the Minister that he or she

(a) is a citizen by birth of a Member State of the Caribbean Community (CARICOM), or is a citizen of a Caribbean State married to a citizen of Barbados; and

(b) has been ordinarily resident in Barbados for a continuous period of not less than three years immediately preceding the application; and

(c) has, during that period, complied with the laws relating to taxation in Barbados.

Section 3(5):

Any other person holding immigrant status under the former Immigration Act shall be entitled to apply for registration as a citizen of Barbados where that person satisfies the Minister that he or she

(a) has been ordinarily resident in Barbados for a continuous period of not less than five years immediately preceding the application; and

(b) has, during that period, complied with the laws relating to taxation in Barbados.

Ministerial Discretion

Section 9(3) provides for the Minister to give notice in writing to the person, informing them of the grounds for the deprivation and their right to an enquiry allowing for transparency and procedural fairness. Similarly, in Section 10(2), notice is also provided in writing, and there is even a provision for a referral to be made to a committee of enquiry. However, Section 13 states that the Minister is not required to provide reasons, making ministerial discretion absolute.

We believe that this creates inconsistency. We therefore recommend that Section 13 be amended to read "subject to Sections 9 and 10" or similar wording, because in its current form it appears to negate the rights of notice and enquiry guaranteed in the above sections.

The foregoing are our respectful recommendations. We thank you for your consideration and hope that they may assist in the ongoing law reform process.

Sharllah Waithe <sharllahwaithe@gmail.com>

Fri 22/05/2026 19:10

To:Parliament <Parliament@barbados.gov.bb>;

Cc:McKayla Blackman <mckaylablackman2818@gmail.com>; Faith Sealy <sealy.faith@gmail.com>;

1 attachments (107 KB)

Citizenship Act.pdf;

Dear Joint Select Committee

Please find attached our written submission on the Barbados Citizenship Bill, 2026. It contains proposed amendments and recommendations for the Committee's consideration.

We also wish to indicate our willingness to appear before the Committee to make an oral presentation, should that be required.

Thank you for the opportunity to contribute.

Sincerely,

McKayla Blackman Attorney-at-Law

Faith Sealy Attorney-at-Law

Sharllah Waithe J.P

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Submission to the Joint Select Committee Regarding Barbados Citizenship Bill, 2026

18

robert@parklane-int.com

Fri 22/05/2026 20:46

To:Parliament <Parliament@barbados.gov.bb>;

22 May 2026

Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Trafalgar Street
Bridgetown

Submission to the Joint Select Committee Regarding Barbados Citizenship Bill, 2026

I hereby make representation to the Joint Select Committee on Economic and Productive Sectors of the two Houses of Parliament with regards to the Barbados Citizenship Bill, 2026, as follows:

As a Christian, my faith is in the only one God; the Father, Son and Holy Spirit, having my sins forgiven through the atoning work of my Saviour, Jesus Christ, and His shed blood on the cross

The holy scriptures are the infallible word of God, and **it is of concern that the proposed Citizenship Bill, does not make provision for a believer's conscience, in that it only provides for acceptance of citizenship through an oath of allegiance**, in the Second Schedule on Page 22.

It is against the conscience of a christian, as subject to the Holy Scriptures, to take an oath:

Epistle of James 5 v 12 : *"But before all things, my brethren, swear not, neither by heaven, nor by the earth, nor by any other oath"*
Gospel of Matthew 5 v 34 : *"But I say unto you, do not swear at all"*

As the Bill stands currently, any christian who qualifies for Citizenship under the new Bill, would have to revoke the right to Citizenship because of the lack of provision for their conscience.
It is observed that in this christian country, **other current laws, and the judicial system, make provision for solemn affirmation** in all matters should the conscience not allow one to take the oath.

I therefore respectfully submit that the proposed Bill be amended to make provision for the christian conscience.

My wife, Eileen Pudney, joins with me in this submission. We are both citizen of Barbados.

Sincerely and respectfully,

Robert T.P. Pudney

16 Garner Drive, Enterprise
Christ Church

Barbados

Barbados ID no: 540722-8039

Phone : +1 246 288 7567
Email : robert@parklane-int.com

Citizenship and immigration bill

19

Karla Nicholls <karladnicholls@gmail.com>

Fri 22/05/2026 21:22

To: Parliament <Parliament@barbados.gov.bb>;

Dear select committee,

I was to first extend my gratitude for the opportunity to comment on such important pieces of legislation. My comments are as follows:

Re: Citizenship Bill
Disloyalty and disaffection are different in that one is treasonous and the other depending on the circumstances may be patriotic. Agreeableness is not equal to correctness and legislation extends beyond any one administration.

The importation of workers has the potential to disrupt employers having to entice workers with higher wages, and disaffectation being a reason to lose citizenship risks Barbados becoming a place where citizens have no means to work and must forfeit their lands and belonging as economic refugees elsewhere and where workers have no rights or say out of fear of losing their status.

This was also up for debate in Canada with Harper's Bill C24 where this was heavily debated for the same reasons outlined above.

Finally I implore our lawmakers not to be the Children of Independence who, noting that space was not made for the future generation, takes the easy road of choosing their desired polity rather than bringing the existing populace alone even though it would take some more planning.

Speed is not a factor, as many on the lower end of the socioeconomic spectrum have been in the same conditions for decades. Poorly executed immigration will be a mark of shame on those implementing it and be likened to the attempt after emancipation to undercut the newly freed slaves and prevent them from earning higher wages or improving their material conditions.

Any growth from leapfrogging over youth never given a chance to demonstrate their skills or to benefit from the investments in citizens other jurisdictions made in theirs will only harm social stability and be counteracted by the increase in strain on the public purse.

The implementation of the welcome stamp initiative while stimulating the economy has meant that housing is out of the reach of the average person and it has had human rights effects as those facing abuse are unable to afford to leave and young families cannot find starter homes.

Karla

May 22nd 2026

The Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Trafalgar Street
Bridgetown.

Dear Sir

Please see the following submission. Kindly note that I wish to appear in person before the Committee to give an oral presentation in respect of same.

Title: Public and Legal Concerns Surrounding the Barbados Immigration Reform

Barbados is facing a severe demographic crisis. We have a rapidly aging population, a collapsing fertility rate, and a shrinking tax-paying base. While it is agreed that that we must modernize Barbados' archaic laws and introduce a merit-based points system, and use managed migration to save our economy, fund our pensions, and protect social services. A policy shift of this nature has triggered profound anxiety across our island. While the economic math makes sense on paper, the human, cultural, and legal realities have brought citizens out to protest in Bridgetown.

Today, I will present the four main areas of concern:

Concern 1 – The "Gold Standard" Debate (The 2-Year Pathway)

The first major area of concern centers on the fast-tracked pathways to citizenship. Under the new framework, CARICOM nationals could potentially qualify for citizenship just two years after becoming permanent residents.

This has raised immediate red flags from the legal community, in particular the concerns raised by the Barbados Bar Association which explicitly questioned the guiding logic behind this 2-year timeline noting that the international 'gold standard' for naturalization is between five and seven years, while Barbados traditionally required seven to ten years.

The concern is that by compressing the timeline to two years it reduces the window necessary for comprehensive background vetting, integration monitoring, and safeguarding against systemic abuse. 2 years cripples the due diligence necessary for background and financial history checks which will require a human investigation element of on the ground work which will be necessary. There is a lingering fear that in the rush to boost our population numbers, we might be weakening the thoroughness of our national security checks.

Concern 2 – Workforce Competition & Youth Out-Migration

This brings us to the second, concern: labor market competition, particularly for our youth. Public feedback on reveals a stark disconnect between government's policy goals and grassroots realities. Everyday Barbadians are asking: *What happens to our young school leavers, our local masons, carpenters, and electricians?* There is a widespread fear that

local workers are being bypassed by employers looking for cheaper, more compliant foreign labor.

Furthermore, while the bill aims to import talent, our own ambitious young people and single mothers are actively leaving Barbados. (Or they are being told to go to another country to gain employment.) Concerns young people have include the high cost of living, low wages, and suffocating administrative friction when trying to open bank accounts or start small businesses. The government must first fix the structural issues causing our own people to flee before using migration as a quick band-aid.

Concern 3 – Straining Infrastructure & National Identity- Who is a Bajan?

The third major concern is the tangible strain on our island's infrastructure and the preservation of our national identity. Barbados is already one of the most densely populated islands in the world. Will an influx of new residents break our already struggling Queen Elizabeth Hospital? Will it overwhelm our public transport and water systems? Barbadians are asking questions.

Beyond bricks and mortar, there is an identity crisis brewing. Barbadians are asking a fundamental question: *'Who is a Bajan?'* As we expand citizenship up to great-grandchildren and open regional pathways, is it now inevitable that those who have lived through 'the good, the bad, and the ugly' of this country will be marginalized. There is also anxiety regarding economic disparity: wealthy newcomers bringing foreign currency can easily outbid locals for land, pricing native Barbadians out of their own country.

Concern 4 – Enforcement, Loopholes, & Employer Accountability

Our final point of concern targets policy loopholes and the state's capacity to enforce the law. Ironically, while the bill aggressively pursues new residents through a merit-based points system, it initially failed to create a seamless, explicit pathway for our most proven temporary residents—the **Welcome Stampers.** these remote workers have already proven they bring their own jobs and seamlessly integrate into our communities without draining local resources. Neglecting an established, frictionless program is seen by many as a major design oversight.

Simultaneously, labor advocates are deeply worried about employer accountability. While the bill introduces guest worker regulations and employer penalties, our history shows that bad actors frequently exploit migrant workers—paying substandard wages and forcing them into poor working conditions. If the Immigration Department is already heavily bogged down by administrative delays and bureaucratic friction, how can the public trust it to efficiently monitor corporate compliance and stamp out illegal labor practices?

Concern 5- GENDER-RESPONSIVE AND ANTI-TRAFFICKING PROTECTIONS

Additionally, it is respectfully submitted that further consideration be given to strengthening the Bills through explicit gender-responsive and anti-trafficking protections, particularly for vulnerable migrant women, children, dependents, and low-income workers.

The following areas may benefit from revision or expansion:

1. **Reside and Work Permit Provisions:** Include safeguards for migrant workers who may face labour exploitation, coercion, trafficking, or abuse, particularly within domestic and caregiving sectors.
2. **Spousal and Dependent Residency Provisions**: Ensure that immigration sponsorship and residency status cannot be used as tools of control within abusive domestic relationships, and provide temporary protections for victims of domestic violence or trafficking.
3. **Points-Based Immigration Framework**: Incorporate ethical recruitment standards and protections for vulnerable migrant labourers who may face heightened risks of exploitation and trafficking.
4. **Immigration Screening and Enforcement Procedures**: Establish mandatory trafficking-identification and referral mechanisms, including trauma-informed procedures for immigration officials and frontline officers.
5. **Supporting Regulations**: Ensure that accompanying regulations clearly address victim protection, gender-sensitive immigration procedures, safeguarding of minors, and inter-agency coordination in trafficking matters.
6. **Consistency with Existing Anti-Trafficking Obligations**: Include express alignment with Barbados' Trafficking in Persons Prevention legislation and relevant international obligations concerning the protection of women and children.

These recommendations are intended to strengthen the Bills by ensuring that immigration reform remains consistent with Barbados' human rights obligations and protections for vulnerable persons.

Conclusion & The Way Forward

The Barbados Immigration and Citizenship Bills represent an existential tightrope walk. The economic reality is cold and unyielding: if we do not grow our productive base, our social security, healthcare, and pension networks will collapse under the weight of an aging society.

However, a sustainable immigration policy cannot succeed without public trust. For this legislation to truly benefit Barbados, the government must move beyond vague assurances. It must address the Bar Association's concerns regarding vetting timelines, implement ironclad protections for local workers, severely penalize predatory employers, and prioritize making life livable for our own youth so they choose to stay.

Thank you for allowing our recommendations on this important piece of legislation. We appreciate the Committee's willingness to consider public input and stakeholder perspectives as part of the review process.

By: Amoy Gilding-Bourne and Felicia Dujon.

BARBADOS CHAMBER OF COMMERCE & INDUSTRY

EST. 1824 200 COLLABORATE. ADVOCATE. INNOVATE.

By email: parliament@barbados.gov.bb

22 May 2026

The Clerk of Parliament
Parliament of Barbados
Parliament Buildings
Trafalgar Street
Bridgetown
Barbados

Dear Sir/Madam,

Re: Submissions on the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026

On behalf of the Barbados Chamber of Commerce and Industry, I am pleased to submit the Chamber's comments on the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026 for the consideration of the Joint Select Committee.

The Chamber welcomes the opportunity to contribute to the review of these important Bills, which have implications for managed migration, labour market responsiveness, diaspora engagement, sustainable population growth, digital transformation, and Barbados' long-term competitiveness.

The attached submissions are offered in a constructive spirit and focus on areas where the Bills may be strengthened through greater administrative clarity, appropriate safeguards, improved digital governance, fair review mechanisms, and alignment with national development priorities.

The Chamber remains available to provide any further clarification or input that may assist the Committee in its deliberations.

Yours faithfully,

R Paul Inniss
President
Barbados Chamber of Commerce and Industry

Attach: BCCI Submission on the Immigration Bill, 2026
BCCI Submission on the Barbados Citizenship Bill, 2026

Broomar Court, Deighton Road St. Michael Barbados (246) 434-4760 (246) 228-2907
www.barbadoschamberofcommerce.com
bcc@barbadoschamber.com

Submission on the Immigration Bill, 2026

1. Introduction

The Barbados Chamber of Commerce and Industry welcomes the opportunity to submit comments on the Immigration Bill, 2026.

This submission is offered from the perspective of the national private sector, with particular attention to managed migration, labour market needs, investment facilitation, ease of doing business, workforce planning, diaspora engagement, sustainable population growth, and Barbados' long-term competitiveness.

The Chamber recognises that immigration legislation must balance several important national interests: border integrity, public safety, national security, administrative efficiency, economic development, labour market responsiveness, and fair treatment of persons who seek to enter, reside, work, invest, study, or establish long-term ties in Barbados.

The Bill's stated purpose is to revise the law regulating the entry of persons into Barbados and to provide for related matters. The Chamber supports the modernisation of the immigration framework and considers the Bill an important opportunity to align immigration administration more clearly with Barbados' national development objectives.

2. Executive Summary

The Immigration Bill, 2026 contains several provisions that are important for a modern immigration system. These include recognition of automated passport control kiosks, advance passenger information, permanent residence, work permits, CARICOM-related movement, entry for certain business and service providers, and anti-smuggling provisions.

From a private-sector and national development perspective, the Bill would be strengthened by greater clarity in the following areas:

1. Policy alignment: the Bill should more expressly connect immigration decision-making with Barbados' population, skills, investment, diaspora, and competitiveness objectives.
2. Administrative certainty: businesses, investors, skilled workers, students, returning Barbadians, and long-term residents need clearer timelines, criteria, documentation requirements, and service standards.
3. Work permit efficiency: the Bill preserves a broad discretion-based work permit model but does not set out transparent principles for labour market needs, shortage occupations, specialist skills, investor-linked employment, or urgent business needs.
4. Permit revocation safeguards: where work permits or residence permissions may be varied or revoked, affected persons and employers should, except in urgent national security or public safety cases, receive notice, reasons, and an opportunity to respond.

Broomar Court, Deighton Road St. Michael Barbados (246) 434-4760 (246) 228-2907
www.barbadoschamberofcommerce.com
bcc@barbadoschamber.com

5. Investor, entrepreneur, critical skills and remote worker pathways: the Bill would benefit from clearer statutory or regulatory categories for persons whose presence in Barbados supports national development, business growth, innovation, job creation, and global competitiveness.
6. Appeal and review safeguards: decisions with serious consequences should be subject to fair and procedurally robust review mechanisms.
7. Implementation readiness: the Bill should be supported by published regulations, digital systems, public guidance, transition arrangements, stakeholder consultation, and periodic reporting on processing performance.

The Chamber's recommendations are intended to improve certainty, fairness, efficiency, and investor confidence while preserving the State's legitimate authority to regulate entry, residence, work, removal, and national security matters.

3. General Observations on the Bill

The Bill is wide-ranging. It covers entry into Barbados, permitted entrants, residence and work authorisation, permanent residence, prohibited persons, entry procedures, advance passenger information, work permits, deportation, detention, administrative powers, smuggling offences, appeals, regulations, savings and transitional arrangements.

The Chamber supports the move toward a modernised and more integrated framework. However, the Bill remains largely administrative and enforcement-focused. It would benefit from clearer development-facing provisions that treat immigration not only as a border-control function, but also as a strategic national tool for economic growth, skills attraction, diaspora reconnection, entrepreneurship, population resilience, and global competitiveness.

4. Comparison with the Existing Legislative Framework

The Chamber notes that the Immigration Bill, 2026 is intended to repeal and replace the existing Immigration Act, Cap. 190, originally enacted as the Immigration Act, 1975 (Act 1975-20). The Bill provides an opportunity to modernise the legal framework regulating entry into Barbados and related immigration matters.

The Bill appears to introduce or more clearly recognise several contemporary features, including automated passport control kiosks, advance passenger information, passenger data, residence and residence-and-work permits, permanent residence routes, CARICOM-related movement, work permit provisions, anti-smuggling offences, and updated administrative and enforcement powers.

These are positive developments. However, the principal question is whether the Bill goes far enough to support Barbados' current economic and demographic needs. In the Chamber's view, the Bill would be strengthened if the modernised framework were more clearly linked to labour market planning, skills attraction, investor and entrepreneur facilitation, remote work, diaspora engagement, service standards, appeal safeguards, employer clarity and digital administration.

The Chamber therefore supports the direction of reform, while recommending that the Bill be refined to ensure that the new framework is not only modern from a border-management perspective, but also fit for purpose as a tool of national development and competitiveness.

5. Positive Features of the Bill

5.1 Recognition of citizens' and permanent residents' entry rights

The Bill confirms that a citizen has the right to enter Barbados and that a permanent resident shall, while continuing to be a permanent resident, be permitted to enter Barbados. This provides an important level of certainty for permanent residents and should assist persons who have made a long-term commitment to Barbados.

5.2 Recognition of residence and residence-and-work permits

The Bill allows the Minister, on application, to grant a permit to reside or to reside and work in Barbados for such period and subject to such conditions as the Minister determines. This is potentially useful for a modern immigration framework, particularly if implemented with clear categories and guidance.

5.3 Permanent residence routes

The Bill provides for acquisition of permanent resident status by certain persons, including the spouse of a citizen, retired persons with sufficient financial resources, former citizens who have renounced citizenship, minor children or dependants under disability, direct descendants of citizens, and persons who were immigrants under the former Act. These provisions are relevant to family unity, diaspora connection, long-term residence, and population policy.

5.4 Points-based route to permanent residence

The Bill introduces additional grounds for permanent residence based on age, Barbadian descent, education, skill, experience, financial resources, and certain diplomatic or international organisation service. It also refers to a points schedule. This is a useful foundation for a more strategic system, although the criteria should be refined to better support labour market and economic development objectives.

5.5 Recognition of CARICOM and trade-related movement

The Bill includes provisions addressing CARICOM nationals and refers to rights of establishment, provision of services, and the Caribbean Community (Movement of Skilled Nationals) Act. It also includes provisions for certain service providers connected to EU Member States and the United Kingdom, subject to the applicable Economic Partnership Agreements and reciprocity.

5.6 Modern border management

The inclusion of automated passport control kiosks, online embarkation and disembarkation forms, advance passenger information, JRCC screening, and passenger data provisions recognises the realities of modern travel and border security.

5.7 Anti-smuggling provisions

The Bill creates offences relating to smuggling of persons, aggravated smuggling, fraudulent travel or identity documents, and related penalties. This is a necessary component of a modern immigration regime.

6. Main Areas Requiring Further Consideration

6.1 The Bill should include a clearer national development purpose

The Bill regulates entry, residence, work, permanent residence, removal and enforcement. However, it does not expressly state how immigration administration should support Barbados' wider national development goals.

Given the Committee's stated interest in managed migration, diaspora engagement, sustainable population growth, and global competitiveness, the Chamber recommends that the Bill include an objects or guiding-principles provision.

Such a provision could confirm that the Act is to be administered in a manner that supports:

- secure and orderly entry into Barbados;
- effective border management;
- labour market responsiveness;
- attraction of skills, capital, enterprise, innovation, and investment;
- facilitation of legitimate business travel;
- diaspora engagement and return;
- sustainable population growth;
- fair and efficient decision-making;
- consistency with Barbados' regional and international obligations.

Recommendation: This would not remove the Minister's discretion or the State's security powers. It would, however, help guide regulations, administrative practice, and future interpretation.

6.2 Work permit provisions need clearer service standards

The Bill provides that a person other than a citizen, permanent resident, or certain CARICOM nationals may not engage in any occupation in Barbados or accept employment without first obtaining a written work permit granted by the Minister. It also prohibits an employer from engaging or employing such a person unless a work permit is in force.

The Chamber accepts the need for work permits. However, from a business perspective, the Bill would be strengthened by clearer statutory or regulatory guidance on work permit categories, processing timelines, renewal procedures, criteria for approval or refusal, treatment of shortage occupations, employer obligations, and appeal or review rights.

The Bill provides that work permit applications are to be made in the prescribed form and manner, and that fees may be prescribed. However, it does not appear to establish processing timelines or service standards for work permit applications, renewals, or variations.

For businesses, uncertainty in immigration processing can delay recruitment, investment, project implementation, training, regional expansion, and operational continuity. This is particularly important where Barbados is competing with other jurisdictions for skills, investment, and regional headquarters activity.

- acknowledgment of receipt;
- confirmation when an application is complete;
- target processing periods;
- priority treatment for designated shortage or strategic occupations;

- written notification of decision;
- reasons for refusal where appropriate;
- escalation mechanisms where published timelines are not met.

Recommendation: The Bill or regulations should provide clear service standards for work permit applications. The Chamber does not recommend automatic approval where no decision is made, as immigration decisions may involve security, health, identity, labour market, and compliance checks. However, where a decision cannot be made within the published service standard, the applicant and employer should receive a written status update and, where appropriate, an escalation route or interim administrative arrangement for low-risk renewal or continuation cases.

6.3 Work permit revocation should include notice, reasons and opportunity to respond

The Bill provides that the Minister may, at any time, modify or cancel a condition specified in a work permit or revoke a work permit.

The Chamber recognises that the Minister must retain the power to revoke or vary a work permit in appropriate cases, particularly where there is fraud, breach of permit conditions, public safety, national security, or other serious concern.

However, in ordinary cases, work permit revocation can have significant commercial and personal consequences. Employers may have invested in recruitment, relocation, training, project planning, client commitments, or succession arrangements. Employees and their families may also be directly affected.

- written notice of the proposed action;
- reasons for the proposed action;
- an opportunity for the permit holder and, where relevant, the employer to make representations;
- consideration of those representations before a final decision is made;
- access to review or appeal.

Recommendation: Where no urgent public interest issue arises, the Bill should provide minimum procedural safeguards before a work permit is revoked or materially varied. In urgent cases involving national security, public safety, fraud, or serious breach, immediate action may be justified. Even then, the affected person should have access to prompt post-decision review.

6.4 Residence and residence-and-work permits should be better defined

Section 5 permits the Minister to grant a permit to reside or to reside and work in Barbados. This may become one of the most important provisions for modern migration management.

However, the Bill does not define the categories of persons who may qualify for these permits, nor does it distinguish among investors, entrepreneurs, remote workers, retirees, dependants, students transitioning into work, returning diaspora, specialist employees, consultants, or persons contributing to strategic sectors.

- eligibility criteria;
- permitted activities;
- whether dependants may accompany the permit holder;
- duration;

- renewal;
- variation;
- compliance requirements;
- tax or business registration linkages where relevant;
- pathways to permanent residence, where appropriate.

Recommendation: The Bill or regulations should clarify the main categories of residence and residence-and-work permits. This would support transparency, reduce administrative uncertainty, and improve Barbados' ability to attract persons whose residence and work can contribute to national development.

6.5 Investor, entrepreneur and critical skills pathways should be considered and clearly defined if adopted

The Bill allows the Minister to grant permission to reside or to reside and work, and the Second Schedule includes persons entering Barbados for employment, trade or business. The Bill also includes a points-based pathway to permanent residence. However, it does not set out dedicated investor, entrepreneur, or critical skills pathways.

The Chamber does not propose that economic contribution should override national security, due diligence, good character, tax compliance, labour standards, or public interest considerations. Rather, the recommendation is that qualifying economic contribution should be recognised transparently within the immigration framework.

- investors establishing or expanding business operations in Barbados;
- entrepreneurs and start-up founders;
- persons with critical or scarce skills;
- senior executives and intra-group transferees;
- specialists required for time-sensitive projects;
- persons supporting export services, innovation, digital transformation, climate resilience, renewable energy, food security, healthcare, logistics, and other strategic sectors.

Recommendation: The Bill or regulations should create clear, published pathways for investors, entrepreneurs, critical skills workers, and other persons whose presence in Barbados supports national development. Qualifying thresholds, evidence requirements, and sector priorities should be set after consultation with the private sector, labour representatives, professional bodies, educational institutions, and relevant ministries.

6.6 Remote worker and digital professional arrangements should be reviewed for clearer statutory or regulatory footing

Barbados has already developed experience with remote worker mobility through the Welcome Stamp programme. The Immigration Bill, 2026 does not appear to create a specific statutory category for remote workers or digital professionals.

The Chamber recommends that the Committee consider whether remote worker or digital professional residence should be given clearer statutory or regulatory footing under the Bill. This would allow Barbados to preserve flexibility while providing greater certainty to applicants, landlords, service providers, financial institutions, public agencies, and the business community.

Any such framework should clearly distinguish remote work for foreign clients or foreign employers from employment in the Barbados labour market, which should remain subject to applicable work permit requirements.

- eligibility criteria;
- permitted activities;
- prohibition against local employment unless separately authorised;
- proof of foreign-source income or foreign employment;
- health insurance requirements;
- dependants;
- duration and renewal;
- application process;
- interaction with tax, business registration and immigration requirements.

Recommendation: A remote worker or digital professional category should clarify the matters listed above.

6.7 The permanent residence points system should be reviewed to determine whether job creation, entrepreneurship and priority skills should be recognised

The Bill introduces a points-based pathway to permanent residence based on age, Barbadian descent, education, skill, experience, financial resources, and certain diplomatic or international organisation service. The Fourth Schedule sets out maximum points for those criteria.

This is a useful start. However, the criteria should be reviewed to ensure that they reflect Barbados' strategic needs. The framework does not expressly identify priority sectors, scarce skills, entrepreneurship, innovation, export potential, technical and vocational skills, healthcare skills, business ownership, or verified job creation.

- verified job creation;
- entrepreneurship;
- export activity;
- innovation;
- scarce or critical skills;
- business succession;
- investment in productive enterprise;
- contribution to priority sectors;
- contribution by members of the Barbadian diaspora;
- social and community contribution, where objectively verifiable.

Recommendation: The points framework should be reviewed to ensure that it recognises economic contribution in a balanced way and is periodically reviewed after consultation.

6.8 Business visitor provisions should be clarified, including whether an extension mechanism is needed

The Bill permits certain entrants and provides different periods for categories of entrants. It also recognises business services sellers, business visitors, contractual services suppliers, graduate

trainees, intra-corporate transferees, and key personnel in relation to certain EU and UK arrangements.

The Chamber recommends that the Bill or regulations clarify the treatment of bona fide business visitors who are not entering the Barbados labour market but may require sufficient time for negotiations, investment due diligence, project planning, training, conferences, site visits, or regional business coordination.

A clearly defined business visitor extension mechanism would assist legitimate commercial activity while preserving the distinction between business visits and employment requiring a work permit.

- permitted business activities;
- prohibited employment activities;
- initial stay periods;
- extension procedure;
- documentary requirements;
- processing standards for extensions;
- interaction with work permit requirements.

Recommendation: The Bill or regulations should define "business visitor" for general immigration purposes and clarify the matters listed above.

6.9 Employer obligations should be clearer

The Bill makes it an offence for an employer to engage or employ a person who requires a work permit unless a work permit is in force. It also empowers the Minister to make regulations prescribing an employer's responsibilities in relation to the repatriation of an employee who is the holder of a work permit.

Employers should be given clear guidance on their obligations under the Act, including verification of work permit status, recordkeeping, renewal monitoring, notification obligations, and any responsibility for repatriation.

- identify core employer obligations;
- set out reasonable verification requirements;
- clarify recordkeeping duties;
- clarify when an employer must notify the authorities of a change in employment status;
- define the scope of any repatriation obligation;
- recognise a reasonable due diligence defence where an employer has taken prescribed steps to verify a worker's immigration status;
- require consultation with employer representative bodies before regulations on employer obligations are finalised.

Recommendation: The Bill or regulations should clarify employer obligations as listed above. This would improve compliance and reduce inadvertent breaches.

6.10 Appeal arrangements should be strengthened

The Bill provides that any person aggrieved by a decision of the Chief Immigration Officer 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 review the decision. The decision of the committee is final.

This formulation may raise concerns from an administrative fairness perspective because the appeal structure remains closely connected to the executive decision-making chain. The Bill also appears to limit the appeal provision to decisions of the Chief Immigration Officer, not necessarily all significant decisions made by or under the authority of the Minister.

For private-sector confidence and good governance, the review process should be clear, fair, timely, and sufficiently independent, particularly where decisions affect employment, investment, family settlement, deportation, detention, or permanent resident status.

Recommendation: The Chamber recommends that the appeal mechanism be reviewed to ensure that it is, and is seen to be, sufficiently independent and procedurally fair. At minimum, the process should include written reasons for adverse decisions, clear timelines, an opportunity to be heard, the right to submit supporting documents, the right to representation, and a review body that is not so closely connected to the original decision-making function as to undermine confidence in the outcome.

6.11 Deportation and revocation procedures require careful safeguards

The Bill contains detailed provisions on deportation orders, revocation of deportation orders, the effect of revocation of permission to remain, detention, and recovery of deportation costs.

The Chamber recognises the need for efficient removal procedures in appropriate cases. However, the consequences of deportation are serious. Persons affected may need legal advice, language assistance, access to documents, employer support, consular contact, or family assistance.

Recommendation: The Bill should provide clearer safeguards for deportation-related decisions, including adequate notice, reasons, a reasonable opportunity to respond, access to review, and appropriate exceptions in urgent national security or public safety cases.

6.12 Detention powers should include periodic review

The Bill allows persons refused permission to enter to be detained until removed, and allows persons against whom deportation orders are made to be detained for such period as may be necessary to make arrangements for removal.

The Chamber does not question the need for detention powers in appropriate immigration cases. However, the Bill should include safeguards to ensure that detention is necessary, proportionate, and subject to review.

Recommendation: The Committee may wish to consider provisions requiring detention to be used only where necessary, consideration of alternatives where appropriate, periodic review, written records of reasons for detention, special consideration for minors and vulnerable persons, and access to legal advice and consular assistance where relevant.

6.13 Data collection and information-sharing require safeguards

The Bill provides for advance passenger information, passenger name record data, automated passport control kiosks, facial biometric data, and information-sharing with JRCC, intelligence agencies, law enforcement agencies, and participating countries.

Modern border management requires secure data systems. At the same time, the collection and sharing of biometric, travel, identity, contact, payment, baggage, travel agency, and historical passenger name record information is significant.

Recommendation: The Bill or regulations should expressly address purpose limitation, retention periods, data security, access controls, audit logs, correction of inaccurate data, oversight of information-sharing, safeguards for sensitive personal data, and consistency with Barbados' data protection framework.

6.14 Broad powers should be accompanied by guidance and accountability

The Bill gives immigration officers powers to enter and search vessels without a search warrant, question persons, arrest without warrant where there are reasonable grounds for believing that an offence has been committed, and enter and search places on the authority of a warrant.

These powers may be necessary for enforcement. However, operational guidance, training, and accountability mechanisms are important to ensure that powers are exercised consistently, professionally, and proportionately.

Recommendation: The regulations or administrative guidance should address officer training, recordkeeping, use of force and arrest protocols, interaction with employers and workplaces, treatment of vulnerable persons, complaints handling, and supervisory review.

6.15 Regulations should be developed through stakeholder consultation

The Bill leaves several important matters to regulations, including work permit fees, forms, functions of immigration officers, employer responsibilities in relation to repatriation, examination procedures, identification of persons suspected of being in Barbados contrary to the Act, and conditions of entry.

The Chamber recognises that regulations are necessary for operational detail. However, many of these matters will directly affect businesses, employees, investors, visitors, students, and families.

Recommendation: Before key regulations are finalised, the Minister should consult relevant stakeholders, including BCCI, the Barbados Employers' Confederation, the Small Business Association, trade unions, professional bodies, labour market agencies, educational institutions, tourism and aviation stakeholders, legal professionals, and relevant ministries and departments.

6.16 Transitional arrangements should be supported by clear public guidance

The Bill provides that regulations made under the former Act shall be deemed to have been made under the new Act and shall remain in force until revoked. It also provides that applications for immigrant or permanent resident status begun under the former Act but not completed before commencement shall be deemed applications for permanent resident status under the new Act.

This is important, but businesses and applicants will need clear public guidance on how pending applications, existing permits, renewals, special entry permits, work permits, and immigration statuses will be treated during transition.

Recommendation: Before commencement, Government should publish a transition note explaining what happens to existing permits, pending applications, forms, fees, renewals, additional information requests, and existing foreign employees.

6.17 Digitisation, tracking and reporting should be part of implementation

The Bill recognises online embarkation and disembarkation forms and automated passport control kiosks. The Chamber recommends extending the same modernisation approach to immigration applications generally.

Recommendation: Implementation should include fully digital application processes where feasible, online status tracking, digital submission of supporting documents, secure employer portals, published service standards, periodic reporting on processing times and outcomes, and user guidance notes for applicants and employers.

6.18 Digital governance, data protection and technology-neutral modernisation should be strengthened

The Chamber welcomes the Bill's recognition of modern border-management tools. However, because these systems involve sensitive personal, identity, travel and biometric data, the Chamber recommends that the Bill be supported by clear digital governance safeguards.

These safeguards should address:

- lawful and specified purposes for data collection and use;
- data minimisation, so that only necessary data is collected and retained;
- retention periods for advance passenger information, passenger name record data, biometric data and related records;
- cybersecurity safeguards, access controls, audit logs and incident response protocols;
- rights of access and correction, consistent with Barbados' data protection framework;
- independent data protection oversight, including privacy impact assessments where appropriate;
- clear rules for inter-agency and regional data sharing, including necessity, proportionality and onward-sharing controls;
- procedures for correcting inaccurate records or resolving false-positive watchlist matches;
- fallback and assisted service arrangements for persons unable to use automated or digital channels.

The Chamber further recommends that the Bill be sufficiently technology-neutral to accommodate future border processing developments, including digital travel credentials, trusted traveller arrangements, eGates and secure digital identity systems, particularly in the CARICOM context. Any such development should include identity assurance standards, privacy safeguards, accessibility requirements and manual fallback procedures.

The Chamber also recommends that the Bill or supporting regulations clarify the treatment of electronic records, system logs, digitally signed submissions and other digital evidence in immigration processes, including appropriate integrity, authentication and admissibility standards.

7. Summary of Recommendations

1. Insert an objects or guiding-principles clause recognising immigration as a tool for secure border management, orderly migration, economic development, skills attraction, diaspora engagement, population resilience, and fair administration.

2. Require published criteria and service standards for work permits, residence permits, residence-and-work permits, permanent residence, renewals, variations, revocations and appeals or reviews.
3. Create clearer work permit categories to distinguish between specialist skills, executive transfers, project-based work, scarce skills, entrepreneurs, investors, and urgent operational needs.
4. Require notice, reasons and an opportunity to respond before ordinary work permit revocations, while preserving urgent powers for national security, public safety, fraud, or serious breach cases.
5. Consider investor, entrepreneur and critical skills pathways, with any qualifying thresholds and criteria developed only after consultation.
6. Review whether remote workers and digital professionals should have clearer statutory or regulatory footing, while preserving the distinction between remote work for foreign clients and employment in the Barbados labour market.
7. Review the permanent residence points system to determine whether and how it should recognise job creation, entrepreneurship, export activity, innovation, scarce skills, and contribution to priority sectors.
8. Clarify business visitor arrangements, including whether an extension mechanism is needed for bona fide business visitors who are not entering local employment.
9. Clarify employer obligations, including verification, recordkeeping, renewals, notification duties, repatriation obligations, and reasonable due diligence defences.
10. Strengthen appeal and review safeguards to ensure adequate independence, procedural fairness, and meaningful review.
11. Review deportation and detention safeguards, including adequate notice, reasons, review, periodic detention review, and consideration of vulnerable persons.
12. Strengthen data protection and information-sharing safeguards.
13. Consult before key regulations are finalised.
14. Publish transition guidance before commencement.
15. Include digitisation, tracking and reporting in implementation.
16. Strengthen digital governance, data protection and cybersecurity safeguards for biometric data, passenger information, electronic records, automated systems and data-sharing arrangements.
17. Ensure that digital immigration services remain accessible through assisted or non-digital channels for persons unable to use online or automated systems.
18. Adopt technology-neutral drafting so that the framework can accommodate future digital travel credentials, trusted traveller arrangements, eGates and CARICOM digital mobility developments, subject to safeguards.

8. Issues for the Committee to Explore

1. What national population, labour market, and skills strategy will guide the administration of the Bill?
2. Will regulations be published for consultation before commencement?
3. What processing timelines are intended for work permits, residence permits, permanent residence, renewals, and appeals?
4. Will shortage occupations or priority sectors be identified?
5. Should investor, entrepreneur, critical skills, and remote worker categories be created or more clearly defined, and if so, how should they be treated?
6. How will the points system be updated as national priorities change?
7. What safeguards will govern biometric data, passenger name record data, advance passenger information, and information-sharing?
8. What appeal or review mechanism will apply to decisions made directly by the Minister rather than the Chief Immigration Officer?
9. How will employers be guided on compliance obligations?
10. What transition arrangements will apply to existing permits, pending applications, and current workers?
11. Will implementation performance be reported publicly, for example through annual statistics on processing times, approvals, refusals, appeals, and backlogs?
12. Should aviation, maritime, tourism, port, airport and business travel stakeholders be consulted on whether the proposed timing and penalty provisions for advance passenger information are practical for legitimate operators, while preserving the Bill's security objectives?
13. How will immigration policy support managed migration, diaspora engagement, sustainable population growth and Barbados' global competitiveness?
14. What data protection safeguards will apply to biometric data, passenger information and information shared with JRCC, intelligence agencies and participating countries?
15. Will privacy impact assessments be conducted before automated border systems, biometric systems or new data-sharing arrangements are implemented?
16. What mechanisms will exist to correct inaccurate data or resolve false-positive watchlist matches?
17. Will the Bill or regulations support electronic records, digitally signed submissions, online applications and system logs as part of immigration administration?
18. Will the framework be technology-neutral enough to accommodate future digital travel credentials, trusted traveller lanes, eGates and CARICOM digital mobility arrangements?
19. What assisted or non-digital channels will be available for persons unable to use digital immigration systems?

9. Conclusion

The Immigration Bill, 2026 is an important legislative reform. It modernises several aspects of immigration administration and provides a framework for entry, residence, work, permanent residence, enforcement, border management, and information-sharing.

The Chamber supports the objective of modernising Barbados' immigration law. However, the Bill should be strengthened to provide greater clarity, predictability, fairness, and alignment with national development objectives.

For Barbados to remain competitive, immigration administration must be secure and well-regulated, but also efficient, transparent, service-oriented, and responsive to the country's economic and demographic needs. A modern immigration framework should help Barbados attract skills, investment, enterprise, returning nationals, regional talent, remote professionals, entrepreneurs, and persons who can contribute meaningfully to national development.

The Chamber therefore respectfully recommends that the Committee consider amendments and implementation measures to improve administrative certainty, work permit efficiency, permanent residence policy, business visitor arrangements, investor and entrepreneur pathways, appeal safeguards, data protection, transition planning, digitisation, and stakeholder consultation.

The Chamber is grateful for the opportunity to contribute to the Committee's consideration of this important Bill and remains available to provide any further information or clarification that may assist the Committee.

Submission on the Barbados Citizenship Bill, 2026

1. Introduction

The Barbados Chamber of Commerce and Industry welcomes the opportunity to submit comments on the Barbados Citizenship Bill, 2026.

This submission is offered from a national private-sector and governance perspective. Citizenship legislation is not simply an administrative statute. It speaks to national belonging, diaspora connection, confidence in public administration, and Barbados' ability to engage persons with genuine and continuing ties to the country.

The Chamber recognises that citizenship policy must be handled carefully. It should protect the integrity of Barbadian citizenship, support fair and transparent decision-making, preserve national security and public policy safeguards, and strengthen Barbados' long-term relationship with its diaspora and with persons who have established meaningful lawful ties to Barbados.

The Bill's stated purpose is to revise the law relating to the acquisition, deprivation and renunciation of citizenship of Barbados and to provide for related matters. The Chamber supports the objective of modernising and consolidating the citizenship framework, while respectfully recommending certain amendments and implementation measures to improve clarity, fairness, transparency and confidence in the system.

2. Executive Summary

The Barbados Citizenship Bill, 2026 provides for acquisition of citizenship, registration of certain persons as citizens, refusal of registration, registration of minors, renunciation, deprivation, resumption, certification in cases of doubt, ministerial discretion, regulations, offences, the oath of allegiance, and transitional arrangements.

The Chamber considers the Bill to be an important reform. It contains several positive features, including recognition of grandchildren and great-grandchildren of citizens, provision for certain permanent residents and former immigrants, provision for stateless persons, treatment of minors and adopted children, and transitional arrangements for applications commenced under the former Act.

The Chamber's principal recommendations are as follows:

1. The Bill should preserve the integrity of Barbadian citizenship while supporting diaspora engagement and fair access for persons with genuine lawful ties to Barbados.
2. Section 13, which provides that the Minister is not required to assign reasons and that the Minister's decision is final, should be reviewed to provide clearer reasons and review safeguards, subject to appropriate national security protections.

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3. The refusal provisions should be supported by published criteria, guidance and procedural safeguards so that applicants understand the basis on which applications may be refused.
4. The deprivation provisions should be reviewed to ensure that notice, reasons, enquiry rights, proportionality, independence, statelessness considerations and review mechanisms are clear and robust.
5. The diaspora-facing provisions should be supported by practical guidance, service standards and clear documentary requirements.
6. The Bill should clarify the treatment of dual or multiple citizenship, or at minimum provide public guidance, to reduce uncertainty for internationally mobile Barbadians and diaspora members.
7. Regulation-making powers, fee-setting and the power to amend the First Schedule should be accompanied by appropriate consultation and Parliamentary scrutiny.
8. Transitional arrangements should be supported by clear public guidance before commencement.

The Chamber has deliberately avoided any recommendation that would treat citizenship as a transactional investment product. The recommendations in this submission are focused on governance, fairness, diaspora engagement, clarity, and administrative effectiveness.

3. General Observations on the Bill

The Barbados Citizenship Bill, 2026 is intended to revise the law relating to the acquisition, deprivation and renunciation of citizenship of Barbados and to provide for related matters. The Bill addresses registration, refusal, minors, certificates of registration, renunciation, deprivation, resumption of citizenship, certificates in cases of doubt, evidence, regulations, offences, oath of allegiance, saving and transitional matters, repeal and commencement.

The Chamber supports the objective of updating the citizenship framework. Citizenship law is foundational to national identity, rights, obligations, diaspora connection, family unity, long-term belonging and public confidence in the State. For that reason, the framework should be clear, principled, transparent and administratively reliable.

The Chamber's comments focus on improving the transparency, fairness and effectiveness of the framework while preserving the integrity of Barbadian citizenship and avoiding any approach that would treat citizenship as a transactional immigration product.

4. Comparison with the Existing Legislative Framework

The Chamber notes that the Barbados Citizenship Bill, 2026 is intended to repeal and replace the Barbados Citizenship Act, Cap. 186, while continuing to operate alongside the citizenship provisions of Chapter II of the Constitution of Barbados.

The Bill appears to modernise and clarify several areas of citizenship law, including additional routes to registration, recognition of descendants of Barbadian citizens, treatment of certain permanent residents and former immigrants, treatment of stateless persons, resumption of citizenship, deprivation of citizenship, certificates in cases of doubt, and transitional arrangements.

These are important reforms, particularly where they support diaspora connection, family ties, long-term residence and clearer citizenship administration. However, the Bill would be strengthened by additional safeguards and greater administrative transparency, especially in relation to reasons for decisions, review rights, deprivation of citizenship, prescribed fees, regulatory oversight, and published guidance for applicants.

The Chamber therefore supports the general objective of updating the citizenship framework, while recommending that the Bill more clearly balance administrative discretion with transparency, fairness and confidence in the citizenship process.

5. Positive Features of the Bill

5.1 Recognition of diaspora lineage

The Bill provides that a person born outside Barbados who is a grandchild or great-grandchild of a citizen of Barbados may, subject to the refusal provisions, apply to be registered as a citizen. This is an important diaspora-facing provision and is consistent with the Committee's interest in diaspora engagement and sustainable population growth.

5.2 Routes for certain permanent residents and former immigrants

The Bill provides routes to registration for persons who were granted permanent residence under the former Immigration Act and for persons who, immediately before commencement, were immigrants under the former Immigration Act and had held that status for more than three years. This is a useful transitional and integration measure.

5.3 Recognition of stateless persons

The Bill includes provision for registration of a person who has always been stateless and meets the stated connection to Barbados. This is a positive safeguard in principle and should be supported by clear administrative procedures.

5.4 Treatment of minors and adopted children

The Bill allows for registration of minor children of citizens, provides special-circumstances discretion for minors, and provides that a minor adopted under Barbados law becomes a citizen where the adopter, or one of joint adopters, is a citizen. These provisions support family unity and objectives for child protection.

5.5 Transitional arrangements

The Bill provides that citizenship applications begun under the former Act but not completed before commencement will be deemed applications under the new Act and dealt with accordingly. This is important for continuity but should be supported by public guidance for applicants.

6. Main Areas Requiring Further Consideration

6.1 Section 13 should be reviewed for reasons and review safeguards

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

The Chamber recognises that citizenship decisions are sensitive and that the State must retain appropriate authority to refuse applications in the interests of national security, public policy, integrity of citizenship and public confidence. However, a complete absence of reasons and finality of decision may create avoidable uncertainty and may reduce confidence in the fairness and transparency of the process.

This is particularly important where applicants may include diaspora members, long-term lawful residents, spouses, dependants, persons with permanent residence, former citizens seeking resumption, and persons who have structured their lives around a genuine connection to Barbados.

Recommendation: Section 13 should be reviewed to provide that, where an application is refused, the applicant may request written reasons, subject to appropriate exceptions for national security, public safety or protected intelligence. The Bill should also provide, or enable regulations to provide, a fair review mechanism for adverse decisions. This could be framed as an administrative review or appeal process, without undermining the State's authority to protect the integrity of citizenship.

6.2 Refusal criteria should be supported by clear guidance

Section 4 allows the Minister, in the interests of national security and public policy, to refuse to register certain persons as citizens. The stated grounds include serious criminal conviction, activities prejudicial to the safety of Barbados or law and public order, insufficient means where the person is not the dependant of a citizen, and application of the Fifth Schedule of the Immigration Act, 2026.

The Chamber accepts that refusal powers are necessary. However, applicants and advisors should be able to understand, at least in general terms, the criteria, evidence requirements and procedural steps that apply. Clear guidance would reduce uncertainty, improve application quality and support consistent administration.

Recommendation: The Bill or regulations should be supported by published guidance explaining the application process, documentation requirements, general refusal criteria, treatment of criminal records, financial sufficiency considerations, and the way in which applicants may respond to concerns before a final refusal is made, subject to appropriate national security exceptions.

6.3 Deprivation of citizenship should be supported by strong safeguards

The Bill permits deprivation of citizenship in specified circumstances, including fraud, false representation or concealment of material fact; certain serious criminal convictions; disloyalty or disaffection; unlawful trading or communication with the enemy during war; and activities prejudicial to the safety of Barbados or law and public order. The Bill also requires notice of the proposed order and notice of the right to an enquiry in certain cases.

The Chamber recognises that deprivation powers may be necessary in exceptional cases. However, deprivation of citizenship is among the most serious actions the State can take in relation to an individual. The process should therefore be clear, proportionate and procedurally robust.

Recommendation: The deprivation provisions should be reviewed to ensure that they include clear notice, reasons, opportunity to respond, enquiry rights, consideration of proportionality, consideration of statelessness risk where relevant, and access to review. The composition and

appointment of any committee of enquiry should also be reviewed to ensure that the process is, and is seen to be, sufficiently independent.

6.4 Section 10 should clarify the process where citizenship was lost elsewhere

Section 10 allows the Minister to deprive a naturalised citizen of Barbados of citizenship where that person was also a citizen of a foreign country and has been deprived of that foreign citizenship on grounds that, in the opinion of the Minister, are substantially similar to grounds specified in section 9(1). Before making the order, the Minister must give written notice of the grounds and may refer the case to a committee of enquiry.

Given the seriousness of deprivation, the Chamber considers that the process should not depend too heavily on discretion as to whether a committee of enquiry is used.

Recommendation: The Committee should consider whether referral to a committee of enquiry should be mandatory, rather than discretionary, where deprivation under section 10 is proposed, except in narrowly defined urgent circumstances. The Bill should also make clear that the person affected has a reasonable opportunity to respond to the foreign decision and to any reliance placed upon it.

6.5 Diaspora provisions should be supported by practical service standards

The Bill's recognition of grandchildren and great-grandchildren of citizens is significant for diaspora engagement. However, practical implementation will determine whether the provision works well. Applicants may need to prove lineage across multiple generations and across different jurisdictions, often using older civil records.

Recommendation: The Chamber recommends that Government publish clear diaspora application guidance, including acceptable proof of lineage, treatment of unavailable records, certification requirements, expected processing stages, fees, target processing periods, and review options where an application is refused for evidentiary reasons.

6.6 Dual or multiple citizenship should be clarified

Section 8 provides for renunciation of Barbadian citizenship by a citizen of full age and capacity who is or intends to become a citizen of a foreign country. The Bill does not, in the same provision, expressly state the general position on whether a Barbadian citizen may simultaneously hold foreign citizenship.

The Chamber does not suggest that the Bill necessarily prohibits dual citizenship. Rather, the point is that express clarity, or clear official guidance, would be helpful for internationally mobile Barbadians, diaspora members, professionals, executives, investors and families who may hold or acquire more than one nationality.

Recommendation: The Committee should consider whether the Bill should expressly clarify the treatment of dual or multiple citizenship, or whether this should be addressed through public guidance. Any clarification should also make clear that holding foreign citizenship, by itself, is not a ground for deprivation unless another statutory ground is established.

6.7 Regulations, fees and amendment of the First Schedule should have appropriate oversight

Section 15 empowers the Minister to make regulations on a wide range of matters, including registration, oaths, fees, notices, certificates, consular registration of births and deaths, and

matters generally for giving effect to the Act. Regulations are subject to negative resolution. Section 16 provides that the Minister may by order amend, vary or revoke the First Schedule.

The Chamber recognises the need for administrative flexibility. However, fees and eligibility-related matters can materially affect access to citizenship, especially for diaspora applicants and families. Changes to the First Schedule may also affect categories of persons entitled to be registered.

Recommendation: The Committee should consider whether regulations dealing with fees and any order amending the First Schedule should be subject to enhanced consultation or affirmative resolution, while routine administrative regulations may remain subject to negative resolution. At minimum, there should be prior public guidance and stakeholder consultation before material fee or eligibility-related changes are made.

6.8 The First Schedule should be reviewed carefully, without creating any transactional citizenship pathway

The First Schedule identifies persons entitled to be registered, including former Secretaries General of CARICOM, holders of the Order of the Caribbean Community, former Chancellors and Vice Chancellors of the University of the West Indies, former heads of State and Government of Member States, and spouses and dependants of those persons.

The Chamber supports careful treatment of this Schedule. It should not be expanded in a way that could be interpreted as creating a transactional route to citizenship. However, the Committee may wish to consider whether the Schedule should also recognise categories of distinguished public, regional, cultural, academic, scientific, humanitarian or diaspora service to Barbados, provided that any such category is objective, exceptional, transparent and subject to appropriate Parliamentary scrutiny.

Recommendation: The Chamber recommends that any review of the First Schedule should be cautious, principled and non-transactional. If additional categories are considered, they should be tied to exceptional service or contribution to Barbados or the region, not payment, investment alone, or commercial transaction.

6.9 Transitional arrangements should be supported by public guidance

Section 19 provides that applications for citizenship or registration begun under the former Act but not completed before commencement shall be deemed applications under the new Act and dealt with accordingly.

Recommendation: Before commencement, Government should publish transition guidance explaining how pending applications will be treated, whether additional documents or fees will be required, whether existing forms remain valid, how applicants will be notified, and what timelines will apply.

6.10 Service standards and digital administration should be included in implementation

The Bill relies heavily on prescribed forms, prescribed fees, certificates and administrative decision-making. The effectiveness of the Act will depend significantly on implementation.

Recommendation: The Chamber recommends that implementation include digital application options, clear checklists, online status updates where feasible, published service standards, applicant guidance notes, and periodic reporting on processing volumes, timelines and outcomes.

6.11 Digital citizenship administration, data governance and privacy should be strengthened

Citizenship administration involves the collection and processing of highly sensitive identity, family, residence, nationality and documentary information. The Chamber recommends that the Citizenship Bill be supported by clear data governance and privacy safeguards consistent with Barbados' data protection framework.

The Bill should also enable modern digital administration, including online applications, electronic submission and validation of supporting documents, electronic communication of decisions, secure digital records, online status tracking and, where appropriate, secure electronic citizenship certificates or verification mechanisms.

These reforms would improve service delivery, reduce duplication, support diaspora applicants and assist authorised users such as government agencies, employers and financial institutions that may need to verify citizenship status. At the same time, digital channels should be supported by assisted or non-digital alternatives to ensure that older persons, persons with disabilities, persons without reliable digital access and persons with non-standard documentation are not excluded.

The Chamber recommends that the legislation or regulations address:

- lawful and specified purposes for collecting and using citizenship data;
- data minimisation, accuracy, retention and archiving;
- secure electronic records and document validation;
- cybersecurity safeguards, access controls, audit trails and incident response protocols;
- rights of access and correction consistent with Barbados' data protection framework;
- appropriate oversight and accountability for data-sharing between relevant public authorities;
- assisted or non-digital access channels for applicants who cannot reasonably use online systems.

7. Summary of Recommendations

1. Review section 13 to strengthen transparency and procedural fairness, including written reasons for adverse decisions where appropriate and access to review, subject to carefully defined national security or public policy exceptions.
2. Support the refusal powers in section 4 with published criteria, guidance and administrative procedures so that applicants understand the basis on which applications will be assessed.
3. Strengthen safeguards for deprivation of citizenship, including notice, reasons, meaningful opportunity to respond, access to enquiry or review, and clear procedures for cases involving national security or public safety concerns.
4. Clarify the process under section 10 where a person has been deprived of citizenship elsewhere and deprivation of Barbadian citizenship is being considered.
5. Support diaspora-facing citizenship routes with practical guidance, documentary checklists, service standards, online tools and clear procedures for proving lineage across generations.
6. Clarify the treatment of dual or multiple citizenship, whether in the Bill, regulations or public guidance, so that citizens, applicants, diaspora members and internationally mobile professionals have certainty.

7. Ensure that regulations, fees and any amendment of the First Schedule are subject to appropriate consultation, transparency and Parliamentary oversight, having regard to the importance of citizenship status.
8. Review the First Schedule carefully to ensure that any special eligibility categories remain principled, transparent, consistent with national interest and clearly distinct from any transactional citizenship pathway.
9. Publish transitional guidance for pending applications, existing certificates, applicable forms, fees and procedures before commencement.
10. Introduce service standards and digital administration tools for citizenship applications, including online applications, electronic document submission, application tracking and electronic communication of decisions where appropriate.
11. Strengthen data governance, privacy and cybersecurity safeguards for citizenship applications, citizenship records, supporting documents, certificates and any electronic verification systems.
12. Ensure that digital citizenship services remain accessible through assisted or non-digital channels for applicants who cannot reasonably use online systems.

8. Issues for the Committee to Explore

1. How will the Bill support diaspora engagement while protecting the integrity of Barbadian citizenship?
2. Should applicants who are refused citizenship registration be entitled to written reasons, subject to appropriate national security or public policy exceptions?
3. What review mechanism will apply to adverse decisions under the Act?
4. Should deprivation decisions be subject to a more independent enquiry or review process?
5. Should referral to a committee of enquiry be mandatory where deprivation is proposed under section 10?
6. What guidance will be issued for diaspora applicants seeking to prove lineage across generations?
7. Should the Bill, regulations or public guidance expressly clarify the position on dual or multiple citizenship?
8. What consultation will take place before fees are prescribed or changed?
9. Should regulations affecting fees and any amendment to the First Schedule receive enhanced Parliamentary scrutiny?
10. What transition guidance will be given to applicants with pending applications?
11. What service standards and digital tools will support the administration of the Act?
12. How will implementation be monitored and reported after commencement?
13. What data protection safeguards will apply to citizenship applications, citizenship records and supporting documents?

14. Will citizenship applicants be able to apply online, submit documents digitally, track applications and receive decisions electronically?
15. Will the framework support secure digital citizenship certificates or electronic verification mechanisms?
16. How will citizenship records be retained, archived, corrected and protected against unauthorised access?
17. What assisted or non-digital channels will be available for applicants who cannot reasonably use online systems?

9. Conclusion

The Barbados Citizenship Bill, 2026 is a significant reform. It modernises the statutory framework for acquisition, registration, renunciation, deprivation and resumption of citizenship, and it includes provisions that can support diaspora engagement and continuity for persons with genuine ties to Barbados.

The Chamber supports the objective of modernising the citizenship framework. The recommendations in this submission are intended to strengthen transparency, fairness, administrative certainty, diaspora access, and confidence in the citizenship system, while fully preserving the State's authority to protect national security, public policy and the integrity of Barbadian citizenship.

The Chamber respectfully recommends that the Committee consider targeted amendments and implementation measures relating to reasons and review safeguards, refusal criteria, deprivation processes, diaspora guidance, dual citizenship clarity, regulation-making oversight, transition guidance and service standards.

The Chamber is grateful for the opportunity to contribute to the Committee's consideration of this important Bill and remains available to provide any further clarification that may assist the Committee.

Introduction

This review examines the constitutional requirements of residency that determine eligibility for citizenship by registration under Chapter II of the Constitution of Barbados. Specifically, it considers the two prerequisites set out therein:

(1) the nature of residency, being *ordinarily resident* in Barbados, and

(2) the period of residency, being *continuous residence for seven years or more*.

The submission explores how these constitutional requirements have been interpreted and applied within the framework of the Immigration Act (Cap. 190) and related administrative practice. It draws on judicial authorities, including *Eddy Ventose v Chief Electoral Officer [2018] CCJ 13 (AJ)* and *R (Shah) v Barnet LBC [1982]*, to clarify the meaning of "ordinarily resident" and its relevance to determining lawful and continuous residence for citizenship purposes.

It therefore concludes that Part II of the Citizenship Bill, specifically section 3 subsections (5) and (6), which impose a requirement of being *permanently resident* in Barbados and prescribe a different number of years for eligibility, conflict with the Constitution. These provisions are unconstitutional, and contemporaneous amendments to the Constitution should be made to ensure legislative consistency and constitutional compliance.

1. Requirement for Registration of Citizenship Under Chapter II of the Constitution

Section 3 – Citizenship By Registration

> (2) Any person who is a ***Commonwealth citizen*** (otherwise than by virtue of being a citizen of Barbados) and who —
>
> (a) has been ***ordinarily resident*** in *Barbados continuously* for a ***period of seven years*** or more at any time before 30th November 1966; and
>
> (b) has not, since such period of residence in Barbados and before that date, been ***ordinarily resident*** outside Barbados continuously for a period of seven years or more, shall be entitled, upon making application, to be registered as a citizen of Barbados.

Importantly, therefore the Constitution establishes two requirements for citizenship by registration which can be described under two categories –

1. Nature of Residency – ***Ordinarily Resident***
2. Period of Residency – Living in Barbados continuously for a period of ***seven years or more.***

2. Judicial Interpretation

Courts Interpretation of Ordinarily Resident

CCJ — Barbados — Ordinarily Resident Definition — 2018

Eddy Ventose v Chief Electoral Officer [2018] Caribbean Court of Justice 13 (AJ) –

Issue – Whether Dr. Eddy Ventose, a **St. Lucian national and Commonwealth citizen**, was entitled to be registered as an elector in Barbados under the Representation of People's act which required three years of ordinarily residence.

The Electoral and Boundaries Commission (EBC) refused, arguing that he was not "ordinarily resident" in Barbados because he lacked formal immigration status (e.g., permanent residence or immigrant status).

Court's Conclusion: The High Court (Gibson CJ) noted that "ordinarily residence" is essentially the place a person has adopted as their home, where they habitually live, return to, eat, and sleep. Temporary absences do not break ordinary residence. He pointed to regulations under the Representation of the People (Registration of Electors) Regulations 1990, which codify this understanding.

Dr. Ventose was therefore allowed to be registered.

UK – Instructive Landmark Case – Ordinarily Resident – 1982

In R (Shah) v Barnet LBC, Lord Scarman defined "ordinarily resident" as living in a place voluntarily and for settled purposes as part of the regular order of one's life, whether short or long term. The court concluded it is a factual test.

3. Application to Citizenship/Immigration Bills

The requirements in Part II of the Citizenship Bill, section 3 subsections (5) and (6) — which impose a condition of *permanent residency* and alter the number of years of residence required — are unconstitutional. The Constitution prescribes only two requirements for citizenship by registration:

1. Being *ordinarily resident* in Barbados, and
2. Continuous residence for seven years or more.

By introducing a requirement of *permanent residency*, the Bill conflicts with the Constitution and therefore requires contemporaneous amendments to the Constitution if such a change is to be lawfully implemented.

Practical Problems Created

Disentitlement of CARICOM Nationals:

- Similar to the situation in *Ventose v. Chief Electoral Officer*, most CARICOM nationals enter Barbados under the CSME regime with a "work and reside" status, or alternatively on a work permit or student visa for their children. Under the current Immigration Act and administrative practice, these categories have been correctly treated as sufficient to establish *ordinary residence*

and thus eligibility for citizenship registration. The Bill, however, would disentitle them by requiring permanent residency.

Immigration Bill Section 7(1):

- Section 7(1)(a) allows permanent residency for persons of Barbadian descent, education, skill, experience, and financial resources who achieve 10 points. Yet, the Fourth Schedule is unclear:
    - It is not explicit whether CSME holders automatically receive the full 5 points for skill/experience.
    - For example, applicants over age 30 may only receive 4 points, leaving them short of the required 10 (assuming they have full points under the skill/education section).
    - This ambiguity risks excluding CSME holders from acquiring permanent residency, despite their lawful presence and contribution.

Transitional Clause in Citizenship Bill (Section 3(4)):

- The transitional provision only recognizes those with immigrant status under the former Immigration Act. It does not expressly include persons who were *ordinarily resident* under other statuses (work permits, student visas, CSME "work and reside"). This drafting risks disentitlement of persons who were lawfully ordinarily resident under different statuses.

Recommendations

Constitutional Alignment:

1. Amend the Bill to reflect the constitutional requirement of *ordinary residence* rather than *permanent residency*, thereby avoiding conflict with Chapter II of the Constitution. In addition to this, contemporaneous amendments regarding the period threshold is required.

Clear Path for CSME Holders:

2. The Immigration Act should explicitly provide a pathway for CSME holders to acquire permanent residency, ensuring that point allocations in the Fourth Schedule do not inadvertently exclude them.

Inclusive Transitional Clause:

3. Section 3(4) of the Citizenship Bill should be redrafted to recognize all statuses that have administratively led to registration under the previous Act, including work permits, student visas, and CSME "work and reside", so that no category of ordinarily resident persons is disentitled after the passing of the legislation.

Ian S. Ray, PhD

PETITION FOR THE RECOGNITION OF HISTORICAL CITIZENSHIP

TO: The Joint Select Committee on the Barbados Citizenship Bill, 2026

FROM: Ian Spencer Ray, PhD

DATE: April 27, 2026

SUBJECT: Formal Proposal for "Citizenship by Recognition" for Historical Descendants

I. EXECUTIVE SUMMARY

I, Ian Spencer Ray, PhD, hereby submit this petition to the Joint Select Committee to urge the adoption of a "Citizenship by Recognition" framework within the Barbados Citizenship Bill, 2026. This proposal advocates for the legal recognition of descendants of the foundational settlers and enslaved persons of Barbados—specifically those beyond the proposed great-grandchild threshold—who can verify their lineage through primary genealogical records and scientific data. This model is inspired by the successful implementation of Law 2024-31 in the Republic of Benin, the Law of Return in the State of Israel, and Bill C-3 in Canada, which prioritize ancestral restoration over mere residency.

II. THE PRECEDENT: "RECOGNITION" OVER "RESIDENCY"

Current drafts of the 2026 Bill lean toward a points-based residency system for long-line descendants. This presents issues for fourth-generation descendants and beyond. For fourth-generation descendants, they are recognized as full citizens but, unlike other citizens of the Republic, these citizens would not have the ability to pass their status down to their children, effectively creating two tiers of citizens: those who can pass their citizenship to their children and those who cannot. Long-line descendants (those beyond the fourth generation) would only be granted a residency permit if they have sufficient points in a discretionary system. A points-based residency model, while functional for general migration, does not adequately address the restorative justice owed to the deep diaspora, nor does it provide the legal certainty required for high-capital investment or permanent relocation.

- The Canadian Model: Under Bill C-3 of 2025, the Canadian parliament recognized the unique status of “Lost Canadians” and their descendants. The bill serves as a 'reset' of citizenship status for all past generations and modifies the requirements prospectively. As a fellow Commonwealth nation with a similar recent independence

from the United Kingdom, Barbados should consider the logic and impacts of converting British Crown Subjects to citizens of a modern state.

- The Israeli Model: Under the Law of Return, anyone with a Jewish identity, through birth or conversion, or with a grandparent or parent of Jewish identity, can enter Israel and be recognized as a citizen immediately upon arrival. The State then issues a 5-year travel document (Laissez-Passer) in place of the national passport until the new citizen reaches an established residency milestone.
- The Beninese Model: Under Law 2024-31, the sovereign state grants nationality by "recognition" to those of the diaspora, providing a full Beninese passport and the right of abode while decoupling these from the immediate right to vote (suffrage).
- The Proposal: Barbados should offer a similar "Heritage Passport" or "Recognition Status" that confers the security of citizenship to verified descendants, incentivizing the return of highly skilled individuals (such as PhD-holders) without requiring them to first navigate the vulnerability of a residency permit. Holding a Barbadian passport, even if of the lesser status of the Israeli model, signifies that the State acknowledges and welcomes the diaspora, ensuring we have a permanent place in the Bajan community. As seen worldwide, without citizen status, descendants beyond the great-grandchildren are vulnerable to political and ideological shifts that dissuade migration to ancestral communities, as we remain at risk of our status being revoked and causing yet another diaspora.

III. ALIGNMENT WITH "THE GATHERING" (2026)

As Barbados celebrates its 60th Republic Anniversary, the "Gathering as One Nation" initiative should be a legal homecoming, not just a tourism event.

1. Economic Benefit: By granting recognition to descendants with advanced degrees (e.g., a PhD in Applied Statistics), Barbados secures the brain gain of a diaspora ready to contribute to the republic's development.
2. Moral Justice: Formally recognizing the "Lost Bajans" beyond the fourth generation aligns Barbados with the leading edge of global restorative nationality law.

IV. FORMAL REQUEST

I respectfully request that the Committee:

1. Amend the Barbados Citizenship Bill, 2026 to include a category for "Citizenship by Recognition" for descendants with a verified pre-independence lineage.
2. Establish a "Heritage Passport" program that allows full travel and residency rights for recognized descendants, regardless of their current place of birth.

3. Codify a suffrage requirement so that "Heritage Passport" holders gain voting rights after one year of residence in Barbados, aligning with the fast-track naturalization of other CARICOM citizens.
4. Utilize the 60th Anniversary (November 30, 2026) to launch a pilot wave of these recognitions.
5. Establish a National Ancestry Database managed by a specialized "Lineage Review Taskforce." This system would function as a living registry, allowing the State to verify foundational ancestors once and cross-reference all subsequent descendant claims, thereby reducing administrative overhead and ensuring the long-term integrity of the Barbadian Registry.

Respectfully submitted,



Ian Spencer Ray, PhD



A. WRITTEN SUMMARY OF THE ORAL EVIDENCE GIVEN BY MEMBERS OF THE BARBADOS BAR ASSOCIATION ("BBA') DURING THE FIRST APPEARANCE BEFORE THE JOINT SELECT COMMITTEE ON 11 NOVEMBER 2025

B. SPEAKING NOTES FOR THE ORAL SUBMISSIONS TO BE MADE BY THE MEMBERS OF THE BBA DURING THEIR SECOND APPEARANCE BEFORE THE JOINT SELECT COMMITTEE ON 19 JUNE 2026

A. WRITTEN SUMMARY OF THE ORAL EVIDENCE GIVEN BY MEMBERS OF THE BARBADOS BAR ASSOCIATION ("BBA") DURING THE FIRST APPEARANCE BEFORE THE JOINT SELECT COMMITTEE ON 11 NOVEMBER 2025

[1] THE ABSENCE OF REGULATIONS

1. One of the most glaring omissions from the draft legislation is the absence of draft regulations. None were circulated with the draft Immigration Bill. Regulations are important because:

    (i) Traditionally, student visas have been dealt with in the Regulations. We have not had sight of any draft Regulations. The BBA recommends that the matter of student visas should continue to be addressed in Regulations. We would further recommend creating a hybrid visa. For example, current holders of student visas are prohibited from working. However, it would be desirable if PhD students could have the flexibility to engage in paid research whilst undertaking their studies.

    (ii) Section 20(3) of the Immigration Bill expressly states that "*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*".

2. Keeping in mind the revenue earning potential which flows from the issuance of a work permit, coupled with the fact that the schedule of fees (computed with reference to the type of work to be undertaken) has not been revised for over a decade, it would be useful to ascertain whether there has been:

    (a) an expansion of the categories of workers, and

(b) an upward revision in fees.

3. The BBA recommends that the categories should be expanded to include jobs in emerging markets – e.g. technology, digital assets etc.

4. New prescribed forms will have to be issued to correspond with the new legislative reforms. However, these too have not been circulated.

[2] THE ABSENCE OF THE LEGISLATIVE UNDERPINNING OF THE SEP REGIME.

5. The 2019 Cabinet Paper on the Revised Immigration Policy and Proposals for Legislative Reform contained recommendations for the legislative underpinning of the Special Entry Regime – see paras. 62 to 70. However, these recommendations are not borne out in the current Immigration Bill.

6. We note that the powers granted to the Minister under Section 13 (7) of CAP 190 are preserved under section 4(6) of the Bill. However, given the large financial investment component which attaches to one of the criteria to be satisfied, it is thought that more structure should be given to this category of permits. Giving SEPs a legislative footing rather than linking them to the exercise of Ministerial discretion could also serve to address the criticisms levelled by the OECD regarding that product.

[3] ENHANCEMENT OF THE WORK PERMIT REGIME

7. Comparatively, this regime earns the most revenue in the department. Citizenship by descent only earns the $300.00

application fee – there is no final fee. Yet a three-year work permit for a CEO of a company can earn the department $10,500.00 in application and final fees.

8. There is also room for the development of hybrid products, utilizing the platform of the work permit and incorporating elements of the CARICOM Rights of Establishment Regime for use by **businesses operating outside of CARICOM.** The probable advantages of this type of new product would be:

    (i) To provide an avenue for businesses of substance to be established in Barbados which satisfy the economic substance test.
    (ii) To provide foreign existing businesses with an easy opportunity to establish a branch in Barbados as well as being able to relocate key members of staff to work under that regime.
    (iii) To afford those businesses a period of, for example, 12 months to establish their businesses in Barbados.
    (iv) To be an attractive incentive given Barbados' low corporate tax rate for domestic companies; and
    (v) To provide another avenue for foreign direct investment.
    (vi) **Similarly, an opportunity now exists for developing the seamless conversion of welcome stampers over to work permits. However, in the absence of sight of a policy document, draft regulations and application forms, we cannot critically assess the shortcomings or make meaningful suggestions for the enhancement of that category of visas.**

[4] NEED FOR A DEDICATED CHANGE MANAGEMENT TEAM TO BE ESTABLISHED

9. The BBA is unsure as to whether the Chief Immigration Officer and/or other senior immigration officers will be appearing before the Select Committee to discuss their views on the proposal. That department will be responsible for implementing this legislation. Given that implementation of the new Bills would usher in significant changes in both policies and procedures, how will the department deal with this increased pressure?

10. The department is already under tremendous pressure owing to the retirement of knowledgeable, long-serving BID officers:
    (i) Roy Greenidge from work permits department
    (ii) Pamela Green from the citizenship department
    (iii) David Carrington from the immigrant status department
    (iv)Trevor Walcott from the citizenship and I/S department
    (v) Carlisle Murray – he is an all-rounder.

11. All of these departures have impacted on the productivity of the department. Therefore, putting a change management team in place will help to effect a smooth transition.

12. Lynne-Marie Simmons can speak from experience since the Government adopted this approach when the Welcome Stamp was to be introduced. She worked alongside Margaret Inniss and Bridget Lewis to prepare the draft legislation for CPC. Government set the policy, then the team crafted the legislation based on the premise that a lawyer, a senior Immigration officer and a change management specialist would have oversight and input in crafting the legislation. Ms. Simmons also conducted the training sessions along with the marketing team.

B. SPEAKING NOTES FOR THE ORAL SUBMISSIONS TO BE MADE BY THE MEMBERS OF THE BBA DURING THEIR SECOND APPEARANCE BEFORE THE JOINT SELECT COMMITTEE ON 19 JUNE 2026

[1] ABSENCE OF EXPLANATORY INFORMATION REGARDING LEGISLATIVE REFORM OF THE IMMIGRATION ACT AND CITIZENSHIP ACT AND THE GUIDING POLICY

1. During our members' first appearance before the Joint Select Committee, the members of the BBA highlighted the absence of an accompanying policy document and/or an explanatory memorandum which would serve to explain and contextualize the proposed legislative changes. The then Chairperson, Ms. Marsha Caddle M.P., informed the sitting that the proposals for reform had their genesis in the findings of the Barbados Population Commission ("BPC"), which issued a Barbados Population Policy document in 2024.

2. The BBA wishes to highlight the following observations made by the BPC:

    (i) Extend the categories of persons entitled to citizenship ***and permanent residence***;
    (ii) Retain and encourage repatriation of Barbadians and stem the brain drain; and
    (iii) Promote managed migration of persons who can bring capabilities and resources to invest in the future of Barbados and to contribute to areas of the economy where there are unmet labour and skills requirements.

3. Such approaches would likely meet the immediate and medium-term labour force needs and increase the number of

persons contributing to government revenue through direct and indirect taxation.

4. Of great importance was the recommendation of the BPC for the formulation and implementation of a managed migration policy which would support economic and labour market objectives. The BPC highlighted the importance of a policy specifying short and medium-term targets for increasing working age population which can be adjusted, having regard to the changing economic, social and cultural profile of the country and its developmental objectives and opportunities *and based on continuous assessment of the impact of migration.*[1]

SUBMISSION:

5. It is the submission of the BBA that any sweeping changes to the Immigration Act and the Citizenship Act must be informed by a migration policy, which incorporates the afore-mentioned objectives TOGETHER WITH empirical data. To the best of our information and knowledge, no such policy document exists and we find ourselves in a cart-before-the-horse scenario.

6. The decline in population is not unique to Barbados. Last month, Patrice Quesada, the Caribbean Regional Coordinator for the International Organisation for Migration observed that Caribbean nations faced with shrinking populations and growing labour shortages are re-evaluating migration policies as a key pillar of economic survival. He said that declining demographics were affecting countries throughout the region, while labour shortages continued to

[1] Barbados Population Policy – Revised 1 February 2024 at pp 29 -38

place pressure on critical sectors like construction, healthcare and tourism. Mr. Quesada specifically highlighted St. Lucia's national migration policy as a possible model for other Caribbean countries.[2]

The St. Lucian Migration Policy

7. On 18 May 2026, with the support of the International Organisation for Migration, the Government of St. Lucia launched its draft Migration Policy, positioning our sister island as the "***leader in evidence-based, inclusive migration governance".*** That policy reflects a whole-of-government and whole-of-society approach, ***grounded in data, stakeholder consultations and a forward-looking vision that recognizes migration as a driver of sustainable development.***

> *"At its core, the draft National Migration Policy seeks to ensure that migration in Saint Lucia is effectively measured, monitored and managed through a gender-sensitive, rights-based and development-oriented framework. It prioritizes key areas such as labour migration, diaspora engagement, data systems, protection of vulnerable groups and migration governance in times of crisis, while promoting national resilience and inclusive growth."*[3]

SUBMISSION:

8. It is our submission that Barbados should adopt a similar exercise. In and of itself, the Barbados Population Policy falls short of the kind of content which is required to support and

[2] Barbados Today 12 May 2026 Edition
[3] IMO UN Migration Newsletter 22 May 2026

inform *"a whole-of-government and whole-of-society approach, grounded in data, stakeholder consultations and a forward-looking vision that recognizes migration as a driver of sustainable development"*.

[2] CONSIDERATIONS FOR THE WORK PERMIT REGIME

9. It is further submitted, that a piecemeal approach to policy-making is a significant misstep.

10. For example, the people of Barbados have seen, first-hand, the effects of failing to employ data-driven analytics in the Government's approach in allowing foreign nationals to supplement the labour shortage in the construction sector.

11. There are currently at least seven (7) hotel/condominium projects in addition to those already under construction. These projects have resulted in a high demand for artisans and labourers, who now command a premium for their wages.

12. Developers and contractors have argued that the local labour force must be supplemented by foreign labourers and that over 1,000 short-term work permits are urgently needed with hundreds more to be required in the coming months. At the same time, the BBA has also observed that one of the largest and long-standing construction companies will now have to retrench members of its staff, citing declining competitiveness and sustained operational challenges.[4]

[4] Barbados Today 9 June 2026 Edition – article by Emmanuel Joseph – C.O. Williams to cut jobs as union demands evidence to support move

13. At the heart of their retrenchment decisions seems to be the fact that that company honours its NIS and PAYE obligations. However, it has been brought to the attention of the BBA that foreign labourers are treated by their local employers as "independent contractors" who are responsible for paying their own PAYE and NIS contributions, even though the facts are clear that the relationship is that of a contract of service (employee) not a contract for services (independent contractor).

SUBMISSION:

14. The Government should consider whether an employer who deliberately creates a category of worker with the label "independent contractor" when all other indicia point to that person being an employee is not offensive to the Laws of Barbados. In particular, whether such a decision is in effect a fraud on the NISSS by denying that service the contributions to which it should properly be entitled.

SUBMISSION

15. Any forward-thinking legislation must seek to measure and correct these anomalies and disparities.

16. It is the understanding of the BBA that local construction companies and developers have called upon the Government:

    (i) To design a scheme where construction workers can circumvent the established procedures for short-term work permits and have a fast-track route designed and implemented for the processing of short-term work permits for construction workers; and

(ii) For Government to waive the work permit fees.

17. It is our view that neither of the two requests should be acceded to for the following reasons:

(i) The BBA has canvassed the views of Attorneys who have handled bulk applications for construction workers. Our inquiries have revealed that more often than not, amongst each group of applications presented to the Immigration Department for processing, were persons with previous criminal convictions. Every effort must be made to ensure that persons are properly vetted and screened by the Immigration Department **prior to** their arrival on island;

(ii) We are also aware that a small group of foreign workers who were recently brought into the island to work on a construction project, absconded from the project. Their employer was unaware of their location on island. Clearly the current system of tracking foreign workers on island is flawed and must be urgently revisited with a view to strengthening it before any mass influx of workers;

(iii) Construction workers are usually hired under the short-term work permit visa. This visa was developed for itinerant workers who generally fall outside of the tax and NIS nets. It cannot be that the Government must be placed in a position whereby it can only benefit from indirect taxes, especially where concessions are granted to contractors and developers under the Tourism Development Act.

(iv) The Government fee for each short-term application is a mere $300.00 while the work permit fee per month for CARICOM workers starts at $100 - $110 and for non-CARICOM workers, is in the range of $210 - $300. This should not significantly erode the profit margins of developers. The implementation of any policy which would seek to marginalize the local workforce in favour of untested foreign workers would be socially unjust and politically problematic.

(v) The BBA is of the view that, in addition to the work permit fee being charged, a flat fee should also be applied to each applicant which will be seeded to the NIS scheme. Persons will only be able to access the NIS scheme once they have satisfied all of the criteria for accessing its benefits. However, foreign workers will still be required to contribute to the scheme. A similar type of system has been employed in other countries which are heavily reliant on foreign labour - for example, in the British Virgin Islands. In addition, employers of foreign nationals who hold short-term work permits, should also, as a condition of that permit, be required to effect insurance in respect of the employee.

(vi) It has been represented to the BBA that the Immigration Department has stopped stamping the passports of foreign nationals entering the island. The BBA does not support that decision. This is a misstep since it is impossible to verify the length of time a permitted entrant has on island without reverting to the Immigration Department. There must be a simple way to verify whether or not a person is lawfully on island. In the past, this could

be easily done by examining the passport for an entry stamp.

[3] ADDITIONAL COMMENTS REGARDING THE CITIZENSHIP BILL

ECONOMIC CITIZENSHIP

18. Successive administrations have been resolute in not implementing a "citizenship by investment" scheme in Barbados. As far back as 2009, the Government's position was expressed as follows:

> *"Barbados does not subscribe to the concept of economic citizenship, and pursues a policy of not granting such status to non-nationals in return for financial contributions or economic benefits. The legislation should therefore be amended to reflect this."*
>
> *Recommendation:*
>
> *The Barbados Citizenship Act should be amended to state that under no circumstances will such citizenship be granted. Similarly, the Caribbean community (Movement of Skilled Nationals) Act, 2004-13 should be amended to state that economic citizenship will not be recognized as part of the definition of "national" ... The term "Economic Citizenship" should be defined for all relevant legislation"*[5]

19. In December 2025, the European Commission signalled a hard line towards Caribbean Citizenship-by-Investment Programs ("CIPs"), stating that the existence of such

[5] Green Paper – Comprehensive Review of Immigration Policy and Proposals for Legislative Reform – Ministry of Labour & Immigration, October 2009 at paras 56 – 58.

programmes "in itself" may now constitute grounds for suspending visa-free travel to Schengen countries. In its 8th annual Visa Suspension Mechanism Report[6], Antigua and Barbuda, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia were identified as countries operating programmes that pose a significant and ongoing challenge of a "much greater scale" than similar schemes in the EU. Between them, the 5 countries have issued over 100,000 passports to persons obtaining citizenship by investment. The Commission expressed particular concerns regarding the adequacy of security vetting procedures citing a short vetting time and low rejection rates.

20. In July 2023, the UK withdrew visa-free access for Dominica citing a clear abuse of its CIPs, including cases where citizenship had been granted to persons it regarded as security risks.

21. Earlier this month, Ireland cut its visa-free access for Saint Kitts, Saint Lucia and Nicaragua. The Department of Justice, Home Affairs and Migration in Ireland announced the change on 11 June 2026.

SUBMISSION:

22. Having regard to the free-movement which exists between Dominica, St. Vincent and the Grenadines, Belize and Barbados, with the possibility of more members joining the current group of four (4) CARICOM countries, the BBA fully endorses the 2009 Ministry of Labour and Immigration's recommendations to include a definition of the term

[6] Released on 18 December 2025 by the European Commission

"Economic Citizenship" in the Bill before the House and exclude those persons from becoming eligible for obtaining Barbadian citizenship.

CONSTITUTIONAL AMENDMENTS

23. In 2019, a paper was brought to Cabinet for the approval of a revised Barbados Immigration Policy and Proposals for Legislative Reform.[7] Noting that both Chapter II of the Constitution of Barbados as well as the Barbados Citizenship Act CAP 186 provide for the grant of citizenship, there were and still are inconsistencies between the two pieces of legislation which are in need of resolution.

24. The paper proposed a number of Constitutional Amendments which would be required to harmonize the Constitution with the Citizenship Act. The BBA observes the absence of any Bill containing proposed Constitutional Amendments. Should the tabled Citizenship Bill be passed without the corresponding amendments to the Constitution, the Government can well expect that our members will be filing with great haste Constitutional motions to have the Act struck down as being in conflict with the supreme law of Barbados.

THE SIGNIFICANT REDUCTION OF THE DAYS' TEST FOR OBTAINING CITIZENSHIP

25. Currently, a person who has been ***ordinarily resident*** in Barbados for not less than 7 years (i.e. approximately 2,555 days) of which an aggregate of not less than 5 years (i.e. approximately 1,825 days) must have been spent in

[7] The Cabinet Note (19) – M.P. No. 7274/1/9 Vol. 1 dated 5 November 2019

Barbados (or for such shorter period as the Minister may, in special circumstances, accept) can apply for citizenship under the Citizenship Act.[8]

26. Section 3(2) of the Constitution also provides grounds for Commonwealth citizens, who have been ***ordinarily resident*** in Barbados continuously for a period of 7 years (i.e. approximately 2,555 days) to apply for Citizenship. Section 3A of the Constitution allows a person who has been ***ordinarily resident*** in Barbados throughout the period of 10 years (i.e. approximately 3,650 days) immediately preceding the application, to apply for Citizenship.

27. In 2020, it was proposed that Section 4 of the Citizenship Act be amended to allow for a person who was granted permanent residence under section 5 (2C) of the Immigration Act AND who had resided in Barbados for a total of 1,095 days (i.e. approximately 3 years) in the aggregate, during the last 6 years immediately preceding the date of application to be registered as a citizen of Barbados. Further, a person who was an immigrant for a period exceeding 5 years, may, within 3 years after the commencement of the Act make an application to the Minister to be granted citizenship upon satisfying the Minister that he has been an immigrant for a period exceeding 5 years.[9]

28. Part II of the Citizenship Bill 2026, provides additional grounds of citizenship and registration of certain persons as citizens.

[8] Section 4 (3) of the Citizenship Act CAP 186
[9] Revised draft 2020-02-17 Citizenship Bill

(i) A person who is a national of a Member State by birth, descent or naturalization, their spouse and dependants, and who has resided in Barbados as a permanent resident for an aggregate of 180 days (i.e. approximately 6 months) during at least 730 days (i.e. approximately 2 years) immediately preceding the date of the application; or

(ii) A non-national of a Member State, their spouse and dependants who have lawfully resided in Barbados as permanent residents for an aggregate period of at least 270 days (i.e. approximately 9 months) out of a period of at least 1,095 days (i.e. 3 years) immediately preceding the date of the application can apply for citizenship.

29. It should be noted that no definition for "***ordinarily resident***" is included in the Draft Bill.

SUBMISSION:

30. The BBA is of the view that a definition of the term "***ordinarily resident***" along the terms as stated in the 2019 Cabinet Paper should be included in section 2 of the Bill:-

> *"Section 2 – Interpretation*
>
> *"**ordinarily resident**" means the lawful residence in Barbados for no less than an aggregate of more than 182 days per year."*

31. This definition would be consistent with the definition found in the Income Tax Act [10]

[10] See Section 85(5)(a)(i) of the Income Tax Act CAP. 73

32. The BBA strongly opposes the truncation of the days' test as proposed under the 2026 Bill.

Submitted by:

The Chairman of the Legislative Reform Sub-Committee of the BBA
Lynne-Marie Simmons – Attorney-at-Law

HANSARD TRANSCRIPTS

THE
FIRST MEETING
OF THE JOINT SELECT COMMITTEE (STANDING)
ON ECONOMIC AND PRODUCTIVE SECTORS
ON THE IMMIGRATION AND
BARBADOS CITIZENSHIP BILLS, 2026

HELD IN THE SENATE CHAMBER, PARLIAMENT BUILDINGS, TRAFALGAR STREET

WEDNESDAY, MAY 13, 2026

FIRST SESSION 2026-2031

PRESENT

Mr. D. G. SUTHERLAND, B.Sc. (Hons.), M.Sc., M.B.A. (Dist.) (CHAIRMAN)
Dr. W. F. DUGUID J.P., B.D.S, F.D.S., F.D.R.C.S., M. Min. (Deputy Chairman)
Hon. I. A. WEIR, M.B.A. (Minister of Public and Private Investment)
Dr. The Hon. R. O. SPRINGER, J.P., PH.D., (Minister of State in the Ministry of Transport and Works)
SENATOR A. W. MALLALIEU, C.P.A., F.R.I.C.S. (***Online***)

ABSENT:

Hon. C. S. V. HUSBANDS, B.A. (Hons.), M.Sc. (Minister of Training and Tertiary Education)
SENATOR R. O. WALTERS, M.B.A.
SENATOR THE HON. J. W. D. REID, B.Sc. (Ministry of Industry, Innovation, Science and Technology)
SENATOR The Hon. C. P. SINCKLER, B.A., M.Sc. (Senior Minister) (Minister of Foreign Affairs and Trade)

ALSO IN ATTENDANCE:

Mr. PEDRO EASTMOND (Clerk of Parliament)
Miss SUZANNE HAMBLIN, (Journal Department of Parliament)
Mrs. MECHELLE ELIE (Chief Parliamentary Counsel)

The Clerk called the meeting to order at 10:30 a.m.

Mr. CLERK: Good morning, everyone. Let me welcome you to this first meeting of the Joint Select Committee **(JSC)** (Standing) on Governance and Policy Matters.

I am only in the Chair, merely to facilitate the appointment of the Chairman and Deputy Chairman. The Chairman would preside over this Committee meeting.

Can I have a motion for the election of the Chairman?

On the motion of Dr. W. F. DUGUID, seconded by Dr. The Hon. R. O. SPRINGER, the Honourable Member for St. George South, Mr. D. G. SUTHERLAND, was appointed as Chairman of the Committee.

Mr. CLERK: Thank you very much. Mr. Sutherland, please take the Chair.

Mr. CHAIRMAN: Good morning, Clerk of Parliament; members of the working team at Parliament; the Chief Parliamentary Counsel (CPC); Members of Parliament and, last but by no means the least, Senator Andrew Mallalieu.

Let me thank you all for appointing me as Chairman of this Joint Select Committee, where we have the responsibility of feeling feedback on the Immigration and Barbados Citizenship Bills, 2026.

This process, indeed, we await submissions from independent persons from the public, I should say, that should conclude on Friday, next week, which is 22 May, 2026.

I believe we will get into formal televising or what we will call open to the public discussions and presentations.

We can probably do that before, but I will leave that until after we elect a Deputy Chairman. I want to thank you all for reposing the confidence in me to serve as the Chairman of this Committee and I vow to do my best on behalf of the people of Barbados and of the Government of Barbados.

The next item on the Agenda would be the appointment of a Deputy Chairman to serve on this Committee for the year; the parliamentary year.

I now open the floor for recommendation of a person to serve as a Deputy Chairman of this Committee. It has to be a non-Cabinet Member.

On the motion of Hon. I. A. WEIR seconded by Dr. The Hon. R. O. SPRINGER, the Honourable Member for Christ Church West, Dr. W. F. DUGUID, was appointed as Deputy Chairman of the Committee.

Mr. CHAIRMAN: I beg that nomination to close. I want to accept the recommendation and duly appoint Dr. William Duguid, Member of Parliament for the constituency of Christ Church West.

I beg that there be a motion that Dr. William Duguid, Member for Christ Church West, be appointed as Deputy Chairman. Second to the motion?

Okay, so the motion is the question that Dr. William Duguid be appointed as Deputy Chairman of this Joint Select Committee. That is posed to the Members.

William Duguid has been formally appointed as the Deputy Chairman of this Joint Select Committee where we are overseeing feedback on the Immigration and Barbados Citizenship Bills.

Thank you.

That appointment is for the year, right, Clerk?

Mr. CLERK: For the duration…

Mr. CHAIRMAN: Yes, for the duration of the parliamentary year; for the committee year. Oh, for the duration of the Committee which is appointed for the parliamentary year. For the parliamentary term. I said parliamentary year but it is for the parliamentary term. Thank you.

After the formal appointments, the next item on the Agenda is discussion of timeline and schedule for completion of the Committee's deliberations on the Bill. I started earlier by stating that on Friday, 22 May, 2026**,** that is where all submissions will close, the timeline for submissions.

The request is whether we will begin to discuss recommendations or suggestions to amend the legislation, the Immigration and the Barbados Citizenship Bill before these submissions or do we wait until 22 May, **2026** to begin these discussions?

Just to update the Committee, the press release of this Joint Select Committee (Standing) on Economic and Productivity Sectors on the Immigration and Barbados Citizenship Bills; this press release was released on what date, Clerk?

It was submitted to the public, I think, it was last week. On Friday, last Friday.

It clearly states that, *"Written submissions and requests to make oral presentation should reach the Clerk of Parliament no less than 22 May, 2026. The proceedings of this Joint Select Committee will take place at the Parliament and will be conducted in the public. The procedures will be streamed live on the Barbados Parliament website, on social media and broadcast on CBC TV, whenever possible."*

It appeared on Friday in the **NATION** and the **SUNDAY SUN** newspapers, this press release. Indeed, I am hoping that all Members, all the Committee Members, are privy to what I just stated, as well as Chief Parliamentary Counsel (CPC). I know CPC is privy to what was just stated. I also want to reiterate that the press release was sent to all Members of this Committee.

I want to thank you because we received your approval. So, this is indeed at the will of the Committee. It was indeed circulated after. So, we

are all in agreement with the press release that was circulated.

I want to thank you for your approval. Also, thank the Clerk and his team, Miss Hamblin, for the work to have this done in the timeframe in which we received it and then, it was sent out to the Press without any challenges or any issues. That is what good governance is all about.

I posed the question whether we should wait on submissions from the public before our next meeting. I am going to open this to the floor, whether we should begin our meetings to discuss the Bills in their entirety or we should wait on submissions from the public which close on Friday, 22 May, 2026. The question is posed to the Members.

Hon Dr. R. O. SPRINGER: Have there been any significant changes to the Bill since we last met?

Mr. CLERK: Based on the comments from the Minister, when he moved the Bills in the House; the Bills have come back in the same form as we received them. So that, the work of the previous Committee and their recommendations, they did not find themselves in the Bill.

This Committee is looking afresh at the Bills and we have also included as a term of reference, all the work that was done by the previous Committee and all the recommendations and submissions, that Committee; the Committee on Governance and Policy Issues would have received.

Those submissions are before this Committee and from the terms of reference, that is actually the very first term of reference that this Committee would have a look at the report of that Committee and any submissions that that Committee would have received.

Hon Dr. R. O. SPRINGER: We would want to do that before inviting the public? We would want to do all that, at least review that before.

Mr. CLERK: The question is; do we wait until submissions have come in based on our press release or do we start before? That is the question.

Mr. CHAIRMAN: Why we are asking this as well, if I may, we have a tight deadline to conclude the report back to Parliament, which is by the end of June, I am being told.

Hon Dr. R. O. SPRINGER: Okay, okay. I guess we can wait. We all agree that we would. Alright.

Mr. CHAIRMAN: Senator Mallalieu, we await your…

Senator A. W. MALLALIEU: Yes, thank you, Chair. It would be my opinion that there have been some changes to other legislation, which is impacted by this. Specifically, the **Caribbean Community** (CARICOM) Free Movement, I cannot remember what it was, what exactly that Bill was called but you have to remember that there are implications for this Bill on that, from that Bill.

I would think that it would be prudent to wait and give people the opportunity to submit before we deliberate. If we are going to be deliberating starting now, we may be doing so in a vacuum.

Mr. CHAIRMAN: Feedback received and taken into consideration. Any other comments from the Members?

Hon I. A. WEIR: Chair, I share the views of the Senator. One of the things that we should try to avoid given the tight timelines is having to duplicate what we are doing. So, I would strongly suggest that we await submissions from the public and then proceed so that we get everything cleared one time.

You may find that you may start deliberations and things may come up. That can cause people then to come again with other comments. Whereas, if you wait and get submissions, you do everything one time.

Mr. CHAIRMAN: Thank you, Minister. Any other feedback?

Hon Dr. W. F. DUGUID: I just want to add in support of waiting because the best decisions are made with all of the information and the best information at that time. So, I think that if you are going to make the best decisions, you have to have all of the information at that point in time; let us wait for the submissions.

Mr. CHAIRMAN: Okay, the consensus from Members is to await the submissions. The deadline again, I repeat is Friday, 22 May, 2026**,** so I can openly say that we will await the submissions from the public before we begin our deliberations.

Having said that, then we can proceed to look at a date for the next meeting, which will be either

Monday, Wednesday or Friday, bearing in mind we have Parliament Tuesday and Senate on Wednesdays. The days are Mondays, Wednesdays, if Senate is not meeting, and Fridays.

The times as well, some persons like 10 a.m., some like 2 p.m., I will leave it to the Members to decide which day and time.

Certainly, we will have to meet on the week following May 22, 2026, which is the week that begins the 25th or 24th May, 2026; the Sunday is the 24th. The 25th is a Bank Holiday.

So, we will probably have to meet the Wednesday or the Friday.

Hon I. A. WEIR: Chair, I beg to propose that we meet on Friday at 10 in the forenoon.

Mr. CHAIRMAN: There is a proposal by Minister Weir that we meet on Friday, 29 May, 2026 in the forenoon. Any objections, any other suggestions? Senator Mallalieu? Minister Springer, M.P. Duguid? We are fine? CPC? I know you are key to this process and we cannot proceed without you, so I suggest you let us know if you are in agreement?

Mrs. MECHELLE ELIE: That time is fine. Thank you, in agreement.

Mr. CHAIRMAN: Parliament? Staff? Secretary to the Committee. You are here every day.

Mr. CLERK: Mr. Chair, we are here to do the work of the Committee. Once the **C**ommittee has set that date, we are fine with that date.

Mr. CHAIRMAN: Senator Mallalieu?

SENATOR A. W. MALLALIEU: Yes, that date is convenient for me, 10 o'clock on Friday, 29 May, 2026**,** I think you said it was?

Mr. CHAIRMAN: Yes, that is the recommendation.

SENATOR A. W. MALLALIEU: That date is fine for me.

Mr. CHAIRMAN: So 10 a.m., 29 May, 2026, would be our first meeting; well the second but the first formal meeting where we dive into the Bills and discuss the real substance of why we are here as a Joint Select Committee.

Bear in mind, keep our eyes on the timeline of the end of June for submission back to the Lower Chamber. This has to go to Parliament after? I am just asking.

Mr. CLERK: It has to go back to Parliament, obviously, for discussion on the report, whatever recommendations that the Committee may make and for continuation of the second reading of the Bill.

Mr. CHAIRMAN: While it is expected, we should put it in writing to make sure that the public knows that because I think there is a little myth out there...

That too will be stated based on what the Clerk has just explained to us. It goes back to Parliament, the report and this will feed into the second reading of the Bill.

That must be explicitly stated so the public knows clearly that the work of Parliament and the work of government. This is not just a Committee, just meeting to eat or drink or drink coffee or have fun.

This feeds into a second reading speech and this feeds into the final deliberation on the Bill. The Bill will not be passed unless this report goes back to Parliament and indeed to the Senate, right, both Parliament and the Senate.

Senator Mallalieu, you will have your say as well when it goes back to the Senate and we know you are a man of many words and of great thoughts; so, we are fine with the timeline.

Just a bit of housekeeping; we will have an Agenda circulated ahead of the meeting scheduled for Friday, 29 May, 2026**,** so that will come out from the Secretary to the Committee; so, keep your eyes on it.

As Chairman, I have responsibility to let you know when it is circulated just in case we all miss because at times we miss these things. So, I will follow up with a call to make sure that the Agenda is indeed read and accepted by the Members, prior to the meeting of the 29 May, 2026 at 10 a.m.

The next item on the Agenda is Technical Support, Office of the CPC and first let me thank Mrs. Elie, Chief Parliamentary Counsel, for being here with us. The CPC is very vital and critical to the work of this Committee, just as well as the Parliamentary staff.

So, while you may have the Senators and the Members of Parliament on this Committee, the Committee is no good without the work of the members of staff of Parliament and CPC.

I thank you and invite you at this stage for any

comments or any suggestions you care to make at this preliminary meeting. Over to you, CPC.

Mrs. Mechelle ELIE: Thank you, Chair and thank you for recognising the work that my office does; we are here to serve. Just one (1) comment in terms of the work that the Committee will be doing next Friday, not next Friday, sorry, the following Friday.

What we have noticed with the submissions thus far is that there are some common areas; so perhaps more of those will come, will emanate from further written presentations as well as oral presentations. Even before the meeting, perhaps those can be reviewed by the Committee separately with a view to taking decisions on them, just so that the work goes even faster, so to speak, when we actually meet.

There are some Bills, Senator Mallalieu mentioned one (1), that will pass before the Immigration and Citizenship Bills that may have an impact on the final version of the Bill … so the Committee should bear in mind that adjustments may have to be made to the Bill; even though those areas are not the crux of the issues that might come before the Committee.

There are also some other Bills that are currently entering and may make their way to Parliament before the Citizenship and Immigration Bills are passed that may also have an impact. We will draw those to the Committee's attention, if it turns out to be the case that further adjustments need to be made to take account of those because the law is always evolving; we are always producing legislation and it is impossible sometimes to wait to get everything together for one (1) matter.

We just keep going and we pivot as necessary to update the Bills before the final provisions. Thank you.

Mr. CHAIRMAN: Okay, thank you, Mrs. Elie and indeed we look forward to your continued support and I am in favour of grouping those areas; what I would call those critical areas, that are common to the public.

There were some areas indeed that keep popping up from the public and they would want that we look at those in their entirety and as a Committee, so we are not discussing the same thing every week; but in one (1) week, we look at the submissions in their totality in the various areas.

So, I agree with you. That saves a lot of time.

Mr. CLERK: Just for clarity, is the CPC suggesting that the Committee does that or CPC is going to sort of identify those areas that are common and have the Committee deal with them when next it meets.

Mr. CHAIRMAN: That is what I thought Mrs. Elie said she would identify them; but go ahead, Mrs. Elie.

Mrs. Mechelle ELIE: What I was suggesting, it will become obvious to each Committee Member as they go through the submissions, that this topic keeps popping up.

It is a question of ensuring that those matters are to the forefront of each Committee Member's mind because some are pretty complex, yes, but to ensure that the work goes faster rather than some of the editorial areas that we can quickly deal with. I am suggesting that those are prioritised.

We can, as we sit, highlight perhaps for the Committee that this is one (1) of those areas but I do not think it is necessary because they are just so obvious and they are also the more, perhaps what I would not want to say, more topical issues that have come up before. That is what I am suggesting.

With respect to our role, as I indicated, we would indicate where we think we may have to make adjustments to take account of other Bills; well, other Acts that were passed in the interim, as well as other Bills that might come to the Chambers before Citizenship and Immigration make their way through to enactment.

Mr. CHAIRMAN: The floor is yours, Senator Mallalieu.

Senator A. W. MALLALIEU: Thank you, Chair. I guess through you, I wanted to ask the CPC if along those lines, if they could perhaps inform the Committee at the appropriate time of the implication of the that CARICOM, I cannot remember what the name of the Bill was, the Free Movement Bill, which basically allows, I think, there were citizens of three (3) countries who could come to reside and work in Barbados.

Of those countries, either one (1) or two (2) of them, have Citizenship by Investment Programmes and I think that one of the things that

is different with that we have to we are going to have to look at, as a Committee, is that you have a situation where a person can become a citizen of a CARICOM country through investment and under this Bill, this will now allow them to work in Barbados and they will be treated in a fast track way for citizenship.

I suspect that that is an unintended consequence that we did not have before and I guess what I am asking is if the CPC could consider that and could give us some feedback on what are all the pathways now to citizenship, considering all of these Bills taken together.

So that is my question. I do not know at what point it would be appropriate for us to get that information from them, but I would like to get some support from them in that regard.

Mr. CHAIRMAN: I guess you are referring to the Caribbean Community Free Movement of Nationals Bill; I think that is it. I believe I will ask CPC if, I know this is a preliminary meeting, but I will still ask CPC to give you some form of reasonable feedback.

It is a valid question. I was hoping it would come in the next meeting but nonetheless, we are here so we can at least give you some feedback. I will ask the CPC to take the floor now and give you some form of insight. Hopefully, it will satisfy you for today, Senator Mallalieu. So over to you, Mrs. Elie.

Mrs. Mechelle ELIE: Thank you, Chair. I would not want to say too much at this meeting but the issue of Citizenship by Investment came up with a Full-Free Movement Legislation and it has come up with the Citizenship and Immigration Bills as well but it is a matter of policy, not necessarily law *per se*.

It is a question of what Barbados determines to recognise as the documentary evidence for a person, with respect to full free movement, for a person to be allowed to move freely within Barbados.

It would be very difficult to go behind a person's passport; a passport issued by another jurisdiction and say, *"Well, okay, you can come in but you cannot because you got your passport by birth and you got your passport through investment."*

The Full Free Movement Legislation has already been passed, I think that would be outside the scope of the Committee to now re-investigate those issues. It is already on the statute books for those particular countries.

My understanding of the policy was always that there was no intention to dilute the strength of Barbados' passport. The risk of dilution is likely to be very, very small in the context of how the movement is likely to go, who is likely to move and things of that sort. Dilution also speaks to…. Well, not….

Let me put it this way. I think issues were raised surrounding the strength of Barbados' passport and equality also from money laundering, Financial Action Task Force (FATF) recommendations perspective and ensuring that Barbados does not allow, whether directly or indirectly, persons who, like for example, Politically Exposed Persons (PEPs) who may be questionable, to just come into the jurisdiction through having a wider basket for citizenship for residents and for coming out of the full free movement.

If you look at the Bills, there are cases in which persons can be prohibited from coming into the jurisdiction; those remain. They are in the current immigration legislation. They were transferred to the Immigration Bill. So, there is that catch-all, that discretion, to exclude a person on various grounds.

There was a lot of debate about whether a person would actually try for citizenship or try for residence for…. Let me put it this way; how much movement there will be and how many more applications for citizenship will come out of the process here, the Bills, once the Bills are enacted, I do not think there can be any certainty around it.

The level of concern that persons have had that if the floodgates would be open, may not fully be justified. Some others would say…. I do not want to give a view one (1) way or the other because I am not here for that, to discuss the politics.

Mr. CHAIRMAN: Yes. Today is not the day for that, as well.

Mrs. Mechelle ELIE: It is not the day and I am not the person, in the sense that, I would prefer to stay to my mandate which is to advise on the drafting issues.

Mr. CHAIRMAN: Yes, we basically will

have enough time after 29 May, 2026. Well, on 29 May, 2026 and going forward, to deliberate and flesh out all these issues. I do not think today is the appropriate day, with all due respect to you, Senator Mallalieu. I am saying it in all sincerity.

We will have some time to flesh out these issues and with a full Committee because, you know, I do not want to prejudice anything at this opening meeting which is more administrative, than diving deep into the real issues.

Senator A. W. MALLALIEU: Mr. Chairman, I was not asking for that. I was simply asking under the Agenda item, it referred to the Technical Support that we would be provided with.

I simply asked the question, so if the CPC would be providing us with the support to explain how those two (2) Bills; one (1) which has been passed, as you said, since this was introduced, what new pathways it opened?

That was all I asked. I was asking, whether or not, we would get that technical support. I was not asking or was I initiating a debate on the matters. I am at this point seeking information only.

Thank you.

Mr. CHAIRMAN: Point taken, Sir. Okay, we are on to Any Other Business, Item No. 5 on the Agenda. The Clerk of Parliament, I am certain, has if not some issues, some points to raise with us.

Mr. CLERK: Yes. Thank you, Mr. Chairman. I just want to urge, given the short process that we will have before completing the Committee's deliberations on these Bills, that I would urge Members to read the items that were sent in the email last week. You have the **Barbados Economic and Recovery Transformation Plan** (BERT) 2026 and the Barbados Population Policy.

We urge Members to read those, as well as the report of the Joint Select Committee and the submissions, so that they are fully appraised of all the issues that were raised.

Just to reinforce a point made by Mrs. Elie, that when you go through those submissions, you will realise that there are certain things that keep popping up. Members having read and digested them could, almost when they come to the next meeting, have a settled view on what their position is in relation to those matters that would have been raised by the various submissions, so that the work of the Committee runs smoothly and the additional submissions that obviously will come in by 29 May, 2026.

What we have done in the press release is to ask those persons who would have submitted to the previous Committee, that there is really no need to re-submit those, as the Committee would have a look at them, as well.

Dr. W. F. DUGUID: If I may, Mr. Chairman. I saw you wanted to go first. To follow on from what Senator Mallalieu said, I think it would be interesting, if in advance or while waiting for those submissions, I think as part of our deliberations and the fact that the Bill has already passed for the opportunity for Dominica, Belize, and St. Vincent to travel to Barbados. It would be interesting to get a report as to, since that was passed, how many people have actually utilised or used it.

I think that that, because as you brought up the Bill, would be interesting to know. I happen to know that there were, I think, 300 people that benefited, of which 250 were already living here.

I think an official report to know how many people have actually applied and benefited would be important to know. I would like to get that official report in advance, while we are waiting for those submissions.

Thank you.

Mr. CHAIRMAN: We heard the request and certainly the Secretary to the Committee will reach out to the appropriate agency, I guess that is Immigration, and see if we can have that information, as soon as possible; probably before 29 May, 2026.

Mr. CLERK: Mr. Chairman, I will reach out to Immigration in the...

Mr. CHAIRMAN: The Clerk of Parliament, sorry.

Mr. CLERK: During the last, well, the previous discussion in the Governance Committee; we had not actually invited the Chief Immigration Officer to attend the sessions.

I think one (1) of the first things that we should do is to actually invite the Chief Immigration Officer because there were some issues, especially the Reside and Work issue, which was really an administrative policy of Immigration that only Immigration could best explain, why they did have

that particular policy. I feel we should have the Chief Immigration Officer as someone to appear before the Committee.

Mr. CHAIRMAN: Members, I have no objection, I do not. Senator Mallalieu; Minister Weir; Minister Springer M.P. and M.P. Duguid? Any objections? Okay, taken.

The request is for the Chief Immigration Officer to appear before the Committee. You will receive some form of feedback before 29 May, 2026**,** as to whether this is accepted.

Is this anything that has to be sanctioned by the Minister or this is a direct request from the Committee? Okay, thank you.

I just want to make sure that we do not have any obstacles in our way. We do not want to go there. This will be done cordially and in the good spirit in which it is intended without any antennas being raised or anyone getting irritated by a request to come before the Committee. It is not a summons; it is just a request to clarify certain aspects of the Bills. Thank you.

Any further comments?

Hon Dr. R. O. SPRINGER: Chair, I was making the point that if my memory serves me right, I think we had invited the Minister of Home Affairs.

On a previous Committee, we would have invited Wilfred, he was the Minister of Home Affairs at the time. I do not know perhaps at some point we would also want to invite …

Mr. CHAIRMAN: If I may, that is why I asked the question because having the Minister, is totally different to having the Chief Immigration Officer, in terms of the Chief Immigration Officer is operational and that is what we are seeking to clarify.

Whereas the Minister may have the answers, still you do not want to prejudice anything in terms of having the Minister appear on behalf of the Chief Immigration Officer. To the public, it becomes more authentic when you have the Chief Immigration Officer giving a submission than the Minister giving a submission on behalf of the Ministry.

Hon Dr. R. O. SPRINGER: I was thinking both could appear but I know sometimes officers are very hesitant to make statements in public especially if not consulted directly with Ministers.

In the event that you know, there is some clarity needed on policy, on policy direction you would have both persons present to clarify it right here. I mean, it is just a suggestion that both the Minister and his team, call it his team …

Mr. CHAIRMAN: Why I am going there because the little that I have read, the powers of the Minister in this Bill; there were a number of submissions questioning the power of the Minister.

Some persons even went as far as to say that the power of the Minister should be vetoed and there should be a tribunal when a person has an appeal, as opposed to the Minister just signing and saying, this is it.

So, that is why I am saying, based on the feedback that I read, the little that I have read so far in the eight (8) circulations; I believe it will be more, and I use the word 'authentic', and I use it not loosely but I use it with a view that the public will more accept the feedback based on the criticisms, those persons who were asked, the feedback.

The BAR Association was one who questioned the power of the Minister and as well as some other attorneys and some other businesses question the power of the Minister. I would not want to, and my role when I read the role that I am playing here, my role is a role that is to be fair and not to put the government under any pressure as it relates to feedback coming in from the public.

To have the Minister then, I believe strongly, that you will get negative feedback if the Minister comes to speak on behalf of the Chief Immigration Officer. We can have them both. I agree with you, right but do not let one speak for the other. That is just all I am saying.

Hon Dr. R. O SPRINGER: I take your point.

Mr. CLERK: Mr. Chairman, just to add one (1) of the terms of references is to actually hear a presentation from the Minister responsible for these Bills and in the last Committee, the Minister did appear.

The Minister's role really was to explain policy. I think that Committee also wanted to

hear from the Chief Immigration Officer. We are hearing from the Chief Immigration Officer, not in relation to policy but in relation to the operations of the ... To me, both of them appearing before the Committee is complementary rather than, you know, in any contradiction to each other but really, to explain.

There are things in immigration in terms of the administrative side that the Minister may not know the history of and the Chief Immigration Officer certainly will.

I speak specifically to the whole issue of reside and work which formed a significant part of the discussion last time when the Committee on governance met.

As I said, we did not have the benefit of the experience of the Chief Immigration Officer on that occasion. I feel we should take the opportunity this time around when this Committee is meeting.

Mr. CHAIRMAN: Any objections? Okay, supported. Thank you, all Members, supported. Carry on smartly.

Mr. CLERK: That is the only thing I had to raise on Any Other Business.

Mr. CHAIRMAN: Do we have any other matters under Any Other Business? CPC over to you.

Mrs. MECHELLE ELIE: Thank you, Chair. If you could permit me just a couple minutes. Just to say, I, on a personal professional note, I find the Joint Select Committee meetings to be a wonderful institution of democracy. The fact that members of the public can come and have their say before such an institution speaks volumes for Barbados.

In the past, what I noticed is that perhaps because persons feel a little bit intimidated by the process, if you look at how many lay persons actually have come before the Committee; you find they are few and far in between.

I can think of one Joint Select Committee process from 2018, I think only two (2), quote-unquote "lay" persons, came before the Committee.

If there is anything that the Committee can do going forward, since it is a Standing Committee, to make the public feel more welcome; whether through messaging or otherwise, I think that the Committee would really enhance the quality of the process generally and ensuring that it turns out to be what it is intended to be, a part from the interest groups, also hearing from members of the public.

I know there are other ways in which the public contribute to the work that the Parliament does, whether it is on Brass Tacks, the newspapers, social media, *et cetera* but one (1) fundamental aspect of such a Committee is for the public to have a say.

Even just saying, you know, we are here to listen, you do not have to be overly formal or anything. This is just a suggestion generally, not necessarily for the Citizenship and Immigration Bills.

Mr. CHAIRMAN: Thank you. I agree. When people feel welcome, that is when you get more out of them. As politicians, we know that very well. So that is a good point. As simple as it is, it is very important to have the public feel welcome and appreciated as well.

I do not think that, well, this is my first time sitting on a Joint Select Committee but from seeing how government operates from the fora that we go to several months across the country, I see a public that is engaged and willing to offer feedback and recommendations to the government on ways in which we can improve our country.

So, I would feel that the same thing should happen here. Like we see across from St. Lucy to St. Philip on a monthly basis, I would not want that I sit in the Chair and a person do not feel welcome or do not feel as if they can come and speak freely because my role, I look at my role as the Chair and my role is really not partisan.

I sit in the centre to make everyone feel comfortable whether my Parliamentary colleagues disagree with them or not, I have to make sure that the public get their fair share of what we call airplay and indeed recognition on this Committee.

Thank you for raising the point.

Mr. CLERK: Mr. Chairman, just to add, I have always felt even though we, in the press

release, would have indicated that persons could send written submissions; those who want to appear before the Committee can do so. I wonder sometimes if persons are intimidated by the Senate Chamber.

I just wonder, and the reason I say that is because I remember when you were we had to move from Parliament and we did, I think we did cannabis at Lloyd Erskine Sandiford Centre **(**LESC**)**.

I do not know if it was because cannabis was the topic of discussion but a lot more people came and people were vocal to and then when we did the vendors, the similar thing we did at Worthing.

I have always wondered, you know, if it is the space that intimidates people and maybe you probably need to do something to say to people that the Senate Chamber belongs to Barbadians, you know, you can come. You can come freely, you know.

Dr. W. F. DUGUID: I do not know if, I do not want to show my age, but when Sir Henry Forde did, I think it was the Constitution Review, what they did was move around.

There may be something in what you are suggesting in terms of where you take submissions. I will give you a simple example. To just come and park here in Parliament or to find a park; to be able to come to do your submission. We have some Members who had difficulty finding parking even today.

I want to suggest maybe that we could take the submissions as people might consider a neutral location and if we had a lot of submissions at LESC before, maybe that is where we might want to take the oral submissions, not the written submissions obviously, but the oral submissions.

It would give people the concept of a neutral ground and you come into some place where everybody should feel comfortable, rather than saying come to the Senate. They may not feel comfortable or they may not feel that it is neutral ground and we should give this some consideration.

I know that it may be difficult from a televised point of view, but it is something to consider because I do take the point that people sometimes can be overwhelmed by a location.

We call it White Coat Hypertension. Sometimes when you go to your doctor but just seeing the white coats, your blood pressure goes up and if we can encourage people, and I am not talking about the needles, and I think if we can encourage people by taking away that apprehension, by having a neutral location to hear the oral submissions. I think that it is worth a try and certainly something that we should be prepared to do.

Mr. CHAIRMAN: Those in support, just let me say, if you support taking the oral submissions at a neutral ground, you know that that has to be discussed. I do not think that we can just agree to it here now but I will take all recommendations and then we can feed Members back as to the decision.

Senator Mallalieu, a recommendation to take oral submissions at a neutral venue where persons feel more comfortable voicing their opinion or I should say giving recommendations to these very important Bills.

Senator A. W. MALLALIEU: I have no reason to oppose that if it is possible or practical but there is no reason to oppose it.

Mr. CHAIRMAN: Okay. Well, CPC raised it, Senator. I mean, Minister Springer.

Dr. the Hon. R. O. SPRINGER: Chair, I also want to support the view positively by the Members. I also take the view that people are intimidated by these hallowed spaces.

I sometimes spend a few minutes outside looking at people walking up and down and this place is practically impossible, invisible. They do not see it as a place that they would want to enter or will have any reason to enter.

Can we, in the short space of time that we have, can we find a place that is centralised and suited for, let us say, okay, if we can undertake that, then fine, if we can.

The fact that we would have done the old oral presentations before and people submitted and we are not inviting those to submit again. I do not know if it would be worth the effort on this occasion, but I do understand that people are intimidated to come here.

I do not know if that is the case in this Bill. If this Bill is, if this perhaps is one (1) of the more esoteric Bills in the sense that it needs a higher

level and not necessarily a Bill that a person is average, and I may be wrong in thinking that a person in day-to-day life may not be as concerned about this particular Bill as maybe other Bills that we may have like the Marijuana Bill, which affects persons across a spectrum. That might have been perhaps the reason why that would have attracted so many individuals and then they have the various groups that also have their own positions.

That is just my take on it but that is one (1) of the things I wanted to ask quickly as we are concluding. I know that we are going; are we going green this session? We usually get a package and we did not get it this time. So, I was wondering if…

Mr. CLERK: Well, the stuff was emailed. If Members want a physical copy, you have to indicate that you want a physical copy.

Dr. the Hon. R. O. SPRINGER: I am still very physical.

Mr. CLERK: We have emailed all these submissions, the report and everything. If a particular Member wants to actually have a physical copy, we could provide that but the intention is not really there.

Dr. the Hon. R. O. SPRINGER: The intention is to go paperless.

Mr. CLERK: Well, I prefer to go green.

Dr. the Hon. R. O. SPRINGER: Go green. Oh, green. Okay.

Mr. CLERK: But as I said, if because there are Members who still like to write up paper so, if Members want to, you can indicate that; but the intention for this is to email only presentations and this is just on the point of the oral submissions.

Obviously, that is dependent on how many requests come in for all the submissions, right, because now we would then determine that we go to a neutral location and have all the submissions done, but it really depends on the submissions that come in.

Also, how many are indicating they want to do oral presentations.

Hon. I. A. WEIR: Chair, if I may, just to make sure that we are securing oral presentations, I strongly believe that we should utilise all media, just as a reminder to the public that they can come and make oral presentations because, one of the things that may happen is that some people might see it and gloss over it and think, well, they are not really serious about hearing from me but if you come back to them and remind the public that this is their opportunity to make oral presentations; you may find that you start to generate interest because it is in people's ears and constantly being before them.

What it also demonstrates to the public is that we are interested in hearing from them; so that if they miss the opportunity, then they cannot say that we did not engage.

Dr. W. F. DUGUID: If I may also add to that, I hear you, Mr. Eastmond but you may become in a Catch 22 in that we do not tell people where they are going to make the submissions, so therefore they do not apply because they feel they are going to be making them here.

Whereas, if we agree that they are going to be making them at another location, then you get more submissions. Whereas, as opposed to making that decision, then waiting and then not get them because they feel they are making them here.

I think it is important to let people know that oral submissions will be made at a location that we agree. Then, you may find that because that is known, you may get more. I do not know if I am making sense, as to how I am saying it.

Mr. CLERK: You are suggesting that we probably do an additional press release that indicates that oral submissions will be taken, you know, at whatever location. LESC?

Mr. CHAIRMAN: The recommendation is taken and I strongly agree with it. CPC has a point.

CPC Mechelle ELIE: Mr. Chairman, it is so heartening to see all of the support for the ideas and the brainstorming to broaden the scope and encourage the public to participate more in the process. I really appreciate that. Thank you.

One more thing, I think, needs addressing and my suggestion was not just for these Bills but meant generally to apply to the work of the Committee as a Standing Committee.

There is one thing that has not been addressed, and that is attire. You know, we are people for occasions. If you have an occasion, you go and you look for an outfit. Parliamentarians,

everyone, we wear suits, business attire, *et cetera*.

That is another hurdle that might prevent certain members of the public from coming forward, *"Oh gosh, now I need to wear a suit. I need to do this*."

As part of the messaging, you know, that says you do not have to have your Sunday best, just dress neatly and come. Things of that sort would encourage persons.

Mr. CHAIRMAN: That is why LESC is a very good suggestion. Parliament, they may think they have to put on suit and tie. That is a very good suggestion. Thanks for raising that. As simple as it may seem, it is very important. Thank you, CPC.

Any further suggestions? We can see we have concluded our first meeting. We called to order and welcomed the formal appointment.

Again, I thank you, Members of the Committee, for reposing the confidence in giving me the opportunity to be Chairman of this Joint Select Committee. The Deputy Chairman, thank you for accepting as well.

The discussions of the timelines and the schedule for the completion of the Committee's deliberations on the Bill; we agree that by the end of June, we should have a report back to Parliament.

We agree that our first meeting will be 10:00 a.m. on Friday, May 29, 2026**,** where we begin discussion on these Bills. Thank you for the technical support.

CPC has pledged they will continue their support. The Secretary to the Committee, again, thank you very much. Staff of Parliament, thank you.

Clerk of Parliament, thank you for your guidance, especially and I look forward to your continued guidance and support in this process. I want to say, looking forward to seeing all of us early on May 29, 2026.

I certainly will be in touch with Members, giving feedback as to any issues. The venue for oral submissions, that is topical. We will come to some sort of decision very soon and let the Members know clearly where this venue will be; whether we stay here or if we go to LESC which seems to be the place of choice.

That will be communicated in a short timeframe to the Members. Before you close, any other comments? Again, thank you all and get where you are going safely. Have a pleasant and blessed day.

ADJOURNMENT

On the motion of Dr. W. F. DUGUID, seconded by Dr. The Hon. R. O. SPRINGER, the meeting was adjourned until Friday, 29 May, 2026 at 10:00 a.m.

THE
SECOND MEETING
OF THE JOINT SELECT COMMITTEE (STANDING)
ON ECONOMIC AND PRODUCTIVE SECTORS
ON THE IMMIGRATION AND
BARBADOS CITIZENSHIP BILLS, 2026

HELD IN THE SENATE CHAMBER, PARLIAMENT BUILDINGS, TRAFALGAR STREET

FRIDAY, JUNE 1, 2026

FIRST SESSION 2026-2031

PRESENT:

Mr. D. G. SUTHERLAND, B.Sc. (Hons.), M.Sc., M. B. A. (Dist.) **(CHAIRMAN)**
Hon. I. A Weir, M. B. A. *(Minister of Public and Private Investment)*
Senator the Hon. C. P. SINCKLER B.A., M.Sc. (*Senior Minister) (Minister of Foreign Affairs and Trade*)
Hon. C. S. V. Husbands, B. A. (Hons.), M. Sc. *(Minister of Training and Tertiary Education)*
Dr. Hon. R. O. SPRINGER, J.P., Ph. D. *(Minister of State in the Ministry of Transport and Works*)
Senator R. O. WALTERS, M.B.A. *(Opposition Senator)*
Senator A. W. MALLALIEU, C.P.A., F.R.I.C.S *(Independent Senator)*

ABSENT:

Dr. W. F. DUGUID, J.P, B.D.S., F.D.S., F.D.R.C.S., M. Min. (**Deputy Chairman**)
Senator the Hon. J. W. D. REID, B.Sc. *(Minister of Industry, Innovation, Science and Technology)*

ALSO IN ATTENDANCE:

Mr. PEDRO EASTMOND (*Clerk of Parliament)*
Miss BEVERLEY S. GIBBONS (*Deputy Clerk of Parliament)*
Mr. NIGEL JONES *(Deputy Clerk of Parliament)*
Miss SUZANNE HAMBLIN *(Journal Department of Parliament)*
Ms. PAULETTE ATKINS *(Senior Counsel, Office of Chief Parliamentary Counsel)*
Mr. JUSTICE SHERMAN MOORE (*Retired Justice of Appeal), Consultant to the Attorney General and Former Chief Parliamentary Counsel)*
Ms. MARGARET INNISS, *Chief Immigration Officer.*

The CHAIRMAN called the meeting to order at 10:22 a.m. and prayers were led by Hon. Ms. C. S. V. Husbands.

Mr. CHAIRMAN: We have an Agenda this morning, but before we proceed, I do not think I know everyone around the table. And I do not think we all know everyone around the table. We know the Members, but they will begin from my far left and go clockwise.

So, Ryan will be last.

Ms. S. E. PHILLIPS: I am Sonji Phillips. I am from Hansard Department (Barbados Parliament).

Mr. CHAIRMAN: Thank you, Sonji. Welcome. Clockwise, next.

Ms. Margaret INNISS: Good morning. My name is Margaret Inniss, Chief Immigration Officer.

Mr. CHAIRMAN: Welcome, Margaret. I have heard your name for the past four days, ringing in my ears. Welcome.

Mr. Justice Sherman MOORE: Good morning, Chairman and others. My name is Justice Sherman Moore, and I am consultant to the Attorney General.

Mr. CHAIRMAN: Known to all.

Ms. Paulette ATKINS: Good morning. My name is Paulette Atkins, and I represent the Chief Parliamentary Counsel Office.

Mr. CHAIRMAN: Thank you, welcome.

Well, the Members, I do not think the Members need an introduction, but I will do the honours for the Members.

Minister Husbands to my right, and Minister Weir. I am Dwight Sutherland, the Chairman.

We also have the Clerk of Parliament. Then we have Miss Hamblin, a very important person in here. Miss Hamblin is the Secretary to the Joint Select Committee.

Then we have the Deputy Clerk of Parliament, Beverley Gibbons.

Also, we have Senator Andrew Mallalieu and we have Mr. Ryan Walters. Ryan, your title in the Democratic Labour Party is?

Just the Opposition Senator. Well, you know, I do not want to make any mistakes in introducing people because we hold on to titles, you know.

Welcome all to this very important meeting as articulated in our prayer. Thank you, Minister Husbands.

We will be going to the Minutes.

The Minutes of the second meeting held on Wednesday, 13th of May, 2026, which should be first.

The Minutes have been circulated to the Members of the Committee. Ms. Inniss, you are not a Member of the Joint Select Committee. I know you are here, but the Minutes are only circulated to the Members, and that is the formality.

So, we ask that we will go through the Minutes of the meeting. Page one, Page two. We have the attendees correct?

Page three, Page four, I am assuming that they were read by the Members. Item five, which was the Technical Support, Office of the Chief Parliamentary Counsel, that is where I am. Page five, page six. Any corrections?

Senator A. W. MALLALIEU: Mr. Chairman, I have a question, if I might.

Mr. CHAIRMAN: Sure.

Senator A. W. MALLALIEU: This is my first participation in a Joint Select Committee, but my reading of Standing Order 67 seems to indicate to me that one of the things that we should have dealt with in the first meeting was establishing the quorum for the Committee.

I do not know, it is not in the Minutes and I did attend remotely, so I may have missed it, or it may not be the custom for that to be done. But it seems to me it is, is it in the Minutes? Have I missed it?

Mr. CHAIRMAN: Yes, it is in, and that was discussed, because I too had a query on it, and Ms. Hamblin would have clarified the query. I do not know if the Clerk of Parliament wants to intervene here at this stage. But we had said there needed to be four members.

Mr. CLERK: Mr. Chairman, the quorum for the Joint Select Committee is four.

Senator A. W. MALLALIEU: So, just to follow up with that to the Clerk, if I might. Are you saying that that is always that way or that it was agreed in the last meeting? I do not want to dwell on this, but I just want to make sure that our Minutes reflect it accurately.

It seems that the Standing Orders say that the Committee should decide what the quorum is. If we have decided that, I am all in favour of it. I just want to make sure the Minutes reflect it.

Mr. CLERK: Okay, it was discussed and decided in the meeting.

Mr. CHAIRMAN: Yes, because I recall raising a query on it.

Senator A. W. MALLALIEU: So, if we can have the Minutes reflect that, because I do not think it is currently in the Minutes.

Mr. CHAIRMAN: So, thank you. There is a request, Miss Hamblin, that the Minutes reflect the quorum, and I think that is a reasonable correction.

Mr. CLERK: Just to follow up from what Senator Mallalieu raised. I think the document he is quoting is the Standing Orders of the Senate. That is correct?

Senator A. W. MALLALIEU: It is the only Standing Orders I have, Sir.

Mr. CLERK: Right, but there is a document dealing specifically with the Standing Orders of the Joint Select Committee.

Senator A. W. MALLALIEU: I would be much obliged if you could circulate that. Thank you.

Mr. CHAIRMAN: So, there is still a request to have the Minutes reflect the quorum agreed upon at our last meeting, if agreed. So, agreed.

The Minutes will reflect the quorum that we agreed to at our first meeting held on the 13th of May. Any further amendments or corrections?

Could we ask a Member to move the motion to confirm the Minutes of the first meeting held on the 13th?

Senator A. W. MALLALIEU: So moved.

Asides

Mr. CLERK: Yes, for the record when members are speaking just turn the microphone on so we can pick up the recording.

Mr. CHAIRMAN: Motion by Senator Mallalieu to confirm the Minutes and seconded by Minister Weir so if agreed, the Minutes are confirmed subject to the amendments.

Second item on the agenda. The third item, sorry. Matters Arising from the Minutes.

I will give another minute or two to see if there are any matters.

Welcome, Minister Springer. That is okay. I just want to recognise you as is the norm. No matters arising.

All right, thank you. We are now moving on to the fourth item on the Agenda. There are six. The fourth is probably the real substance of why we are here, the consideration of written presentations.

We received some 21 Presentations from the public and I recall at our last meeting, we, I think Senator Andrew Mallalieu requested that before we begin any deliberations, we should have had all of the presentations.

We did receive them, and basically this is the section where we begin live streaming.

So, we have to recognise and respect the public who will take time out, their valuable time, to listen to us and to ensure that we execute the business of the people and indeed the business of the Parliament, this Joint Select Committee.

We received 21 presentations. I will not go into who they were from, but from time to time we will recognise who they are from. We can either take them one by one or we can go through them as they are grouped in the various categories.

The Members would have received the summaries that were grouped as well as the individual presentations. So, I am relying on the Committee, the consensus of the Members to determine. . .

Senator A. W. MALLALIEU: Mr. Chairman, I do not think I received the individuals. I only received the summary. I do not think individual presentations were sent.

Miss S. HAMBLIN: Because of the size, the individuals were sent via ***We Transfer***. I will provide you with a copy.

Mr. CLERK: Mr. Chairman, as Miss Hamblin indicated, you would appreciate the size of the submissions and therefore it would have been impossible to e-mail them in a normal way and the only challenge with the ***We Transfer*** is that they actually have an expiration date and you have about three days. I think that once you receive them, you have to actually download them because if you go back to the e-mail, you will see the note of the wire transfer, but you will not be able to access the information. So, for those Members who do not have or who did not download the wire transfer, we will actually get the written submissions.

We did make the point last time, though, that we are exhorting Members to have a look at those presentations so that when we come, we could have this process run pretty smoothly because you would appreciate that if you are now seeing the submissions, it will be very difficult to really have an in-depth analysis of those submissions.

So, Chairman, going forward, we would just urge Members to come prepared, and if they feel that they have not received information, they can always contact the office before the meeting.

Miss S. HAMBLIN: I did make an effort to print some for those who did not have or did not receive it.

Mr. CHAIRMAN: Can we show by the raise of hands those who received the submission and those who have not received?

SUSPENSION

Members, can we have a five-minute break so we can have a discussion with the Clerk of Parliament on the way forward?

Just give us five minutes.

RESUMPTION

Mr. CHAIRMAN: Senator Walters did not receive his package on time. He only received it today.

We take full responsibility, Senator Walters, and in our discussion, we will proceed today, but we will give Senator Walters the opportunity to review all the submissions, all 21.

At the end of the session today, we will agree on a meeting time where we will review all of the submissions in their entirety.

The proposal from CPC, which we agreed to, is that we receive the consolidated overview of written submissions on the Immigration Bill 2026 and the Barbados Citizenship Bill.

All Members received those and that gives us the opportunity, therefore, to proceed with the consolidated overview.

And why the consolidated overview? They have been grouped. They have been grouped thanks to CPC's wise counsel. We have grouped them thanks to the staff of Parliament. They have been grouped in eight categories.

We also created a chapter where submitters agreed and where they diverged, where there was common ground and points of divergence. These are all with the Members of the Committee.

So, we intend at this stage to proceed to review and give Members the opportunity to comment at this stage on the consolidated overview of the written submissions.

As on the Agenda, as part of the consideration of the written presentations and at our next meeting, we will have the opportunity after Senator Walters reviews all 21 submissions, to go through them individually at a meeting date to be set at the end of this meeting under 'Any Other Business'.

So, we begin by looking at the consolidated overview of the written submissions. Permit me while I field comments from the team to recognise the persons who made submissions, took their time to review the two important Bills in the interests of the development of this country to put forward focused submissions on the two Bills.

I will begin as outlined in the consolidated overview of the written submissions under the eight themes: citizenship by birth for children of Barbadian diplomats; oath of allegiance versus solemn affirmation, which they categorise a freedom of conscience; then compressed citizenship timelines and citizenship integrity; labour market, wages, housing, infrastructure, and national development; CARICOM, constitutional and treaty consistency; safeguards for vulnerable persons, children and anti-trafficking.

Like I said, the final chapter, where submitters agree and where they divert. I missed the integration of the Welcome Stamp and remote workers.

And four, ministerial discretion, finality clauses and procedural fairness. Those are the other two categories.

So, we will begin with the first category of Citizenship by Birth for Children of Barbadian Diplomats. As recognised by the summary, it is the single largest and most unified cluster.

I do not need to read line by line. This refers to the Citizenship Bill Section 28, and the submitters were Yannick & Johannes Schaefer, Dr. Corlita Babb-Schaefer, Danielle & Nathan Riley, Ambassador C. Trevor Clarke, and Mrs. Juliet Babb-Riley.

The Floor is open for comments on this category, where persons contend that Section 28 as drafted is unconstitutional, discriminatory and prejudicial by deeming children of serving diplomats, Barbadian, only where the foreign stage refuses a birth certificate.

Floor is open for discussion.

Justice Sherman MOORE (Retired): Mr. Chairman, at this stage, if I have your permission.

Mr. CHAIRMAN: Can you identify your name for the purpose of the recording before we speak? Thank you.

Justice Sherman MOORE (Retired): Justice Sherman Moore, retired. That provision attempted to deal with a difficulty that the Immigration Department had with the Registration Department in not getting births registered for people born overseas. That has now been resolved. And that provision ought to have spoken to evidence rather than birth certificate, getting evidence from overseas.

It would mean perhaps the evidence of the person who delivered the child or something of the kind. That, however, has been resolved with, and I am told by the Immigration Department, that the matter has been resolved with the Registration Office and that provision can be excised without further ado. Thank you.

Mr. CHAIRMAN: Thank you, Justice Moore. We are open to hear from the other Members.

Senator A. W. MALLALIEU: All I would say, Mr. Chairman, is I endorse the removal of it, and my understanding, therefore, of the removal of it, is that a child born overseas of a diplomat serving in a diplomatic capacity will therefore have a right to citizenship by removing that wording in there, that problem is completely solved. That is my understanding.

Justice Sherman MOORE (Retired): If I may respond, yes, because that would never have stopped a diplomat's child being a citizen. The Constitution makes provision for it.

The Immigration Department in issuing its brochures in the future would have clarified its application and how it would work. But there will now be no need to do that because the difficulty, as I said, with the Registration Office, has been resolved. Thank you.

Mr. CHAIRMAN: Yes, thank you, Justice Moore. Any further comments? What I noticed in this submission, which is very important, was the length of time that a family has waited, some 16 years for a Section four certificate, and while we have rectified it, it has been a very long wait.

And I thank you, Justice Moore and CPC and those parties who agree to amend this section so we can allow diplomats, persons working abroad to acquire citizenship as per the legislation will be reflected in a very short timeframe.

I thank you.

The CPC is here to note the necessary corrections or the inclusions, I should say. I do not want to use the word corrections, the inclusions, to make this Bill more amenable to diplomats.

I thank you, Justice Moore, and Mr. Mallalieu, for your contributions. Any further comment? Agreed.

Let us move to Number 2. Oath of allegiance versus solemn affirmation, which speaks to our Freedom of Conscience, and this basically is saying submitted by Mr. Stephen Bricknell, Desmond Eales, Evan Pudney, Robert T. P. Pudney and this is from the Christian Society. Four Christian citizens by registration raised an identical objection and the Bill provides for citizenship only through an Oath of Allegiance and this is seen in the Second Schedule on Page 22. There is no option for affirmation.

They also cited the Good Book, the Scriptures that I refer to for my wisdom as well. They cited Matthew 5:34 and James 5:12. They submitted that a practising Christian cannot swear an oath and would therefore have to forego citizenship ... Each asks that the Bill be amended to allow solemn affirmation as an existing Barbadian law, and the courts already permit.

This is open for discussion by Members.

Hon. Ms. C. S. V. HUSBANDS: Mr. Chairman, I would just like to submit...

Mr. CHAIRMAN: Give you your name.

Hon. Ms. C. S. V. HUSBANDS: Sorry, it is Sandra Husbands.

Mr. CHAIRMAN: We know you are known.

Hon. Ms. C. S. V. HUSBANDS: Okay. No, I would just like to submit that we should accommodate that to allow all people to feel comfortable in being able to become citizens without being excluded because they do not take an oath.

Hon. R. O. SPRINGER: Mr. Chairman, I am Romel Springer. I am curious to know what would have obtained what normally obtains for persons in that situation.

Mr. CHAIRMAN: Well, let me just come in before CPC speaks because I see CPC wanted to say something.

We know we have Justices of the Peace in this country and they are Christians, some of them are Christians of various religious backgrounds, and

some of them do not take the oath. Some take, as I say, the Freedom of Conscience and Affirmation. I am just giving you what I see. I am not ruling on it. I am just giving an insight of what I have seen from this government and past governments and it happens in the court.

So, I am just opening the Floor for discussions and for us to see the other side. We also did it in Parliament for one of our Members, who did not take the oath, but had the Freedom of Conscience and Affirmation so the term custom and practice that I do not like to use, but I am using it here.

Over to the Members.

Dr. R. O. SPRINGER: Mr. Chairman, I had to ask about the current practice as it currently exists now for people who would have to forego citizenship.

Justice Sherman MOORE (Retired): Mr. Chairman, this is something new to me because we have always had an oath, including affirmation. You either take an oath on the book, or you affirm according to your choice. I do not think that it is necessary to detain us on this point, but. . .

Asides

Justice Sherman MOORE (Retired): Section 27 of the Interpretation Act deals with the matter and the Interpretation Act is an Act of general application and it applies to every other law where an oath is to be taken one may affirm.

Mr. CHAIRMAN: Thank you, Justice Moore. We just gave examples, the court, the Parliament, swearing in of Justices of the Peace, so the precedent has been set, and I guess I do not want to say it is law, but that is how we have operated as a people.

It is, so would that be part of the Schedule to include the Affirmation since the Oath is part of a Schedule to include the affirmation as part of the Schedule?

Ms. Paulette ATKINS: Sir, Section 27(2) of the Interpretation Act reads, *"In every enactment, the words oath and affidavit shall, as respect to persons for the time being, allow by law to affirm or declare instead of swearing, include affirmation and declaration."*

Since the Act is clear and this is of general application as spoken by Justice Moore, I do not think there is nothing more that has to be done.

Mr. CHAIRMAN: Any comments? It is already enshrined in the law, and I do not think we need to amend anything in the Legislation at this stage. So those people who took their time to submit and it was a reasonable submission, we have to recognise the submission.

We cannot assume that people know everything as it relates to the law, so we can rightfully say that solemn affirmation is part of the proposed Bill. Agreed? Thank you.

Let us move on.

Number 3, Integration of the Welcome Stamp and Remote Workers. This submission was made by Mr. Peter Thompson and Lisa Mundy . . . sorry. Contrasting view and submission by Karla Nichols.

Thompson and Mundy argue that the Bill overlooks the 12-month Welcome Stamp and offers its holders no route to permanent residents despite long, well-integrated and self-financing presence and they both propose crediting the Welcome Stamp tenure in the Fourth Schedule Point System in the Immigration Bill.

Counter to that, Nichols for the opposing perspective contending the Welcome Stamp has driven housing beyond local reach and produced adverse social effects. We all have before us submission; over to the Members for your comments, discussion.

Senator A. W. MALLALIEU: Mr. Chairman, If I might respond to that and I think that this is an area where we need to kind of understand the totality of this Bill and how it interacts with other things.

At present or as proposed, there will be five routes to citizenship through the various Bills that we have. The submission from the three individuals that you spoke about basically is saying that the Welcome Stamp way of living here in Barbados is not included in one of those routes.

One of the routes that they would look to come through, if I understand it correctly, would be a Welcome Stamper has no right to permanent residency in Barbados.

In the same way that a work permit holder does not create you can have a work permit and have

been working in Barbados for the last 10 years on a recurring work permit and that does not grant you any right to permanent residency inherently.

So, if I understand their question correctly, when we as a country determine if a work permit should be granted for someone, there are a set of robust conditions that are looked at in terms of need, *et cetera*.

On the other hand, for welcome stampers, it is a different criterion that is looked at. This person is living here, but they are working outside of Barbados, they are not taking up a job that exists already, they are these digital nomads.

Therefore, it is a different type of condition of living here.

Having said that, I would agree with them that if they are good enough to live here and they are contributing, they are actually not taking anyone's job for that period of time, perhaps there is a path that should be recognised within there.

It would be a path to permanent residency and then from permanent residency, as I understand it, that is where when having obtained permanent residency as with CARICOM nationals who have a shorter period for permanent residency, non-CARICOM nationals, a different way a longer period, then you would consider them for citizenship.

Therefore, trying not to be long-winded, my understanding is that I would support, but I would need to understand how a Welcome Stamp holder, what is the path for them to get there, because to me, they seem to be as valid a group as many of these other groups and they should be given consideration, but I would like to see how that would be done.

Those would be my comments.

Mr. CHAIRMAN: Very good point. Based on what was submitted, the request was to consider persons operating under the Welcome Stamp in the Fourth Schedule so that for citizenship, we have allocated a points system, and what I am reading that these persons are saying that once you qualify as a permanent resident, you can do that through the Welcome Stamp.

That is what I am reading, and then once the points have been allocated and you have the requisite points, then you can become a citizen of this country, and they are saying that this can happen through the Welcome Stamp.

Now, I will give way to CPC or other Members and just give them my interpretation of what I received before me, and it is similar to what you said, Senator Mallalieu, the credibility of someone entering the country through the Welcome Stamp legislation.

They are asking whether they are given the opportunity or that right to become a citizen of this country through the points system that was so well articulated before us in the Fourth Schedule.

That is what I am reading as part of the submission, not the entire submission, because there was some diversion from that view. Therefore, over to you, CPC, for some guidance here. Members, for your comments.

Mr. Justice Sherman MOORE (Retired): Mr. Chairman, unfortunately, that is a matter of policy for the Ministry to determine, and draftsmen usually steer fairly clear of policy, and I would say that it can be debated, but not by the draftsman in that position. The policy has first to be settled before the draftsman can intervene.

Thank you for the consideration.

Mr. CHAIRMAN: Thank you too, Justice Moore. You have made it pellucidly clear, your role. Thank you.

Hon. Ms. C. S. V. HUSBANDS: I just wanted to ask a question. I think the Welcome Stamp Programme would have been put in place before we actually did this particular Bill, and therefore, at that time, it did not confer the Welcome Stamp as a path to citizenship.

Therefore, what I am wondering is, now that we have now brought this Bill that has outlined, if you have been here on a work permit, if you have been doing X or Y, if you meet these criteria, and so on, is it necessary, the Bill does not say it excludes Welcome Stampers from being considered.

For me, and you are right, we would need to inquire further as to the intent, but for me, I think the main thing that is being asked here is whether or not the fact that the person was a Welcome Stamper should be a part of the Schedule to get points for the fact that they were here. I think that is the crux of the matter.

Mr. CHAIRMAN: We are on the same page, as we would say in Bajan parlance. We are on the same page, Minister Husbands, whether there should be a point system included in the Fourth Schedule. We are on the same page.

Justice Sherman MOORE (Retired): Mr. Chairman, the Welcome Stamp was a direct result of COVID, and it was made specifically to when work was being done remotely anywhere in the world, and that was when that Bill, that Act became law.

We still have to get instructions, however, from the Ministry of Home Affairs to include the Welcome Stamp in the Schedule.

Once we get those instructions, naturally they will be carried out, but until then, we can do nothing.

Mr. CHAIRMAN: It is our plan to invite the Minister, and that came up in our first meeting, because we were looking at the Immigration Bill from an operational perspective, and we said basically we do not want the Minister, not that he cannot offer tremendous insight to the operational aspect of immigration, and that is why the Chief Immigration Officer is here, to really advise on the operational aspect, and the Minister, his duty is policy.

So we will invite the Minister, as it relates to the policy aspect.

Justice Moore, that was agreed upon at our last meeting, and thank you, Mrs. Inniss, for being present, ever present, because your role is operational, but this is a matter for the Committee as well to decide.

Members of the Committee can have their say on this matter, I do not think it is the reason why we are a Joint Select Committee, it is for us to offer our recommendations.

I do not want to say opinions, that too, but moreso recommendations to enhance the two Bills.

Therefore, it is not that we have been excluded from this discussion of offering our recommendation. I certainly have my own, and I would like to hear from the other Members as to what are your views. I heard from Senator Mallalieu, his discourse just now, but I would like to hear from the other Members. What are your views?

I believe it can be included in the Fourth Schedule of the Bill under a point system, and I heard Minister Husbands as well agreeing to that, so I do not know if she wants to speak again, but I heard her comment, and I heard subtly Senator Mallalieu agreeing to that as well. Therefore, other Members?

The Welcome Stamp, I think someone mentioned in his submission that, sorry Minister Husbands, that imitation is some form of flattery, they say, but at the end of the day, this Welcome Stamp initiative created by our Prime Minister to the government of Barbados has gone international, and it is my belief that something such as this has been pioneered by this government to Prime Minister Mottley should indeed form part of this Fourth Schedule.

I just wanted to add that, because if you look worldwide now, you see countries internationally adopting the Welcome Stamp, the methodology of welcoming people to their country.

Over to the Members.

Dr. Hon. R. O. SPRINGER: Mr. Chairman, I think just like the others would have mentioned before, the fact that the Welcome Stamp when it was initially launched, the idea then was that it would be temporary.

It was, in fact, temporary during that COVID period.

Over time, people would have come, they would have stayed, they would have, as I said, contributed to the economy. They live here. I have heard of no case of any Welcome Stamper being engaged in any form of illegal activity.

I think they have adopted some of our culture, our morals and so on and so forth.

So, by all means those people should have the opportunity to become citizens.

Now, the question of the Welcome Stamp being a pathway as they say to citizenship is one that, yes that is my thinking, but at the same time, I think perhaps we may have to and maybe not just add it here but look at it as a separate discussion.

Some of the Welcome Stamper may assimilate, but others may not. Maybe, we should give it more time and treat it as a separate discussion rather than just make the decision here in this particular forum.

I am sure there are other factors that may come into play for people who would have come here through that programme.

Certainly, that would require its own separate discussion.

Look at all the pros and cons of people who would have entered the country via that programme; the long-term benefits and any other pros or any other cons that may result.

It is certainly worth considering given that some of them were here so long and some of them are quite desirous of citizenship here in Barbados.

So, the long and short of it is that, yes, but we need to perhaps discuss it further.

Mr. CHAIRMAN: Thank you, Minister Springer.

Welcome Senior Minister Sinckler. We were on the topic of the Welcome Stamp, the integration of the Welcome Stamp remote workers into the Fourth Schedule.

That is where we were, and I know Senior Minister Sinckler, who holds responsibility for Foreign Affairs and Policy Initiatives in that area can probably weigh in at some point in time when he settles.

Welcome, Senior Minister. Any further comments?

Senator A. W. MALLALIEU: Thank you, Mr. Chairman.

So having heard what everyone said, I would just want to be a bit more clear in what my suggestion would be.

So, my understanding is that there are many different ways for you to become a permanent resident in Barbados. Permanent residency is one route to citizenship.

Now, the vast majority of Welcome Stampers will be non- CARICOM nationals. So having become a permanent resident, which I will come back to, there will be a non-CARICOM national under the proposed legislation here.

If they then would have lived here 270 days in the 1 095 before the application that would make them eligible for consideration for citizenship.

So the only question that seems to be before us, or to me, it seems the solution would be, as we say, in Schedule Four, we have five, I think, or perhaps six, it is five criteria, one being age, two being Barbadian descent, three being education skills, experience, fourth being in the service diplomatic mission, and fifth being the financial ones.

It would seem to me that we should recommend and add perhaps a sixth one, which is that if you will be here on a Welcome Stamp and perhaps this Committee can come up with what points would we need to recommend.

Maybe the first year you get X number of points and for every year thereafter you get a few more points added.

I have actually no idea. I am no expert in this immigration at all as to how many points you need to have in order to qualify for permanent residency.

I really do not know how it really works. But it seems to me that that would be the easiest way to do it.

It then keeps all of the integrity of the system in the same way, because you still have all the same checks and balances to see whether or not you are worthy of permanent residency, not only because of your Welcome Stamp, but whatever it might be.

I would be very much in favour of that. But as I say Chair, I am not an expert on it, and I have no idea whether it should get one point, 20 points or a million points. I have no idea.

Mr. CHAIRMAN: The methodology, of course, will be left to those persons who can indeed allocate the points. I am not sure as well how the points are being allocated, but I agree with you that we, it is part of my recommendation.

I sit in the Chair, but I, I mean, that is just me, to include the Welcome Stamp in Schedule Four of the Bill.

Hon I. A. WEIR: Mr. Chairman, Indar Weir. I do not think that we need to spend a lot of time on what is a simple matter of policy.

Therefore, in principle, I get the impression that everyone wants to see the Welcome Stampers facilitated.

The question is how the policy would facilitate it in Schedule Four.

Therefore, my recommendation would be for the Committee to recommend for the Minister to have CPC address how they approach to accommodating Welcome Stampers be facilitated in the Bill under that section.

Mr. CHAIRMAN: As permanent residents enroute to becoming citizens. That is how I interpret it: As permanent residents, enroute to becoming citizens. So, CPC can agree to the language. But the principle is that we should not leave out the Welcome Stampers. That is what I am getting from the Committee, that they should be included and some point system to be determined, not here, but by the appropriate persons, by the Minister or who or Cabinet or whoever is so appointed through the Minister or his Ministry, to come up with the point system for Welcome Stampers, but that it be included in Schedule Four of the Bill.

So, agreed members? Members, agree. Thank you very much. Senior Minister, any comments on this one?

Senator the Hon. C. P. SINCKLER: Not really. The question is and I agree with my colleague Minister Weir about the clarity of the policy, because that is where you have to begin.

Once you know exactly what the overall intent is, policy wise, then you can always structure the legislation to suit what you are trying to achieve.

Now the question is whether you want to treat Welcome Stampers as a special category for accelerated access or whether you want them to be treated in the general pool. That is really where the issue is.

The matters that are written here really are just perfunctory issues about housing and that is not really the issue being contested here.

The issue is, how do you treat them? If you treat it as a special category with a fast-track access for reasons of the nature of the Welcome Stamp process.

The Welcome Stamp thing was to achieve a particular type of result, which it has. This is in a broader context now because you are talking about citizenship, so it has to be treated within that general context.

Then you have to look at whom else outside of the Welcome Stamp is going to be on that particular track and whether or not - because the concern might be of some, is that if you treat it in the way in which some people are suggesting that you might want to treat it, it may in fact alter the very nature of the Welcome Stamp process and it therefore does not then become as attractive as it was before because then people will be using it as an entry point to get it.

So, you have to be very careful. There is a particular quality about Welcome Stamp, the Welcome Stamp Programme that really kind of defines it apart from other things but it can be used in other ways and that is why I said you get back to the policy because the policy, once you have clarity of policy, then you will know what are you proposing to achieve. One, with Welcome Stamp, and two, using it as a pathway to citizenship.

I have to be very clear, and my understanding of Government's policy is that the Welcome Stamp was designed specifically to render an open avenue for people who may be, you know, what they call it, digital nomads, nomads to find the most efficacious environment within which to execute their responsibilities.

Yes, it came up in a period of challenge, that is COVID, but it has outlasted COVID and has become now a structural part of how people integrate into Barbados and it has benefits, it has collateral residual benefits.

Now, in the context of that, we are now seeking to reform our immigration system, our immigration with an e-system and then, of course, attached to that is the attended issue of citizenship and how a pathway is created in a renewed structure, which I support having myself worked as an immigration officer, particularly in citizenship.

I think this process is long overdue, actually but since we are trying to do that now, the issue is how do all of these disparate parts, which came up around that system, are properly integrated into it without causing unnecessary dislocation or disruption to the structure of that system. That is where the policy has to be clear because once you get that right, then you can programme the Legislation and the provisions and the pathway to suit that thing without causing additional nodes of entry or process.

We therefore have to determine if it is going to be special category pathway as another node to get into the citizenship path or if it is going to be people in that system are coming through the Welcome Stamp are going to have to integrate like everybody else and that is really the kernel, as I

see it, of what this particular matter, where this particular matter is concerned.

There are some other categories on the way some of these people may very well qualify quite easily for entry into the citizenship path other than through Welcome Stamp.

You see what I am saying, so, I agree with Minister Weir policy, and then we can send it to the Committee to send to the relevant Minister and Ministry and the legal drafters to determine what exactly their intent is, where that is concerned.

Mr. CHAIRMAN: Thank you, Senior Minister. You want to go? Okay, let me hear from Minister Husbands before I make my comment.

Hon. Ms. C. S. V. HUSBANDS: Not gainsaying the fact that we would need clarity from the different entities concerning the matter, but just a little more background on why we are here.

With the creation of the Welcome Stamp because it was an idea and there was a quick response to get a mechanism in place, and knowing that we were going to deal with the issues of citizenship and migration issues, *et cetera*.

It was determined at the time that the person coming in would not be able, for example, to work in Barbados with a firm in Barbados because it would not have come on a work permit. It is assumed that they have their own work and they are going to do it via a thing.

So, immediately there was no threat to destabilising anything in Barbados at that time but the subsequent work to put in place the Immigration Bill and Citizenship Bill and so on was to allow us to be able to attract persons who would help to build out our population and you will see here at Subsection 7(1), "*Subject to this Act, a person who by reason of age, Barbadian descent, education, skill, experience, and financial resources or, B; has served in Barbados as a member of staff of a diplomatic mission; or in any country as a member of staff of an international organization; C, not being a national Barbados, has served in an embassy, et cetera, et cetera, as an employee of the government of Barbados for a period of at least five years and who is awarded at least 10 points as set out in the second column before, et cetera, may, upon application to the Minister in the prescribed form, and payment of your fee, be registered as a permanent resident*".

So, it means that the Welcome Stamper has a path to becoming a permanent resident and then once they meet the general criteria laid out in this Legislation, they will be able to proceed to citizenship and all the checks and balances that are supposed to be made and all the requirements to be met would be observed.

It would not be just, *"Oh, you are a Welcome Stamper, you can become a citizen right off".* You would go through all the steps everybody else has, but I think the Committee is right that we should just get that clarity on policy and operation of the policy.

I do not think that the intention was to exclude Welcome Stampers from this pathway to be able to become a citizen once they meet all the criteria that are required.

Mr. CHAIRMAN: Back to you, Senior Minister.

Senator the Hon. C. P. SINCKLER: But Hon. Husbands, you understand what I am saying? I am saying you can have, if we want to have a specific pathway, the thing for Welcome Stampers, then it has to be clear that is what is happening. If not, they are going to have to, you understand what I am saying?

Notwithstanding all of the wonderful things that we expect from them and that we get from them and stuff, we have to be clear how many and what pathways we are going to create and whether or not, you see, because you do not want a person to say, the Welcome Stamp, if that is not intended, that the Welcome Stamp is the pathway for me.

You want them to choose the pathway, which is the best one in the system, right, whatever that may be, and if Welcome Stamp is one of those pathways, then it has to be detailed out as you have outlined in the Legislation with the various points, all of that has to be detailed out but we cannot do that in the absence of the clarity of policy.

That is the problem. That is the part that we as the Committee have to tell to the folks who are responsible.

Hon. Ms. C. S. V. HUSBANDS: Just providing an additional explanation as to the understanding between the two things and how the things would work together but I do agree we can

get the clarity from the entities, *et cetera* because I think they would be a valuable addition to the Barbadian family.

Mr. CHAIRMAN: Thank you, Senior Minister and Minister Husbands. At our first meeting, Senior Minister, we agreed to have the Minister who is responsible for policy.

A similar matter came up, and we agreed as it relates to immigration, we said we recognise that the Minister can preside over operational matters of immigration as well as policy matters but we wanted the hands-on operations Chief Immigration Officer, that is why she is here with us, Ms. Inniss, to advise on operations while the Minister not tying his hands only to policy, but to have the hands-on person here to speak to operations while the Minister will speak to policy at some time and we can place this integration of the Welcome Stamp and remote workers on his purview when he comes to clearly articulate to the public and those the policy definitive as it relates to the integration of the Welcome Stamp into the Bill.

So, thank you all for your comments, the elucidation, they were well received and I am certain that the public is a lot more clear now as to our views on the Welcome Stamp and its importance as well to this country as we seek to build out and develop our country, not only socially but economically and environmentally.

I therefore thank you all again.

Can we move on to the next item in this summary, item four, there are eight items, we are at item four, ministerial discretion.

Finality clauses and procedural fairness as it relates to the Citizenship Bill and it says clearly the Minister needs give no reasons, his decision is final and persons are asking for fair hearing and the comments were submitted consistent with how we have proceeded.

Submissions were received from the Democratic Labour Party on this matter, the Barbados Employers Confederation, Blackman & Sealy and the Barbados Chamber of Commerce and Industry. Members?

This speaks to the authority of the Minister as it relates to the permission to reside and work, the condition of those permissions and related administrative determination, I think that is part of it.

Therefore, over to you all.

There are many submissions so we can take a little time to review the section. Section 13 of the Citizen Bill part four, "*Minister's discretion not to be questioned and decisions to be final."*

It speaks to 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.

SUSPENSION

Members, at this point I think we can take a break because I know this is a point that some persons may want to mull over for just five minutes so we can take a break.

Minister Springer, Senior Minister, Senators we can take a break? Okay, thank you. Let us take a five-minute break while we review this Section.

There are also some finger foods in the Members Room if you care to have a little snack.

RESUMPTION

Mr. CHAIRMAN: I thank you, Members. Let us resume.

When we took a break, we were at number four, ministerial discretion. We went through the point in the Bill as articulated in section 13 of the Bill which is the Citizens Bill, section 13.

It is now over to Members for discussion - ministerial discretion, the finality clauses and procedural fairness.

Over to you, Members.

First let me say though, about matters of immigration as articulated in section 13 of the of the Bill. . . one has to understand that we are dealing with matters of national security.

I use the term powers of the Minister. As the lawyers in the room will tell you, all citizens of this country have a recourse in the court of law. But the issue of national security must be weighed - I think it has the heaviest weighting, when it speaks to the discretion and the powers of the Minister.

As the old people would say, you do not wash your linen in public. And it is not everything that

you would need to make available to the public on matters of national security.

Actually, matters of national security are kept within the confines of the Cabinet and the Government, sometimes not even the Members of the Cabinet, on some of the challenges or some of the issues on matters of national security.

I would want that we consider the issue of national security when we speak to the discretion and the response of a minister on matters of immigration.

So over to you.

Justice Sherman MOORE (Retired): Mr. Chairman, in the very matter that is under discussion in particular, section 13 or clause 13 of the Bill already exists in section 12 of the current Act.

In the Bill it has been modified because it also gave power to what in law is called an ouster clause, a clause that sought to prevent the court from inquiring into the matter.

In the new draft it is modified so that the Minister exercises discretion on whether he should decline to give reasons for his decision, and he may do so under the constitutional rubric of national security.

The interest of the State is paramount, and the citizens must be protected when there is a crisis. And if the Minister considers that there is information that would breach national security and cause conflict in the country, he is at liberty to refrain from giving reasons.

If a citizen feels aggrieved by that decision, that citizen has recourse to the court. When the citizen goes to court, the judge will then ask to see the matter and will determine whether the Minister should have exercised his discretion differently, or whether he was correct to withhold reasons.

These are all matters that are the law at present, and there are global matters. It is not peculiar to Barbados. Every country protects its national security and guards it jealously.

Our advice would be that this clause remain as it is. Thank you very much.

Mr. CHAIRMAN: Thank you Justice. Comments? I see the Senior Minister agrees. Minister Husbands agrees. Minister Springer agrees. Minister Weir agrees. Senator Mallalieu?

Senator A. W. MALLALIEU: I do not consider myself an expert in this area, so I defer to the experts that we have on the panel.

Mr. CHAIRMAN: Thank you for your honesty. And he gave in to the expert, which means he takes the advice of the expert. So, he agrees. So, we can move on. If there are no further comments on this matter, let us move on.

Five - compressed citizenship timelines and citizenship integrity.

We had submissions from the Democratic Labour Party, Anthony Joseph, Blackman and Sealy, Gilding-Bourne and Dujon and the Barbados Chamber of Commerce and Industry.

Their broad agreement is that the qualifying periods for citizenship are too short. There are some remedies that differ. And we would hear from the Committee your views.

Some persons cite the five to seven-year international gold standards and the Bar Association is concerned that the two-year cripples due diligence. Barbados Chamber of Commerce and Industry, while not proposing a specific timeline, expressly recommends that the First Schedule be reviewed without creating any transactional pathways to citizenship.

The Democratic Labour Party submits the Bill should not proceed in the current form and warns that wealthy residents, plus accelerated citizenship, invites international scrutiny.

Joseph proposes a fixed six-year period. Blackman and Sealy propose a tiered three to five-year test and Gilding-Bourne and Dujon cite, the five to seven-year international gold standard, as articulated earlier.

Over to the Committee.

You can take a minute to find the section. That is in the Citizens Bill, the qualifying periods and I think it is section 3.

Just for clarity, 730 days is approximately two years and I guess you will see a submission that references two years and I guess that is where section 3(5) comes in.

When you speak to 730 days and the 1 095 days is just around three years.

Senator A. W. MALLALIEU: Okay, Mr. Chairman, in general, I think in trying to speak to this group of submissions that we have, I would have to delve into my own, the way I see it myself.

I want to agree in general with what they are saying. I think that the path is too short and again, I think it is important for us to understand what we are trying to do. I think earlier a few colleagues here have mentioned policy must come first and rules afterwards.

In understanding the policy, I kind of asked myself what problems are we seeking to solve and we have a number of problems. The population survey has been there, the skills have been there, lots of different things have been talked about but when I look at this and I compare it to other countries that I am familiar with around the world, this seems extremely fast-paced and I am concerned that it maybe does not give us enough time to do the appropriate due diligence upon someone who is then going to travel around the world with a Barbadian passport, which is an extremely strong document and recognised many, many places, much stronger than many of our CARICOM brothers and sisters.

So, when I look at this overall, it is not lost upon me that you must read this in conjunction with the free movement that we have with three countries today. Those three countries, I believe, are St. Vincent, make sure I do not get it wrong, Dominica and Belize are the three countries so we have a sister piece of Legislation that allows citizens of those countries to come and work and live here.

Then we are creating this situation where 180 days out of 730 gives them a pathway to citizenship and in that first Bill, the Caribbean Free Movement, when we pass that Bill, it also has in it the discretion for the Minister to add any other countries that they wish to CARICOM countries. That does not have to come back to Parliament in any way. The Minister can add any other country within CARICOM to it.

So, you put all of those things together, my conclusion is this is too quick and then I will throw into a third factor, which I think comes into it, and it has not been raised by the submissions, but comes under the same general theme, is that many of our CARICOM brothers and sisters, those countries have citizenship by investment rules.

So, what is actually happening when you put all three of those things together is that you can have someone purchase a citizenship which they can get purely on the criteria of that country, which is of monetary value. They get a CARICOM passport. That CARICOM passport immediately allows them to work and live in Barbados and having worked and lived in Barbados 180 days, they are then eligible via this route for Barbadian citizenship and that concerns me greatly. Thank you.

Mr. CHAIRMAN: Comments? The section in the Bill that speaks to the 180 days is on an aggregate basis after you have been in the country for a period of 730 days versus approximately two years so they are looking at an aggregate basis, not that you get the citizenship after 180 days, but it is on an aggregate basis. That is what I am seeing. During the period of at least 730 days, immediately preceding the date of application.

Senator A. W. MALLALIEU: Your clarification is that you must spend two years before you are eligible to apply and my understanding was once you have reached the 180, but even if you are correct, Sir, that after two years you can apply, after the 730 days, if you have effectively six months resident in Barbados over those two years, I would still be of the opinion and I would agree with the submissions and I would make my own submission that seems too short, especially when you add in those other two points which I do not want to be lost, which is one that we have given the Minister, whoever that Minister might be at the time, it might be your government, it might not be, it might be another Government, whoever the Minister is at the time, the right to add without any further discussion with Parliament, other CARICOM nations to that free movement.

Then you add to that the fact that we are a sovereign nation and our passport should be a sovereign matter, but when you have other countries choosing who they will sell passports to, and then by virtue of that Act, we have to recognise those persons in Barbados.

I think that is a significant weakening of the Barbados passport. We do not get to choose who they choose to sell passports to. We do not get to choose that. You can believe here today and say, okay, they are all doing a great job, and maybe they are. Maybe they are not. I have not looked through it to see. I am aware through the media, and many of us have seen problems with some of

those CBI programmes and who have had passports.

In fact, we have seen it worse than that and maybe the Senior Minister can comment on it, as he maybe knows more about this than me, but I have seen, in the case of Dominica, for example, there was a very high profile case of a diplomatic passport being issued from there.

So, we have to look at all of these matters together and recognise our Barbados passport is a very strong passport. Those who get it by this method, coming through the CBI method, we have got to be very careful, very, very careful and I think that this is a weakness that this Bill is creating.

Thank you.

Mr. CHAIRMAN: Comments, Members.

Senator the Hon. C. P. SINCKLER: Mr. Chairman, I want to, as I am reflecting on what Senator Mallalieu has said, and I do not at all dismiss what he is saying. I think it is a legitimate concern that he has raised and that others have raised because the issue of the sacrosanct of the Barbados passport and citizenship is one that I think Barbadians treat too with a very deep level of concern and, of course, national pride, as we ought to, because it is one of the remaining vestiges of our sovereignty and our independence as a nation. So, we should treat it with the level of seriousness.

Now, the question to me really is not so much, it is not so much how quickly you can access that, even though I presume for some people that is the only thing that is occupying their attention, and there is some kind of residual, you know, there is a concern, let me put it that way, about getting that status, and we should guard it with our lives, I think.

However, the challenge is that in a modern society where information is so easily attainable, where scrutiny is so advanced, and I heard Senator Mallalieu speak about how long it takes for us to find out if somebody is a criminal or not, but you did not put it in those words.

However, if somebody is in a troubled circumstance, not a good actor in the context of what we are speaking about, how long does it take for us to be able to do due diligence to arrive at a conclusion that a person should be given access to citizenship, and to, as we call it, a Barbados passport.

The issue for me is, how do you manage the process in a way to make it more efficient? We are here, that is the people who have designed and drafted this, because we have known from our own interaction with the system, it takes way too long. That is the problem, Senator Mallalieu, that I think the drafters are trying to fix. We have situations where there are people who would have applied for citizenship.

Many of the lawyers can tell you, many others can tell you. Those persons pass away still waiting on the Immigration Department to get back to them, and they have done everything, I see the Chief Immigration Officer smiling.

They have done everything, and it is not necessarily the immigration officers to blame, it is the process through which you have to go. People have had eight, 10, sometimes 15 years waiting in the wings to have those citizenship papers processed and that certificate given to you. It has happened as well for permanent residents and all the other things that we have had.

Therefore, the drafters, in looking at this process, I am sure in the back of their minds, based on the policy, how do we not flippantly turn the thing into some kind of bargain basement sale, where you go into town and buy the thing, we do not have any more Cave Shepherd, but wherever in town you go and buy it and take it off the shelf and you have a Barbados passport or some citizenship and you walk along and you feel good. Not in that type of way, but in a way that the system is far more certain, far clearer and more accountable and efficient, and that is where you are.

Therefore, we have to find a way to bridge the gap between efficacy and the whole issue of probity, so that we do not necessarily allow things that we do not want to have happen, happen.

Now this issue about the CBI, I have heard this issue, and I cannot say that I have not heard of examples where there have been issues with those programmes, and we know that the industrialised countries, the US and the UK in particular, have been putting pressure on those countries that have CBI programmes in terms of how they govern them and the rules of how people who are buying

these citizenship by investment programmes and getting passports and so forth and so on.

To be fair to our colleagues in the OECS in particular where these programmes are found, they have responded. They have responded by trying to upgrade the rules, change the systems, be more vigilant, have more due diligence and so forth and so on.

Any system you have is going to have loopholes and people will exploit them where they can find them.

This thing however, in tying this to the free movement, I think there is a slight misunderstanding of how the free movement process works, and that there is an assumed automaticity that when you get a citizenship by investment designation in X country, that you then automatically are allowed to enter Barbados as a citizen of that country if we have that kind of relation under the free movement thing, and that you automatically get Barbadian citizenship. I do not know that that is necessarily the case.

I know that you may be permitted to move, but under the rules governing the Immigration Act, the responsibility of the Minister and the responsibility of the Chief Immigration Officer, there are rules that apply to how persons who are moving are going to be allowed to enter Barbados and function.

It is not a free for all, contrary to popular belief.

Therefore, my thing is the happy medium between the application of the existing rules, and if we need to strengthen those for better due diligence, then we will have to consider those, particularly on the grounds of national security, and the efficiency and efficacy of the system which we are running. This is because right now the system is not fit for purpose.

That is my humble submission to the Committee. It is not fit for purpose, and it needs to be re-examined.

Whether we accelerate persons to citizenship, and the question is, okay, you may feel in a nostalgic way that a person should wait, let us take an arbitrary number, 10 years, before he can be considered to be a Barbadian.

My question to that would be, does waiting 10 years or two years make you more of a Barbadian than if you wait three or four years? I mean, that is really what it comes down to. It comes down to a number.

Moreover, I know people feel comfortable saying, yes, we need to extend this. We should not shorten this, and you must prove your way in this society, and you must immerse in the culture and all of these good and wonderful things.

However, at the end of the day, if I can stay here for 10 years, I can hang around Barbados for 10 years, and there are a lot of people who do it and have absolutely no connection with this society whatsoever.

However, my 10 years give me the qualification to become a citizen.

Nonetheless, a person who spends two years, or three years, who is immersed in the society, who is doing things, who is not only investing, but is into the culture, into the society, and contributing, and so forth and so on, who may be working, who may be paying taxes and doing all the other things, that high priced lawyers and accountants, that they cannot afford, would not allow them to be able to escape, is adumbrated in their effort to become a citizen.

Yet, a person who spends 10 years on a number, and has nothing to show, other than that they visited a few months every year, and they have an Airbnb that people occupy, or whatever it is, can get citizenship.

Therefore, my thing is, we have to be realistic about what we are dealing with. The current age of information, and the rapidity, the quickness, the speed with which we are able to access information, gives us new tools to manage the system.

We also have to determine, for our own comfort, but in a realistic way, and a practical way, what is the length of time that we presume a person should be able to assimilate into society, and I do not agree that it should go all into seven and 10 years, I do not agree with that, personally.

However, we have to make that determination. Then we have to make the ultimate determination from a national security perspective, and I am coming from that direction, whether or not this current Bill, the existing law and this current Bill, gives sufficient protection to those things that we want, to ensure that we get the good ones, and we do not get the bad ones.

We are a country that is suffering population decline. You mentioned it, Senator Mallalieu. Others have mentioned it. The facts are there, not only in Barbados, a lot of other places too, in the Caribbean. We are a society that is struggling to find appropriate skills along a spectrum, right up, right up, from the artisanal, you can go to the highest occupation or profession if you want to call them that.

We are struggling, and the only way in which we are going to be able to face down this problem is to make some changes and to innovate the way in which we integrate people into the society to get the types of skills that we require to move this country forward.

The only issue then is, as I said before, the rules that govern how that should be done, and my thing is, one, it ought not to be one complicated, two, too lengthy and three, tied to this, the emotive thing that we feel that this is something that we are flippantly giving away because it is not something that we are flippantly giving away.

We have to put a value on it, not necessarily a monetary value as some people are doing, but we have to put a socio-cultural value on the question of citizenship. And if we do that, I think we find the right medium between the efficacy and the efficiency of it.

We need to protect what people think or people believe quite correctly so, is this precious thing that we have, which is our citizenship and connectedly our passport that comes with it.

So that is my submission, Mr. Chairman.

Mr. CHAIRMAN: Thank you, Senior Minister. Minister Husbands.

Hon. Ms. C. S. V. HUSBANDS: Yes, I know this can be a very difficult issue, and sometimes I think one of the things we have to do a lot better as a Government is to share more, explain more, and make sure that people have easy access to understanding what are some of the things we do.

Now, the CARICOM freedom of movement does not automatically confer citizenship on anyone.

What it does under the CSME, eligible nationals can enter another CARICOM country without a visa. They can stay for an initial period of up to six months, in some instances, and apply for the right to live and work through their CARICOM skills certificate.

If approved, they can reside indefinitely in that member-state and they can work without a work permit. That is essentially a residency and labour mobility right, that you are conferring, but not nationality. It does not grant citizenship. It does not give you a passport of the host country. It does not give you voting rights in most cases.

Automatic permanent residence in the legal sense, though, it resembles it functionally. So, it is not automatic that you get permanent residence. So, you remain a citizen of your original country.

Now the path to citizenship is a separate process.

If someone wants citizenship in a country they have moved to, they have to apply under the laws. They have to meet the requirements. They have to satisfy criteria such as good character, intent to reside, integration into the society, *et cetera*.

Now, the issue of the timeframe, I appreciate that because in times past, it really takes very long to go and find out what a person is about and what they have done and so on. But in the age of computers and ready technology and these huge databases, it is just like what happens now when you are coming in on a plane.

The immigration can quickly go to the database and police can quickly identify if you are on a plane, if you are a person of interest, if you are a person that somebody wants somewhere.

So, by the time your plane lands, they know who you are and know whether they are going to let you in or not. There is a much greater speed.

In support of what the Foreign Minister shared, Barbados urgently needs people. We do not have enough to be able to sustain the quality of life that we all enjoy. It does not matter whether we have a good job, whether we are living in wonderful circumstances as long as we do not have sufficient population to carry the economy, you are going to have a severe impact on the government's revenue base, therefore, the government services, *et cetera*.

The end result is, is that you will not be able to sustain the economy. And this is one of the reasons why we wanted to shorten the number of years that it would take for you to become a citizen. It does not mean that we will compromise, checking for the quality of citizen that we would want to bring

in. That is very important to us, because we have sought at all costs to actually avoid having a situation where our passport comes under question.

We have sought to avoid the traps and the dangers of the citizenship by investment route, because we recognise that while that quickly brings money, it also presents serious dangers to our country. And so, we have avoided that. That is why we have not gone that route. We have sought in every way with the various Bills that we bring to make sure that we do not create any loopholes that would allow for that.

Now, it does not mean that somebody may not find a way to make something happen. All we would want to do is once we can find it and see it, and it needs to be addressed, I am sure that the powers that be will sit and look at it and put whatever stopgap measures that are needed, because we are trying to balance growth of the nation, especially of working population people, people of working age, to be able to offset what is happening with the seniors in our community, and at the same time bring people of quality who can add to the country and bring benefits to the country, either by their energy, by their resources, their skills, *et cetera.*

So, I just want to put that there for consideration - that this is not done carelessly, but we do try to think through things. If there is anything that people find that might need addressed, the reason for this is for us to be able to question those things and put them on the table and make any adjustments if they are required.

Mr. CHAIRMAN: Senator Walters.

Senator R. O. WALTERS: Thank you, Mr. Chairman.

I am surprised that more of the contributions to those submissions did not highlight this.

As I am relying on the summarised version which said about four or five persons highlighted this to be an issue because this is one of the biggest issues that was mentioned by the public in terms of the length of time a person would take before they become a citizen.

I think I agree a lot with what Senator Mallalieu said and I respect the contributions of all. But the reality is that, what disadvantage would Barbados be in, if we extended the time for citizenship? We hear about skills deficit, we hear about skills deficit, population size, *et cetera*. There are no guarantees.

We are all pitching for the same thing. We want people to work, we want people to invest in Barbados, *et cetera*. but there are no guarantees.

A person can come in, obtain citizenship, and then they can go back out of the country.

Actually, if persons have to stay longer in the country before they become a citizen, we might actually get more benefit and value from that because they are committed to being here for a certain amount of time and committed to giving back.

But once they become a citizen, then they are free to move freely in and out of the country as long as they wish, in terms of giving back to the country, how we want them to be able to give back.

So, my question is, for the government side, what disadvantage is Barbados really at if we extend the timespan for persons to obtain citizenship in Barbados?

I do not think also that it can be looked at solely as a mechanism to bring people to work because there are other things that can bring people to work. We have free movement of some CARICOM nationals. We have the Welcome Stamp, which was mentioned earlier, which was innovative in its own way.

So, there have to be other mechanisms outside of citizenship that allows persons to come in Barbados, participate in the economy without becoming a citizen, especially in such a short time.

Hon. Ms. C. S. V. HUSBANDS: If I may.

Mr. CHAIRMAN: Back to you, Minister Husbands.

Hon. Ms. C. S. V. HUSBANDS: I think one of the disadvantages, because in my constituency there is that problem. I have a number of persons who either work at the university, they are CARICOM nationals. You have people there for different reasons, and as long as they are not citizens, there are certain things they are not entitled to. Yet, they pay full taxes like everybody else, but they are not eligible for free healthcare, right through or education and so on.

So, when you have these very long periods, it denies them certain rights because they are not

accumulating things back at home either. They are not paying National Insurance back there and so on.

So, you will notice that some of the things that we have tried to do with the Single Market is to gradually reduce some of those disadvantages that people experience when they cannot get citizenship and so those would be some of the reasons why.

The thing for Barbados, I think one of the best examples for us really is how Singapore would have dealt with how they deal with their labour shortage and they recognised that they needed population in order to build out a massive economy because at the end of the day, Barbados, for example, 269 000 people; St. Lucia, 120 000 people; both countries need an airport.

Right now, we have more people to contribute to help us build an airport. St. Lucia has less. So, it is going to cost more per person to meet the government revenues needed to be able to build an airport.

So being able to build out your population size quickly is very important for small nations like ours. Managing it, though, is a different thing and that is why alongside your Population and Immigration Policy, you have to be building out your water resources, you have to be building out your housing resources, you have to build out your health resources, your education resources. All of those have to run in parallel, but the truth is, we are not going to remain viable as an economy if we do not build out our population quickly and right now, what we need are people in the working age section.

It is open to older people to come. Fine. But the people that we really need would be the working age who can help to lift and carry load.

So, there is a benefit to us to do this and a benefit to them makes us attractive as a place for them to want to choose to come because there are many places people can choose from. So, you are making yourself as attractive as possible to the wider external population to come here. I know you may not agree, but those are the reasons why.

Senator A. W. MALLALIEU: The opportunity to respond to both sides of those couple of points.

Senior Minister Sinckler, implementation of deficit disorder has nothing to do with the rules that we have written here. We can write all the laws we want to pass here, and if it is not going to be implemented properly, that is a different issue.

I unfortunately have spent lots of time here and I have passed laws to do with kite flying, to do with helmets, to do with all kinds of things and nothing get implemented.

So, we spend all the right time. We just need to be careful that we separate the laws that we pass from our ability to implement it.

I will say that I was not aware of the challenges that some people have had with getting their citizenship regularised because I have said many times from this Chamber that I have found Immigration Department to be world class, in fact to lead most other countries in the world.

So, I am disappointed to hear what you have said, that they have had some challenges with that and I will look into that myself and make sure I understand.

That is one thing.

The other thing is, you know, I agree completely that we need people in Barbados, and I have said this, but I also think that we should put in front of those words '*need people'*. I would insert other words in there. '*We need the right people'*.

We need the right people and all I am asking is that the reality, and I appreciate what you have said about the route that Permanent Residency still has a format you have to follow but as it stands today, I think we would be wrong not to at least recognise that in Barbuda which is in CARICOM as far as I know Antigua and Barbuda it is US $230 000 to have a passport for them; US dollars in Dominica; it is $200 000 for the main applicant if you have three dependents you can buy it for 250 000 US dollars.

Then you have got four people with Dominican passports and those four people can come live and work in Barbados and you are absolutely correct. It reminded me and others that having lived and worked here, having that right under the CARICOM Free Movement does not entitle you to citizenship.

There are still some tests and so on, and that is those tests which I would like to be seen more

robust and I am personally opposed to recognising persons who have gained their CARICOM citizenship through investment to then see how the benefit of Barbados because the reality is that these programmes are set up and I can quote for you Grenada, I have them all here in front of me, St. Kitts, St. Lucia, all of them exist.

These payments go into the Government of that country to benefit that country to strengthen national funds that they have and they keep that money and then those people have the right thing to come to Barbados and live here. That is a weakness in this system that we should address, in my humble opinion.

We should look very carefully at how you got that passport before we simply say that you can come and live here and if it is through a CBI Programme and you have contributed nothing to us, but you have given the money somewhere else, that should be in some way something that we think of.

That is what I am asking us to look at and make sure that we do not create an unintended loophole in that way and secondly, I want to remind us that, as I say, that CARICOM free movement, while it only extends to three countries today, the law as passed allows the Minister tomorrow, without consultation with anyone, I guess with Cabinet they would do it, to extend it to every CARICOM nation that they wish to extend it to.

So, I assume that that is Jamaica out in the northeast and Haiti and Guyana down in the south, every single one. They can just simply say we add that one to it because that is what the Bill says. It does not have to come back to Parliament.

Thank you.

Hon. Ms. C. S. V. HUSBANDS: Sorry, just one thing. The Skilled Nationals Programme is open right now to all countries.

Senator A. W. MALLALIEU: I am referring to the free movement, the three countries that we have that you could come and live here, that can be extended to anyone.

Hon. Ms. C. S. V. HUSBANDS: But the caveat to that is that country that they are coming from has to offer that to Barbadians and that is the reluctance right now. That is one of the reasons why not all of them have jumped on it, because they have their concerns too.

So, you are not going to see rapid influx of people in the way that you think and as far as I know, but I do not know if the immigration people can speak to this, as far as I know, if you are a criminal or you are a person that will be a threat to national security, CARICOM resident or visa or passport, whatever, once you are scrutinised, I would believe that you would be flagged as somebody not to be allowed to come to the country, but immigration can confirm whether this is the case or not.

Ms. Margaret INNISS: We have advanced passenger information. That is the system we have. So yes, we work along with our security agencies and we can tell whether you are a person of interest once that information is provided to us.

Even though you have a passport, we reserve the right to question and as I said, once that information becomes available to us, we will make the necessary queries and investigation.

Mr. CHAIRMAN: Before you come in, Minister, Senior Minister Sinckler wanted to comment . . .

Senator the Hon C. P. SINCKLER: Minister Weir can go, but you know I find - I want Senator Mallalieu to understand this is not a back and forth with you because I fully appreciate what you are saying.

Okay, I honestly, I really do appreciate it and I think it is a good intervention. Let me make that very clear but I think we have to be very transparent and fair across the board of how we deal with these things, because that is why we run ourselves, sometimes, perhaps into problems.

There are many people who step off airplanes in this country with fat wallets and deep pockets and go on the west coast and elsewhere and buy property. They use some very well-known real estate agents too. I am sure due diligence is done on those persons. They are not citizens. They do not ask for citizenship, but they buy property, and they have a stake in Barbados, and we welcome them, pretty much as well as we ought to because that is what our investment model portends.

If we are going to be saying that that is okay and we know how to manage that process, we equally have to say that this other part is something that we can manage too. We must not divorce ourselves from the capacity to know and

understand with modern technology and information and with modern security protocols, that we can manage a process similar to the one you have described. I fail to believe that we cannot do so.

Now, there is no perfect system, sure. Some people slip through the cracks. That happens from time to time, but that is why we have corrective corollary and corroborating measures to ensure from a national security perspective, otherwise that we can quickly pivot and correct any errors that may occur.

However, I think that we have to be very, very clear, and let us again, as I go back to the policy. The Government's policy is very clear on this. The system is challenged, and I am leaving out all the other things that may have been mentioned even by myself. Issues pertaining to the skills level and depopulation and all of that.

Dealing with the grand issue here, which is that we have a system that for years we know an immigration system, those of us who have worked in the system and those of us who have observed, we know the system is broken.

We pretended that we could manage it down in its brokenness and produce a certain outcome. We have now collided with the reality. The issue is how do we frame in this particular type of legislation these things that we are trying to change, how do we not programme necessarily for what is going to happen today or tomorrow, but what is going to happen 50 years down the road. This is why this Bill is important.

I do not imagine that the Government or the citizenry would like to delude ourselves into believing that we are addressing only issues that pertain to now.

The thing is, what is going to happen 25 years from now, because we may not come back to this again, and that is why this legislation, these two pieces of Legislation are so important.

My thing is, again the issue of this now comes down to an issue of, for some people, of timing, and the simple question I ask, what is the difference between three years, two years, 10 years, five years or even one day.

Therefore, we have to find that medium, and I think the Chairman has hit on it. We have to find that happy medium that says to us, yes, we can address this issue while it is not offending the sensibilities of people or the sensitivities of people, for what they believe is a national vestige of pride, that is of citizenship and your passport, because everybody is talking about the passport.

But the issue here is the citizenship, that is what it is the thing, the passport you get because you become a citizen.

Therefore, the issue here for us is how do we manage that, and that is really why governance is such a difficult thing, because it is about making those choices, and my thing is, first, we do not sacrifice national security, we ensure that we protect the national security of the country.

Second, we look at what are the systemic challenges, or should I say, two, what is the economic, social, cultural policy that we want to undergird, and I think that has been properly explained here.

Then I think, what are the administrative tools and interventions that allow us, from the legislation to the actual administration by immigration and others, to execute that policy.

My own sense is that this Bill in its current form, bar for some things that need to be adjusted, basically meets the standard of what is required for modern legislative and policy programming, followed by the administrative tools to get us where we need to go. That is what I think is here in terms of what the Government is trying to do here.

Mr. CHAIRMAN: Thank you, Senior Minister.

One of the things I recognise, the submissions, they all speak to the length of time being too short. Some mention due diligence, two years is too long, too short for due diligence.

I agree with you, Senior Minister, with the security protocols in place, and with technology especially.

I see no reason why we cannot do due diligence in less than a year.

The precedence has been set in Argentina, for example. They have a two-year policy. We know the gold standard as articulated by some, five years, seven years, as long as ten years.

The decision to have two years is a value decision, not only based on population mobility,

but it speaks to economic development also, and they both go hand in hand.

Therefore, my submission basically is to say, if I can weigh in, and I think I have the opportunity as Chairman to weigh in as well, that two years is not too short a time.

We have seen two years in countries, international countries, for citizenship. The precedence has been set, and for us, we have a problem. We have a population problem, a skilled population problem, and for us to continue to reference what is the norm in the world, we have to push new frontiers, and we have to be innovative and creative, and that is what this Government is about.

Hence, I do not see two years being too short to do due diligence with technology and the necessary security protocols in place.

That is my submission here as Chairman, and I think I am within my right, to give my two cents on this.

Minister, I think you have a comment, so over to you.

Hon. I. A. WEIR: Thank you, Mr. Chairman. I thought that Senior Minister Sinckler was residing in my head when he spoke to the issues of investment and how they are treated to, and perhaps I would start against that premise that we as a Government, and not only this Government that is currently in power, successive Governments of Barbados have been severely criticised if we do not facilitate investment, and no matter how you look at it, the players and actors involved are the ones who will call out Government for delays in making sure that commerce is facilitated, that investment can take place.

Therefore, let us, first of all, disabuse our minds from the notion that we can delay people who we seek to give citizenship to, but we cannot delay investment.

It is, to my mind, hypocrisy of the highest order, because we need investment. All of us know that we need it, and we do everything to facilitate it. Any government will do anything to facilitate it once it is legitimate.

Therefore, I sat this morning and I heard the first presentation which suggested that people waited as long as 16 years to have applications for citizenship by birth considered, and it is against also that backdrop that we need to step back and recognise what can happen in a system that is under pressure and does not deliver as it really ought to.

Therefore, the question before us is, is it two years, or should it be more than two years? My view as well articulated by everyone else, is that with the 21st century, we are able to get information on anyone that applies for citizenship. With the use of technology today, we are able to do things that we were not able to do in the past in a more nimble fashion.

I recognise the question that Senator Walters placed, which was, are we going to be any worse off? What he does not recognise is that we are already worse off because we have an ageing population, average age of 60 tells you that you are already worse off.

Equally, if you have a school that can carry up to 200 students that only have a roll of around 84, what is that telling you? So therefore, however you look at it, we are under pressure.

Now, if I am to read from the documents submitted by the Democratic Labour Party, it says Barbados faces legitimate demographic and economic pressures, including an ageing population, slower labour force growth, skills mismatches and the need to maintain competitiveness in an increasingly mobile global economy. I do not think that we need to have it more explicit than that.

Therefore, the question of two years we can continue to debate. As far as I am concerned, technology allows us to be able to do it. But the general tone of the conversations is that everyone agrees. That is what I am hearing. And it only comes down to the two-year period.

So let us just decide what it is that we really want to put on the table, because if we do not do so, we run the risk of telling the country who may not otherwise understand what we are seeking to achieve here, that there is something arcane about this and it simply is not.

So what? Do we disagree that we, in the 21st century existence cannot be responsible enough to be able to examine, do due diligence, and come up with answers in two years? And that we, for all the years that we have facilitated people without the

rigours of the technology we have, but in the name of investment, we have been taking it and allowing for it to be done in this country?

I beg to differ, and my suggestion is, is that if we are going to fool ourselves and bury our heads in the sand, we can do so and become emotional about a passport and become emotional about what a person will do with a passport and not become emotional that you take investment from people and you respect the fact that they are responsible people, and that they are not the same person that is going to come to Barbados with some motive or be some criminal somewhere else in the world, but that that is a legitimate person who seeks to take advantage of a return on his or her investment.

For me, we have to be consistent in this country and be careful with the narrative that we put in the public.

For me, this is a very structured piece of legislation, and all it seeks to do here is to determine how nimble we can be in achieving the objective.

That is what is on the table.

It is either two years or come up with your suggestions of what it should be. For me you cannot look technology in the face.

For me, you cannot look at how we can deliver in this day and age and tell me we should go back to our old system and an arrangement, as if you had to sit down and manually do everything.

Mr. CHAIRMAN: Well articulated, Minister. And you know, the gold standard and all these standards that we are citing, these were standards that were set eons ago.

We have to recognise that we are in a different time where technology, different types of security protocols, have indeed brought us to where we are. The war that is going on in Iran, you can see as well, the use of technology. I do not even want to go there because we do not like war.

So, what held true back then, 50 years ago, is totally different to what is happening now in the world. People are moving. You are in Barbados and you are working in Dubai, as a result of technology. You are in Dubai and you are working in China, as a result of technology.

So, we can sit here and speak of gold standards. What was then ten years cannot facilitate what we have before us and where we need to get at this stage as a country.

Skills are indeed necessary for us to develop economically, socially, and environmentally, and we do not have these skills. We heard it from the Minister who has responsibility for tertiary education. We do not have the skill-set in this country. Even in the construction sector we have to import labour.

Let us get with it. Two years, Minister, Senior Minister, Senators, it is not a short time. In my view, I think it is a long time.

Argentina has been doing this in two years and they are not now doing it. Argentina may say to themselves two years is too long. While we are pushing to get to two years, they may be pushing to get - I do not know . . . I do not want to say one year, I do not want to say six months. But at the end of the day, I agree with Minister Weir.

This is a very good piece of legislation, this initiative here, and I support it.

Over to you, Senior Minister.

Hon C. P. SINCKLER: I also wanted to - so that the public does not, because I know this is being streamed - so that we do not give the impression that there are no guardrails here, because I heard some saying that, you know, the Minister can come back from a previous clause which we dealt with, that we just gave the Minister the authority to make decisions with finality.

Under the section, and I think it bears reading, that the person can access this status if they satisfy the Minister that they have lawfully resided in Barbados, a permanent resident - I think most people have seen this - for an aggregate period of 180 days during the period of at least 730 days – that is where you get your two years - immediately preceding the date of the application. But it also says in six, subject to subsection four.

If you go to subsection four, you will see exactly the points that we were making earlier - the right of refusal. And the right of refusal under four, the Minister may, in the interest of national security, public policy, refuse to register a person as a citizen of Barbados, who, and it goes down there to list fairly copious and iterated items there where the Minister may refuse.

So, there are guardrails in place for the Minister to be able to be advised by his officials, because I

do not want the impression to be given that the Minister of Immigration or that any Minister I hope, wakes up one morning, decides that they are going to execute such important responsibilities without being advised by the appropriate people, including the Chief Immigration Officer, the Commissioner of Police, and all the other people who appertain to ensuring that the interest of the country is protected.

So, I think it really gives us an opportunity to properly converge, rather than collide the policy objective with the need to ensure that we protect country and citizen and those persons who live in Barbados already and claim citizenship by the means that they do.

I have seen the submissions and I have seen the various numbers being given, but as I said, it is a matter for us to decide and to advise, I should say, because this Committee is to advise having taken hearing and submissions, to advise on what would be an appropriate thing.

But I, in my submission would say that, that I see no particular reason to stop us from advising that the 270 days be a standard for this piece of Legislation.

Mr. CHAIRMAN: Thank you, Sir.

Senator Mallalieu.

Senator A. W. MALLALIEU: Thank you. I will just give a summary of what I thought I said, which may be different to what may have been heard.

First of all, Senior Minister, I was referring to the Caribbean Community Free Movement legislation when I referred to the part that the Minister has in power.

Under Item 7 of that Legislation, "*the Minister may by order amend the Schedule*."

Currently, the Schedule to that Bill has only three countries, Belize, Dominica and St. Vincent. That was what I was referring to. I was not referring to the current Bill.

That power is completely within the Minister to do that Schedule.

Secondly, with regards to the length of time, I agree completely. It is not my point. I was referring to the submissions that were made. I have no problem with the time.

My challenge is that was not being addressed and that is fine. It may just be a minority opinion, is that the people who have attained citizenship in our CARICOM, brothers and sisters through CBI, should not be afforded that same pathway. I think that that is the weakness in the system.

I do not have a problem with the 180 days in the 730 and I do not have a problem with the 270 and the 1 095 and I want to disassociate myself with any comments with regards to those that have been made with regards to those people who have chosen to invest in Barbados never asked for citizenship, residency or otherwise but simply are making investments here.

So, I think those remarks should not be directed at me. Those are my points, Mr. Chairman, so the time period, no problem. CBI, I have a big problem.

Mr. CHAIRMAN: All right, thank you, Senator. Any further comments? Senator Walters.

Senator R. O. WALTERS: Mr. Chairman, I do not think we should forget the reason why we are in Committee with these Bills. It was really to get feedback from the public and to understand their concerns and I think I appreciate that the Government will defend the Bill, but I think there should be some level of flexibility in terms of how they address the concerns of the citizens and it is not, it should not be taken in the position of a BLP versus DLP situation.

We are not here for that and I would not want the Committee to degrade itself into that sort of conversation.

I said that to say I was going to just echo the sentiments of Senator Mallalieu because I think that a pertinent question about citizenship and investment and the fact that those countries that participate in that programme or similar programmes have had some pressures from the bigger countries.

How do we safeguard ourselves from being included in some of those in that dilemma and has that been thought through as well, right and what safeguards then the Government can assure us all that we will, our citizens will be protected when we want to travel, *et cetera?*

So, I think there are valid points that come up and I think that we need to consider those points as we go on.

As relates to the days, the stay a length of time, 180 days, two years. There is sentimentality around it.

Again, I ask a question, what are the disadvantages or the advantages of going two years versus five years?

For example, you are making the point, Mr. Chairman, that two years will be more competitive compared to other countries in terms of attracting people because we have the deficit and we want to address it as fast as possible.

Mr. CHAIRMAN: If I may interject, the point was made, I think, by a number of persons, and I think someone quoted the Democratic Labour Party document as saying we have a problem and the point was made, the reason why two years, because we need to solve the problem now and I think that point was made moreso than, the type of skills that you can get within two years versus five years but it is solving the problem, so do not misinterpret what was said.

It is the issue and what is the mischief we are trying to correct? What is the problem we are faced with right now and that is why, and let me just add, while sitting in this Chair we do not see DLP or BLP and we cannot bring those terminologies into this forum because it is not about DLP or BLP. We are dealing with submissions, and we refer to documents that are before the Committee, so I want that to be struck from the record because I do not want it to go into the record at all that we are here deliberating BLP, DLP.

All right. So that is not what we are here. We received submissions from the public. We do not know who is BLP or DLP, but we look at the substance of the submissions and we give our comments. That is the whole purpose of this Committee.

Senator the Hon. C. P. SINCKLER: Also, Mr. Chairman, if I may add, I think our colleague is being a little mischievous but even so, the truth is that we who are Members of the Government side also have a responsibility to explain because it is our Legislation.

So, we cannot just receive comments from the public as well we ought to and fairly consider them because some of them are actually very good submissions and not try to explain the reason why we did what we did in the first place and how we composed this Legislation.

I do not want Senator Walters to get the impression that we are not accepting that advice or that we are rejecting it out of hand. We are just trying to explain so that everybody understands what the thinking is.

Now it may be as per section, particular section, there may be disagreement with our own policy prescription and that is why you have the Committee. So that in teasing out those things, our viewpoint may very well be changed, but it has to be changed for a very well explained reason.

We take that under consideration because this Committee is not the final say on this. This Committee is to review, accept the points to discuss, cogitate and then make the recommendations based on what we have seen and heard and been able to discuss.

So, as you say, this is not a partisan exercise or a personal exercise, even though I would not have anything personal against anybody on the Committee for any reason whatsoever; but just for the record, so that is known and I agree with you, Chairman, supporting you in that particular regard.

Mr. CHAIRMAN: Thank you. Thank you Senior Minister.

Back over to you, Senator Walters, to continue. Thank you.

Senator R. O. WALTERS: Thank you, Mr. Chairman. Right, so I mean, I was just summing up. Talking two years, gold standard, you are saying it is five years, some people say it is seven years.

I think if we could have some data, some real data from immigration probably across some countries to really look at it to see how we can get to a number. I think that would at least help me to understand and give some clarity on what really is the gold standard and what other countries or territories are doing in their legislation as well.

I think that would help the Committee to make an informed decision and not just a decision based on what one person is saying or the other.

I will really like to see if we can get that question addressed as it relates to the effect that the citizenship by investment programme might

have on our relationship with those countries if we pursue this.

Hon. I. A. WEIR: I would just like to add one comment.

First, please permit me to state that my reference to this document, which was part of the submissions by the public and includes submissions from the Democratic Labour Party, was my only source of quoting and not to derail this conversation into BLP and DLP so, for the record, I want to make that very clear.

Equally, I believe that Barbados must set its own standards. I acknowledge that we look at benchmarks and those other kinds of things you are elected to govern and if you look at the situation and you see the urgency of it and have to move to a legislative framework in order to address it, then you must demonstrate to the public in very large and meaningful manner that you are committed to doing what is right by the country and therefore setting your own standards may be required at times even though you understand what benchmarks are there for and you still need to govern.

Therefore, setting two years as far as I am concerned, this is a determination based on the level of technology as I have said before that is available, given the confidence that we have a Security Council, given the confidence that Immigration can get advanced passenger information before people come to Barbados. I will say that much because I know a fair amount about the travel trade and how it works.

I am confident indeed that we sometimes have to trust ourselves and that is where I have the greatest fear that many of us who are dealing with these matters really need to be mindful of the public that we are bringing along.

I strongly believe so, because your narrative sometimes can take a very comfortable public and make them uncomfortable and we really have a national responsibility to determine what narrative we are going to use.

I have absolutely no problems with people presenting their opinions on what can be and what may not be, but at the end of the day you have to respect the Government to govern and I strongly support the fact that if we are to treat this based on what I am reading from these submissions, not just one from many, then it is a suggestion to me that everybody agrees that we have skills deficits and that we have an issue with population and that we need to address it and how do we address it.

That is the reason why I feel quite passionately about the structure that this Legislation has taken and the fact that it has come here to Joint Select Committee for us to hear from the public and for us to discuss the submissions and also give our opinion.

However, we should not leave believing that we cannot determine for ourselves what timelines we need.

Mr. CHAIRMAN: Point well made, Minister.

We have heard from every single Member of the Committee on this very important matter of compressed citizenship timelines and citizenship integrity.

I am happy that we were able to agree with some very salient points and disagree with some as well and that is the nature of why we are here as a Committee.

Therefore, can we now move on to the next submission of labour market, wages, housing, infrastructure and national development.

Submissions made by Jefferson Trotman and the Democratic Labour Party, Barbados Employers Confederation, Karla Nicholls, Gilding-Bourne and Dujon and Barbados Chamber of Commerce and Industry.

The individual submitters expressed concern about wage disparity favouring foreign workers, the topic of housing affordability, strain on healthcare, water, transport crime and a call for the evidence base on labour needs to be published.

The employer and business bodies were supportive of the managed migration urged alignment with the Barbados Population Policy. That was submitted; also, clear work permit service standards and a defined investor entrepreneur remote worker pathway, some of which we discussed before.

Therefore, over to the Committee; or do we want to allow persons to do the individual submissions on this one.

Senator Walters.

Senator R. O. WALTERS: The summary individuals submitted expressed concerns about wage disparity, favouring foreign workers, *et*

cetera, and then the call for the evidence base for the labour needs to be published.

Again, I think this is a very pertinent and important call because the Government over the years has been saying that we have shortages and we have skills deficits, but we have not been told specifically where those deficits are and our shortages.

We know for sure, well, we know there has been labour imported for construction, but what we do not know if there is really a labour shortage of construction workers or if those workers just came in because they were more affordable than local employees or employment in that field of construction.

I think that something needs to be published to really say to Barbadians, these are the areas where we have deficits and shortages in and this is where we are doing well and so that this information can be consumed to make better decisions, because all we are hearing right now is there are shortages, we have older people, we need more working people and there is no real clear direction on where this will go.

It also brings me to the point where another Committee Member made the point that we need the right people.

Therefore, that means if we need the right people, we need to know where we need those people and how transparent is that process then that we can see who we are really going after as those right people as well.

Hence, I think that I support this call to have more information, more data available to the public and to this Committee it would be useful.

Mr. CHAIRMAN: Minister Husbands?

Hon. C. S. V. HUSBANDS: I am acting for the Minister of Labour this week, also a Minister for Technological and Vocational Training and therefore shortages and skills will come to my desk.

On the issue of wanting more data, there is some data available, but what we might need to do is to just make sure it is published that people will know.

Just to give you an idea and you would have heard some of this anecdotally already, yes in construction there is a definite shortage and I will explain how we arrived at that problem as a country.

We also have shortages with the police, with nurses, and with teachers. You are getting constant poaching of some of those skills going overseas because they are looking for more pay and things like that.

We have problems with legal drafters; we do not have enough of those.

In the medical area there are a number of specialised skills that we do not have, and the hoteliers have also been reporting severe shortages with hotel workers.

I will deal with the construction and hotel workers so you begin to understand why this would have occurred.

When we went through the severe economic downturn that we had between 2008 and about 2016 or so, what would have happened a lot of young people knowing that there were a lot of construction companies closed so it meant that a lot of people who had construction skills had gone out of the market, and therefore young people coming up did not get the sense that they should go and study in those areas because they felt it was a waste of time because there were no jobs.

COVID now created a severe halt on further construction. Everybody who was coming to build a hotel pulled back, so when COVID opened back again what you had was this rush of demand so that Barbados, for example, found itself with nine hotel properties that wanted to be built when we moved out of COVID.

Normally you would not get that large a number coming in at any one time within your economy.

Therefore, the challenge you had then was that the demand for labour was much higher, but the skills were not there. Not that you did not have unemployed people, but they were willing to do day labour work, but they did not come with essential construction skills.

What we have been doing in the Ministry is to begin to fast-track and that is where the construction gateway *et cetera* that we started to help us rebuild the skills in that area.

Similarly, we started hospitality because we now need something like 4 000 hospitality workers that we do not now have. The issue here

raised by the persons about the concern about wages is a genuine one, because across the world, there are people who are willing to come and work for less than a Barbadian and that is the honest truth.

What we want to be able to achieve in Barbados, Barbadians will not want to work for low wages. So, what is it we have to do? We have to ensure that not only do they have the skills, but they also have the productivity and output to be competitive in their own market.

That is what we are assiduously working on as a Government, so that the Barbadian worker remains attractive as a person that you would want to employ, because they will produce and they are able to present you with the skills.

So, when you are going through this kind of change, change is always painful and it can be disruptive. It is just like when you are losing your milk teeth, it is painful. When your new tooth comes, it hurts. When you are having a baby, it hurts. Whenever you have a major adjustment there is going to be some dislocation.

What a responsible Government does - you cannot go back to the past and hold onto the past so that people avoid the pain - what you do is you try to create the conditions, provide the supports, decide what you need to do to ease the transition, but encourage your population to make the transition and go forward.

What we have been seeking to do - now this was the challenge that Barbados would have had - people who are coming to build hotels do not want to wait three years while you train workers.

So, we had a decision to make. Do you want to keep the investment so that you could at least get the hotel workers opportunities and the tourism growth? Or do you say, no, you do not allow labour to come in because there is a shortage, because you want to keep it for Barbadians, but Barbadians cannot fill it for two years or so.

So that was the challenge that we had. But the commitment of the government is to train up the Barbadian workforce with the essential skills and the essential output, so that we can keep as many jobs for Barbadians as we can.

Now, one of the problems that you have in a society, like, for example, Barbadians stayed away from agriculture, and the Minister here can tell you that we would have gone through a period as a country where you could not find enough agricultural workers to work in our industry. That is how you got so many people coming up from Guyana to be able to fill that gap. That will happen in a country that is growing and it is a high-income country there are things that your citizens will no longer wish to do or wish to perform.

Therefore, you have to keep adjusting your policy, and you have to keep adjusting your programme to be able to accommodate where they are at, what their needs are, and what, at the end of the day, you need for the overall well-being of the economy.

It is not an easy thing, but it has to be managed and you have to do it as well as you can so that you minimise that disruption as much as you can.

Mr. CHAIRMAN: Thank you, Minister Husbands. Any further comments on this?

We have taken what you said into consideration Senator Walters and as Minister Husbands said, there is some data and I can say and I know for sure, the evidence was there in the construction sector.

Even while doing at least four housing developments, the juggle between private and public was indeed a major challenge to find skilled workers and even labourers. So, it is real. And, and I guess you have asked for evidence.

I know within those Ministries, there is enough evidence to show that we have had a skill shortage in some sectors in this country.

Hon. Dr. R. O. SPRINGER: Just to add Mr. Chairman. I noticed that the conversation centred around skills and wages.

There were other things that were mentioned in terms of infrastructure – water, transport crime - things that that are tossed out and things that are genuine concerns for Barbadians.

Of course, with more people coming into the country, the possibility of crime will increase and more sophisticated forms of crime. But I am sure that such things can be dealt with during the due diligence process. We are not going to be opening our arms to the criminal element. These are things that people must be concerned about.

As Senior Minister said, of course no system is perfect and things will happen. People will try

things and risk things. But I am sure that these are matters that will be addressed.

Transport, I do not see a major issue as it relates to transport.

Certainly, Government has done a lot to improve the public transport system. And if you are going to speak of transport and infrastructure in the same breath, also a lot has been done to also to improve the road infrastructure.

So, the means by which persons get to the points of production are, are pretty much improved. Resilience is built into them. So that would not necessarily be an issue that would be of major concern if you were to see an influx of numbers coming in.

In fact, that it is here, I am addressing it because I do not even think that we have seen any impact on our transportation system because of any persons moving to this country.

In terms of water, Government has also been improving and modernising the ways of distributing water to the residents. I know we have had some challenges in certain parts of the country as you see the expansion of housing developments, you will see a greater strain on water supply.

Of course, I think that measures are being put in place, certainly by the BWA, to ensure that we have other means other than our underground aquifers to supply water.

We already have the desalination plant on the Spring Garden and there is some more planned for the north, which will also augment the water system down there.

We would have had partnerships with other entities over the years to augment water systems here in this country. So, these are things that, yes, on the surface, they present as concerns. But I think that Government is well on its way to addressing these issues even before they become real issues.

Mr. CHAIRMAN: Senator Walters, you are coming back in? Okay.

Any further comments on this?

I take your comments, Minister Springer. There were other areas and I understand the issue of water is topical in the country. These are some of the areas that were mentioned. By no means will we skirt over these issues.

There will be oral presentations by parties who have expressed an interest in presenting their oral presentations before the Committee.

At the end, under Any Other Business, we will discuss the timing for that, where some of these other matters will be expressed verbally by submitters, in addition to what we are doing here today grouping them and going through the summary. So, we have time for more expansive presentations and discussion.

So, thank you, Minister, for the clarity brought to the other matters. Indeed, we are not treating them as just any other matter because they are very critical.

Once there are no further comments on number six, the labour market, wages, housing, infrastructure, national development, we move on to seven - CARICOM Constitutional and Treaty Consistency submissions by the Barbados Employers' Confederation and the Barbados Chamber of Commerce and Industry.

Both confederations identify tensions between the Immigration Bill's broad entry prohibition power and CARICOM Free Movement on Articles 32, (38) of the revised Treaty of Chaguaramas.

We heard some of that discussion earlier and between the Advanced Passenger and Biometric Data Provisions and the Data Protection Act 2019, recommending the framework to be harmonised with regional and international obligations.

Senior Minister, you are clear to weigh in on this one. Number 7.

Senator the Hon. C. P. SINCKLER: I think the provision is clear. Obviously, under the revised Treaty of Chaguaramas and Treaty Law, which we have reduced the Domestic Legislation as well, we ought to because we are Members of CARICOM, these provisions I think are consistent with what is required for us to be consistent with those provisions.

Of course, you know, we have review of them by the CCJ in its original jurisdiction and so I think that based on what I am seeing here, I think that that is consistent with what currently exists and therefore, notwithstanding the submissions that have been made, I think the law captures pretty succinctly what is required, so this is a relatively easy section to deal with.

Mr. CHAIRMAN: That is why we sought your intervention here based on your skill-set and your portfolio and Senior Minister as well and I agree with you 100 per cent but we still need to hear from the Members if they have any other queries as it relates to what is before you in the Bills as it relates to what has been proposed here for the harmonisation with regional and international obligations.

It is clear within the Treaty of Chaguaramas and of course within the Bills, the Immigration Bills, the Entry Prohibition Power is clear.

Any other comments? Okay, thanks.

We move on to Number 8. Safeguards for vulnerable people, children and anti-trafficking.

We received two submissions from Coretta Joe, Gilding-Bourne and Dujon.

Joe proposes a Guardian Amendment to protect minors during the execution of search warrants, appropriate adult presence, notification of Child Protection services, age verification.

Gilding-Bourne and Dujon genres gender responsive and anti-trafficking protections across work permits, sponsorship, screening and enforcement aligned with Barbados is trafficking in persons legislation.

The BEC separately raises the best interest of the child standard for the registration of minors.

Comments? This is captured in the, this captured in the Citizens Act, the Anti-Trafficking and Gender Safeguards in the Citizens Bill.

The issue raised basically is to add protection for vulnerable migrants. That is basically what has been raised here.

Any comments on this? Justice? Thank you. The Legislation caters to this already.

Justice Sherman MOORE (**Retired**): Mr. Chairman, I think all of these things are taken care of elsewhere in other Legislation and we cannot encumber an immigration statute with matters that have nothing to do with it. That is my comment and advice.

Mr. CHAIRMAN: Justice, we have heard you. Thank you. We have heard your good advice as well. Any further comments on it?

Okay, we are now down to the schedule of Oral Presentations. There are some submitters seeking to appear before the Committee.

Mr. Peter Thompson, Mr. Corey Greenidge for the Democratic Labour Party, Mr. Stephen Bricknell, Mr. Desmond Eales, Miss Amory Gilding-Bourne, and Ms. Felicia Dujon, together with the Barbados Bar Association, they expressly requested to make oral presentations.

Ms. Makayla Blackman and Ms. Faith Sealy, the BEC, and Dr. Corlita Babb Schaefer indicated their willingness to appear to further engage the Committee.

On the point of Dr. Babb Schaefer, we agreed the citizens by birth of children of Barbadian diplomats should be addressed as per the request by all the parties.

So, I am not sure having agreed to that whether we would still need to hear a submission or oral submission from those parties.

Clerk of Parliament, it is within our purview to instruct those parties that we agree today and to seek confirmation from them whether they are still willing to appear before something, to present something that has already been agreed by the Committee. Right?

That is correct. Okay. Thank you and we still give them the opportunity, but in the words of some people, we do not want to waste your time, nor the Minister's time, nor the Senators' time, because we know you all are busy.

Senator the Hon. C. P. SINCKLER: If I may, it would not be wasting our time. The truth is that this is extremely, I was not here at the beginning, so I am not sure what my colleagues would . . .

Mr. CHAIRMAN: Wasting their time as well.

Senator the Hon. C. P. SINCKLER: Yes, that is what colleagues would have said at that time but I want to put on record that we receive the submissions of our colleagues in relation to this matter with all degree of seriousness.

Yes, because this has been a lacuna in the application of the law as per section 4 of the Constitution of Barbados, which guarantees the right of persons who are born to diplomats serving the country outside of the country to be afforded citizenship by right and there was some confusion, if not conundrum, between the Citizenship Registration Act, relative to what happens at registration at birth, and the Immigration Act, the old one, that is and because of that, for many decades, persons who have been serving the

country as Diplomats or Consular Officers overseas have had offspring that have not been accorded the appropriate treatment as citizens of Barbados and believe it or not, this has been going on for a few decades.

The Henry Ford Commission on the Constitutional Commission spoke to it but sufficed to say that only this week gone, we took a Paper to Cabinet to have this matter addressed and the appropriate action is being taken to rectify this and have this settled in the favour, and I quite say justifiably, of those persons who would have written these submissions.

So, as it is now, it makes then redundancy for them to appear because the matter has even before this received our attention and we have, we are acting with some level of expedition to get it resolved.

We expect in a few weeks' time this matter will be safely put behind us and thankfully so as well, but for the fact that they did indeed write and felt the need and justifiably so to write this Committee I think this Committee needs to record that their submissions are in fact correct and appropriate and note in our advice the appropriate treatment is being given even outside of the deliberations of this Committee.

Mr. CHAIRMAN: Thank you Senior Minister and what I can say on this point is that we unanimously agreed to the amendment to the citizens by birth for children of Barbadian diplomats; but I thank you as the Senior Minister responsible, for your explanation and your endorsement as well on this critical matter of citizens of birth for children of Barbadian diplomats living abroad.

Therefore, Clerk, it is our duty as instructed as well by Senior Minister who has responsibility for the diplomatic forum, to write these persons, letting them know that we have agreed and support their submissions and they are being acted upon not only by the Cabinet of Barbados, but by this Committee, and it is well done that they will be recognised as citizens of Barbados and correct what we call a wrong for over 20 years, because I see here longer than that . . .

Asides

Mr. CHAIRMAN: Yes, I see here in the in the submission noting these children have waited 16 years for a certificate.

Senator the Hon. C. P. SINCKLER: Some much longer than that, trust me.

Let us say we are not the happy side of it, but the history must reflect that. That is why this exercise is so important, yes, because it helps to clarify the difference between policy, the legislation, and the administration.

That is why this exercise is so important, because what has happened, everybody knew what the intent was, everybody knew what the legislation is, but yet in the administration of it, there was a lacuna that allowed for, you know, pure lateral interpretations, and the final place to rest on and to issue those certificates, was not there.

The ground was shifty for some people, and it was not done.

Then, therefore, we had a whole, we have a whole set of people, and we did provide a list, and that list is quite extensive, of persons who were born overseas, but had a birth certificate that did not quite look like the ones that you and I have, and they are really citizens of Barbados, so, it really has not been a good thing.

However, you know, these things happen, and it is not any particular government or administration, this is, they are happening across all of them.

Therefore, it means that, we have now come to a happy place where this administration has been able to correct that, and hopefully for those persons, and give them some comfort.

Much delayed, but certainly much earned.

Mr. CHAIRMAN: Thank you again, Senior Minister. We want to give this session the level of seriousness that it so deserves.

The public has given several submissions, 21, and while that is our mandate, and I do not see anything different happening here, we want to carry it on in that theme.

Having said that, we now have to find the appropriate time, within the next couple of weeks or less, to have the oral presentations done.

We want that all Members, if possible, be present to give it the seriousness of purpose. Could persons give up their time to prepare, and I

must admit, there were some very, very detailed submissions, and it shows that persons are indeed the caring citizens of this country, and they are indeed interested in what the Government has in store to take us down the road 50 years, to continue to punch above our weight, and to create Barbados as the best place to live, work, do business, and raise our children.

We want the appropriate time where all of us are present. I now open the Floor to the Clerk of Parliament for a time, especially we know, Senior Minister, you are on the road a lot, and that is your job, on behalf of the people of this country, but we wish for you to be here, because most of the matters fall on the purview of the Minister of Foreign Affairs, especially some of the serious matters.

Excuse me. One minute, please.

The Floor is open for a date next week, for us to meet. Not next week? Okay, the following, yes, week after, not next week, yes, thanks. Week after.

Miss Hamblin do you have the dates available. You can use the microphone please.

Miss HAMBLIN: Monday the 15th, or, well, we have a number of Ministers here, or Friday the 19th of June.

Mr. CHAIRMAN: The dates available, Monday the 15th, or Friday the 19th of June. Comments? One, two, three four for the fifteenth; Chief Immigration Officer, Monday the 15th, thank you. CPC, Monday the 15th, thank you very much. Minister there, Monday the 15th, thank you. Yes, Senior Minister said the 15th; Minister Husbands, Monday the 15th, okay. Monday the 15th is it.

We will hear the oral submissions, 10:00 a.m. here at the Senate, and...

Senator A. W. MALLALIEU: Question to you, Mr. Chairman.

There was a discussion last time, if I remember correct, as to where you were going to do that. You are definitely doing it here?

Mr. CHAIRMAN: Here. The people agreed to come here, and there is no issue with coming to Parliament at all, recognising the appropriateness of attire for Parliament. They were indeed are in favour of it, so we are fine with that.

Therefore, Monday the 15th, 10:00 a.m., when we will hear the oral presentations from submitters.

Are we down to Any Other Business?

Senator A. W. MALLALIEU: Mr. Chairman, is the intention to hear all submissions on that day?

Mr. CHAIRMAN: The nine persons who have expressed an interest.

Senator A. W. MALLALIEU: All nine?

Mr. CHAIRMAN: Yes. Down to Any Other Business. Clerk of Parliament, we can take it off the stream now because we have concluded the discussion on the submissions, and it is now down to just administrative business, where we look to schedule the submitters, and thank you all for viewing.

Those in the public domain, it was indeed what I thought was a very wonderful session, and I thank Senators and Ministers, Senior Minister, thank you very much.

Thank you, Chief Immigration Officer. Thank you, Justice. Thank you, CPC, staff of Parliament, and thank you very much for your support, and indeed, those persons who were viewing, we were able to capture, as we do in Parliament and in the Senate, those persons from the disabled community, those who are visually impaired and hearing impaired, and we were able to indeed have them weigh in on this very important matter of citizenship and immigration.

Clerk of Parliament, could you guide me here in terms of the submission?

Mr. CLERK: Mr. Chairman, as you indicated, there are nine requests for the oral submissions. Possibly eight, because there is one by Dr. Corlita Babb-Schaefer, which relates to the citizenship by birth for Barbadian Diplomats, and having agreed that that is no longer an issue, that we would write Dr. Babb and all those who would have sent submissions to indicate that the Committee agrees with their submission and corrective measures are being put in place.

Therefore, there are really eight submissions, and we do all these submissions on Monday the 15th, bearing in mind that we have among those presenting, the Barbados Bar Association and the Democratic Labour Party. It may take longer with those two than the other six.

Essentially it is ten minutes per oral submissions.

Mr. CHAIRMAN: Sorry, the Ministers have meetings, so they asked to be excused. Thank you.

Mr. CLERK: It is ten minutes for the oral submissions, but then depending on how the Committee engages the actual submissions—and the order in which we take those submissions, will determine…

Mr. CHAIRMAN: So, Senator Walters, as Chairman, I want to give you the privilege to start if you want to. Up to you. Let your goodly attorney-at-law, Mr. Greenidge…

Senator R. O WALTERS: Mr. Greenidge, you will have to check to see his availability and time.

Mr. CHAIRMAN: Okay, that is true.

Senator R. O. WALTERS: I am sure he will be as flexible as possible.

I am sure, based on his submission and the party's submission as well, we will need a little more than ten minutes to discuss.

Mr. CLERK: Well, there is a request that you can make as a Committee Member, but as I said, the standard has been ten minutes and then it is up to the committee based on the persons presenting if they give . . .

Mr. CHAIRMAN: We may want to leave you for the last.

Senator the Hon C. P. SINCKLER: I am not trying to be mischievous, but seriously, this is in all seriousness. These submissions have come on behalf of the Democratic Labour Party? Am I to understand that? Is that right?

Mr. CHAIRMAN: Yes, yes, Senior Minister.

Senator the Hon C. P. SINCKLER: I think it may be a little previous to be negotiating with Senator Walters because he may be a Member of the Democratic Labour Party, but he is here by way of the appointment of the President.

He is not an official officeholder, as far as I recall, for the Democratic Labour Party in this presence.

Therefore, he may be able to convey the message, but we may have to, you may have to, or the Clerk may have to negotiate or speak with those who are responsible for the submission of the Democratic Labour Party as to when they speak and for how long, they may like to speak.

I am not making the assumption, unless Senator Walters is saying that he is giving the orders over there at George Street. I am not going to make the assumption and I do not think that you should make the assumption that he is speaking on behalf of the Democratic Labour Party.

Mr. CLERK: Mr. Chairman, based on the note we have here in the submissions, it says, Mr. Corey Greenidge for the Democratic Labour Party ... because you also have two other persons.

Mr. CHAIRMAN: You are correct, Senior Minister.

Mr. CLERK: … Two other persons from the Democratic Labour Party, and they have not indicated that they are speaking for the Democratic Labour Party.

You have an Amoy Gilding-Bourne and a Felicia Dujon who are also appearing.

They are not indicating that they are appearing for the Democratic Labour Party.

Senator R. O. WALTERS: So your contact would be Corey Greenidge for the Democratic Labour Party.

Mr. CLERK: So, we would engage with Mr. Greenidge in relation to the date of the 15th for the oral submissions and we will settle on a time.

As I said, the usual thing is ten minutes and obviously depending on the level of submission then the Committee may engage for longer, depending on the submissions that are being raised.

Senator A. W. MALLALIEU: Through you, Mr. Chairman, I may ask, as I said earlier, I am unfamiliar to this process; but it would seem to me that this is not a process that we should be extending period to political parties or whatever it might be.

I am quite willing to spend as long as it takes to hear people who have a number of points to make or reasonable points to make. But I am just trying to understand and please do not get me wrong, I have no political party to be affiliated with.

I am just asking what has been done in the past? Does it make a difference if I write to you and tell you, I want to come and make a presentation to the Committee, and I am the leader of the Democratic Labour Party, so therefore I should get longer time?

Is that part of the process, or how does this work?

Mr. CLERK: No, no, we have set as a Committee, the ten minutes, right?

But as I said, depending on the presentation that is made on the day, the Committee may then, either extend and give a little leeway, or the Committee may in its questioning of the person who has made the submission, realise that we go on for an hour or so, depend on how serious the submissions are, you know, and what impact they are making on the proposed legislative changes.

The question is, is it the intention to do all those submissions on Monday the 15th and get the submissions out of the way.

Senator the Hon C. P. SINCKLER: Well, I think based on what you just said that has to be by ear. As you say, it may take a particular presentation, like for example, the Bar Association, we may have an interchange with them.

In fact, if I recall from viewing from a distance the last time they were here, it took a little while.

So, we have to be mindful of what they are going to come and say. It might be quick, half hour, it may be the ten minutes, or it may go on for an hour, because these are really weighty matters and we want to leave here with the assurance that we have given people the opportunity to canvass all of the concerns that they have and that we have been able to either respond to or commit to responding to those concerns, *ex post facto.*

So, I would say that we know what the format is, we stick to that, but then we are flexible enough to ensure that we give people time to explain.

Some things really do require technical explanation, either from them or from us.

Mr. CLERK: The other issue, obviously is, if we have the persons here and you have a presenter that goes on longer than we had anticipated, we do not just want people out there waiting. So that is the other issue in terms of the scheduling as well.

So, we can either do half the morning period or half . . .

Mr. CHAIRMAN: Half and half? I agree to do half in the morning and then we are going to have to manage it from what I am hearing. We have to manage this time.

Once we continue to give latitude to everybody, we may end up, like you said, having persons waiting and then not achieving the objective.

We have ten minutes for each and we will give or take, plus or minus a five-minute.

Let us not get into the habit of starting off by letting persons just run freely. Let us manage it. Give or take a five-minute, 15 minutes maximum. Once you go past your 15 minutes, you are out. Then we can discuss, because we have to manage it. We have to manage it.

Dr. R. O. SPRINGER: Mr. Chairman, during these presentations, will we be inviting the Minister? I know we have the Senior Minister here, but the other Minister, to engage at that time?

Mr. CHAIRMAN: We should. Minister with responsibility. No, you do not want him here? He comes after?

Dr. R. O. SPRINGER: He comes separately.

Mr. CHAIRMAN: Okay, thanks.

Mr. CLERK: What we have done in the past . . . as I said, there are essentially eight presenters, so, if you take the four in the morning half, we do an hour between each presenter.

So, the first half will take us to one o'clock and do lunch and then take the other half in the afternoon.

Mr. CHAIRMAN: Where does the other half take us to? Let us be up front.

Mr. CLERK: The first four, with an hour between that takes us to one o'clock.

Mr. CHAIRMAN: And then the second half takes us to what?

Mr. CLERK: Well, that is until… bearing in mind that in that second half you have the Bar Association. . .

Mr. CHAIRMAN: It is three hours . . .

Senator the Hon. C. P. SINCKLER: What the Clerk is trying to tell you is that if you make it very clear about the four (presenters) in the morning period into after lunchtime as opposed to having all eight here waiting, it means that his budget for lunch can be properly curtailed.

He is not telling you that openly but I have been around here long enough to know exactly what he is trying to tell you so.

Asides

Senator the Hon. C. P. SINCKLER: The four in the afternoon, yes, the four in the afternoon we try to give both sides equal time. Let me put it that way.

Mr. CHAIRMAN: So, that is taken. We will schedule with the four who prefer to come in the morning and who prefer to come in the evening so I will leave that up to Miss Hamblin as the Secretary of this Committee who will speak to those submitters.

ADJOURNMENT

Members, we have come to the end of what I thought was a very successful, eventful and fruitful meeting.

Get to where you are going safely and I will see you on June 15th, at 10:00 a.m. Thank you all.

THE
THIRD MEETING
OF THE JOINT SELECT COMMITTEE (STANDING)
ON ECONOMIC AND PRODUCTIVE SECTORS
ON THE IMMIGRATION AND
BARBADOS CITIZENSHIP BILLS, 2026

HELD IN THE SENATE CHAMBER, PARLIAMENT BUILDINGS, TRAFALGAR STREET

MONDAY, JUNE 15, 2026

FIRST SESSION 2026-2031

PRESENT:
Mr. D. G. SUTHERLAND, B.Sc. (Hons.), M.Sc., M. B. A. (Dist.) **(CHAIRMAN)**
Hon. I. A Weir, M. B. A. *(Minister of Public and Private Investment)*
Hon. C. S. V. Husbands, B. A. (Hons.), M. Sc. *(Minister of Training and Tertiary Education)*
Dr. Hon. R. O. SPRINGER, J.P., Ph. D. *(Minister of State in the Ministry of Transport and Works*)
Senator R. O. WALTERS, M.B.A. *(Opposition Senator)*
Senator A. W. MALLALIEU, C.P.A., F.R.I.C.S *(Independent Senator)*

ABSENT:

Dr. W. F. DUGUID, J.P, B.D.S., F.D.S., F.D.R.C.S., M. Min. (**Deputy Chairman**)
Senator the Hon. C. P. SINCKLER B.A., M.Sc. (*Senior Minister) (Minister of Foreign Affairs and Trade*)
Senator the Hon. J. W. D. Reid, B.Sc. *(Minister of Industry, Innovation, Science and Technology)*

ALSO IN ATTENDANCE:

Miss BEVERLEY S. GIBBONS (*Deputy Clerk of Parliament)*
Mr. NIGEL JONES *(Deputy Clerk of Parliament)*
Miss SUZANNE HAMBLIN *(Journal Department of Parliament)*
Ms. PAULETTE ATKINS *(Senior Counsel, Office of Chief Parliamentary Counsel)*
DENISHA GOODRIDGE (*Crown Counsel, Office of Chief Parliamentary Counsel*
Ms. MARGARET INNISS, *Chief Immigration Officer.*

The CHAIRMAN called the meeting to order at 10:25 a.m. and prayers were led by Hon. Ms. C. S. V. Husbands.

Mr. CHAIRMAN: Good morning, everyone. First, let me apologise for the late start. We had to wait for a quorum and then I was waiting on the Clerk of Parliament.

I have apologies from Senior Minister Sinckler and Minister Weir who are running a bit late but nonetheless, we have a quorum based on the Constitution.

Mr. CHAIRMAN: Thank you, this Meeting has been officially called to order. We have an **A**genda and we follow the **A**genda. We have seven (7) items on the **A**genda. We go to the Minutes of the Second Meeting held on Monday, **the first of June**, 2026. You have all received the **M**inutes, right? Questions. Any corrections?

Just one (1) from me. I just wanted to assert and ask the question of termination of the meeting and there is a reason for that because we do not have the time. We just have the Meeting was adjourned until. . .

We respectfully request that we place a time at which we adjourn the **M**eeting; there is a reason

for that.

Madam DEPUTY CLERK: Mr. Chairman, duly noted.

Mr. CHAIRMAN: I asked the question, are the **M**inutes of the previous meeting a true and accurate record?

Senator R. O. WALTERS: Yes, I move that the **M**inutes be approved.

Mr. CHAIRMAN: There is a motion by Mr. Walters that the **m**inutes be accepted and approved.

Senator A. W. MALLALIEU: Seconded, Sir.

Mr. CHAIRMAN: The motion has been accepted and seconded by Mr. Mallalieu, so the minutes have been confirmed as being accurate on the last occasion of the meeting held on Monday, **the 1st of** June, 2026.

Any matters arising from the Minutes? There are no matters arising from the Minutes. Thank you and we move into the official presentations of the day. We can invite the first presenter and that is Mr. Peter Thompson.

Ms. Paulette ATKINS: Good morning. Paulette Atkins from **Chief Parliamentary Counsel** (CPC). I am making apologies for Justice Moore; he cannot attend this morning.

Mr. CHAIRMAN: Okay. Thank you very much. I guess your name is Mr. Peter Thompson.

Mr. Peter THOMPSON (CEO & Founder at Remote Work Barbados): Yes, Sir.

Mr. CHAIRMAN: Okay, thank you. On behalf of the Joint Select Committee of Parliament, I want to extend a warm welcome and sincere appreciation to not only you but to all members of the public, stakeholders and community representatives and interested parties who have accepted our invitation to participate in these proceedings.

Your presence here and willingness to share your perspectives, experiences and recommendations are deeply valued. The matters before the Committee, Mr. Thompson, concerning the Immigration and Citizenship Bills carry, significant importance for our nation, our communities and I would say most importantly, future generations.

As Parliament undertakes its responsibility to carefully examine these proposed measures; public engagement forms an essential part of that process. We welcome your oral presentation as an opportunity to hear a diverse view and to benefit from your expertise and your lived experience and to ensure that our deliberations are informed, balanced and reflective of the interests of the people we serve.

Yet again, we thank you for your contribution to this important national discussion and I encourage all participants to engage respectfully and constructively as we work together in the public**'s** interest.

Over to you, Mr. Thompson. For the next 10 minutes, we are all ears.

Mr. Peter THOMPSON: Thank you very much, Mr. Chairman.

Mr. Chairman and Members of the Committee, good morning and thank you. Thank you to the Government for opening this Bill to the country and to this Committee for the time you are giving to hear from citizens.

When the Prime Minister addressed the nation last August, she described how this Bill should travel through our democracy. Her words were:

"*This is how big change should happen in a democracy, in the open, with the country invited to weigh in."*

I took that invitation seriously; it is why I have made a written submission and why I asked to stand before you today.

Let me be clear about what I am not. I am not here to represent the interests of Welcome Stampers. They did not send me and they are not my brief. I am here for one (1) reason; to help you strengthen this Bill. By showing how an innovation that this country already owns, the Barbados Welcome Stamp, can help meet the objectives that the Government itself has set for this legislation.

Let me begin with those objectives in the Prime Minister's words. She was blunt about why the Bill is necessary; the numbers speak plainly. In the year 2000, births were 3 600 against 2 400 deaths. By 2024, that had reversed, fewer than 2 000 births against more than 3 000 deaths; a decrease of over 1 000.

A country cannot sustain its pensions, public services or communities on a shrinking population. The Bill sets out to grow our

population carefully and fairly. She set an order of priority.

First, we invite home our own. Bajan family, now reaching down to great grandchildren, CARICOM family. Then and critically importantly, beyond family, she said: *"We welcome skills and investment that lift productivity, expand opportunity and safeguard the Barbadian way of life."*

These are the Mottley Government's objectives, not mine. Here is my point.

The Barbados Welcome Stamp serves every one of them and it is the only tool we have that does so without asking a single Bajan to compete for a job. Think about what makes it different. Every other route to residence brings a person who needs a job. The Barbados Welcome Stamp brings the person and the job together. They arrive with their income already in hand; earned from clients and employers abroad and they spend it in Barbados.

The question that rightly governs a work permit, could a Barbadian do this job, simply does not arise. There is no Barbadian post to protect because none is being taken. Look at who these people are. They are highly educated; they are skilled in exactly the digital fields that the Prime Minister says our 21st Century workforce needs. That is the very demographic gap she described and the Barbados Welcome Stamp fills it with people who pay their own way and who, by the standard of this Bill's own schedules, can never become a charge on the public purse.

Let me make that real with two (2) people. Matt Hamilton came to Barbados from the United Kingdom (UK) on the Barbados Welcome Stamp in August 2021; coming up on five (5) years ago. In that time, he built leading edge Artificial Intelligent (AI) powered tools for Bajans.

You get *intrue.com* tells you which local store stocks the product you need, saving hours of driving around and all the fuel and emissions that go with that.

WeOutside246.com lists local entertainment events more completely and more currently than anything before it; a boom to promoters and tourism alike. His work earned an Innovation Award at the Barbados Labour Party's (BLP's) Annual Conference. He is, in the Prime Minister's phrase, a digital neighbour, not a digital nomad; passing on the very skills she wants the Bajans to acquire; *"Each One, Teach One" in the flesh*. Yet, after almost five (5) years of contribution, this Bill offers Hamilton no defined way to stay.

My second example shows that the programme attracts talent from the black diaspora as well. Mr. Iyinoluwa Aboyeji, "E" to most who know of him, is one of the most significant technology builders to come out of Africa in a generation. He has so far co-founded $2 billion companies, **Andela**, which has trained thousands of African software developers for global careers and **Flutterwave**; Africa's leading payments company. He is younger than my own son.

Today, he runs a venture platform investing across emerging markets. He too came to Barbados on the Barbados Welcome Stamp and he remains on it today. He is exactly the "skills and investment that lift productivity" of which the Prime Minister spoke.

Here is the catch: The Bill as drafted gives a person like him no horizon beyond the next 12 months; no defined way to turn a year-by-year stay into a permanent stake. If we want people who bring capital and global networks to build their next billion-dollar company in Barbados, this Bill has to give them a better pathway.

The Barbados Welcome Stamp can be the front door. This Bill decides whether there is a welcoming front parlour behind it.

Last August, Minister Wilfred Abrahams said on the Floor of Parliament that the Bill will attract valuable human capital and investment; promote innovation and facilitate economic diversification; strengthening our nation's competitive edge in the global marketplace.

The Minister is absolutely correct in identifying the objectives that a successful Immigration Bill needs to pursue but comb through every clause and every word of the Immigration Bill, 2026 and you will not find a single place where these objectives are given operational muscle.

The Minister hopes for these outcomes but hope is not a strategy. The Barbados Welcome Stamp is the missing strategy. It is a tested and proven strategy with examples like Aboyeji and

Hamilton.

I read in the NATION of your own deliberations so far and it is clear that several of you have already seen this. **S**enator Mallalieu observed that if these people are good enough to live here and are contributing, they are not taking anyone's job and perhaps there is a path that should be recognised.

Dr. Springer said that those who have integrated and kept the law should, by all means, have the opportunity and Justice Moore told you something very important. The draftsman can write the Barbados Welcome Stamp into the Schedule as soon as they receive instruction to do so. The missing piece is not legal drafting, it is a policy decision and this Committee is where that policy recommendation must begin.

My mission today is simple. As we weigh this Bill against the objectives the Government has set for it; recognise that it requires integration with the Barbados Welcome Stamp as part of a path to permanent residency to help operationalise those objectives. This is the question you must each ask yourselves, "Are you willing to weaken the Immigration Bill by neglecting to integrate the Barbados Welcome Stamp"? The most powerful and globally imitated immigration innovation that this country has ever produced.

Thank you. I welcome your questions.

Mr. CHAIRMAN: Thank you, Mr. Thompson.

I will start where you ended off. The Barbados Welcome Stamp was indeed a very good initiative by this Government at the time, during the COVID-19 pandemic.

We discussed and I heard you summarise some of the comments of the Members and I am not going to get into what the Members said, because you have it there clearly, it is a policy decision.

While we are here as a Committee, we must understand that we can recommend but policy decisions are indeed made at a at a higher level by the Cabinet of Barbados which is chaired by the Prime Minister of Barbados and there is a line Minister who has responsibility for initiating policy; who has also to come to this Committee, based on your informative presentation.

I just wanted to make that clear because it is not the remit of this Committee to announce policy. It is the duty of Cabinet and the Prime Minister and the line Minister to determine.

Asides

Mr. CHAIRMAN: I will give you a chance, I will tell you when to turn on the microphone, so just take it easy, Sir.

It is the duty of the Cabinet and the line Minister; after we have deliberated and we have a lot more to hear. We had 21 submissions and it is my duty to be as fair and as transparent as I ought to be and should be as Chairman of this Committee.

We agree that the Welcome Stamp indeed has played its part but whether it will be a stand-alone or it will be incorporated into the Bill. We can discuss. We heard you and I am happy that you indeed put your views on it with respect to having it incorporated into this into the Immigration Bill.

To say it will weaken the Bill in itself, I totally disagree with you but I agree with some of the comments that you have made.

This is a very good piece of legislation that has been drafted and indeed our aim is to make sure that it is as strong as it ought to be.

I welcome comments now from the other Members before you come back in; so give the Members a chance to speak. Minister Husbands.

Hon. Ms. C. S. V. HUSBANDS: Yes, thank you very much. I just wanted to start by giving appreciation to Mr. Thompson who gave considerable thought and leadership to the formation of the idea of Welcome Stamp and it is one (1) of his babies and he is very passionate about.

I would also want to say that at our last meeting, I believe we would have indicated that the Attorney General's Chambers should speak to the current legislation because my reading of the legislation is; it does not preclude the Welcome **S**tamper from coming into citizenship or coming into the Barbadian space.

In other words, because you are Welcome Stamper, you are not automatically excluded from using this Bill to regularise your status in the country and become a citizen of Barbados.

That is not my reading of the Bill and I believe

that we had asked to have that point clarified. If that is indeed the case, there would not be a need to put in separate sections, specifically for Welcome Stampers because they are already accommodated as any person who wants to become a citizen of Barbados. This is the path, that was where we had left the discussion last time.

I want to thank you for sharing some of the benefits and value that the Welcome Stampers have brought to Barbados; indeed it has been a source of richness to the country.

We do want to work more on expanding it encouraging more persons to participate and then finding meaningful ways of their services; their products and so on to be integrated into the economic and social fabric of the country because it can only enrich us to have people who can bring such value.

I appreciate your defence and promotion of the Welcome Stamp but I still stay by the fact that I think that how the Bill is drafted, it does not preclude Welcome Stampers from using it to come on board and we would welcome them for sure. Thank you.

Mr. CHAIRMAN: Thank you, Minister.

The other point that was made by Mr. Thompson was whether we should include it in the Fourth Schedule and that is where we are we are at right now. All of your recommendations we have factored in, in terms of what the Welcome Stamp has done for this country.

Remote workers, I know you mentioned remote workers also and indeed I want to hear from Senator Mallalieu and indeed the other Members before I conclude and summarise on the matter.

Over to you Senator Mallalieu.

Senator A. W. MALLALIEU: Thank you Mr. Chairman.

I too would like to start by thanking Mr. Thompson for his clear -- both written and oral presentation today -- and I think he knows and I think the Committee knows that I endorse much of what he has said.

My reading of the Bill is different to Minister Husbands because I do think that there is no pathway for the 12-month stamp people; they have to change pathways.

What I would like to say though on it on the Welcome Stamp side, is that the criteria to enter Barbados under the Welcome Stamp is one (1) that starts off initially by saying, you will not displace any Barbadian and that is part of what goes throughout our immigration or work permit side.

The question really becomes, having been here on a 12-month Welcome Stamp for some period of time; at what point do you negate that criteria and say, okay now we will grant you permanent residency or grant you some other route which does not have that criteria and that criteria then changes because once you are granted that you can then work and take some …….

I think we have to recognise that. It was done for the right reason; it was done in 12 months at a time. I would like to agree with you that I think that the renewal for 12 months at a time is a weakness of it but that is a different issue and what I would suggest is and to the Committee and certainly what I would be suggesting is that when that is added, I hope to the Fourth Schedule as Chairman has said; that perhaps there will be some other robust thought around it that in the initial stages 12 months, on your renewal, having spent 12 months here and we have seen that in fact you have not taken the job you have contributed significantly; that the renewal be for a longer period perhaps four (4) years. At the end of then the fifth year that you were here, then you would be added into the normal train towards the permanent residency, which then of course leads to citizenship, so it gives you a clear and direct way to do it. That certainly would be my suggestion.

The last thing I would say Mr. Chairman on it, is that obviously when we extend this and we are saying to the grandchildren of Barbadians who may never have lived here at all have not chosen Barbado**s** but are making a simple choice that we have made that very easy for them and I think that we should make it very easy because as the Prime Minister has told us many times; there we have citizens by birth and we have citizens by choice and these 12 month stamp people may be wanting to come citizens by choice they want to choose Barbados and I think we should give them a definitive path.

I thank the gentleman for his contributions and with those few words Sir, thank you.

Mr. CHAIRMAN: Thank you, Senator Mallalieu. Mr. Thompson.

Mr. Peter THOMPSON: Thank you, Chair.

I understand that policy is a prerogative of Cabinet, the Minister and the Prime Minister. What I am looking for is the right recommendations from this Joint Committee because I know the Prime Minister values them.

To Minister Husbands, the current legislation does not bar any Welcome Stamp applicants, however it neglects to invite them and I am not suggesting anything more than what the Chairman has talked about in the Fourth Schedule.

Basically, the point system is a 21st Century way of managing immigration and the Welcome Stamp just needs to be integrated and acknowledged because, the whole point of the Immigration Bill is to help develop Barbados. The Welcome Stamp is a muscle for national development that the Bill cannot afford to ignore.

To Senator Mallalieu, I understand that the Welcome Stamp and how it works is a matter not before this Committee. I have confidence that you and others will make recommendations within the machinery of Government to achieve that.

What I believe is that we cannot lose the opportunity **for** at this moment **is** to give a very strong signal through the Immigration Bill by integrating the Welcome Stamp pathway; not as any sort of fast track but simply acknowledgement of its value, its existence, its success and the leverage we can use it for to achieve what the Government has said are the objectives of this Bill, the innovation.

How else are you going to specifically attract innovation? How else are you going to specifically attract people like Mr. Abayeji, who I was talking to because he is a gadfly about the world.

But, when he talks to me now, he talks about coming home. When he talks about coming home, he is talking about coming home to Barbados. Can we afford to miss such an opportunity?

The Prime Minister, when she inaugurated this legislation back in 2020; it was the first of its kind in the world. Sixty-odd countries have copied us. It is time for us to take the lead again in **i**mmigration **l**egislation by making this acknowledged and part of our immigration policy and legislation. Thank you. You know I like words. I have written them down.

I will leave them with the Clerk because I have also addressed the objections, with regard to housing and with regard to all the other objections that members have voiced about this legislation.

Thank you so much.

Mr. CHAIRMAN: Thank you, Mr. Thompson, for sharing with the Committee and, indeed, in my preamble, I recognised the importance of what you did this morning to nation building; to our communities and for future generations.

We express the view, as a Committee, that the Welcome Stampers should be facilitated. The question is, how do we do it? Policy clarity is critical. Like we said earlier, two (2) distinct questions have to be settled which is, whether the Welcome Stamper remain a stand-alone programme or whether it should be used as a pathway to citizenship?

If so, on what conditions, before any provisions could be drafted. Like I said, that is a policy decision. We indeed, welcome your suggestions; we have endorsed most of what you have said.

Certainly, before **w**e end of this session, you will be hearing from us. I want to thank you on behalf of this Committee.

You have been one (1) of the pioneers as well, in ensuring that remote workers and Welcome Stampers, indeed, receive their true benefits to this country; nation building, to our communities and to future generations.

Again, I thank you for taking the time come to present to this Committee and, indeed, your words and presentation have been endorsed by each and every one of us and, indeed, by the public. So, once again, I thank you.

Mr. Peter THOMPSON: Thank you Chairman and Committee.

Mr. CHAIRMAN: Thank you. Any thoughts from CPC? Any comments? Immigration?

Ms. Paulette ATKINS: Sir, all I would say on

behalf of CPC is that we are guided by policy, so there is nothing more we can add from this end.

Mr. CHAIRMAN: Thank you. Thank you. Thank you. Anything from you, Chief Immigration Officer, on this matter?

Ms. Margaret INNISS: It is more of a comment. The Barbados Welcome Stamp came at a time when we had little or no economic activity. As Peter said, it was the first and I happened to be the person who was charged with operationalising that. It made a lot of difference. Persons were excited.

From day one (1), persons were asking, how can I integrate into the Barbados economy? Most of them are persons with the skill-sets that we desire and they continue to ask, "How can I become, to put it bluntly, a "Bajan"?

Mr. CHAIRMAN: Thank you. Thank you. We will move on to our next presenter; that will be (attorney-at-law) Mr. Corey Greenidge and he is from the Democratic Labour Party (DLP) of Barbados.

Mr. Greenidge, let me welcome you on behalf of the Joint Select Committee of Parliament. I extend a warm welcome and sincere appreciation to you for taking time out, indeed, to be part of this process; the Immigration and Citizenship Bills that are indeed critical to nation building, to our communities and indeed to future generations.

You have 10 minutes in which to make your presentation. We are not hard and fast with the 10 minutes. I know you are a man of many words and you may go over. We are not hard and fast here.

This is, indeed, to get diverse views and comments; your lived experiences, to make these two Bills fit-for-purpose, as we move forward. We are here. My role, as Chairman, I cannot make any announcements. As Chairman, I can hear your views and we deliberate and thereafter, we present a report to the Minister, to the Cabinet and to Parliament.

So, over to you, Mr. Greenidge.

Mr. Corey GREENIDGE: Thank you, Mr. Chairman and the Honourable Members of the Committee. I am Corey Greenidge and I appear on behalf of the DLP, which is obliged to have this opportunity to present to the Committee.

Mr. Chairman, at the onset, let me be abundantly clear that the DLP is not opposed to immigration reform. The DLP is not opposed to attracting investment to Barbados. We are not opposed to attracting skilled migrant workers. We are certainly not opposed to measures designed to address demographic challenges or to strengthen Barbados' economic prosperity and competitiveness.

If we accept that Barbados faces legitimate concerns with respect to its demographics; we are more concerned with a very more specific and targeted issue with the Bills that are before this Committee. Our concern is that the solutions that have been identified in these new Bills do not actually address the problems.

On that basis, Mr. Chairman, I will make two very distinct submissions. The first submission is that the solution does not fit the problem.

On the backdrop of that, the second submission is that the question arises as to why Barbados then, in my own terms, would gamble with its international reputation.

The issue before this Committee is not whether the government has identified a legitimate problem. The issue is whether the government has demonstrated that an accelerated access to citizenship is the appropriate response to meet the challenges.

In our respectful view, they have not made that case. The Honourable Minister of Home Affairs in his presentation at the second reading of the Bill on the House of Parliament; he made what is essentially a relatively straightforward proposition -- Barbados is experiencing demographic challenges and a demographic decline. That demographic decline contributes to labour shortages and the labour shortages threaten productivity, investment and economic growth.

What then is the proposition that the solution to those problems that the Minister has identified, is a pathway to permanent residency and a contracted pathway to citizenship of Barbados.

In our review of the Bills, we have tried to find evidence to support that there is a direct relationship between the accelerated access to citizenship and labour market challenges.

We have tried to find evidence that this

shortened pathway to citizenship would increase the labour force and increase the labour force's participation and improve productivity and even help with underemployment and we have not been able to find such evidence.

Indeed, the labour market shows a picture that I believe is actually more complex than we have given credit for.

Our official statistics point to relatively low unemployment, 6.1 per cent, I believe, is the last figures that came from the Central Bank.

At the same time, there remains a widespread concern regarding graduate underemployment; workforce participation; whereas you have many young people, mainly young men, also young women, who are just not participating in the labour force anymore and not looking for work anymore and they are not counted among that unemployment figure. Then there are young men and women coming out of university and are unable to find employment commensurate with their skill sets and their graduation accreditation.

Significantly during the presentation of the Minister, he actually acknowledged and I quote, *"that not all Barbadians who want work can find work."* The suggestion is that the challenge is not merely about labour shortage in that, the number of people in the labour force, the challenge actually is more complex and you have more complicated issues.

If we accept that there is a multi-layered approach to the labour force and the issues that Barbados is facing; the question that I want to pose to this Committee is, why is citizenship reform, specifically, why is citizenship reform being offered as the solution?

I want to submit to this Committee that challenges in labour force and workforce challenges are nothing new. We have looked at case studies across the Western world and in industrialised countries who have experienced similar complicated labour shortages and labour force challenges and they have employed very specific, sector-specific measures and policies to target those challenges, without interfering with their citizenship protocols and citizenship regime.

I point to Canada which faces similar workforce challenges. They developed what they call the Provincial Nominee Programmes (PNP), targeted at very specific labour market regimes and that was very successful.

I am willing to offer the **c**ommittee - the **Organisation for Economic Development (**OECD**)** has a 2019 report upon the PNP programme in Canada and offers a glowing report on its success in Canada to tackle the labour challenges in Canada at that time; where the contribution of migrant workers moved from seven (7) per cent within the Canadian economy to 35 per cent by the time that report was given. I am willing to offer the Committee the citation for that report by the OECD.

Other case studies include Australia. Similarly, faced with shortages in critical sectors, utilised occupation-based migration pathways linked directly to those specific shortages.

Again, Mr. Chairman, New Zealand experienced similar pressures and connected its migrant approvals to demonstrate employer demand and workforce requirements. Their policy was specific to what employers were demanding and they targeted those areas in order to formulate the migration policies.

In each case, the government sought to solve labour market problems through labour market policies specifically, very targeted and specifically designed to tackle that problem. In so doing, they did not change citizenship protocols.

I want to submit to this Committee this morning that citizenship is not merely about immigration status. Citizenship of Barbados is not simply an economic incentive. Citizenship is an established, permanent legal, constitutional and political relationship between an individual and the state.

Once again, our submission is that the problem, yes, has been identified **a**nd the evidence of the problem is there but the government has not been able to show the linkage between that problem and the policy solution that they have offered in this Bill.

Mr. Chairman, my second submission this morning is that if the contracted pathway to citizenship does not in fact directly address the problems that have been identified, why then would we gamble with Barbados' reputation on the international stage?

When the two (2) Bills are read together, this is the Immigration Bill and the Citizenship Bill, it is apparent, it is glaringly apparent, that it offers a very clear pathway to a very shortened form of citizenship in Barbados. It is done through the Fourth Schedule in the Immigration Bill and then through the contracted requirements in the Citizenship Bill being six (6) months within a two-year period for **Caribbean Community** (CARICOM) nationals and nine (9) months within a three-year period for non-CARICOM Nationals.

The Fourth Schedule attached to section **Seven** (7) of the Immigration Bill, offers a points-based system. That points-based system is heavily-weighted on financial resources and financial contribution - $5 million for more than half of the points required. This means that the permanent residency of Barbados is now directly tied to financial contribution in Barbados.

Even though this is not a Citizenship by Investment (CBI) programme, it is apparent that it is a programme that links contracted citizenship requirements directly to a financial contribution and is heavily weighted on the financial contribution. It is undeniable.

Compounded on that, Mr. Chairman, are the broad discretions that are given to the Minister within the Bill. I do not have time to go into that but that raises a lot of questions of transparency. It raises a lot of questions of accountability, where now you have these financial requirements within the Bill and the Bill itself then gives broad discretion to a Minister.

Now, discretion within the immigration policy is not unusual but the combination of those two (2) things then raises questions of accountability.

I want to reference a case out of the Court of Justice of the European Union, where they addressed the citizenship regime of Malta.

Now, I will repeat. There is no accusation that this is a Citizenship by Investment Bill but I believe the comments of the court can be instructive both to this Committee and to the eventual policymakers.

The court specifically pointed out through the Maltese, that the nationality should continue to represent meaningful attachment as sustained relationship of trust extending beyond the domestic borders. The court in that instance identified that this idea of a contracted period for citizenship cannot stand within European law because citizenship is something that should have established permanence within the borders of the country.

This Bill, Mr. Chairman, does not even have a requirement for a person to obtain permanent residence to be in Barbados for any sustained period of time. I will say that again. There is no actual requirement in the Bill regarding living in Barbados.

In other words, a 40-year-old with a bachelor's degree with $5 million on the bank can obtain permanent residence in Barbados and then have a shortened pathway to citizenship. This policy then moves from attachment, connection to the country, contribution to the country to a mere points-based system where permanent residency can be obtained.

In the interest of time, I just want to conclude, Mr. Chairman and I have outlined very specific recommendations within our written submission, so I will not take the time to go through those but I will say that it is our position that these two (2) Bills should not be advanced or should not pass the Houses of Parliament in their present form.

We accept that Barbados faces demographic challenges. We accept that there are labour market pressures that exist. We accept that the government is entitled to pursue policies designed to strengthen economic competitiveness.

What we do not accept is that the government has demonstrated that accelerated access to citizenship is the answer to solve those challenges. This burden, Mr. Chairman, has not been discharged. With that, Mr. Chairman, I thank you for the opportunity to present.

Mr. CHAIRMAN: I thank you, Mr. Greenidge. I am now going to open the floor to the Members to comment but I just want to say one thing.

This Bill is in no way, and I heard you mention how we are gambling with Barbados' reputation, and I want to strike that off the record because in no way is that what we are doing here and my preamble was clear.

I said we welcome you here and we are here to

take recommendations, your lived experience to strengthen these Bills and what is before us in nowhere, I can say, looking at the report that we have before us; the Barbados Population Policy Report, I know you are privy to that and some of the challenges you highlight, some of the challenges that we face.

I do not see anything that we are doing here today is gambling with Barbados' reputation. I really would want to strike that off the record today.

Mr. Corey GREENIDGE: Thank you, Mr. Chairman. I am minded of the language that I have used but I do not withdraw the language and I say that because it is clear in recent times that the international community takes Immigration Policy and Citizenship Policy very seriously.

You have actions by the European Union (EU**)**; you have actions by the United Kingdom **(**UK**)** government and the Canadian Government in recent times against small states; against small island states and against some of our CARICOM neighbours, where visa access has been restricted and, in some cases, revoked.

Barbados' passport ranks highest in the Caribbean and among its neighbours and very high within the world ranking so, there is a reputational risk here, Mr. Chairman.

If the international community views us from moving from a regime that requires that a person have permanent residence in Barbados for 12 months preceding its application and demonstrating that there have been in Barbados for five (5) years within the preceding seven (7) years before that seven (7) month period; that is a total of eight (8) years and that Barbados now proposes to move to six (6) months within a two-year period and nine (9) months within a three-year period. That is a gamble.

In so far as I am sitting here and I can recognise that such a gargantuan change to policy could have an effect. I guarantee you, Mr. Chairman, that there are persons across the international community that will take note of that change and that change has a reputational risk.

Mr. Chairman, I am obliged to your comment but I do not withdraw. I do not withdraw my comment.

Mr. CHAIRMAN: I heard you. While I am not here to get into any debate, that is not my role. My role is to facilitate this morning and again, I want to thank you but I just want to say to you that we have seen over years, various administrations, high net worth individuals come to this country **a**nd within six (6) months, they have achieved a number of things, including citizenship.

Both Administrations and I would want to, well, not citizenship but permanent residents in that form; high net worth individual in less than two (2) years and I would want to say to you that with technology and what we have before us in the world, that two (2) years to do due diligence is by no means a short period. It is a very long period.

We perform due diligence on several people coming into this country and when I say we, both Administrations over the years, within a three-month period, a six-month period, **to** determine their credibility or whether they can indeed practi**c**e law or set up companies to do business in this country.

I just want to say that to you. This is not a first but we have seen several incidents in this country where persons have been given the green light to practi**c**e in this country and due diligence was done within less than six (6) months.

I understand what you are saying and I will open the floor to the Members of the Committee to indeed comment because this is a discussion we will have and at the end of the day, there is no decision that will be made here today. I welcome - I do not want to say forthrightness -- but I welcome your presentation.

Indeed, you have presented a booklet to us and food for thought that we will review and have started to review. We have gone through your presentation; you have summarised and certainly, we will get back to you.

The floor is open and comments will come from the Members of the Committee and CPC and the Chief Immigration Officer to clarify anything that I have said or that you have said and to further put this Bill on the path that is intended to be to serve the nation, our communities and future generations.

Over to you, Minister Husbands.

Hon. Ms. C. S. V. HUSBANDS: Thank you very much, Chair and welcome to the Committee.

I have listened with intent to hear what it is are the main concerns that you have presented and I just want to start by saying, I believe one of the first statements you made was that in reviewing the Bills that no evidence was produced to demonstrate how these Bills would lead to an increase in the labour force and an increase in productivity.

I just wanted to clarify for you that in a Bill, the Bill usually does not carry the policy reasons or the objectives in terms of why they are doing it. Rather, it will state what it is it wants to achieve.

In looking at the issue of population for Barbados, it is not only a labour force argument. It is also the fact that we now need stable, current families who will become a part of the Barbadian space because we are experiencing a lower birth rate.

It is affecting us at the level of the population in our schools, which will then have eventual impacts on labour force and labour force productivity. It also has impacts on things like government revenue; the capacity to preserve your social services. It has tremendous implications for your National Insurance Scheme **(**NIS**)**.

Where we are at right now, our National Insurance Scheme needs seven working people in order to support one elderly person. The shrinkage in our population and the reduction in our youth has now led us to a place where we now have, for every one elderly person that we have to support; we only have two working people. That is the reason for urgency.

What it will mean for Barbados is that your National Insurance Scheme will have to keep looking at different ways to keep increasing it, to allow it to be able to take care of Barbadians as all of us continue to age and that has implications for every one of us.

The other concern that you raised was the issue of gambling with the reputation of our passport and I could appreciate that there may be some people who would have concerns about this.

Let me assure you that as a government, when we sat and looked at this issue; we recognised that one of the things we did not want to do, was to go the way of the other countries that went for citizenship by investment because when you become indiscriminate in the issuance of that passport without doing all the background checks, making sure of the person's reputation and so on; you can dilute and put at risk your passport value. Barbados has carefully avoided that.

How have we done that? While finances are a part of the assessment of your suitability to come to Barbados because at the end of the day, we wish to avoid situations where people come and then have to be reliant on the Government purse; they are seeking to avoid that.

I noted that you raised the questions concerning what other countries have done but other countries are dealing with a different problem. Let me explain what I mean.

When England, Canada, the United States of America (USA**)** and so on, are drafting their laws for population, citizenship and immigration, it is against the background of having boatloads of people coming in.

It is against a background of hundreds of thousands of people crossing the border through Mexico into the United States of America. It is about people coming in on one pretext and then staying. It is about people saying that they are requesting asylum. The very attractiveness of their jurisdictions makes it an absolute magnet for everybody to want to go there. That includes people who have money and people who do not have money.

Barbados' problem is different. We do not have boatloads of people coming. We do not have thousands and thousands and thousands of people crossing the border. What we have is a situation where we want to deliberately craft an immigration and citizenship regime that will attract the type of person that we would want to have become a part of our family here in Barbados.

The question is: How do you do this? Another question is: What is the profile of that person that you wish to be able to attract?

One of the things that we have recognised and we just had the dialogue on the Barbados Welcome Stampers. We recognise that we want

to be able to attract people who have skills; who have resources; who can lend value to the Barbadian experience; who can strengthen it. We also want people within a certain working age.

We do welcome people who are older. We do not exclude them, but we do want to attract the working population not only to join the labour force but to begin to produce children and have families that can help to swell the population of Barbados.

Barbados has 269 000 people. Singapore, that is a little tip bigger than we are, has well over a million people who live there. It makes a difference to how wealthy and well-regulated the nation is because of its numbers.

In other words, when Singapore is building an airport, when it is building a hospital; they are drawing from a tax based that is contributed to by well over a million people. When Barbados has to do the same thing, we are only drawing from 269 000 people. The longer you keep your numbers low; the more expensive it is for each individual citizen to contribute to the social services and the demands for the development of the country.

It means that Barbados not only has to find a solid way to approach growing its population, it also has to begin to do it at speed. Speed means that if you are now at a place where you only have two (2) working people to support one (1) working person and that is going to get worse as more of us move into the senior age group, then time is not on your side.

I understand the concern that if you move at speed, are putting at risk what you are doing because you may cause people to wonder; are you properly vetting people?

In the days when people used to use five (5) to seven (7) years as the length of time to be able to become a citizen, *et cetera*; that kind of care was important because when people came, an Immigration Officer primarily only had that interview as they sat there to make a determination about a person and if they wanted more information, it was absolutely necessary to get in touch with the entities overseas to ask them: Do you have any information on this particular person that would be of concern to us? They have applied to us for citizenship. That process could often take a very long time because in those early years, technology was not there.

What we have now that allows us to move faster but safely is access to databases which are part of an agreement and I am sure that the Chief Immigration Officer can speak to this; that allows you to make the necessary searches to give you the opportunity to evaluate whether or not this person is suited to become a citizen of your country.

Mr. Chairman, some things may be hidden. Some people because of the level at which they operate and the dark realms in which they operate; it may become difficult to get all of the information.

Going to the issue of the discretion of the Minister, the reason why he is given the discretion to withhold that citizenship, is that where there is a gray area and it has not been easy to resolve to get a definitive position but you have reason to feel concerned that he has the power to say, we will not grant citizenship to this particular person because they may want or need more time or their concerns have not been assuaged in terms of what they have been told about the person and they do not want to take a chance. Now, that comes under your national security realm.

Mr. Chairman, if you do not allow the Minister to have that discretion, then the person can challenge the refusal and say, you have not presented sufficient evidence to show that I am not a suitable person to become a member of your country and you are discriminating against me and he could take it to court.

The way to safeguard against someone that you are not absolutely sure you have some concerns, to ensure that you do not allow through the net someone that could turn out to be an issue, the Minister has to retain the capacity to be able to make that determination at his discretion.

It does not mean he will lie on his pillow at night and make the decision. He is going to relay it to the Immigration Officer. He is going to relay it to the other security persons in the Security Council. They are going to look at the matter and examine it and if they do not have the comfort that this person is suitable and free and clear; the power is given then to the Minister on that basis to make the refusal whereby it does not give the

person an opportunity to go to a court of law and have it overturned in that way.

The other thing that I just wanted to say is that I do not want people to feel that everybody who has money is automatically a criminal and not suitable to be a citizen of Barbados. That does not automatically mean that the person is *persona non grata*.

All it means is that once we do the investigations and we are satisfied that this person meets the criteria, it is a person who is desirable to become a citizen, that we will be able to welcome them and if they have resources, those resources are important for Barbados.

We have a number of people who, I am going to end here now for you, Mr. Chair; that we call friends of Barbados. Barbados has always attracted a significant number of very high net worth persons who live here; buy property; stay here; come every year for a few months of the year, *et cetera* but they feel like Barbadians.

When we had the COVID-19 pandemic, those are some of the persons who stepped up to provide this country with the resources that were absolutely needed to keep our families afloat because Barbados was for them their home, a part of who they are. Making it possible and attractive for them to want to become not just permanent residents but to eventually become citizens of Barbados is actually a very good thing.

This is because the other thing that those persons do because of their network of relationships in their home countries and the level at which they operate; many of them have been able to make a case for Barbados with their governments and other significant powerhouses on behalf of Barbados because there may be an issue that we are grappling with internationally and you need to pull on those persons to help us engage.

I hope that I have assisted you in understanding better what are some of the underlying reasons why and what are the precautions that we take to try to ensure that what we put here, does not put us at risk of bringing into the country, people who have not been properly vetted and that we feel assured can add to Barbados and will not put us at risk.

I thank you, Chair.

Mr. CHAIRMAN: Thank you, Minister Husbands.

I open the floor to the other Members of the Committee. Senator Mallalieu.

Senator A. W. MALLALIEU: Thank you, Chair.

Let me start off by addressing Mr. Greenidge and thank him very much for his presentation. Many of the points you have made I share with you.

I do not agree with you on one (1) point which is I did not see the nexus that the main reason for this Citizenship Bill was such as to solve a labour shortage. I will disassociate myself. I did not see that nexus but most everything else I share in some of your concerns.

One (1), through you, Chair, at some point I would like to get cleared up and I think Minister Husbands addressed it there as well, is that I was not aware that we were creating a pathway that anyone could have a pathway to citizenship in Barbados without having meeting some form of residency criteria of being here.

I would put that as a question eventually to the Chief Immigration Officer to make clarity for me.

What concerns me, I guess, in hearing what the gentleman said is that sometimes we have to take a step back or we have to look at these things and chances are if it looks like a duck and it walks like a duck and it quacks like a duck, it may well be a duck. Okay.

When you have these situations where you can make an investment and you do not have to be here but you have a pathway that we did not intend, I already said, Mr. Chair, in the previous meeting that I am concerned about the unintended consequences of some of these pathways that we are creating.

I just want to go back with the last word. I agree with what you have said with regards to the pathway to citizenship. I think that we have to be very, very protective of our passport and it is not about what we think about our passport; it is what others think about our passport and I would steer the Committee to a new story out of Ireland just on 12 June, 2026, a few days ago; where now St. Kitts has been because of their Citizenship by Investment (CBI) Programme, now have to have full visas in order to enter Ireland, not an ETA as

we do.

That is probably the start of the first domino to fall because that will get extended to the entire Schengen region and as a person who lives in Barbados and only has a Barbados passport, has no other passport; the access to Europe through that Schengen visa is essential for us and we can never put that at risk.

I am concerned, as I say to you Mr. Chairman, I am concerned that we do not create something that we may describe it as different but when you look at it from the outside it looks like a duck, it walks like a duck, it sounds like a duck and really and truly it is another pathway to a Citizenship by Investment Programme through a different name.

Thank you, Sir.

Mr. CHAIRMAN: Minister Springer.

Dr. the Hon. R. O. SPRINGER: Thank you, Chair.

Mr. Greenidge, firstly, I debated in my mind to say this but I really did enjoy listening to your presentation. You made some points and they were dealt with mostly by Minister Husbands and also in part by Senator Mallalieu but I too want to raise the issue of the shortened time, the compressed time as you framed it for citizenship and my question is simple.

I mean we are living in the 21st **C**entury, we are living in the year 2026 where for the most part things are done instantly. That has become a standard across the world and the technology now exists, whether it be AI or any other form of technology to vet persons; to assess things; to monitor things with far more efficiency than what would have existed in the 50s, 60s, 70s, 80s.

I suspect that living in these times that we should have the technology that allows us to vet persons; to monitor persons; to assess persons in such a short time that that long period of time that was required in the past would no longer be required. I mean the things that used to take days and weeks and months through AI can now be done in seconds, in minutes and that is necessary across the board.

Why should that not be something similar to that? Not that we want persons being assessed in a day or two (2) days but why can we not have a reduced period of time for persons having that pathway to citizenship and still at the same time have the same levels of efficiency in terms of the vetting of those persons because the technology now available to the authorities here and even the host country and the country from which they are coming from.

I remember some time ago, when we were launching Uber, a lady stopped me on my way to the meeting and she told me that we should not sign on to Uber because the American government would just have or capture our information.

I smiled because to my mind it is just a paranoia because in actual fact, I had signed on to Uber years before when I travelled to the USA so there was nothing new about signing on to Uber here in Barbados but people were so paranoid that this information now was out there that they thought that doing this system that the American government for the first time would now have access to our information through an **app** that most Bajans who travel would have already logged on to a long time ago.

I suspect there is that level also of fear, nervousness and concern that would have a person believe that a person has to be here for three (3) years, four (4) years, five (5) years, six (6) years, seven (7) years before you know enough about them to believe in your mind that that person is safe to have access to a Barbadian passport, a Barbadian citizenship.

I just do not share that view in this technological digital age. There were other things you said that I think were addressed by Minister Husbands. I will not go into them.

Certainly, matters of national security are of major concern. There are things that you may know about a person, you may not want the entire country, this is speaking from the perspective of the Minister, to know because of national security matters.

I look at the incident that occurred recently in the United States of America (USA), where a referee from another country was banned from the USA and people were never really given a reason but during the interview, it was said that the person was engaging directly with what they refer to as bad actors.

They would not share that information but they obviously had information that was relevant

and important enough that they made a decision based on that information was not shared with the public. We will have our views and perspectives but they know why they did what they did.

I just use that as an example, to say as to why the Minister would not have to give a reason for rejecting or for not approving someone's citizenship because of that very same reason, national security.

Thank you.

Mr. CHAIRMAN: Senator Walters.

Senator R. O. WALTERS: Thank you, Mr. Chairman and welcome comrade, Mr. Greenidge.

I just wanted to follow up on one particular point.

I think, Mr. Greenidge raised two (2) broad areas which are targeted labour shortages and then, the reputational damage of the passport or likely damage to the reputation of our passport.

I raised the question of the labour shortages in the last session, as it is reflected in the Minutes because a lot of what the Government is saying, is premised on workers.

The Minister today alluded to the National Insurance Scheme (NIS) and the contribution to those schemes under the National Insurance Social Security Service (NISSS).

We discussed last time, the possibility of actually seeing some data on where these shortages exist. I think you agreed, Minister, that you will provide the Committee with some data, so that we can start to analyse to see where we are, in terms of skill shortages and labour shortages, outside of construction because we know in construction, everyone has been hammering that.

I think it is really essential that Barbados gets an idea and this Committee obviously making decisions and recommendations with the presentation of Mr. Greenidge today talking about targeting those labour shortages and going about replenishing our labour force in a different way, rather than using the immigration policy. We need to have some level of data so that we can make some more informed decisions and inputs to this Committee.

Hon. Ms. C. S. V. HUSBANDS: Just let me apologise for not bringing that to you. We would have had a study done by the university on that. The Ministry of Labour would also have some information; so, I will try to undertake to make sure you get it in time for the next meeting.

I want to say though, that when countries are making determinations about whether or not you are careless with your passport or not. It is not based on hearsay; it is not based on the length of time you take to admit someone into citizenship.

You have databases that help you to identify people who are suspect. What would happen is that the immigration authorities, *et cetera*, would be monitoring if you are allowing people to gain citizenship or residency in your jurisdiction when they are flagged internationally. That is what they look at.

It is not like "*I feel unsafe"* or "*I am not sure if you are doing the right thing"*. They will be looking at the evidence of what you are actually doing because they monitor the movements of people who are suspect.

I share this because it is important for you to have confidence that the databases that we have access to, allow us to see persons who are flagged and that we ensure through the Immigration Office, that persons are not allowed entry once they are flagged.

So, I do not know if the Chief Immigration Officer would want to speak to that but that is the assurance that we can give the public that we are not distributing passports "willy-nilly" to whosoever put their hand up to come; that has never been the case.

The criteria is not only financial. What we are doing is that we are seeking to make sure that we safeguard a passport that has tremendous international value and to ensure that we do not risk it in a risky gamble. Every person with money is not necessarily a bad person that you should not let in.

Once you do the due diligence and operate under the due diligence, people should have confidence that whoever has been admitted to Barbados has been properly vetted.

Again, as I said, where we are uncertain, the Minister has the power to say, "*We are not certain about this person. We cannot get any more information; seems to be a lot of things that are hidden. I am withholding permanent residence or citizenship to this person"*.

I think the Chief Immigration Officer can help us, technically, even better.

Ms. Margaret INNISS: Let me say this. Under the Caribbean Community (CARICOM)…. Sorry. My name is Margaret Inniss, Chief Immigration Officer.

Under the Revised Treaty of Chaguaramas and I just want to share a story, one (1) of the main things we wanted was to have a skills-pool-set and we did for a while; then, it dwindled.

In that dwindling, we no longer had those skill sets to build some of the things that we built from a construction perspective. That pool-set allowed us to build Sandy Lane; refurbish Sandy Lane and a number of other places.

When we started with the Hilton, when we had to diversify in terms of skillsets because they were no longer coming from the region. We saw that the Guyanese, they went back home. We then had to find a new source, in terms of giving us the skillsets that we needed.

We continue to evolve and we continue to have people coming here. I am just sharing my observations after 46 years. We continue to realise that because you did not have the skillsets here in Barbados and did not have them in the region; persons had to reach outside of Barbados then to bring persons in. That is one thing.

Another is this, many years ago, persons were asked to submit, along with the application, a Police Certificate of Character. That took a long time, you could imagine, for persons who studied in India or some places where it was difficult to get a Police Certificate of Character. I think it was in 2018, that was removed and Barbados, we did our own vetting.

We asked the question, what is the risk? We have not seen any greater risk of having our own vetting than we saw when persons had to bring the Police Certificate of Character. What we saw was greater efficiency because it held applications back long. Barbados was then seen as a place that if you apply for status, you had to wait a long time because the Police Certificate of Character was something that kept persons back.

I want to share those two experiences to show that, as we navigate and as we continue to evolve; there are decisions and policy decisions made that we, as the persons, the technocrats, we have observed that there were in the best interest of the country evolving, moving forward and being very competitive.

Now, we have chartered timelines. In our chartered timelines, applications are processed, for example, for citizenship which many years ago took a good few years to process but now you can get back your application in less than six (6) weeks. If we go on to make further points, in terms of risk assessment, we do a very good job.

When I say "we", the Immigration Department with our security relationships. In building out, we check and double check to ensure that the persons that we really and truly want to be here as good citizens that they are here.

Let me make another point, though. I was saying earlier that you have got to look at the risk factor. If you apply for citizenship by virtue of marriage; you can get permission to reside for three (3) years. After that three-year period, you can get your citizenship.

So, a question of three (3) years to get citizenship, then you determine, is that person that I got married to a good person or a bad person but they still have citizenship within three (3) years. I rest my case.

Mr. CHAIRMAN: Let us hear from Senator Walters first and then . . .

Senator R. O. WALTERS: Thank you, Mr. Chair.

I just wanted, even before the Chief Immigration Officer came in, I just wanted to clarify or just submit, put on the record, that the integrity of the systems or the security systems of the Immigration Department are not in question.

We are not attacking that; we are not questioning that. We are not questioning the use of technology in terms of determining if somebody is safe to enter Barbados or should be sent back at the airport or should not get citizenship or not.

What we are saying is that you have a position where you are replenishing your labour force. You want workers because you are talking about productivity; you are talking about seven (7) working persons to pay for one (1) person's pension. So, you are talking about persons that are going to come to Barbados and be productive.

Are there other ways that we can help

replenish our workforce, even outside of Barbados, without interfering with our immigration policy at this level? In other words, we are moving from a very relaxed time to a very, fast time.

The concern is, are there other things that government has to do with existing laws; existing relationships with CARICOM and even existing relationships with business people?

We are sure that, for example, if everybody uses the construction sector; we know now that workers are coming from outside of CARICOM but it is already happening.

Do they need to be citizens if they are staying in Barbados and work on multiple projects? Are they contributing to the National Insurance Scheme as it is? So, there are other things that we can do or that the government can do, in other relationships and other laws that could help us get where we want as well.

The issue, and I raised it the last time: What disadvantage would Barbados be in if we were not as aggressive as we intend to be with this legislation**?** If we went down to four (4) years; we went down to five (5) years; if we went as opposed to going down to the shorter periods that we are now discussing.

What disadvantage will Barbados be in, knowing full well that the biggest threat, as I said today and agreed with Senator Mallalieu, who is well versed in these things, is that the reputation of our passport, the perception of that is what it would be at risk, especially given the fact that the point system also bears in mind the amount of investment a person brings to the country as well.

It is just that sort of context. It is not substantially an attack on the Immigration Department and the security systems and using technology to find out if someone is at risk or not. It is the broader points that we are trying to get home here.

Hon. C. S. V. HUSBANDS: Just three (3) things quickly. Let us not assume that everybody who comes here to work on a construction job or whatever, intends to stay.

Some people want to get back home to their families; they want to get back to their culture. Do not make the assumption that everybody who comes is that way.

Barbados had to adopt to allowing foreign labour to come in for this reason. When a hotel team is making the determination as to where to establish a hotel, they look at many different geographical spaces and opportunities. They weigh up the facilities; the utilities; the ease of doing business; the whole set of things they evaluate and then they narrow down to a handful of locations that they say, okay, we can establish this hotel in any of these four (4) geographical locations.

When they then seek to come and want to get started and do more detailed investigation and discover that you do not have the labour to help them build it and it is going to take you two (2) years to build up your construction workers; they do not have that time to wait. They will, very quickly, shift from your location to the next relevant suitable location. So, you would actually lose the investment.

Barbados had to weigh, should we hold the investment; we lose some of the construction work but we will gain the hotel work.

In the interim, what we did was that we started the Construction Gateway and the Hospitality Gateway to fast-track, building up the skills so that subsequent investments, we will have the people; that is why that would have occurred.

The other thing that you raised was you said that you do not have a concern with the processes and systems used by the immigration. You do not see that as a problem. If that is the case, then there is no problem because the only problem that you could have is that by giving short time; you are letting in all kinds of people in here that will put us at risk, that questions their process.

The important thing to note is the change that has taken place internationally. Technology now allows us to do things much faster; once we are assured that this is a suitable person, what is it that you think Barbados would gain by simply elongating the process?

I already outlined that countries are not evaluating on perceptions and feelings and about whether or not Barbados is rigorous about how they handle their passport. They deal with data and information and when they see something that says, *"you all are allowing all kinds of questionable people to be holding your passport,*

you are not as rigorous as you need to be". We are not allowing people with your passport to come in.

It is not based on a feeling. It is not based on, "*hey, wait, they changed their laws, you know, they must be letting in a lot of criminals in there, let me shut them out".* It does not work that way.

They have access to the databases that the other countries have access to and they will know if we have been letting in people that are questionable and then they will put a brake on, you know, Barbados treading dangerously.

You can be assured and we have every confidence in our immigration officers that they are doing a good and efficient job and with the help of technology to help us identify suitable persons to join our Barbadian family; without putting at-risk that passport. We are determined on that because we know how important it is to be able to hold a passport that is acceptable across the world.

This is only 166 square miles. We have to do business; we have to travel; we have to engage and so, our passport is valuable. We are not playing fast and loose with this and we are not playing fast and loose with it for money purposes.

What we are going after is quality persons to join us in our country to help build it out and I want you all to have that confidence that that is where we are coming from.

Mr. CHAIRMAN: Can I hear from Senator Mallalieu?

Senator A. W. MALLALIEU: Thank you, Chair.

Just a reaction, first of all, to the Minister's comment and then I would like through you, to place a question to the Chief Immigration Officer.

First of all, I would like to react to the Minister by saying that the European Commission was looking at this matter, and singled out the five (5) Caribbean CBI states and removed them from the visa-free access. They gave three (3) reasons for doing that.

The three (3) reasons that they gave was, one (1), citing the scale of the passport issuance, how broad it was, how it was available to so many, a broad number of people. They cited the short processing times, which gets to the point of how long it takes for you to process, vet and how long before you are eligible and thirdly, they talked about the low rejection rates.

While I think you and I and most people would recognise that, probably something had to happen to flag this, which is why they probably had to have some bad actors that got through that made them look at it.

Still, what has come to their attention and they are looking at anyone who has a Citizenship Programme; they are going to look at those three (3) criteria and I am encouraging us to be mindful and recognise that the world is reacting to these Economic Citizenship type of things and we should make sure that we consider that in whatever we do, in our new Republic, in changing our pathways to citizenship here, that we take that into consideration. That is the first point.

The second thing was just a question and I do not want to leave this without having given the Chief Immigration Officer the opportunity to respond because I understood the gentleman to say in his submission and maybe I misunderstood him, that there is a pathway now that is being created by this Bill; a pathway to citizenship that does not require physical presence.

I have not been able to see that; maybe I misunderstood the gentleman when he said it, but he did say that.

So could the Chief Immigration Officer, through you, Sir, tell me whether or not that such does exist.

Mr. CHAIRMAN: First, let us clarify what he said so I will give Mr. Greenidge the floor first.

Mr. Corey GREENIDGE: Thank you, Mr. Chairman. I did say that the Bill, as it is currently drafted, does not have a requirement for the person to be here.

It may be an oversight because the current Immigration Bill does say you have to be here, but not in this Bill.

If you go to section, I believe seven (7) of the Immigration Bill; it just speaks and points you to the Fourth Schedule, which is a point system. There is nothing in the Fourth Schedule that requires a person to be in Barbados for any particular length of time.

It states that permanent residency is gained by 10 points, full stop and those 10 points can be

gained and you see how the Schedule is laid out.

In our existing law, there is a Residency requirement to get Permanent Residency but as the Bill is now drafted; it does not have a specific time by which the person has to be in Barbados.

Mr. CHAIRMAN: We will allow the CPC as well as the Chief Immigration Officer to speak and yes, Mr. Greenidge, we have the Bill before us in the Chamber.

Ms. Paulette ATKINS: I am looking at the Citizenship Bill with a date of 21 April, 2026 and I am looking at Clause **T**hree (3), **A**cquisition of **C**itizenship and at Five (5) in 3 (5) says,

"subject to Section Four (4) the following persons may apply to the Minister in the prescribed form and on payment of the prescribed fee to be registered as citizens of Barbados."

It states: "*a person who is a National of a Member State or a birth, descent or naturalisation, the spouse of a person, the dependent of a person; if they satisfy the Minister that they have lawfully resided in Barbados as permanent residents of Barbados for aggregate of at least 180 days, during the period of at least 730 days immediately preceding the data application."*

So that, to my mind, addresses the concern raised by you.

Mr. Corey GREENIDGE: Through you, Mr. Chairman.

Now, my concern is not that you are correct. Remember, you have to stitch these two (2) Bills together. The Immigration Bill does not have any requirement to be here to obtain permanent residence; that is the Citizenship Bill.

The Citizenship Bill says you have to be in Barbados for the six (6) months once you have attained the permanent residency. So, imagine that you are now in a situation where, you have given a person permanent residency. The term alone is defeated if the person does not reside in Barbados.

I am familiar with the requirement to obtain the citizenship but my comment was specifically targeted to the Immigration Bill; where you can obtain permanent residency without being in Barbados.

Senator A. W. MALLALIEU: Through you, Chair, thank you.

It has been clarified for me that there is no route to citizenship without residency first in Barbados. There is no route, so, I think, Sir, I may have misunderstood you or you may have misspoken but it is the route to citizenship.

Clearly you cannot reside in Barbados until we have as a country decided that you can first live here. You can visit here but there is, you first must, we first must decide if you can live here permanently through one (1) of these methods.

I just wanted to make it clear, I withdrew the questions, no need to answer them. There is no route, that has been clear to me, there is no route to citizenship without physical presence in Barbados.

It may be a shortened presence now but it is a presence. Thank you.

Mr. Corey GREENIDGE: If I may, Mr. Chairman.

I understand the clarity that you have now received, Senator Mallalieu but my point still remains, though.

You are moving from a position where you have obtained permanent residency in the country without actually being here and the pathway, remember, the pathway is a dual one (1). The pathway takes you to permanent residency and then you use that permanent residency to get to citizenship.

When I refer to a pathway, it is that you have an individual who can obtain permanent residence in Barbados without actually having resided here; so that starts the ball rolling. I am concerned as to why. The Minister seems confused by what I have said.

Hon. Ms. C. S. V. HUSBANDS: Well, you know because it would mean that the person would have to be here by a work permit or something to be present in the country to then apply for permanent residence and everybody who applies for permanent residence does not necessarily have to come by a work permit.

I do not know if the Chief Immigration Officer can clarify. It is not, and I was saying, that everybody who applies for permanent residence does not have to have a work permit to work here and be living here before they come and apply.

I do not know if you could explain. I might be wrong but we do not want the Members of the

Committee to be confused.

Senator A. W. MALLALIEU: If I might, so that as a Member, I understand it. There are, as I understand it in Barbados, three (3) pathways to permanent residency.

You can have a residency by investment and that has a pathway that leads to permanent residency. You have another pathway, which is through the work permit, which is the traditional way. After you have lived here for a certain number of years; you can apply and there is also a pathway called a Special Entry and Reside Permit and those three (3) pathways are your pathways to permanent residency, under that method.

There are other methods now that we will be talking about through descent and spouse and all those things that are there but as we had from the previous person who made a presentation, for example, the 12-month Welcome Stamp has no inherent route to permanent residency as it stands; so, we talked about that, as does an extended visitor stay, someone who stays here 150 times for a month at a time; so there is no pathway there.

So, there are three ways, unless I am wrong, coming out of this Bill and then there is another one (1). That is the route through permanent residency. Having achieved permanent residency, you must now meet the physical presence test and be vetted and follow through these processes.

That is what we are talking about, so I am not disagreeing with the gentleman because that is the part that is shortened and we could talk about that, but I want to be clear on how you get to that point to permanent residency.

Hon. Ms. C. S. V. HUSBANDS: Sorry, that is the point.

Mr. CHAIRMAN: Let us give the presenter the opportunity to clarify, please.

Mr. Corey GREENIDGE: Certainly, and I do not think that, Senator Mallalieu, that we are seeing different things; we are seeing the same thing.

If, through you, Mr. Chairman, if I could make some brief, as brief as I can, comments to the presentations by the other Committee Members because they were; we seem to be conflating some of the issues and certainly, I would not want the Committee to walk away with any misnomers in terms of my presentation.

I want to quote the judgment from the Maltese case. The judge in the Maltese case said that the court was concerned. The court's concern was not limited to criminality or insufficient vetting but rather the judgment reflected a broader concern that nationality should continue to represent meaningful attachment and sustained relationships of trust extended beyond the domestic legal borders.

Again, this is a 2025 judgment, Minister Husbands, and I speak directly to you through the Chair, because your presentation seems to try to shore up or give assurances that we were concerned about criminals coming in. You even said all rich people are not *persona non grata*.

I assure you, within this space, I am an attorney-at-law and I do international criminal law and we do wealth management. So, I understand that there are people that can give investment to the country that are certainly not criminals. That is not the point. The point is not criminality.

You also focused and I believe it was also mentioned by the Chief Immigration Officer, of the technology that is able to give assurance again that the policy was okay. Again, Minister, technology that is available to Barbados, is available across the industrialised world. The industrialised world has not shrunken their citizenship requirements just because there is technology.

In Canada, you need at least, I believe it is three (3) years. In the United Kingdom, five (5) years and do not let us talk about the United States of America.

The point of giving an assurance that somehow, we have this technology and it gives us a green light by which to allow persons to get citizenship in Barbados in six (6) months or get citizenship in Barbados in nine (9) months of being resident in Barbados, is not the point.

The point is that this is a programme that when you look at it in its totality to both Bills, it represents that there is a heavily weighted investment opponent to obtaining citizenship. That relationship is what gives us concern.

I want to assure you, I believe also yourself

and Senator Mallalieu also pointed out that and again, Senator Mallalieu said he did not see the nexus between the labour shortages and the Bill.

I, Senator Mallalieu, I spent hours combing through the script of the Minister of Home Affairs when he made the second reading.

Not the official Hansard but I was able to comb through the script. It is, again, I was not looking for the reasoning in the Bill itself but certainly when the Minister of Home Affairs presented on the floor of Parliament, his reasoning, clear reasoning for why we needed these Bills, was because of the workforce and labour challenges then connected to economic prosperity for Barbados.

There was a clear connection. I invite the Committee to pull up the script; that is what the Minister said. When I said that the evidence was not there, I was not looking for the evidence within the Bill itself.

I listened very carefully and read, reread more than once the script of the Minister, to ensure that I understood what was the intent of government and what was the purpose for doing this?

I reiterate, even as I listened to the contributions of the Committee Members, labour challenges and workforce challenges are here in Barbados. Minister Husbands, you mentioned that, I believe it is Singapore you said, *"just as tiny as us, and they have a million people"*?

Minister, my question to you is, are you familiar with the concept of population density in that Barbados has one of the highest population densities in the world.

Are we inviting now a million people to live on this 166 square miles with all of the social services and all of the economic strain that could come to Barbados? So those are things that have to be balanced in terms of the policy.

What we are seeing today, is that this shortened form of citizenship specifically, does not actually address the workforce challenges. The workforce challenges do exist and they are complex. I have demonstrated that there are several countries across the Western world that have employed sector-specific migration policies, that have been able to target their labour shortages and target their labour challenges and have increased their economic activity without having to change or drastically reduce citizenship requirements.

I just wanted to make those comments.

Hon. Ms. C. S. V. HUSBANDS: I just want to clarify for you because I think it is important for you to understand. If we are going to be able to chart a path for Barbados, it is critical to understand the underlying issues that govern policy.

The developed countries are working with a situation where they have concerns about the hundreds of thousands of people who try to get into their country. That is why they would stick with long pathways because they are not looking to permanently swell their population. They may want some labour to come in for a period of time until they can sort out getting more people in a particular sector and will issue work permits for people to come in and work, *et cetera*.

Once that permit expires, *"please leave because we do not want all of you strangers among us"*; so that is a different situation.

We are dealing with a situation where our population is shrinking and it is already small. It is not big and shrinking. It is very small and shrinking. Your policy must reflect that difference, in terms of what it is you are trying to do.

You made a point that said the main concern is the role that finance plays in the point system for whether you will be acceptable or not and yet at the same time, you said that people who have money are not necessarily criminals.

What is the problem with having the finance as an important part of how we assess whether or not we are going to bring you? I want you to answer that but just let me finish this because I know the Chairman wants to move on.

Senator Mallalieu outlined the three (3) bases on which, I cannot remember what country it is but he outlined three (3) things that they use the Europeans to deny citizenship and visas and so on, *et cetera*.

There were a scale of passport issuances, meaning that they were doing a lot in a short processing time. So, they are thinking with all these people, how well are you doing the processing in that short time? Then the fact that of all those people who apply, you have very low

rejection rates.

Each of those are not dealt with on an individual basis to determine to remove a visa; those will be taken together. It is those together that present a challenge to you. Barbados is not going that route.

Yes, with technology, we can have shorter times but we are not going to be on a wholescale, *"whosoever will just come, oh, here, you got money"*. Barbados is not there.

Barbados is looking for quality persons that can actually strengthen our country and more importantly, eventually, when they come to citizenship and they can start to have families and so on, they will help us to resolve the population size problem that we have. That is part of what has to happen.

We actually need more living, breathing persons living in our country, if we are going to remain viable as a nation; so that is important.

Over to you. Sorry.

Mr. CHAIRMAN: Let me just bring a little clarity to a few things.

There is a report, a Population Commission Report that speaks to labour productivity; declining population; speaks to a number of things. Recommendations were made by that Commission. It is not a partisan Commission; it was a Commission that values the nation, its people and its future generations.

Clearly coming out of this Population Commission Report, I think it was revised in 2014, and it clearly states that between 1960 and 2011, the population of this country has only increased by 16.5 per cent.

In 1960, the size of the population was approximately 230,980 people and at the time of the 2010 Population and Housing Census; the population of Barbados was 277,821. It moved to 277 000 and by 2021, it has decreased back to 269 000.

Clearly, we have a problem there. It further went on to identify that the rate of the labour force participation has been declining since 1995. There is evidence from that Population Commission and these are not figures that we brought in here. I do not think Senator Walters brought those figures in here; that is a Commission; neither did Minister Husbands.

We have a crisis and it further went on to state, which is glaring at me; when I looked at the report on Page 23 of the report, revised in 2024, sorry. Yes, it is 2024, thank you because it is here and I said 2014 because it was looking at something else.

Thank you.

The Population Commission and the Population Policy Report was revised in 2024, sorry about that. What is glaring at me, the whole aspect of social security and social protection and they say that with the population trends, the total expenditure of the National Insurance Fund is expected to exceed the total income each year and the fund is projected to be depleted between 2034 and 2041.

I said that based on a comment that was made earlier. I think it was Senator Walters because this is a crisis and you may not want to say it is a crisis. It is a crisis. This is 2026 and 2024; that is only eight (8) years. It is a crisis that we are operating in.

That is why these recommendations, though for some persons, they may be seen as, I do not want to use the word draconian but they are not draconian. I am saying three (3) years. Persons talk about the gold standard of eight (8) years for citizenship; that occurred some years ago and I heard Minister Husbands and also Minister Springer.

We are now in 2026, very close to 2040. Policies that we are speaking of were indeed implemented legislation and bills 30, 40 years ago.

This country continues to lead in terms of how we shape the existence of our people for 50 years down the road and this may not be the only way because I keep hearing that this is the only thing we are doing with respect to addressing our challenge but it is not the only thing. The other frontiers we are pushing internationally, energy, several different things.

This is a holistic approach of building our labour productivity sector and our population, they are living longer.

The Population Commission Report is there for everyone to review, to see and our aging population will place a heavy dependency on the National Insurance Scheme and that is why we

are, I do not want to say in a rush, but it is urgent for us to address these issues. I just want to come in there and lead the floor because we have been here for . . .

Mr. Greenidge, let us give Minister Weir the opportunity to speak and then I will get back to you, because this is your session, Sir.

Hon. I. A. WEIR: Thank you, Chair. My apologies for being late but I had another engagement. I regret that I missed a majority of Senator Greenidge's presentation.

Asides

Sir, I fully appreciate the interest being paid in this piece of legislation before us; simply because what it really tells me is that Barbadians are interested in the future of Barbados.

I am glad to hear how we are able to look at the legislation and raise our concerns to matters that really and truly will be Barbadian in the end. There are a couple of things, though, that I believe that we can do a little bit better on.

The legislation is certainly not about passports *per se* and the fact that we want to make the conversation more about passports than about a process that leads us to a future Barbados that the Chairman has really so eruditely brought to our attention in terms of the size of our population.

The exploitation of our social services, NIS and all those are matters that I have heard raised time and again. If we are to pursue this, against all of the information that is brought to us and brought to our attention; I believe it still comes down to how we govern.

The hardcore reality of it is that this entire country is looking on for a government that is responsible and one (1) that is up to the times and one (1) that is prepared to govern, even in difficult times.

I would want to draw reference to my personal experience in having to deal with a world that went through 9/11, when previously it was almost like anything goes.

Previously, when you travelled, you could put toothpaste in your bag; you could put any kind of liquid, *et cetera.* Given what happened at the event of 9/11, the entire world had to go through change.

Having gone through that change, we saw the development of a Transportation Security Administration that brought about rampant change across the world but it also brought a lot of advantages globally for the way we do things, certainly for the way we handle immigration and the way we handle citizenship; the way we handle people coming to Barbados; have all been changed. They have all changed because of that one (1) event.

I have every confidence that if application for citizenship through this Bill is before the Immigration; the final decision will still reside with Immigration with the Minister only intervening in cases where the Minister is called upon.

I think those are matters of national security that really and truly do not find a place in a conversation like this because there are certain matters of national security that we do not debate. That is the reason why a Minister will be invited to make a decision, purely because you want to protect the security of the country.

If we can all fall in line with what the USA did by creating a Transportation Security Administration that has given serious advantage to many global destinations simply because of the rigour of the protocols that were introduced.

I think that this puts Barbados in a very good place to be able to manage information that is coming to us and without having to say a lot about national security.

A person travel**l**ing to Barbados with a criminal record, coming from most places is already known to the authorities. Do we need to fear that? I do not think we do in this 21st Century construct.

A person, applying for citizenship will equally have the same flag. What I glean from the objective of the Bill, is for Barbados to be able to get the best that may be available, simply by way of the structure that is laid before us.

It is not a case of any "willy-nilly" person applying for citizenship in Barbados and getting it but that there are people who bring value and that there are people who will contribute to our NIS as well.

We often talk about how it is going to place a burden on the social services. We never speak of

the contribution that it will make and that is why I often believe sometimes that whilst we want to participate; we sometimes bring a sort of an emotive type of narrative that is designed mainly to create fear among people who do not reason these things for themselves.

That, to my mind, defeats the entire integrity of the presentations that come here because you ought not to want to bring anything that is going to tamper with the comfort of people who will not interrogate these things for themselves but will rely on us, to be able to provide them with information that they can trust and believe.

Mr. Greenidge, I really appreciate your participation. I honestly appreciate the fact that you are making this presentation, such that, no one can go away saying that you did not give your best effort in making sure that the country understands where you are coming from; given the fact that the presentation reflects where the DLP is coming from.

I heard you cite other destinations as well and the rigour that they have, in terms of how they process things that are related to immigration. I would like for you to give your views on how Canada has approached its Citizenship Legislation because I am acutely aware that it takes between 13 and 15 months to process and you only need two (2) years in Canada.

Canada, to my mind, is a First World state. I do not know why, if they are going to give 13 to 15 months to process an application and you can get citizenship in two (2) years, small Barbados that is struggling with the population, tell me why we should not equally be as aggressive to make sure we address the problem because we are certainly not going to get it by birth rate.

The one (1) thing that we can leave here knowing, is that with the best efforts in the world, we are not going to increase this population by birth rate. The only other option available to us, is through migration. We have to go to the policies that reflect the immigration policies that would allow us to bring people here and give them citizenship but people of value. People who would add value rather than create a high dependency on our social network services.

Can we just elevate the conversation to what value we can possibly get, in terms of contributions to NIS. I would like for us to go there. What possible value can we get through contributions to NIS?

Sir, if you do not mind, you can share your views on the Canadian model and what are your thoughts about it?

Mr. CHAIRMAN: Over to you.

Mr. Corey GREENIDGE: Thank you, Mr. Chairman.

Before I address the specific question of Minister Weir, I would like to address the question of Minister Husbands who asked me specifically, if you know persons who are rich that are not criminals and what was the problem?

I have to say that I am mildly disappointed because I thought I had already articulated the problem. I am going to try my best to do so once again.

The problem is not that we believe that rich people are inherently criminal. The problem is that you have devised a system that is heavily weighted on financial investment. W**e** in this room, all the Committee Members and invited guests, agree that it is not a Citizenship By Investment **p**rogramme, as is fashioned in other Caribbean countries.

Still, to quote Senator Mallalieu, *"if it looks like a duck and it walks like a duck",* we should probably examine the duck to see if that is the duck that we want to use to address the problems in Barbados.

It is a scenario where you have 10 points to gain permanent residency and five (5) of those points are completely associated with your wealth. The other five (5) points and I did not make this point earlier; can be gained not by anything significant but simply by your age.

Most persons can obtain a first degree. The point I am making is that actual criteria are not targeted. I hear Minister Husbands talking about we want the right people. There is nothing within the Schedule; nothing within the Bill, that suggests that there are any other criteria that makes them the right people.

All it says is that you have to have wealth and the other criteria are quite innocuous. If you are 40 years old, three points. A university first degree, another two (2) points and you are home free; that is 10 points that you are now eligible for

permanent residency in Barbados.

The notion that there are criteria, where we are out there seeking this unicorn of a person who is going to flood Barbados with investment and bring their family, Minister Husbands, I have to say I do not see it in the Bill that it is drafted.

It brings me to this point. If that is the intention of the policy, then that is what we should do. I will dovetail that then to answer Minister Weir's question.

Canada does have processing time of, yes, within two (2) years but the criteria is three (3) years of residency in Canada. You may have not been in the Chamber at the time when I made the presentation.

One (1) of the key case studies was, in fact, the Provincial Nominee Programme (PNP) in Canada; where they had significant labour challenges within the economy. I pointed the Committee, and, again, I am willing to give the citation for the Organisation for Economic Co-operation and Development (OECD) report and other scholarly reviews of the PNP in Canada, where migrant contribution; where migrant labour within Canada moved from seven (7) per cent to 35 per cent.

I am saying that there were measurable criteria by which we could see that a targeted migration programme was able to significantly impact the economic viability of the country. I repeat, if the economic viability of Barbados with respect to its tax base and with respect to its NIS contributions, is what we are trying to achieve in order to shore up, yes, the NIS for us and our children in years to come; then the Government, in my opinion, has not substantiated why it needs citizenship in nine (9) months.

What it needs is a systematic review first. Yes, Mr. Chairman, I have seen the report that you referred to and have reviewed it. There is no argument that there is, you may say, a crisis but certainly there is a problem that we need to address.

There needs then to be a systematic review of that report with targeted recommendations for solid immigration and migration policy, that is able to address the economic concerns within that report. I know of a client who brought an analyst into Barbados from Morocco. That analyst remained in Barbados for three (3) years, contributed to NIS and paid their taxes.

Similarly, in Canada, you have targeted migration policy. You have in New Zealand, where employers are able to report into a system and say, *"Listen, this is where our deficiency lies."* If the deficiencies are specifically in immigration or in hospitality or in information technology; wherever the deficiency lies in Barbados, we can have a system where the employers and the reporting can give those statistics. The policy can be targeted towards those needs to shore up the economic viability of Barbados.

The problem and the risk and I do not think anyone here can deny that and this is not something that we are just pulling out of thin air; Senator Mallalieu referred to the report from the European Union. Yes, it is not that the industrialised countries are saying, "*oh, they are bringing criminals or whatever"*.

I understand the criteria but we must be cognisant that these are criteria and these are countries that are looking at our immigration systems; that are looking at what we are doing in these countries and are making assessments as to whether they can trust what we are doing in Barbados. It does not necessarily have anything to do with vetting. It is the regime of itself.

I quoted from the European Union. The judge said it was not specifically to criminality or vetting. I appreciate and I thank you certainly, Minister Weir, for your admonition of us paying attention to this. I think it is far from a partisan issue. It is an issue that affects all Barbadians.

I, as a practitioner, travel all over the world. My son is in university overseas and our ability to access education; access opportunity and access investment across the world, is critical to our ability to move with our passport.

I thank you, Chairman, for your indulgence in having me here and I pray that the Committee will take some of the recommendations, even if you are not a decision-making body. There is literature out there. The OECD report is there, 200 and something pages on the Canadian programme. There is literature out there on the New Zealand programme; on the Australian programme; to show that there are ways and there

are policy prescriptions by which you can achieve what you need to achieve without having to reduce the time for citizenship in Barbados.

I thank you, Sir.

Mr. CHAIRMAN: Let us wrap up.

Minister Weir wants the floor for one final comment. Please, be short, Minister. We have extended time. We have given Mr. Greenidge a lot of latitude this morning in his presentation and that is how we do business. So just be short.

Hon I. A. WEIR: Chair, thank you and I will definitely be very short.

Just to say that what Mr. Greenidge has essentially done is reinforce the point that we have made in the legislation; that you determine a timeframe and we have determined that it is two (2) years. We have on record that the Canadians have determined a timeframe that suited their situation and we equally, as a country, have determined a timeframe that suits our situation.

I get the impression that he is on all fours in terms of determining a timeframe that is suitable. The truth is that whilst we may have open and free conversation and debate on it; you still have to settle down and govern. That is the fundamental point that I am making.

Just as Canada can have a two-year timeframe to address their situation; Barbados has determined that we have a two-year timeframe as well. I do not think that we have done anything out of the ordinary by so doing.

I also wish to reinforce the point because this point should not escape any of us in this room or those who are following online. We will never be able to address this matter by way of birthrate. It can only be through managed migration.

Mr. CHAIRMAN: Thank you, Minister Weir. Let me thank you, Mr. Greenidge for your presence and your willingness to share your perspectives and your experiences and recommendations. They are indeed deeply-valued.

I want to thank you.

SUSPENSION

Mr. CHAIRMAN: Sorry Minister, we are going to have discussions on the matter after.

Let us take a 15-minute break and return. Who is next? Mrs. Gilding-Bourne and Miss Felicia Dujon? Let us take a 15-minute break.

RESUMPTION

Mr. CHAIRMAN: The session is now resumed and we will hear from Mrs. Amoy Gilding-Bourne and Ms. Felicia Dujon. Good afternoon, ladies, Members of the Committee. The Joint Select Committee is now in session again.

Let me, on behalf of the Joint Select Committee, extend a warm welcome and sincere appreciation to Mrs. Amoy Gilding-Bourne and Miss Felicia Dujon who took time out to review these two (2) Bills, Immigration and Citizenship and to participate in this process.

Your presence and your willingness are deeply valued. We have a 10-minute period where you will present to the Committee and thereafter, we will have a discussion.

So, let us proceed.

Mrs. Amoy GILDING-BOURNE: Good afternoon everyone. Thank you for having us. It is indeed a pleasure to be here with you today.

Barbados has always welcomed CARICOM Members into the country. We have done so in a way that is consistent with our social and economic capacities.

The impetus under which these two (2) pieces of legislation are being brought before us is that we have an aging population; we have a shrinking taxpaying base; and we have a demographic crisis, to use words of the **f**ormer Home Affairs Minister.

While it is agreed that we must modernise Barbados archaic laws and introduce a merit-based system and use managed migration to save our economy; fund our pensions; protect our social services; these are concerns. It appears that government has taken a policy decision to use immigration as a demographic tool and the fair is not without totally doing their comprehensive due diligence checks, but the fear is without consideration for Barbados' capacity – socially and economically.

The fear is that we will not be able to manage the increase in migrants across our borders within the medium term. The policy shift of this nature,

I see Mr. Weir laughing. The policy shift of this nature is profound. It is a tightrope and I am glad that the Committee has asked the public for our suggestions and questions and for our input and that is why we are here.

Indeed, it has brought out citizens in Bridgetown and it has brought my colleague and I here today. I have been listening while the presentations have been made and our concern on the gold standard debate with respect to the shrinking of the timeline within which naturalisation can be granted -- two (2) years for CARICOM and three (3) years for non-CARICOM members.

As an attorney-at-law, Ms. Dujon, as a human rights advocate, indeed the Barbados Bar Association has also made some concerns regarding the contracting of the two-year timeline period.

Yes, I do understand and I do agree with the Barbados Bar Association's position, but the concern for us here today is that by doing so, you are also compressing the timeline within which thorough background checks can be made, whether criminal, financial background checks.

It is that in a rush to boost our population numbers, we are weakening the thoroughness of our national security checks. In addition to shortening the timeline up to two (2) years, it was mentioned before and I think it is worth mentioning it again with respect to the sweeping powers of the Minister.

While I do understand, as one of your colleagues mentioned just now, there are some things that cannot be challenged. This is a security breach or a security concern, let us say.

When you have a Minister with such sweeping powers who can make policy decisions based on his opinion and those decisions cannot be challenged; that is a concern the Bar Association raised and I am raising it, my colleague, we are raising it again today.

So, questions can be asked and indeed we are asking these questions, so that solutions can then be found or Amendments. What is the fail safe for corrupt practices? I do not want to say corrupt ministers but what is the failsafe that we have for corrupt practices that may . . .

Mr. CHAIRMAN: Can I interject here, please?

Mrs. Amoy GILDING-BOURNE: I am not saying ministers.

Mr. CHAIRMAN: We have been going along very, very good this morning.

Mrs. Amoy GILDING-BOURNE: I am saying corrupt practices.

Mr. CHAIRMAN: Let us not bring any type of punt into this Meeting because it would not be tolerated**.** This is being streamed and you will have a record of what is said here.

Mrs. Amoy GILDING-BOURNE: Of course.

Mr. CHAIRMAN: Let us be very transparent and let us be straight with this here.

Asides

Mrs. Amoy GILDING-BOURNE: Mr. Sutherland.

Mr. CHAIRMAN: Let me speak. I am the Chairman. Can I speak? Please turn off your microphone.

Thank you very much. Let us carry on as human beings.

Mrs. Amoy GILDING-BOURNE: Yes, Chair.

I am saying corrupt practices and procedures. I was just making it clear that I was not referring to ministers, alright?

What are the legal safeguards? What are the specific vetting processes that will replace the human investigative element which will be necessary?

Will people who are granted citizenship in two or three years be conditional? Will it be limited until full background checks are completed? Will we have a rollout phase? How will the law protect our national security? How will it prevent identity theft or financial crime?

These are questions that average Barbadians have, and indeed, my colleagues.

With respect to the labour force and market competition, particularly for our youth, public feedback reveals that there is, and I mean no disrespect, Mr. Chairman, that there is a slight disconnect between Government's goals and grassroots realities.

The widespread fear is that local workers are

being bypassed as employers look for cheaper, more compliant foreign labour.

Furthermore, while the Bill aims to import talent, our ambitious young people are leaving our borders, or they are being asked to look elsewhere for employment.

Concerns young people have include the high cost of living – and that is not just young people, that is Barbadians across the board – low wages, and the suffocating stages within which persons have to go through in order to start a small business or open a bank account.

It is being respectfully suggested that Government first fix the structural and bureaucratic issues causing our own people to leave the country.

Questions can be asked: How will the Government policy prevent employers from preferring cheaper, foreign labour over Barbadians? Will there be a mandatory hire requirement or subsidies or incentives for hiring Barbadians? How will Government measure and report on the impact of these new immigrants on youth employment?

These are some of the questions that Barbadians have.

With respect to our straining infrastructure and national identity, briefly, there is a tangible strain on our island's infrastructure and preservation of our national identity, I think, we need to put in the forefront as well.

Questions are being asked, will an influx of migrants break our already struggling social services?

I know and I am fully aware that all of us know in here, Barbados is only 166 square miles and a smile wide, some people will say, but we are a highly in-debt, middle-income, developing country and it is well established – now I am not an economist -- but it is well established that population growth reduces per capita income because it puts pressure on limited resources, wages fall as more workers compete, and food prices rise, lowering living standards.

The concern is that unchecked population growth will undermine economic progress where there are resource constraints, and that is Barbados' reality. Barbados does not have the resources and infrastructural capacity that is required to successfully manage opening our borders to affect a rapid influx of migration or migrants to reside and work, whether CARICOM or non-CARICOM nationals.

The Government is already struggling to provide social services with respect to healthcare, (we have seen our issues at Queen Elizabeth Hospital), with respect to education at all levels, with respect to housing, water resources, energy, transport, and the Police Service seem to be overwhelmed with the crime.

We have a backlog of cases in the Courts and Dodds Prison has seen better days, but beyond the bricks and mortar, there seems to be an identity grey area brewing.

Barbadians are asking the question: who is a Bajan? As we open up regional pathways is it now inevitable that some of us, true Barbadians, will be marginalised? We are asking a question.

Is the legislation essentially opening a backdoor for persons who may have only recently become CARICOM members, to become Barbadian citizens? How will Barbadians or Barbados, specifically the Government, and us too, because it is not the Government alone, how will we protect our Barbadian identity?

How will our Bajan identity and civic participation be preserved? Will it be through language, civic education, residency tests? What capacity assessments have been done for our Queen Elizabeth Hospital, the Barbados Water Authority, transport, education, and even the Prison? How exactly will the additional income that we make, the country that is, through this policy, how will that be ring fenced for social services?

One question that I will ask is: Will we have any restraints or limitations on foreign ownership of land? How will the Government police that?

Another point of concern is with respect to, and Mr. Thompson spoke about it this morning, and I was very grateful listening to his presentation with respect to the Barbados Welcome Stampers, because that is something that I mentioned as well too.

Now, I heard Senator Husbands respond to a lot of the things that Mr. Thompson had mentioned so I am grateful for the guidance with respect to where you stand and I agree with Mr.

Thompson's submission. Not having the Barbados Welcome Stampers or a pathway for them, I think was an oversight, and I hope that Government looks at it again to see how we can fully integrate these persons or give them a pathway as well, too.

With respect to enforcement and employer accountability, we are talking about the capacity for the State to enforce what it is saying. You are going to put it on paper, but what teeth are you using to bite with it?

When we are speaking about the remote workers, especially, they have already proven that they have their own jobs and they can seamlessly integrate into our communities without draining our resources, so to speak.

To have a frictionless or seamless programme, one that we have seen has worked in the past, we should really, really think about having that tailored within the legislation that we are talking about now.

Other than that, certain labour advocates will have voiced their opinions and they are worried about employer accountability, as I am, because where does the Bill introduce guest worker regulations and employer penalties?

Well, history has shown that bad actors frequently exploit more, I do not want to say cheaper labour, but that is exactly what it is, cheaper labour, and standards drop.

Therefore, one of the things that we are concerned about is that if we are already having some concerns or struggles in the Immigration with respect to our bogged down administration and bureaucratic friction, how can the public then trust the Immigration Department to monitor corporate compliance?

I see the Immigration Chief there smiling at me. I hope it is something that I said that you agreed with or you have an answer to. You do not have an answer to it? Oh, you have an answer to it? Okay.

Mr. CHAIRMAN: Just to interrupt on the matter of time, you have gone close to 20 minutes. We have extended, and we have given you a little latitude.

Mrs. Amoy GILDING-BOURNE: Thank you very much, Mr. Chairman.

Mr. CHAIRMAN: Do not overdo it. Thank you very much.

Mrs Amoy GILDING-BOURNE: We have one more point to make, but I was on the Chief Immigration Officer there just now. I wanted to know what concrete staffing, our timelines, our commitments that we have that will assist with respect to employer compliance? How will inspections like whistleblower protections and remedies for exploited workers be implemented? What anti-fraud or anti-audit mechanisms will prevent misuse of the point system for employers or agents?

Now, the last point that we are going to make, and my colleague is going to make it, is with respect to the gender responsive and anti-trafficking protections, which we think that the Bill could do with a little bit of time. Not long.

Mr. CHAIRMAN: We did not know that you had an extension to the presentation. I thought that maybe you were wrapping up.

Asides

Mr. CHAIRMAN: Committee Members, what are we going to do? Are you open? Senator Walters, Senator Mallalieu, Ministers?

Asides

Mr. CHAIRMAN: Let the Committee Members decide how we move forward. We have gone 20 minutes, and I just wanted to know if we . . .

Senator A. W. MALLALIEU: Mr. Chairman, I thank you for the question.

I just wanted to remind us that we must be respectful for all those people who were asked to present today, and we do not have unlimited time today, so perhaps they could wrap it up in the next minute, and that would be enough for me.

Mr. CHAIRMAN: Senator Walters?

Senator R. O. WALTERS: Maybe you can give them the opportunity to make that one final point.

Mr. CHAIRMAN: Proceed but keep it very tight because we have really gone over.

Mrs. Amoy GILDING-BOURNE: Thank you, Senators.

Ms. Felicia DUJON: Thank you, and good

afternoon.

My short and brief presentation primarily looks into the gender-responsive and anti-trafficking policies that can be implemented in both Bills.

Initially, when we think about immigration laws and policies, we tend to forget that we are actually dealing with the human element, and I think these are the kinds of areas that we need to pay a little attention to.

Primarily, one of the things that we want to look at immigration legislation should ensure that workers can report abuse without losing legal status, victims of domestic violence, as well as trafficking, that victims are not criminalised for leaving any situation of employment which is abusive or responsible development, and independent monitoring of employers that ought to be strengthened.

In addition, spousal and dependent residency provisions ensure that immigration arrangements cannot be used as instruments of coercion or control within abusive relationships.

Consider mechanisms allowing victims of domestic violence, trafficking, and severe abuse to maintain temporary lawful status while seeking protection and support services.

We are aware that there is an Anti-Trafficking Act 2016, however, what we would like to see is that both Bills identify trafficking and trafficking of persons.

In addition, we want to look at in terms of having clear regulation guidance where it deals with gender-specific immigration policies, child protection measures for migrant children and unaccompanied minors, confidentiality protection for victims, access to legal, medical, and social support services, coordination between immigration authorities, law enforcement agencies, social services, and anti-trafficking bodies.

In addition, I think we had a discussion in terms of the role of the Minister.

We are recommending an independent immigration review and advisory committee that will deal with matters where they may have, I would say, contradicting mechanisms within their processes of applications.

I believe that having a Minister with discretionary powers, it is kind of a little dangerous in some cases, and I believe a committee, an advisory committee can oversee that, and that committee can comprise representations from immigration, the legal profession and civil society.

Most importantly, civil society is very important in terms of working with immigration policies in terms of trafficking and anti-trafficking policies.

I can send a report to facilitate that as well, but I believe what the Bill is actually missing is the gender response to immigration laws and policies.

Mrs. Amoy GILDING-BOURNE: Thank you very much, Mr. Chairman. That concludes our submission before you this evening.

Mr. CHAIRMAN: Thank you very much, and like I said in my preamble when you came in, I want to thank you for taking time to share with us your lived experiences, your professional status as it relates to human rights and everything that we will factor into this Bill.

I do not know if I can give you answers today. That is not my role, but I will let the Committee Members discuss your presentation over the next half an hour, and we can feed comments and questions from you as well. That is how we do it.

I am going to open the floor.

I know probably Senator Walters might have been privy to this presentation, and you may want to say something.

Senator Mallalieu, Ministers, the floor is open, and also Immigration and CPC, feel free.

Senator Walters do you want to start?

Ms. Margaret INNISS: My name is Margaret Inniss, Chief Immigration Officer.

It was really great hearing some of your concerns, and just so that you know, most of the things that you are asking for, we already have in place.

The Child Care Board, the Immigration Department, we work closely with them already. The Labour Department, Anti-Fraud Squad, all of these things are already things that are in train that we do on a regular basis.

Human trafficking. Tomorrow, we are having a training session with our officers, and it is ongoing training for our officers.

Hence, most of the things that you are talking about are things...

Mr. CHAIRMAN: Chief, just bring the microphone closer.

Ms. Margaret INNISS: Yes, I am sorry. Most of the things that you are asking for are things that are already in place with the Immigration Department.

Over the years, we have evolved and have built out relationships with the social services, as well as it relates to police and the anti-fraud squad. These are things that are already done.

Every agency has a role and responsibility, and there is actually a map in terms of human trafficking. First respondent, second, third, what happens along those lines. Those are things that are already in place. I noted that you did mention background checks after three years, but our background checks are done before you are granted status. Therefore, that is done before, and not after, necessarily.

Asides

Ms. Margaret INNISS: Yes, you did. I wrote it down.

Our checks are rigourous checks. We work with other security agencies.

Right now, we do something like pre-checks before you actually get here, so that we know before-hand a bit of who you are before you enter our waters, so to speak.

Mrs. Amoy GILDING-BOURNE: I just wanted to clarify. I just want to clarify that, if I did say that, I was speaking about background checks before they get here, so we know who is coming, what you did, your financial history, your criminal history and medical history, if that is necessary. That is what I said and that is what I understood.

Let me make that correction. So, what I wanted to know is, where are these mechanisms? I hear you talking about the different agencies we have, but . . .

Ms. Margaret INNISS: Okay, thank you. I am pleased to let you know that, as it relates to immigration, we are safe.

We have developed security systems and checks with other agencies. So, we have something called advanced passenger information.

We know, generally speaking, who is coming before you get here, so that we can put things in place to safeguard our borders.

There is a bit of legislation that we are looking at and that is the passenger name record. So, the legislation is helping us really and truly to get better at what we do.

I can assure you that there are checks and balances in place before persons get here.

Ms. Felicia DUJON: Thank you for that information.

I just want to make reference again to the Anti-Trafficking Act, 2016. The concern has been that the Act somebody is caught in the act of trafficking.

But, what are the mechanisms?

Neither Bill touches on trafficking. It does not make any reference to anti-trafficking policies. It works in isolation which is given and it specifically deals from the perspective of the Immigration Officers, they are first of contact.

What we are recommending that parts or clauses of anti-trafficking be included, so that it gives Immigration Officers first in contact, as to how to identify it.

You have already identified that they are doing the training and all of that, that is important for them.

With this Act, it does not make reference to it. It does not include the Anti-trafficking Bill in any way.

It is important that these matters are dealt with as first-hand because immigration officers are usually the first people of contact and are able to identify those matters, not having to make reference to the Anti-Trafficking Act in itself.

So, that is one part.

The other part that I think I wanted to ask deals with domestic abuse, where a spouse, in terms of the spousal dependency sponsorship, what happens to persons that are in this situation? Do they have the responsibility to report it? If they do report it, how is it dealt with in cases of domestic violence? Is the application withdrawn?

I think these are the kind of questions that I would want . . .

Ms. Margaret INNISS: Okay, so I work in

immigration and not the police department.

There are certain matters that are referred to the police department like domestic violence which really and truly, it does not come under our purview.

So, perhaps, that is a question that can best be served by another player.

Ms. Felicia DUJON: I just want to ask again. So, I am just giving a scenario, in case you have someone who has applied for citizenship and they are in a very dangerous situation and that person reports it to an immigration officer. What is the next stage in such cases? What do they do? Do they go to the police?

Remember, the application is still with immigration. Will they have to withdraw the application? Would they have an intervention? I think what we are trying to do is to provide protection for victims. Our policies must be gender sensitive to recognise those matters.

So, referring it to the police also takes the victims to other places.

I think everything needs to be centralised in such a way. It is not with the immigration. It is just that we want to ensure that all of our victims are protected by all means, all the capacities and mechanisms we have.

Ms. Margaret INNISS: I hear you. Yes. Noted.

Mr. CHAIRMAN: Minister Husbands wanted to make a point. Also, CPC, if you want to come in, you can feel free.

Ms. Paulette ATKINS: Sorry, Sir. I was just listening to the presentation.

In my mind, I am saying we have a body of legislation here in Barbados. If one piece of legislation does not adequately address it, there is some other piece of legislation that fills the void.

You made mention about labour. The Labour Department's legislation would be triggered there. So, I am thinking that our cadre of legislation and personnel within the Government Service would be able to address the needs of any person who finds himself or herself in a vulnerable situation.

I do not think the Immigration or the Citizenship Bill are the only pieces of legislation that we should be burdening with all of those responsibilities.

Mr. CHAIRMAN: Minister Husbands.

Hon. Ms. C. S. V. HUSBANDS: Thank you very much. I am pleased to see the ladies coming, sharing and so on. Engagement is so very important.

Just to set your mind at rest, if you go to the Bill, you will see that at pages 50 and 51, they have a list of the persons who are prohibited.

One of those mentioned are people who are engaged in trafficking, abusing minors and so on. Therefore, it has not neglected to say who cannot enter, along with drugs and all of the other things.

There was one part of the presentation made that I just wanted to comment on because I do not think we got a chance to deal with it in the previous submissions: the issue of the capacity of the social and economic services.

What I understand is that people are saying that we are already challenged with providing for what we have and if we bring in a whole lot of people, how are we going to provide safely for more people when we are having challenges at the moment?

The answer to that is like the issue of the chicken and the egg.

If we were to bump up all of our services to accommodate another 200 000 people at present where we are, you would have to burden the current population with higher taxes to make it happen, both people and enterprises.

The strategy for being able to accommodate and serve more people is to actually increase your population over time in which you are blending people being able to get work, people being able to pay NIS, people being able to pay taxes, people coming in and wanting homes, *et cetera*. So, they are spending in the economy.

Because they are spending in the economy, the tax revenues will rise and you can then increase your services as you go along. So, it is something that goes on hand-in-hand. You are folding it in bit by bit. This is why you have to take a strategic approach to it.

You are not going to get there without increasing your population to increase your economic activity to increase your Government revenues that you can provide more and more services.

The last thing, we started talking about

Singapore. Singapore is 270 square miles. Barbados is 166. Singapore has six million persons. We have 269 000. What they did back in 1824, Singapore only had 11 000 people. They had to sit down and work through how we are going to grow our economy.

They recognised you cannot grow it with small numbers. You need numbers in order to generate the economic activity, and so, they went on a planned migration programme of bringing in people into their economy to deliberately allow them to build out the various sectors that they had targeted for growth.

And so, they were able, by 1947, they were able to go to one million persons because they used a managed migration policy. This is what Barbados is seeking to do.

You asked the question about how will it crowd out your domestic labour and the competition. That is a genuine problem that people discuss and have concerns about. The strategy has to be, Barbadians are not going to work for pennies an hour. They will not, and they cannot live on that.

What Barbados has to do is to raise the productivity and skill levels of its population so that that worker is valuable to the employer because of the level of skill that they bring and the quality of their output. This is what will safeguard jobs.

What will happen then is that you will have, and Singapore had that problem, they had employment, but they did not have enough people. So, their domestic people were employed, and then the foreigners then filled in where the gaps are. Now, everybody did not come in as a citizen, they would come in as a migrant worker. So, you would have a two-year work permit or a three-year work permit or whatever was the case, so that they could keep balancing and rebalancing what it was they were doing and accept only the numbers and qualities that they needed to make them permanent citizens of their country.

So it is that kind of strategy and managed migration approach that has to be used if we are going to make this work.

What is not an option is to do nothing. What is not an option is to do something too slowly while you have a situation that is deteriorating before your eyes. We simply do not have enough of a working population to carry our seniors. We cannot change that overnight. We have to do something.

We will take care of the challenges that you have identified and do our best to deal with each one of those things. This is part of the strategy. It is not something that we have not thought about. We have thought about it, and we are putting in place things that we need to try to manage and deal with it. We are trusting that in another three, four years, when you come back to assess it, I am hopeful that we will have a very positive report to give you.

Mr. CHAIRMAN: Minister Springer.

Hon Dr. R. O. SPRINGER: Thank you, Mr. Chairman. Just want to respond briefly to some of the points that were raised by the presenters.

One thing, in particular, that she would have mentioned where the question was put about preserving our national identity and protecting other social services.

I think the concern as it relates to social services was addressed by Minister Husbands.

I would want to speak to national identity.

In listening to the presentation, I was reminded of a theory in the tradition of critical and social theory that speaks to hegemonic discourse and the idea that dominant groups would come into a society and would influence the behaviour, the culture of that society. That is a real concern.

In this particular case, I wonder if it is a real concern in the sense that we have had interference from other cultures, from time immemorial.

In fact, if you look at the Barbadian identity, it would have been impacted by a number of historical events that would have happened over the centuries. Some of those things, we would want to forget.

We would have had events over the years that would have impacted the narrative as it relates to the Barbadian national identity.

Certainly, dating back from the slave trade, Independence, when we became a Republic, all of these things are now part of the narrative.

Culturally, we have had interference from the North, whether it be Northern Caribbean, Jamaica, North America.

In fact, the influence of music, dance, all such

like has been so impactful over the years that in many cases, those music forms, those cultural forms are far more dominant than our local cultural expressions in some aspects.

That has in no way injured our national identity because national identity is not meant to be stagnant, cannot be stagnant, cannot be fixed. It has to be fluid. It has to be. It is often always in flux. There is always change.

There are things that we would want to adopt from other nations, from other groups. We would want the German efficiency. There are good things, there are bad things. We have to determine as a people what we will keep and what we will discard.

I think that is the main question, not to be afraid that persons will come in and try to change who we are? They cannot change who we are. We are Bajans.

Whether 100 persons come here, 1 000, or 10 000, we will still be Bajans. They may become Bajans, but they are not going to change who we are because our national identity is part of our lived experience.

What we have been through as a Barbadian people, as a Bajan people, that is not going to change. So that is not a fear that I would want to put out there, or even a real concern.

Yes, there will be changes. Of course, there will be changes. There have to be changes. But I do not think there is any threat to what we collectively refer to as the Bajan or as our Barbadian national identity. I just wanted to make that point in response to your concerns.

Ms. Felicia DUJON: Thank you for sharing, Dr. Springer.

If I may add, when we create legislation, it is not usually for maybe not in our lifetime. It could be decades, centuries later. And I think it is relevant that we do speak about preserving our identity by whatever means, whether we do it for this generation or the next generation.

To say that would also mean that we almost pre-empt that our identity or our culture might not be diluted by any other culture. I think it is wrong and erroneous to say that. Given what we have seen, what our global economies look like in today's age, I think it is important and relevant to ensure that we do whatever that is necessary to preserve whatever culture, whatever little that we have that makes us Barbadian, if I can openly say that.

Also, we do not have the data. I think you are saying that, but you do not have any supporting data to say that our culture would be preserved within the next decades or centuries. I think it is important, and I think it is relevant, and I think what we keep forgetting is the human element.

Regardless of what legislation that we pass, we always have to remember that when you have immigration policies, whatever legislation that you are trying to pass, people will interact and sometimes your culture may be hegemonic.

What may be perhaps identical to other societies or to other cultures or to even to the younger generation, perhaps the younger generation that is coming may not like what we have right now.

So, I think it is important to identify that. If we are looking at immigration, we have to look at the impact that it will have within our societies and how best we can preserve it and not dismiss it as if, well, we do not have to worry about it because in next five years we will have the same culture. We cannot predict that. We cannot predict the influences of other cultures on our culture.

So, I want to make that claim and keep preserving, and it is our human fundamental right. UNESCO tells us that, that we have the right to preserve our culture and we have to do it. If it means that we do it through various forms of legislation, we should continue to do that. Thank you.

Mr. CHAIRMAN: Okay, thank you, Mrs. Gilding-Bourne and Ms. Dujon, for taking your time out to present on this very important matter.

Like I said, following your presentations and I guess you will send a written submission of what you presented today.

Certainly, your comments, your presentation will be taken into consideration as we dive deeper into this Bill to make it fit for purpose Legislation for our citizens, for our community and for future generations.

So, thank you once again.

Mrs. Amoy GILDING-BOURNE: Thank you all for having us.

SUSPENSION

Mr. CHAIRMAN: Okay, we have had a relatively long day. We still have three presentations to do.

Is it the will of the Committee to break for lunch at this stage. It is two o'clock and I think we have gone on for a long period. I think we need to have something so we can feed our brains as well.

Okay, we will break for 50 minutes. So, this Meeting is suspended.

RESUMPTION

Mr. CHAIRMAN: This meeting is resumed.

We will continue with oral presentations, and we are expecting to be finished before 4:30 p.m. We have to stick to the 10-minute stipulation though.

Mr. CHAIRMAN: Good afternoon. Thank you all. Just let me offer a thank you to you young attorneys-at-law.

Am I correct?

Ms. Faith SEALY: Yes, Mr. Chairman.

Mr. CHAIRMAN: Oh dear! I am so pleased. To be a young female who took your time to prepare submissions to these two important Bills that will determine how we move forward as a country. It is important to our nation, to our communities, and as I said to future generations.

While you are in this generation, you are still a part of a future generation of future leaders.

I am happy to see you here and indeed, at the end of it all, it is our wish that your input to these two pieces of Legislation would inform how we move forward and will redound to the betterment of this country as we continue to make Barbados the best place to live, do business, raise children, and have a family.

I now turn over to you.

State your names before proceeding. Thank you.

Ms. Faith SEALY: Thank you, Mr. Chairman, for your welcome, and thank you, Committee, again, for having us.

My name is Faith Sealy. I am an attorney-at-law. This is my colleague, Ms. Michaela Blackman, also an attorney-at-law, and my colleague, Miss Sharllah Waithe, who is a Policy Advisor.

We just have a few short submissions for the Committee today. Our submissions were principally involved with the Citizenship Bill, however, obviously, the Citizenship Bill and the Immigration Bill would necessarily go hand-in-hand.

However, our submissions are limited to the Citizenship Bill.

We do have three points and I wish to start with the beefier point, which is in relation to the application of citizenship under Part II of the proposed Bill.

We would have taken note that Section 3(4) of the Bill currently provides that persons who hold immigrant status under the former Immigration Act for a period exceeding three years may be registered as citizens.

We, however, wanted to ask the Committee to consider that three years is too short a period for general eligibility for admission to citizenship in Barbados, and also to further propose that a distinction should be drawn between CARICOM nationals who have Caribbean spouses, wherein a minimum of three years residency could be the stipulation for them, provided that the applicant is either a citizen by birth in a CARICOM nation or a citizen of a Caribbean State where they are married to a Barbadian and where they have lived in Barbados for a continuous period of three years and have been paying taxes during that period.

As for international applicants, we then proposed that there would have been a five-year minimum for their residency and during that period that they would be continuously present here and paying taxes in Barbados.

The reason for the distinction, Mr. Chairman, is that we believe that in line with Barbados' policies in relation to CARICOM, the Treaty of Chaguaramas, and the Freedom of Movement and all of the regional integration and steps we are taking towards regional integration, we believe that CARICOM nationals should have necessarily some kind of benefit in this area wherein, due to their status as CARICOM nationals, they benefit in a sense, from their nation's collaboration certainly with Barbados. We do believe that it would also strengthen then

our bilateral relations with our fellow Caribbean States.

The five-year minimum that we prescribe for international persons is also in line with international standards in places like England, the United States of America (U.S.A.), and Canada. We would have also looked at nations of a comparable size to Barbados, namely The Seychelles Islands. Their path to citizenship, they have a more stringent process wherein they require persons to be living there for a period of at least 15 years, having been married to a citizen of The Seychelles Islands.

If I may, bring up why we compared them. We are of a comparable size. Barbados is 166 square miles and The Seychelles Islands area 177 square miles. We have a population of just under 300 000 persons, and The Seychelles Islands has a population of 135 000 persons.

We found it necessary to take kind of inspiration from their process, meaning that they are a smaller nation with a need to protect their resources, the limited resources they have, especially in terms of having limited space, limited places to house persons and as we know, Barbados, we have already been told, is overpopulated.

Therefore, we felt that we should be a little more guarded when we are coming to the period of time in which we have persons having to live here in order to become citizens.

We also felt that persons should invest in the country. We know that the country is having issues when it comes to the NIS contributions, and we have heard time and time again that the fund will be depleted in a couple of years, so to have persons come here and to ensure that, because they will be receiving the benefit of Barbadian citizenship, which we do have genuine benefits as Barbadian citizens.

Our social programmes are strong. We have free healthcare. We have free education. Persons will be coming here and benefiting from the strength of our passport.

Therefore, we believe that we have something genuine to offer people when we are offering them citizenship and they should offer us something genuine in return.

Our final two points were mainly drafting points, and I would hand over to my colleague, Ms. Waithe to address the first point.

Ms. Sharllah WAITHE: Good afternoon, my name is Sharllah Waithe.

Our first point was the definition of a spouse. On page seven of the Bill, the definition of spouse includes the phrase at least five years. In ordinary language, 'at least' implies that five years is a baseline, but that the requirement could extend further depending on circumstances.

The wording poses the risk of ambiguity.

Therefore, we recommend that the definition be revised to state a minimum of five years. This phrasing is more precise and technical, establishing a fixed threshold. Once five years is reached, the requirement is therefore satisfied without leaving room for a discretionary extension.

I pass on to my colleague, Ms. Blackman.

Ms. McKayla BLACKMAN: Good afternoon, Mr. Chairman and Committee. My name is Mckayla Blackman.

I will be speaking to the third and final point, which is the discretion of the Minister under the Bill.

Firstly, section 9(3) provides that the Minister should give notice in writing to the person against whom the application or recommendation for an order for their citizenship to be removed, the grounds for the deprivation and their right to an inquiry, allowing for transparency and procedural fairness.

Similarly, in 10(2), notice is also provided in writing, and there is even a provision for a referral to be made to a Committee of Inquiry.

However, section 13 says that the Minister is not to provide reasons, making ministerial discretion absolute.

On that point, we wanted to raise the fact that in referring the case to a Committee of Inquiry, it is presumed that in keeping up with the principles of natural justice, the Minister would have to comply and provide some reasons for which the order is being proposed in the first place.

Therefore, the generality of section 13 ought to be reduced.

Ms. Faith SEALY: Thank you, Sir. Thank you, Mr. Chairman. Thank you, Committee. These are our respectful submissions, and we do

welcome you to ask us questions if you do so desire.

Mr. CHAIRMAN: Thank you so much, Ms. Sealy, Ms. Blackman, and Ms. Waithe. I see Ms. Waithe smiling. You know, this is so refreshing. I can sit here for the entire afternoon and listen to you all, young people who are keen on offering suggestions and advice to a government, and you did it so eloquently, and I am impressed with your submissions.

What I am also impressed with, when you looked at the application of citizens, you also made a recommendation, a drafting recommendation.

Therefore, you would have done your homework.

I am not telling you that I agree or disagree, but I am just telling you the substance, the length of time you took to prepare something to say this is my recommendation to the drafters, and I would ask CPC to come in here because, and any Member of the Committee, but I just wanted to let you know that I am impressed, and I know the other Members of the Committee are impressed with you three young female attorneys-at-law.

Thank you.

Ms. Faith SEALY: Thank you, Mr. Chairman.

Mr. CHAIRMAN: CPC, perhaps you can give some clarity to the drafting and the recommendation, the possible amendment. I am not sure if you have it.

Ms. Paulette ATKINS: Sir, on behalf of CPC, I am looking at the definition of spouse here, and I am almost certain that that was in the instructions for at least five years, so that is the policy. We just represented the policy.

Mr. CHAIRMAN: Okay. What I am hearing from CPC, a policy decision would have to be made whether it is a minimum or at least, but certainly we heard you. It seemed like Senator Mallalieu wants to come in, so I will let him come in now.

Senator A. W. MALLALIEU: Thank you.

Through you, Mr. Chairman, it seemed, through, CPC, that the request that was made is a reasonable one because I too would have that same question.

If it is a minimum of five years, then who is the arbiter of that? Is one year enough? Is six months enough? Who decides?

Ms. Paulette ATKINS: Sir, respectfully, I am just in the representative capacity. I know that this point was discussed because we were also looking at the common law requirements, but the guidance was to put at least five years.

I really do not know what is the policy decision behind that.

Senator A. W. MALLALIEU: Okay, so let me rephrase my question.

My question is, based upon this law, and I must read this law on its own, where in this law would it tell me who would determine the 'at least' five years?

If it is four years and 11 months, where is the discretion? Is that coming from the Minister?

Mr. CHAIRMAN: No, that is slightly different to what the attorneys have put forward, but I understand your point, Senator Mallalieu.

There is a level of discretion, four years, 11 months. I suspect there will be a level of discretion there.

However, I am looking at the submission. I am going to let you speak, Ms. Sealy, I do not want to speak on your behalf, so I will let you speak.

Ms. Faith SEALY: Yes, Sir. If I could just offer some clarity.

We were not necessarily saying that it should not be five years. We were speaking strictly to the drafting of the Section and saying that the Section should say a minimum of five years, which respectfully, to Senator Mallalieu's point, would reduce or completely eliminate, rather, the misinterpretation that someone can come at, as the Chairman said, four years and 11 months and still get through.

A minimum of five years is clear and unambiguous, so persons would know that five years, that is the threshold that you have to meet in order to qualify under that Section.

Additionally, if I could say, the Family Law Amendment Act does not say 'at least', it says that you should cohabit with a person. This is in terms of a union other than marriage.

Now, I am just comparing the drafting of those sections.

However, you should be residing, or you

should be in a relationship with that person, continuously cohabitating for five years. The drafting is meant to be absolute. I know as well that the Family Law Act would have had some interpretation issues, even at the CCJ level in the case of Selby v Smith.

Hence, to eliminate those drafting ambiguities and those conflicts of interpretation, we were just recommending that instead of saying 'at least' five years, you would say 'a minimum' of five years.

Thank you.

Ms. Paulette ATKINS: Yes, in response to your submission, I will take it on board, but we are also guided by policy. Therefore, at this point, the representation from CPC will be that we will take it back to the respective Ministry for further guidance.

Ms. Faith SEALY: Thank you.

Senator A. W. MALLALIEU: Mr. Chairman, I have another question coming out of the presentation. Thank you.

Ms. Sealy, coming to your presentation, you mentioned that you were recommending that the three years was too short, and you used the words continuous presence and paying taxes. Do you actually mean that your recommendation is that someone has to be continuously here for three years uninterrupted?

I mentioned it because there are jurisdictions that require that. I am aware that in Canada, if you are seeking to immigrate there, you cannot leave the country while your application is being considered, or during a particular period, you cannot leave the country.

Did I understand your recommendation correctly that you are saying that you think it should also be a continuous period of three years uninterrupted?

Ms. Faith SEALY: Yes, Senator, you did understand our recommendation correctly.

Just to expand further, as I said in my presentation, we have genuine benefits to offer with our citizenship, otherwise, we would not be here debating this Bill and debating offering citizenship to persons at a faster track or a faster rate.

So, I am saying that in equal contribution or in equal measure, we should have persons invest for those genuine benefits to the citizenship, as well as investing in Barbados. I did listen to some of the submissions earlier and noted that there was some consideration, as to the labour force, as to the contributions towards NIS and as towards the economic growth of the country.

I think that these policy decisions or this recommendation, rather, would support those policy considerations in terms of the economic growth of Barbados.

Mr. CHAIRMAN: Thank you. While I was here listening to you, I made some copious notes. At Part II, Application of the Citizen, where you made a recommendation to the drafter, we will make sure that recommendation is passed on.

You certainly will get feedback, as to whether we have incorporated your recommendation because I can see it all relates to the whole application of Citizen, CARICOM National persons, other international applications and the minimum of five years residence with continuous compliance with Barbados tax laws. You have placed before us a recommendation.

I love the fact that you have offered something to the Committee. The other area, the 'ministerial discretion', I will ask one of the Ministers to speak on that because we mentioned reasons why we do not want to tie, I use the word "tie", Ministers. There are reasons that were articulated by both Minister Husbands and Minister Weir this morning.

I would want them to share with you, for the benefit of the record and to bring clarity, as to why it was placed in the Legislation.

So, I would offer either Minister Husbands or Minister Weir, the opportunity.

Hon. Ms. C. S. V. HUSBANDS: Let me thank you, ladies, for coming forward. I must echo the Chairman's sentiment, how happy we are to see young people engaging in citizenship matters and taking seriously the work of shaping our new republic. That is why I am so pleased. I am hoping that more people will do this because this is part of shaping the Republic that we are seeking to build that will provide every Barbadian with the opportunity to live that very best life.

So, thank you for coming forward.

You have raised a number of issues.

The 'ministerial discretion' issue has come up

fairly frequently. I think sometimes what happens is that people assume that that is put in place to deliberately allow ministerial power to do nefarious things. So, every time people see it, they think, oh, they want to do something bad. That is not the case.

Immigration and the movement of people in and out of your territory is a matter of national security. National security requires that, one, you have vigilant persons at your border who are ensuring that only those who qualify to enter, can enter to identify those who may present a potential challenge, disturbance or cost to the nation. That is their job. The Immigration Office takes that very, very seriously.

In terms of national security, what can happen, however, is that you might have someone who might be suspect. They may be under investigation, but no concrete, factual information has been locked down on this person. You may have heard us speak earlier that they are not relying on immigration here in Barbados to pick up a phone, call somebody, write a letter and send by snail mail to another country for them to try to find out where is this person. They are part of a network that gives them access to databases that keep information on all of us before you arrive at any destination. They already know if you are a risk. They already know if your **Facebook** or whatever says this or that. They already have that assessment about you.

However, sometimes, it may be a sensitive situation where you are still investigating. You do not know. There is a suspicion that the person presents some kind of . . .

In a case like that, the State would like to have the power to deny them without having to bring out sensitive information or put something on the table that a person then can take to a court to challenge.

The aim here is not to give them the power to bring in nefarious people, but when they are presented with a situation that is not clearcut and they want to err on the side of caution, you want to allow someone to be able to say, *"Well, no. This person cannot be allowed in."*

That it would not and cannot be questioned because if in your law it says that a person with these things can come in or whatever is the case and you do not have a good basis for denying them, they can take you to court on a matter.

The thing is, when it comes to national security, now the other problem that people felt was that the Minister would go home, lay down on his bed and think about it and then, come back and say, *"You know something. We ain't letting in that person."* No, that is not how that works.

There is a National Security Council that meets in this country on a regular basis, where they discuss everything pertaining to national security. Therefore, those sorts of things would get discussion, but the power would be given to the Minister to say, *"Okay. No, when we look at this, we don't want to take the risk. This person cannot come in."* End of story. No challenge.

So, that is why it is put there, to cover those situations that you do not know might arise.

Mr. CHAIRMAN: Thank you, Minister. Over to you ….

Ms. Sharllah WAITHE: Just on a point of clarification, when we spoke about the ministerial discretion, we were not speaking necessarily about impropriety or challenging the Minister's discretion to refuse citizenship or withdraw citizenship.

It was more so on a point of clarification of how the Bill itself was drafted because when we looked at it, the earlier sections, when we spoke about Sections 9(3) and 10(2), along with 13, we were therefore just making the recommendation that Section 13 be amended to read, "Subject to sections 9 and 10" or similar wording because in its current form it appears to negate the rights of notice and inquiry guaranteed in the above section.

So, we just wanted a point of clarification. "Subject to sections 9 and 10" or similar wording because in its current form it appears to negate the rights of notice and inquiry guaranteed in the above sections. So, this would be for Section 13, just so it reads more fluidly and kind of complements Sections 9 and 10.

Ms. Faith SEALY: Yes. If I could piggyback off my colleague's submission, I do take the Minister's point about national security and there being situations where the Minister may not want to give reasons for why they would have denied the access of certain individuals.

In that case, as my colleague said, this was again a drafting recommendation because section 13 which strips the need for reasons for any application is inconsistent with the sections above that require the Minister to give reasons upon request.

So, perhaps, there needs to be an entire re-drafting of the Section to point out that the Minister can have the discretion to refuse to give reasons in particular instances, so that you can maintain the integrity of the above sections, while still protecting national security.

Thank you.

Ms. Paulette ATKINS: Yes, please. I am here reviewing it. While I take your suggestions on board, I do not necessarily agree. While the duty to give reasons are listed above under separate circumstances, I think it is implicit that if we are going to make it a final dictum, that we say that 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.

We would not be privy to other information that the Minister will have and if we are not careful and we leave the drafting open-ended, we will have too many appeals going forward. I think that this provision was done so that we would negate that.

Mr. CHAIRMAN: You got your clarity, Miss Blackman?

Ms. Kayla BLACKMAN: Yes, but just to reiterate, that is why we were saying in section 13, because how it reads right now, it does read kind of confusing.

That is why we were saying that you just add any line subject to.. . because when it is read in its totality, then it seems as though it is contradicting the above sections in a sense.

Mr. CHAIRMAN: We will look at it.

I truly appreciate, you know, the extent to which you have gone to prepare, not only prepare a document for us, but recommendations. That is the way we have to live in this world today. We do not only come to criticise or ask questions, but bring recommendations.

I am so delighted to see recommendations coming from three young attorneys-at-law. I am so delighted.

So, we will take all your recommendations on board.

Certainly, I will say without any shadow of a doubt, I would like to see all presentations and submissions coming to us with recommendations, food for thought, that we can deliberate and discuss and come up with the best possible Bills, both Immigration and Citizenship Bills.

I thank you so much on behalf of the Joint Select Committee and the Government of Barbados.

Keep doing what you are doing. Keep being a good citizen of this country. The future is yours.

The three presenters thanked the Chair and Committee for allowing them to air their views.

Mr. CHAIRMAN: Next presenter.

Thank you, Mr. Bromfield, another young man. Are you an attorney-at-law as well? Okay, student? We notice we do not have a written submission. Do you have one?

Nonetheless, we will give you the opportunity to present to us orally, and then we would like a written submission so we can indeed share your presentation with the Members of the Committee, some of whom are not here.

It would be unfair to the Minister also not to be privy to certain things that you would be submitting.

So, over to you, Mr. Bromfield.

Mr. David BROMFIELD: Yes, please. Thank you, Mr. Chairman.

I am not sure, but to my immediate recollection, I had attached the written submissions. I did prepare them, but I will just re-forward them to Miss Hamblin for the Committee, of course.

I would like to firstly say thank you for inviting me to make oral submissions before the Committee today.

Since last year, when both of these Bills were introduced to Parliament and they were before the previous Committee, I followed the discussions. So much so, my final year research paper was dedicated to looking at both of the Bills in contemplation of Barbados' constitutional reform process.

So today, instructively, my submissions

contemplated the current constitution of Barbados and the 2024 Constitutional Reform Committee Report and the language used in the previously-circulated draft of the 2024 Republican Constitution, but those are only instructively, of course.

Now, my first...

Mr. CHAIRMAN: Just letting you know, you have ten minutes.

Mr. David Bromfield: Yes, please.

My first submission concerns the constitutionality of the draft of Part Two of the Citizenship Bill, section three, subsections five and six, which deals with the registration of citizenship.

Now, the Constitution says that any person who is a Commonwealth citizen has been ordinarily resident in Barbados and has not, for the period of residence in Barbados, been ordinarily resident outside of, shall be entitled upon application, be registered as a citizen of Barbados.

So, there are two prerequisites set out there in one, the nature of residency, that you must be ordinarily resident, and two, the minimum period of residency, which is seven years.

I will deal with the nature of residency and how that conflicts with the Constitution.

Gratefully, what it means to be an ordinary resident was something that was dealt with.

The High Court of Barbados, the Court of Appeal, and the Caribbean Court of Justice in the Eddy Ventose case v. the Electorate Boundaries Commission of Barbados.

In that case, the People's Representation Act prescribed that a Commonwealth citizen who had been an ordinary resident in Barbados for a period of three years can be registered to vote in an election.

Professor Ventos at the time, he had attempted registration all of three times and he was denied, so he brought it to the court.

The EBC argued that he could not be an ordinary resident in Barbados because he did not possess one, Barbadian citizenship, two, permanent resident status or three, immigrant status.

All three justices rejected that idea.

It was held that an ordinary resident means essentially, the place a person has adopted as their home where they habitually live and return. Temporary absences do not break such ordinary residence. That would have been codified under the Representation of the People's Act to Regulation 1990.

Therefore, the issue is in section 3(5) and section 3(6), there is a qualification of status where the word 'as' functions as a pre-position, right?

It reads that you must have lawfully resided in Barbados as a permanent resident.

The Constitution says that you only need to be ordinarily resident for a minimum period.

I will move on to the second requirement now under the Constitution, the seven-year requirement.

Firstly, I do note of course, again, the Constitutional Reform Committee Report. In that report, they would have recommended that we remove the minimum threshold required under the Constitution. So, Parliament may by ordinary legislation, change the minimum threshold required.

So, the recommendation is that, if it has not already being done, that contemporaneous amendments be made to the legislation, if it is being done before the introduction of the Republican Constitution, or the proclamation date is set at the commencement of the Republican Constitution of this legislation for those sections to be constitutionally compliant.

Now, my second submission concerns the restrictiveness of part two of the Citizenship Bill, section 3(4).

The application of the section effectively disentitles individuals who would have held other legal statuses other than immigrant status under the current Immigration Act.

The Immigration Department, you can be ordinarily resident under, for example, a work permit, work and reside under CSME and other statuses.

In this section, it only limits persons who would have had immigrant status under this Section for three years upon commencement of the Bill to be registered as Barbadian nationals. The transition therefore needs to encompass everyone who would have been ordinarily

resident under other statuses other than Immigrant Status, so as they are not disentitled or excluded.

Now, the third submission concerns section 7 (1) of the Immigration Bill and the Fourth Schedule. 7 (1) establishes the additional grounds which a person may apply for Permanent Resident Status and you need 10 points to be registered as a Permanent Resident.

The concern is that the point system is restrictive, so, if you are between the ages of 18 and 30, you can be awarded five points. If you are over the age of 30, then I believe it is up to four points and then, if you have educational background skills or experience, it is one to five points.

The issue is, for example, if someone is over the age of 30, they do not have Barbadian descent, they do not have any financial resources, they would not have served in a diplomatic mission so that they can only be awarded between seven and eight points.

They are thus shy regardless of the ten points and we, of course, have many persons migrating into Barbados who are contributing to Barbados outside of having the financial resources and stuff like that so, the issue is that it is restrictive there.

The recommendation is that we revisit that, but I know that is a matter, perhaps, of policy.

The fourth recommendation is in terms of the Regulations for Citizenship.

While I do recognise the policy rationale behind the two-year threshold, and I understand that, I think we can go a little bit further to ensure those persons who are becoming Barbadians, Barbadian is integrated in Barbados via a citizenship test.

For me, Barbados is not just a home anymore. It is really the heart that has guided my purpose and future and I believe a citizenship test incapacity in civic history, geography, and stuff like that could assist ensure that persons who become Barbadians represent Barbados and know Barbadian history and culture.

That is the end of my submission. Thank you.

Mr. CHAIRMAN: Thank you so much, Mr. Bromfield.

Again, you have done your homework. A lot of food for thought. I am going to open the floor for discussion, but I would love to have a written presentation for the records from you.

Senator Mallalieu.

Senator A. W. MALLALIEU: I think you made four points, and I think I understood three of them. I just want to go back to the first one and to be clear, because I am not a lawyer. Are you pointing out that there is an inherent conflict between this proposed piece of Legislation and the current Constitution of Barbados.

Mr. David BROMFIELD: Yes, please. In section 3 (5) and 3(6), it reads that you must have "lawfully resided in Barbados as a permanent resident." The Constitution says that you must be "ordinarily resident in Barbados for a prescribed period."

Senator A. W. MALLALIEU: Okay, understood. I just wanted to make sure that was your substantive point because, therefore, through you, Mr. Chairman, I would ask perhaps the CPC to comment on that if they in fact see that conflict there as well.

Ms. Paulette ATKINS: Sir, respectfully, I am just following in the Bill as he now speaks.

On the issue, the Constitutional issue, I would really have to research that to come back, but I would like to speak on a little authority, knowing that Justice Moore would have handled this, that the issue would not have been raised and he left it, he left it hanging.

Senator A. W. MALLALIEU: Okay, so what I can say though is we have a clear understanding of the submission he has made when it comes to writing, we could follow that up to be clear on that.

I would just want to be clear in my head on that, because I would not want to vote in favour of a piece of Legislation that was contrary to our Constitution.

Ms. Paulette ATKINS: Yes, respectfully, I have taken a note of that as well and just to answer something that he had said. He raised the issue about people who were operating under the previous dispensation.

At section 19 of the Bill has the Saving and Transitional Provisions *"which allows an application for grant of citizenship or registration as the citizen of Barbados began 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 dealt with accordingly."

So that has been saved and the people who would find themselves in that lacuna are adequately covered.

Mr. David BROMFIELD: Yes, please. Senior Counsel, the issue is that I know the Transitional Clause. The issue is that people would have been ordinarily resident under other statuses.

So, section 3 (4) only refers to persons who would have had Immigrant Status under the previous Legislation.

However, you could have had other statutes under the previous Legislation that would have otherwise led to citizenship but under this Legislation, the draft does not account for those.

Ms. Paulette ATKINS: Okay and my response to that, I cannot speak on behalf of Immigration, but what I have gleaned so far is that both Bills are supposed to be read in tandem.

Mr. David BROMFIELD: Yes, please.

Ms. Paulette ATKINS: Right. So, you are just referencing the Citizenship Bill and nothing to do with the Immigration Bill, because one starts the process and it is continued under the other act.

Mr. David BROMFIELD: Yes, please.

Ms. Paulette ATKINS: So, you have done that?

Mr. David BROMFIELD: Yes, please.

Ms. Paulette ATKINS: And you still say that there is a gap in section 3(4)?

Mr. David BROMFIELD: Yes, please.

It is tied to the first point because you can be ordinarily resident in Barbados under other statutes, so for example, now you can be under a work permit in Barbados for eight years of time for citizenship because you would have been deemed to be ordinarily resident in Barbados.

If you are on a student visa and dependent of a person with some other status, if you have 'work and reside' on the CSME but under this Bill now, the transition is that only if you had immigrant status under the other, the former Act for three years, that is where you can be registered as a citizen upon commencement.

Ms. Paulette ATKINS: Okay, I am speaking subject to correction, but my understanding is that you go through the process of Immigration first, and then there is the route for Permanent Residency and then for citizenship.

I am speaking subject to correction.

Asides

Exactly, so there is a process, and the process starts under the Immigration Act.

Mr. David BROMFIELD: I am not sure if you understand the point. I will try to expand a little bit.

So, under the current Act, you can be registered as a citizen of Barbados in line with the Constitution.

Under the current Act, I believe it is regulated under section 4 (3), where you are ordinarily resident in Barbados for a period of seven years. You can be ordinarily resident with a work permit. You can be ordinarily resident under Immigrant Status. You can be ordinarily resident under a student visa.

However, under this Bill, the proposed Bill, it says that upon the commencement, if you were only considered as an immigrant under the Form Act, that is how you can be registered under this Act.

However, people would have had other statuses under the former Act and would have been ordinarily resident for more than three years or three years, and therefore would have been able to apply for citizenship.

Ms. Paulette ATKINS: My question to you, the other statuses arose then, not through Immigration.

Mr. David BROMFIELD: Yes, please.

Ms. Paulette ATKINS: Okay, and my understanding is that the two Bills are read in tandem.

So, you go through the first part which is the immigration process. That is where your status first arises. Yes or no?

Mr. David BROMFIELD: Yes, please.

Ms. Paulette ATKINS: Right and then we go to whether it is a work permit, whatever. Then we go to permanent residency.

Mr. David BROMFIELD: Yes, please.

Ms. Paulette ATKINS: And then at Permanent Residency, then you are applying for

citizenship. Is that your understanding?

Mr. David BROMFIELD: No. So currently, to apply for citizenship in Barbados, you need to be ordinarily resident for seven years. There are many statuses under which you can be ordinarily resident. I have mentioned a few of the statuses.

However, this Bill only contemplates the Immigrant Status that you would have been resident under in Barbados upon commencement to be registered as a citizen. To put it this way, it limits the status to only immigrant status that you can be registered up in commencement, but persons would have been ordinarily resident under other statuses under the former Act.

Ms. Paulette ATKINS: Okay, I am not an Immigration Officer, so that would be within the purview of Immigration but my understanding of the Legislation, before you can get to citizenship, is the process through Immigration.

Mr. David BROMFIELD: Yes, please. That would be separate.

Ms. Paulette ATKINS: Your status then arises through immigration? Yes or no?

Mr. David BROMFIELD: Yes, please.

Ms. Paulette ATKINS: Good. If you have a Work Permit and then you want to go to being a citizen of Barbados, the next step would be to apply for permanent residency. Yes or no?

Mr. David BROMFIELD: No please. Under the current Legislation …

Ms. Paulette ATKINS: Which Act are you reading? Are you reading them in tandem or are you reading them in isolation?

Mr. David BROMFIELD: In tandem.

Ms. Paulette ATKINS: Right. Under Immigration, is there a process before we get to citizenship?

Mr. David BROMFIELD: Under immigration, the process is that you can have many different statuses to apply for citizenship.

Ms. Paulette ATKINS: Exactly.

Mr. David BROMFIELD: Right.

Ms. Paulette ATKINS: They are working in tandem; they are not working in isolation.

Mr. David BROMFIELD: Yes, please.

Ms. Paulette ATKINS: Right. Are you saying that the Citizenship Bill does not address the many variant statuses.

Mr. David BROMFIELD: Yes, please.

Ms. Paulette ATKINS: I am saying to you, my understanding of the law, and I am speaking subject to correction, is that your status arises through immigration firstly.

Mr. David BROMFIELD: Yes, please. The Bill currently says only where you are regarded as an immigrant under the former Act.

I wanted to make clear that immigrant status is very distinct from other statuses. Being a work permit holder, you do not have immigrant status, right?

Under this Bill, it limits only to immigrant status, for example, someone who is on an indefinite stay, work and reside, they do not have immigrant status.

What the Immigration Department perhaps would have done is that after five years, for example, you are an indefinite stay, work and reside, you are considered a de facto immigrant, but it would not have been a formalised immigrant status.

Ms. Paulette ATKINS: For fear of taking out the time of the Committee, what I will say to you is that my understanding would be if my status was not regularised, I would have to take the next step through immigration, and that would be, if I had a work permit, the next step, if I wanted to work, reside and live in Barbados, is to apply for permanent residency.

After that, given the preamble and of the law itself, then the next step is towards citizenship. To my understanding, it is not an automatic transition.

Mr. David BROMFIELD: I am not making the argument that it is an automatic transition, but perhaps what I will do is submit a written submission and that, perhaps, would provide more clarity to that point.

Ms. Paulette ATKINS: Grateful. Thank you very much.

Mr. David BROMFIELD: Yes, please.

Mr. CHAIRMAN: Any other comments?

Mr. Bromfield, we thank you and we are looking forward to your written submission and certainly we will be in contact with you.

I want to thank you again on behalf of the Joint Select Committee, the Members of Parliament, and the Government.

As a young man who took time out to dissect

the Bill and indeed you two have made recommendations so we look forward to receiving your written presentation so we can delve into it.

Indeed, these are some questions that our Minister will have to answer and indeed, our Chief Immigration Officer who has left us for another meeting this afternoon.

I apologise on her behalf. I am sorry we could not have brought more clarity to some of the points that you raised in the absence of a written submission and just to flesh out your presentation this afternoon.

Mr. David BROMFIELD: Thank you.

Mr. CHAIRMAN: Thank you again and we look forward to hearing from you and engaging with you again on these two very important Bills. Thank you.

Mr. David BROMFIELD: Thank you, Mr. Chairman. Thank you, Committee.

Mr. CHAIRMAN: Alright. I do not think we have any more oral presentations.

We are not through the full 20. Well, there are not 20, I think they are roughly around 10. We are not through the full 10, but that is it for today in terms of overall presentations.

The other item on the Agenda was the consideration of written submissions, but we would want to ask the Committee to vote on this point that we should defer the consideration of the written submissions from today to another day to be determined by the Members, because we have spent the entire day.

We are stopping the live stream currently because we are now getting into other matters that are really not part of the Bill, just some housekeeping and some management details of how we are going to move forward.

Matters Arising out of Oral Presentations, that was the next item on the agenda, but we dealt with Matters Arising of the Oral Presentations as we went along that is why we engaged in discussion, but Item 6 is really to carry on and review some other written submissions before the Committee.

Miss Hamblin, do you want to come in?

Miss Suzanne HAMBLIN: Yes, Mr. Chairman.

Before you go ahead under the Matters Arising out of Oral Presentations, I have just received an e-mail from the Barbados Bar Association indicating that they would be available on 19th or 21st June, but also to say that I was in conversation with the Executive Director of the Barbados Employees Confederation.

She would have been in Geneva and only returned yesterday. She is of the belief that she has submitted a very thorough written presentation, and it is only if the Committee, after looking over that presentation, requires her to attend that she would do so, but she has asked to be excused other than that.

Mr. CHAIRMAN: Alright, no problem. I probably would have taken those under Any Other Business, but do not worry. We took them here and while we are on it, we have to schedule a time for the Barbados Bar Association and also for the other Members to be present.

We are running out of time though because we have Members who will travel and Members who will do other matters, ministerial duties *et cetera*.

We are running out of time. These recommendations are supposed to be before Parliament in the month of July.

We are hoping to get to the other overall presentations. I do not know if we want to go to the Considerations of Written Submissions later on in the week or early next week and find the time for oral submissions as well before the end of the month, before the 24th June for sure.

Today is 15th June. Within another week, we should have two sessions.

Asides

Mr. CHAIRMAN: I am sorry. Are you travelling as well? I suspected some Members would have to travel.

Senator A. W. MALLALIEU: Sorry. Not that my schedule should dictate the work of the Committee, but I will be out of the island and unavailable from midday on Friday 19th June until July 8th.

To the extent that it is possible I will attend virtually, but that would be a 12-hour time difference. I will be in Hong Kong.

Mr. CHAIRMAN: You are off in about four days' time.

Senator A. W. MALLALIEU: But I am

available to you all week, Sir.

Mr. CHAIRMAN: Yes, no problem. We are looking to see if we can fit in another meeting this week. We have Parliament tomorrow. When is the Senate meeting?

Asides.

Mr. CHAIRMAN: Wednesday, so the only other time is Thursday and Friday.

Thursday is the Cabinet of Barbados so Members will not be available, and the only other day is Friday. Friday is what date?

Asides

Mr. CHAIRMAN: Friday is 19th June you have to go midday on 19th June.

Asides

Mr. CHAIRMAN: That is great, Senator. The dedication again, that is what I talk about. We can schedule a meeting for Friday. What about you, Senator Walters, is Friday fine?

Asides

Mr. CHAIRMAN: We just need four. We can carry on. CPC, you are fine Friday? You are key to this.

Asides

Mr. CHAIRMAN: Senators, Ministers, are you available on Friday? We need to get this very important matter behind us.

Certainly we need to get the BAR association, and the BEC Barbados Employees Confederation. Those are two that we really need to get in. The BAR is...

Madam Deputy CLERK: They have recommended either the 19th or the 21st.

Mr. CHAIRMAN: We can do them (the BAR Association) on the 19th in the morning.

Is it practice to have the Minister at these meetings, or he comes after, on request?

This is because with the BAR Association, I think we can kill two birds with one stone, by having him here, because most of what they will be feeding would be the legal and drafting matters.

I read their submissions prior and they too were looking at the two-year versus the gold standard among other things; but most of their stuff would have been legal and as it relates to drafting.

Therefore, I would want to suggest that we consider Secretary Hamblin to the Committee and Deputy Clerk, that we consider having Minister Nicholls at least at the presentation of the Bar Association.

Would you object to that, Senators, to having the Minister at the presentation of the BAR Association?

Asides

Mr. CHAIRMAN: Justice Moore. I was just coming to him. Justice Moore. That would require some tight management because we know Minister Nicholls, he loves to talk and there is nothing wrong with that, but at the end of the day, we have to manage the time.

Therefore, are we okay with having the Minister at the presentation of the BAR Association?

Madam Deputy CLERK: Mr. Chairman, generally it is a decision of the Committee and if it is the Committee's will, so be it.

Mr. CHAIRMAN: I heard the Senators are fine with that. Ministers, are you all fine with it? You are all fine? Good.

Asides

Mr. CHAIRMAN: Therefore, we will agree that on Friday we have the BAR Association and once the Minister is available, we have the Minister and again the Chief Immigration Officer as well as Justice Moore.

I think we will really do justice as opposed to coming back to hear their presentation, even if we spend the day dealing with that.

The BAR Association is representing the public as well as attorneys, so it would be good to have the Minister here.

Madam Deputy CLERK: Mr. Chairman,

before you go on, we just need to have a formal motion to have the consideration of written submissions be deferred until the next meeting.

Mr. CHAIRMAN: Thank you. Someone move a motion that we can have the consideration of written submissions, item six on the agenda?

The motion was moved by Minister A. I. Weir and seconded by Senator Ms. C. S. V. Husbands.

ADJOURNMENT

Mr. CHAIRMAN: Sorry, the follow-up meeting will be on the 22nd, not the 21st which is a Sunday.

We will meet on Friday at 10 a.m.

Let us have a motion moved for the adjournment of this meeting until Friday at 10 a.m.

Hon. I. A. WEIR so moved that the meeting be adjourned until Friday the 19th of June at 10:00 a.m. and this was seconded by Hon. Ms. C. S. V. HUSBANDS.

THE
FOURTH MEETING
OF THE JOINT SELECT COMMITTEE (STANDING)
ON ECONOMIC AND PRODUCTIVE SECTORS
ON THE IMMIGRATION AND
BARBADOS CITIZENSHIP BILLS, 2026

HELD IN THE SENATE CHAMBER, PARLIAMENT BUILDINGS, TRAFALGAR STREET

FRIDAY, JUNE 19, 2026

FIRST SESSION 2026-2031

PRESENT:
Mr. D. G. SUTHERLAND, B.Sc. (Hons.), M.Sc., M. B. A (Dist) (**CHAIRMAN**)
Hon. I. A. WEIR, M.B.A. (*Minister of Public and Private Investment*)
Hon. C. S. V. HUSBANDS, B.A. (Hons.), M.Sc. (*Minister of Training and Tertiary Education*)
Dr. the Hon. R. O. SPRINGER, Ph.D., J.P., (*Minister of State in the Ministry of Transport and Work*s)
Senator R. O. WALTERS, M. B. A (*Opposition Senator*)
Senator A. W. MALLALIEU, C. P. A., F.R.I.C.S (*Independent Senator*)

ABSENT:
Dr. W. F. DUGUID, J.P., B.D.S, F.D.S., F.D.R.C.S., M. Min. (***Deputy Chairman***)
Senator the Hon. C. P. SINCKLER, B.A., M.Sc. (*Senior Minister) (Minister of Foreign Affairs and Trade*)
Senator the Hon. J. W. D. REID, B.Sc. (*Ministry of Industry, Innovation, Science and Technology*)

ALSO IN ATTENDANCE:
Mr. Nigel R. JONES (*Deputy Clerk of Parliament*)
Ms. Beverley S. GIBBONS (*Deputy Clerk of Parliament*)
Miss Suzanne Hamblin (*Journal Department of Parliament*)
Mrs. Mechelle ELIE - *Chief Parliamentary Counsel (C.P.C.)*
Ms. Margaret INNISS – *Chief Immigration Officer, Immigration Department*

SPECIALLY INVITED

Hon. G. P. B. NICHOLLS, (*Minister of Home Affairs and Information*)

SUBMISSION ATTENDEES:
Mrs. Sheena MAYERS-GRANVILLE, *Executive Director, Barbados Employers' Confederation* (B.E.C.)
Mr. Glyne CLARKE, Council *Member, Barbados Employers' Confederation* (B.E.C.)
Mr. Larry SMITH, K.C., *President, Barbados Bar Association*
Ms. Lynne-Marie SIMMONS, *Barbados Bar Association*
Mr. Kashawn WOOD, *Barbados Bar Association*

The Chairman called the meeting to order at 10:27 a.m.

Mr. CHAIRMAN: Let us call the meeting to order.

Today we carry on with our oral presentations.

I do not think we are streaming as yet, so ask them to pause on the streaming until we …

Asides.

Mr. CHAIRMAN: Oh! They are not streaming. Great.

I just want to welcome Members of the Committee and Chief Parliamentary Council and Chief Immigration Officer, Members of the Committee, Parliament and I have here to my right, the esteemed Minister Gregory Nicholls, who was a Member of this Committee in the last Sitting of Parliament and now has gone on to bigger and better things as Minister of Home Affairs.

He has been asked to join us today to help us make this process simpler and easier so we can get through most of the legal details; the legal jargon.

I have here the second item, the Minutes of the third meeting that was held on 15 June, 2026. We do not have the Minutes, so I am going to ask someone to propose that these Minutes be deferred.

Senator R. O. WALTERS: Mr. Chairman, I proposed that the Minutes of Monday, 15 June, be deferred.

Senator A. W. MALLALIEU: I second that, Sir.

Mr. CHAIRMAN: Thanks, Senator Walters and thank you Senator Mallalieu.

Mr. CHAIRMAN: We now go into oral presentations and I am hearing that we have the Barbados Employers' Confederation (BEC) and the Barbados Bar Association (BBA) this morning but I think we will first hear from the BEC.

Marshal, when you are finished with the Minister, could you invite the members of the BEC because we really would like to get through this session today before 2:00 p.m. I would not want us to be here late last week into the four (4) o'clock and five (5) o'clock hours. Minister Nicholls, you will make this process a lot smoother.

Hon. G. P. B. NICHOLLS: Mr. Chairman, how are the presentations to be done?

Mr. CHAIRMAN: Presentations are 10 minutes and thereafter we go into discussions; give a little latitude.

Mr. CHAIRMAN: Good morning. A pleasant morning to you.

Mr. Glyne CLARKE: Good morning.

Mr. CHAIRMAN: Let me take the opportunity on behalf of the Members of the Joint Select Committee; Members of Parliament and Minister Nicholls, to welcome you, the Executive Members of the Barbados Employers' Confederation and more importantly, to thank you for appearing before the Committee today.

We are grateful for your willingness to participate in this important consultative process and to share your perspectives on the matters before us.

The Committee recognises the importance of the Barbados Employers' Confederation. Herein, I will refer to you as the BEC once that is fine with you. Thank you.

The Committee recognises the importance of the BEC as a key stakeholder in national development and as an important voice representing the interests and also the experiences of employers and employees across a wide range of sectors in this community.

As we continue the examination of these two (2) critical Bills, the Immigration and the Citizenship Bills; the insight of the business community is invaluable in helping us, as a Committee, to understand the practical, the economic and the local market and also the policy implications of the proposed legislation.

Your contribution will assist this Committee greatly in ensuring that a broad range of views are grounded in the realities of the employers and the wider economy.

I thank you.

Your presentation will be 10 minutes, give or take a few minutes or so. We are not hard and fast here because we are open to giving you a little attitude but not too much.

It is over to you and you will state your names. We are streaming so the public will hear us and I know some of your members will be listening attentively.

You state your name before you speak and let us get on with the business of the day.

Thank you.

Mrs. Sheena MAYERS-GRANVILLE: Thank you very much, Mr. Chairman and

Members of the Joint Select Committee.

My name is Sheena Mayers-Granville. I am the Executive Director at the Barbados Employers' Confederation and with me this morning is Mr. Glyne Clarke, who is a Council Member with the BEC as well.

I will try my best to ensure I keep within time limits and I start my presentation by indicating that we welcomed the opportunity to review and comment on these two (2) pieces of legislation and we reviewed them, especially in the context of Barbados' population policy.

There, we identify issues that we, as a people, are grappling with. Our shrinking working age population, our aging demographics, fertility declining and it is clear through the population policy that managed migration is a part of the solution. The Bills, in our view, support that policy.

What is important to employers is that Barbados promotes a policy of managed migration where persons can bring capabilities and resources to invest in the future of Barbados and contribute to areas of the economy that are unmet.

As I mentioned, we do see tremendous value in the proposed legislation specifically looking at the expansion of citizenship by descent through to grandchildren and great-grandchildren; pathways from permanent residency to citizenship and the facilitation of intra-corporate transfers are falling under the EU-EPA Agreement and continued support for Caribbean Community (CARICOM) mobility.

Where we highlighted in our submission areas for the Committee to pay special attention to; where we thought there may be some tension between the proposed Bill and existing legislation, first looks at the concept of ministerial finality. When we look at the Immigration Act and under the Citizenship Act, we see that the final decision rests with the Minister.

Specifically, Section 13 of the Citizenship Act says the Minister shall not be required to assign any reason for the grant or refusal of any application under this Act.

We flag that as potentially in direct tension with our Barbados Constitution, which provides for the right for a fair hearing before an independent authority.

We ask the Committee to look especially at those provisions that fall under the Immigration Bill and the Citizenship Bill, in terms of having a final review process and indicating where decisions, where denial is the decision by the Minister, for that to be subject to review.

We also flagged the CARICOM Free Movement. Under this area, we noted that the Immigration Bill permits entrance of CARICOM nationals but there is the Article which also allows the Minister to deny entry to anyone at his discretion.

We are suggesting that be revised to indicate that the denial should be subject to the revised treaty because it would create no conflict between what the Bill states and our previous commitments as a country to Free Movement of persons under the revised Treaty of Chaguaramas.

We also flagged that there is no expressed requirement to apply the principle of best interest of a child under the legislation.

Now, we are assuming that that is considered but it is not expressly stated. We thought that that was a simple fix to be stated in the legislation.

Hon. G. P. B. NICHOLLS: Mr. Chairman, sorry. I just wanted her to state the provision. Sorry.

Mrs. Sheena MAYERS-GRANVILLE: Section. . .

Mr. CHAIRMAN: The request is for…

Asides.

Mrs. Sheena MAYERS-GRANVILLE: Me to state the…to reference the provision. . .

Mr. CHAIRMAN: Sorry for the interruption, but . ..

Mrs. Sheena MAYERS-GRANVILLE: Section 5(1) in the Citizenship Act and then, the Family Law Act, Cap. 214, the reference would be section 43. We have section 43 in the Family Law Act stating that decision should be in the best interest of a child and we are suggesting that the amendment could be made to section 5(1) of the Citizenship Act to include the expressed statement.

Before I hand over to Mr. Clarke, I will just highlight that we also flagged the specific issues that plague the sporting sector; where athletes of

Barbadian descent have been locked out of international competition due to unresolved documentation. We believe that it is timely this be considered, as you are looking at the Bill, to understand the practicalities that have impacted the sporting sector.

I will segue to Mr. Clarke.

Mr. Glyne CLARKE: Thank you, madam executive director.

My name is Glyne Clarke, a council member of the Barbados Employers' Confederation (BEC).

I also happen to be General Manager of the Barbados Olympic Association (BOA) and a member of the International Basketball Federation (FIBA), where I sit in several capacities.

Now, the members of the sporting community joined with the BEC in supporting these Bills which we believe are long overdue.

As I said, the sporting community supports BEC's recommendation to streamline citizenship and national verification processes for athletes of Barbadian descent and expedited pathways for supporting representation in a regional and international competitions.

As I mentioned, as a FIBA official and commissioner, I have had the opportunity to review and approve athlete registration at many levels of many competitions over the years. I have seen how countries use similar initiatives to bolster their teams, through citizenship by descent and naturalisation.

One just has to follow the FIFA World Cup to see how this has affected the global sporting community with the composition of the so-called championship favourites.

Our basketball team, our national basketball team, in a week, will be heading to Guyana to compete at the first level of the Olympic qualification which is the FIBA Americas. They will already be at a disadvantage, as many of our regional colleagues will be feeding teams that bear little resemblance to their local leagues, where our national team would be limited to those who are national citizens.

I will give two (2) examples. One (1) of our local squash icons who would have won many squash titles regionally and internationally in her heyday was unable to represent Barbados at a multi-sport games.

This is where we compete; the Central American and Caribbean (CAC) Games, Commonwealth, Pan American Games and the Olympic Games. She has gained citizenship but we could have benefited with many more medals, if she had the opportunity to represent Barbados when she was younger.

Another example is, in 2014, our national rugby team qualified for the Commonwealth Games but many of the players on the team did not hold passports of the country but had lineage where their grandparents and great-grandparents were citizens and nationals of Barbados.

As a result, we had to compete with a team who have lesser talent and skill.

At the BOA, we have already started discussions with the Ministry of Foreign Affairs, the Consulate in Canada and the High Commission in London to leverage engagement with our diaspora. We believe that there are many benefits to be derived from these alliances.

In summary, as a sporting community, we believe that these Bills provide a game-changing opportunity for sport in Barbados by us having the opportunity to expand our talent base as a small nation; where knowledge and skills transfer from our internationally experienced athletes will benefit our locals.

It helps to remove the eligibility barriers, which give our diaspora and players who have lineage the ability to join our teams and compete at an international level. I believe it will help us to strengthen our international competitiveness when we face international competition.

Again, it helps to leverage the diaspora as a strategic advantage to assist us. We believe that the overall impact for this will be a stronger, more competitive and globally connected sporting sector that contributes meaningfully to national development.

With that, I thank you and I hand back over to our Executive Director.

Mrs. Sheena MAYERS-GRANVILLE: Thank you. Well, Mr. Chairman, we gave a pretty comprehensive, written submission. I believe it might have been about eight (8) pages long; with those comments, we are in your hands for any follow-up questions.

Mr. CHAIRMAN: Thank you very much.

Indeed, not just me but the Committee appreciates your submission. They are indeed comprehensive.

Again, I want to thank you on behalf of the business community and sporting community for taking time out to make your oral presentation, as concise as you did, this morning. Indeed, we have a reference that we can begin now to have a meaningful discussion.

I am going to take the opportunity to ask the Members of the Committee to so intervene at this stage because I know the Minister would want to have a say on matters you raised on sports and some other matters of the Immigration Act to limit the ministerial power. We would have discussed this over the past two (2) Sittings.

I think I heard Minister Springer, Minister Husbands and the four (4) Ministers, Senior Minister Sinckler and Minister Weir on the whole aspect of national security. This is so critical because there is so much information that Ministers and the Cabinet will not want to share with the public.

Sometimes, you have to just give the Minister the latitude and leave it in his hands and know that they will do things in the best interest of the country when it comes to national security.

Those meetings are closed-door meetings. Those meetings do not even include some Members of the Cabinet.

The Attorney General, the Prime Minister and I think, they alluded to police and those persons who are on the National Security Council, those are closed-door meetings.

I just wanted to begin there before I hand over to the Members and I know you understand, Mr. Clarke and Mrs. Sheena Mayers-Granville.

I know her personally, so I do not want to refer to you as Sheena here. Mrs. Mayers-Granville.

I will open the floor, like I said, to the Members who wish to comment on your, indeed, detailed presentation; over to the Members.

Mrs. Sheena MAYERS-GRANVILLE: Mr. Chairman, do you want me to respond to your comment on the ministerial discretion or…?

Mr. CHAIRMAN: You can or you can wait. I have two (2) Ministers in the room. I would not want to speak on behalf of the Ministers but if you want to respond, feel free to respond now because I know they will have something to say on that matter.

Mrs. Sheena MAYERS-GRANVILLE: Well, Chair, you mentioned national security and we are very cognisant of that. In the matter of the Bill, it is not that we are trying to circumvent any national security concerns. It is that, and we do understand that ministerial discretion is something that we see within legislation.

What we are asking for, is that the reason for refusal be given and that there is a process for review of that decision if necessary.

The reason why we highlighted that is because we do have a constitutional responsibility to ensure that persons have that right. it is to ensure that in the Bill itself, we do not create an unintended conflict with our constitution. That is why the matter was raised.

Dr. the Hon. R. O. SPRINGER: Just to respond. Sorry, Chair.

Mr. CHAIRMAN: Mr. Mallalieu wanted to go first. You are fine? Okay, you want to respond.

Dr. the Hon. R. O. SPRINGER: No, I am only responding because I would have responded to the matter when it was raised at the last Sitting. Even in your response, the answer is there. The reason is national security.

That could be the very reason that the minister has stated, for not giving a detailed reason. Unless you want something more than that because I can tell you the reason that I am not going to discuss this in the public domain.

The reason I am not going to give you a reason for rejecting it is because the matter is one of national security that may impact other people; other players; other parties; other than the individual that it is referring to.

Would you be satisfied if that was the given reason? It would not change anything. You would not know for sure but yet you know that the reason that you are not being told or the reason that an explanation was not given was that the matter is beyond you.

Will you be satisfied with that? The answer being because it is a matter of national security.

Mrs. Sheena MAYERS GRANVILLE: Well, just to be clear, the Act does not specify national security. It says that no reason shall be given and if the denial was not a matter of national security

but for what some other reason, what harm is it to inform the person that this is a reason for your denial and it may be something that can then be reviewed and may have a different outcome.

We are not saying that national security is unimportant, it is but the way how the legislation is written: "there shall be no reason given"; that includes national security or anything else as a reason for denial.

Mr. CHAIRMAN: You are going back at it again?

Dr. the Hon. R. O. SPRINGER: No; I was not responding. I take your point. I guess those from CPC would have to give a reason for the language as to why they would say "there shall be no reason".

Mr. CHAIRMAN: CPC, Mrs. Elie? Welcome.

Mrs. Mechelle ELIE: Thank you, Chair. Actually, it is a matter of policy. If it is decided there is a change in policy, usually immigration matters, traditionally, no reasons were given.

Generally, on the basis of national security, we are in a different age now. There might be reasons, for example, procedural reasons.

If the person just did not follow the correct procedure, so the application was discounted. One may wish to give a reason, just to assist the person but it would be a matter of policy.

If the Ministry is desirous of having areas where reasons can be given and areas where they would refrain from giving a reason, then we can amend the draft accordingly.

Dr. Springer, you mentioned that a reason could be national security. Would government even want to go that far to say that national security is the reason? Because to my mind, that in itself alerts the recipient of the information. It provides information if that were a reason.

Mr. CHAIRMAN: That is the point I wanted to make. At the end of the day, saying it is a national security issue is giving a reason that you really do not want persons to know. So, you just leave it open-ended in that case. I will leave the floor to the other Members because you know the Minister will come in at some point in time.

The other Members may want to comment on some of the matters that were raised.

Over to Senator Mallalieu.

Senator A. W. MALLALIEU: Thank you, Chair. Just a brief comment on that. I think that we have had a number of presentations that have raised this same point and I think it has been well ventilated that the minister does need to have discretion to simply deny. To go further than that can open a can of worms that is unintentional. So, I do not want to delve into that. There are individuals here more knowledgeable than I am that can comment on that.

What I would like to ask is directly to Mr. Clarke. I must say that I had not in any way considered the impact that this could have on sports.

I, myself, am the president of a national federation, being the Barbados Motoring Federation and we have very strict rules under who we can grant licences for participation in motorsport globally and I had not in any way thought of that.

It got me to thinking, to ask you the question, does the IOC go further in scrutinising citizenship or eligibility for national teams beyond the passport that they hold?

My question is, do they at every point ask, how did you come to hold that passport? I believe I am aware, I am not an expert, that they do have a rule within the IOC that prevents someone from representing a second country within three (3) years of representing the first country. You cannot just swap nationalities, even if you hold multiple passports legitimately.

My question to you, Sir, is does the IOC, in looking at this from a sport point of view, look through the nationality to find how did you come to hold that? Thank you.

Mr. Glyne CLARKE: Thank you for the question, Senator.

As you imagine, there are many national federations that make up the IOC and each national federation has their own policy regarding citizenship and being able to represent their country.

The IOC gives each international federation the latitude to set their own criteria regarding national representation.

When it comes to a multi-sport, all the IOC asks and when it comes to multi-sport, each one comes under the IOC, under the IOC umbrella and

they ask that each participant or persons who represent the country as an athlete, must hold the passport of the country.

To your specific question, they do not ask how the person has come to receive their citizenship. If I could go on to give you an example for the sport that I represent at the international level, FIBA. They have asked that, again, that you hold, they follow the IOC, you must hold the passport of the country.

What they have been doing over the last few years to make sure that the playing field is almost level, is if you are a junior; you must have represented the country as a junior before age 16 or registered as an athlete before age 16.

Let us just say you are watching like football, for example, you would recognise just recently, France and I think it was Senegal and if you looked at the French team, you would recognise that some of the members of the French team, looked a lot like the members of the Senegal team. I do not wish to say much more than that.

So, what a lot of these countries, big countries, especially those in Europe, have been going into Africa and offering citizenship to the youth before they become young adults like age 16, bringing them in and registering them.

For small countries like Barbados, as a small nation, we cannot compete as we are asked to compete at the global level.

We have many of our football teams that have been severely criticised over the years but our locals are playing against teams that have been able to pull from the diaspora, you know, who are playing in many leagues throughout Europe and the United States of America (USA) and so on. That is who our teams are forced to compete against, you know.

These Bills give us some level, to help us to be competitive internationally and that is why we give the support to the Bills.

I hope that has answered your question, Senator.

Mrs. Sheena MAYERS-GRANVILLE: I just want to add two (2) comments to indicate that our submission suggested that you consider expedited pathways and we thought that could potentially look at explicitly stating international sporting representation in the Points criteria in the Schedule but also, potentially looking at a statutory decision timeline where applications are certified by the Ministry of Sport or any national federation if they are tied to a competition deadline.

That is something that you can consider for the Bill.

Mr. CHAIRMAN: Thank you very much. Senator Walters.

Senator R. O. WALTERS: Thank you, Chairman. Good morning.

The conversation around the Citizenship and Immigration Bill has centred around productivity; labour; skills deficit; population size or population growth or in this case, stagnation. What is your view?

I see your first recommendation, so I just want you to elaborate on it. Your first recommendation is "to ensure explicit alignment between the Bills and the Barbados Population Policy 2023-2024."

On previous occasions in the Committee, I have also asked for the government to provide kind of more detailed reports on skills deficits; where they see the gaps in labour shortages, et cetera, so that it can be examined in a more prudent way. I see that you are asking for specific alignment between the Bills and labour.

What is your view in terms of skill shortages, labour and how it is impacting employers and do you see this Bill as being effective in addressing some of those issues?

Mrs. Sheena MAYERS-GRANVILLE: Thank you very much for the question.

It is always a good day when I get to talk about skills and I will say that employers have felt the impact of skills deficits within Barbados. There are some sectors who repeatedly have indicated they do experience shortages when trying to recruit specific skills and they are reliant on bringing in skills into the island.

Manufacturing is one (1) sector that immediately comes to mind and we see how manufacturing has been transforming and continues to transform in terms of increased use of robotics, et cetera, within the manufacturing process and there is a need to have highly specialised persons, if we want to drive growth in some of our sectors.

The data on skills is something that is ongoing

and I am aware that we do have an agreement with the International Labour Organisation (ILO) looking through our Decent Work Country Programme; looking at our skills database and skills mismatching and how we can effectively or more effectively marry the training and education system to the future needs of business. I will say part of the problem there lies in the structure of our economy.

More than 70 per cent of our businesses are micro and small enterprises. Not exactly the people who are going to be able to spend the time to sit down and think about what skills do I need in the next 10 or 15 years, right?

We do need that data and having the data on what skills are anticipated skills that we need in the next 10 to 15 years to grow our economy, would be critical and would then feed into Bills such as this; where you are looking at a points system based on skill, et cetera, and having that information would allow for better coherence between the needs of Barbados and population and marrying that with when you are analysing the skills and the points system that you have created under the Bill.

Senator R. O. WALTERS: Only yesterday, I saw in the local newspaper applications for work permits for a Warehouse Assistant; a Sales Associate and a Shop Supervisor.

The question I have is that when we speak about skills, deficits, opportunities generally hoping for employment. How do we manage or how are we managing our current system even before we introduce a system where we actually bring in fresh labour?

What are your comments on those, actually those work permits, those specific jobs? If we cannot fill those jobs, something is wrong with our education system, our economy, everything.

Mrs. Sheena MAYERS-GRANVILLE: Senator, I will state that I have been assured by officials from the Immigration Department that and this would have occurred, I believe, last May when we had a discussion around work permits and CARICOM Skills Certificates et cetera; that when it comes to the work permit regime, that they do follow their due diligence in terms of reviewing applications and either granting or denying.

So, I leave that squarely in the hands of the officials who have to administer that system but you mentioned Warehouse Clerk and one would think those are skills that can be found on the island but what about, as I said, someone who specialises in robotics? That skill may not be readily found on the island.

A few years ago, I then learnt that a dispensing optician was not something easily or readily found on the island. So, there are some skill sets where we do have deficits and that is where we lean into either the CARICOM Skills Certificate regime or the work permit regime and which we would address under this new Legislation as well.

Mr. CHAIRMAN: I too would wish to support Senator Walters because I strongly believe that there are some skills, because of the massive training programme that we have undertaken as a government, through vocational training; through whatever training; those are some of the skills.

When I see the ads as well, I mean, it raises a concern whether we truly have exhausted all of our options locally and I am not even talking about regionally. I am speaking about locally because I believe if I walk through certain neighbourhoods, I can find persons who can do those warehouse jobs.

What else did you refer to because I did not see the newspaper?

Asides

Mr. CHAIRMAN: Sales. There are people who are trained; people who are in the shoe stores; the people who walk into our offices daily and ask questions.

While I do not want to put the Minister and his Chief Immigration Officer on the spot, I am here to be very fair. I am not here to be partisan but I am here to ensure that we get the best from the public to inform these two (2) Bills. I think I have a duty to the citizens of this country to express a concern when a concern is to be expressed and I share your view, Senator Walters, in this area, that we need to look deeper and reach out to associations like yours when we have these vacancies because I assure persons are saying the same thing that we are saying this morning.

I do not want us to be guilty of saying that we

cannot find these skills in this country because Barbadians have a right to employment in this country. I am saying you look locally first and then you can look regionally but I cannot tell businesses how to run their businesses.

I was once a private sector employee and a part of management and I understand that there are some things that you have to do but then I believe too that there are some things that you must do, to empower your own.

I just wanted to support what you said.

Mrs. Sheena MAYERS-GRANVILLE: Mr. Chairman, I just want to add that, Senator, you asked about statistics and information feeding into the system. I am aware that the Ministry of Labour, through their jobs registry, the intent is to use that information to help advise in terms of where we are seeing those vacancies pop up and to help with the recruitment for those vacancies; but also, to then provide information in terms of what types of vacancies exist and where the skills are needed as well.

Hopefully, as we have more labour market information systems come on stream, then that data and that information can be used to inform some of these decisions.

Senator R. O. WALTERS: Thank you.

A question that just came to mind is, with all the current legislation in place, in terms of movement of people in the region, how has that impacted on employers' ability to fill vacancies or how has that impacted on our skills deficit as identified by the Government and yourself today?

Have we seen a positive impact with some of the recent legislation that has allowed persons to move through the Caribbean and to Barbados and work?

Mrs. Sheena MAYERS-GRANVILLE: Senator, if you …

Senator R. O. WALTERS: I am not trying to drill you, just wanted to get some clarity.

Mrs. Sheena MAYERS-GRANVILLE: No, that is okay. If you are referring to the change that occurred in October last year; where we have full free movement within the four (4) countries, St. Vincent, Barbados, Dominica and Belize; my members have not reported any dramatic change in the labour market arising from that recent change. I have not heard of any major changes to our ability to have skills available to employers coming out of that.

Mr. CHAIRMAN: We are going to have the Chief Immigration Officer who will intervene at this stage.

Ms. Margaret INNISS: Good morning, my name is Margaret Inniss, Chief Immigration Officer.

Between October 01, 2025 and the end of May 2026, we had about 1,696 persons coming through from the three (3) Member States under the Free Movement Agreement. Just over 700 persons registered with the Ministry of Labour.

That does say that approximately half of those persons who basically are indicating that they have skill sets that they would like to use in Barbados.

On the other hand, let us not fool ourselves. There are persons who want 'their' persons to work, so they design whatever they are designed to say. This is the person that I want to work with me and at the Immigration Department, we are fully involved in that. If you submit an application and you are denying a Barbadian or a CARICOM person; we will ask to see the applications and the rationale for denying the person.

We will also ask to see that person's experience and qualifications so that we know when a decision is taken that it is a decision that basically, we have examined all of the criteria and what is required.

Not every person who advertises either will necessarily get a work permit but I am glad that you brought those points up. I am sure the Minister will speak soon about the fact that we are looking to tighten up in some areas, to ensure that Barbadians and CARICOM nationals continue to get equal opportunity for employment but we have also noticed the decline in skill sets.

We are looking at every which end because some of the investors are Barbadians and they too are applying for persons to be a part of their establishment so that they can be successful.

Mr. CHAIRMAN: We do not want to flip the script and have you on the witness stand; that is not the purpose of the Committee.

You are feeding into two (2) very important Bills but I recognised your sincerity and the ability to respond when asked but I do not want it to

appear as though we have you on the witness stand this morning. You have us on the witness stand, not we have you, but thank you.

I will ask the Minister, based on the intervention made by the Chief Immigration Officer, to come in at this time.

Hon. G. P. B. NICHOLLS: Thank you, Mr. Chairman.

Let me begin by saying good morning to everyone. I was happy to receive the submissions from the Barbados Employers' Confederation and their concerns.

Permit me to just respond very briefly to some of the concerns. The first one (1) concerning the exercise of ministerial discretion, as it relates to the deprivation of citizenship under Section 13, I believe, of the legislation or any decision as it relates to the grant or refusal of an application under the Act, the Minister's decision shall be final.

This is in keeping with the scheme of the legislation that currently exists. This is not a new provision. The grant and refusal of citizenship is a serious matter and one (1) of the things that we do not see in the legislation is a way in which our legislation is drafted within a context, a broader context, all legislation is drafted.

Sometimes you hear the CPC and other drafters speak about the Carltona principle, which basically means that the references and legislation to the Minister is not the person but the Minister is the overall head responsible to Parliament for the actions taken within the Ministry and the departments that operate under that Ministry. That really requires and provides a responsibility to take advice from the Ministry and their departments, subject to the overall determination by the Cabinet of Barbados.

This is not a personal or individual discretion being exercised or a discretion being exercised outside of the law or at the whim and fancy of a Minister. Mr. Chairman, that continues to be the drafting style that we have adopted for many, many years but the principle, the Carltona principle in which the Minister acts on the advice of the Ministry subject to the final determination of the Cabinet of Barbados, which is the highest decision-making body in the country, as settled in the Constitution.

It does not necessarily have to be repeated in every piece of legislation. Nowadays, we are hearing the constant criticism that the Minister has too much power.

Mr. Chairman, the Minister cannot act outside of the broad context of the legislation. Each piece of legislation has a legislative purpose that is set out in the long title in the Bill and in the actual provisions of the Bill.

If a minister is acting contrary to the spirit and purpose of the legislation, then there is no lawful basis for the minister's actions. That does not have to be settled in every piece of legislation because that is also understood.

You do not want in the times that we live in to prescribe the basis on which the Minister's actions can be circumscribed. National security comes up but there are other circumstances that might require ministerial level discretion.

I am going to use one (1) that has not come up under my tenure as minister. Let us say that there is a military coup or some uprising in another country in a head of state is in danger and have to come to Barbados without a passport or something like that or cannot go back to their homeland.

We are not part of the International Convention on Refugees and some ministerial discretion would relate but that is a far-fetched example. I am just saying that is one (1). I deliberately chose it because I do not want to speak about the things that I have to consider as a Minister responsible for Immigration.

The reason why I cannot say them is because you disclose your sources and your methods. The era in which we live is very dangerous and it is something that I am not prepared to do. It is also not the business, if I may dare say so and it may sound strange coming from me, who was a lawyer. It is not even the business of the court.

No judge, in my respectful view, should have the right to determine national security considerations. It is not something that two (2) lawyers or opposite sides can argue to the satisfaction of any judge because the judge is not the person responsible for getting it wrong when the country's security is at risk.

What a court can do by way of the level of intensity of judicial review is to determine whether or not the proportionate actions of the

State warrant any deprivation of rights under the Constitution or any rights in law.

It is a question of the level or the intensity of review of the Court but the ultimate decision as to the grant or refusal of citizenship on the wide grounds available to State is an executive action and not a judicial one (1). That is not something that is unique to Barbados. No courts anywhere in the world determine citizenship.

You do not apply to a court for citizenship because the state did not grant it and the judge determines it, whether it is the High Court, the Supreme Court, the Court of Appeal or the highest Court in any land and that is not unique to Barbados. What we are doing here is not wrong or out of step with anyone else.

If I may also quickly respond to the concern regarding . . . but I do agree that we can examine the basis on the exercise of that discretion, because certainly and I think the CPC can back me up here.

If, for example, I were to deprive Senator Walters of his citizenship for the specific purpose of disqualifying him from being a candidate in a General Election; not that I would want to do that for Senator Walters has not really met much success; but if I were to go to that extreme example to do that, certainly that would not be an exercise of the ministerial power contemplated by the legislation. A court would strike that down.

In other words, the courts respect all lawful actions taken by the executive within their lawful powers and the executive respects the court's rights to say what the lawful extent of the Minister's powers is. That is how we operate on the basis of the rule of law but you would not have to state that in every piece of legislation because the operating provision of the rule of law guides constitutional action. We do not have to put that in detail in every piece of legislation.

The second point that was raised that I took note of here was the question of the best interest of the child. I applaud the noble way in which the submission was made but I dare say that I think that the submission might have been made a little bit out of context.

Section 43. I do not agree that there is a misalignment of the powers in the Bill and the legislation.

The Barbados Employers' Confederation draws the Committee's attention to the conflict identified between section Five (5) of the Citizenship Act and the *Family Law* Act; that is stated in the submission.

The two (2) things do not speak to the same thing.

The provision in section 5(1) of the *Citizenship Act* speaks to the registration of minors:

"*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.*"

This is the act of registration. Registering a child who is a citizen of Barbados, as a citizen of Barbados; registering a child as a citizen of Barbados on the basis that the parent is a citizen of Barbados.

There is no need at that point in time to determine the question of what is in the best interest of the child because it is a question of a parent registering a child as a citizen of Barbados.

The only way that can actually happen is if the child is present in Barbados and all the relevant documentation is presented at the Immigration Department. If you have a child that is not present in Barbados and no documentation on the child is not presented; there is no basis of which the Immigration Department can act because there is no evidence to suggest that there is a child existing, corresponding to the documentation that is there.

This provision does not require the Immigration Department to take any of the issues into consideration that exist in section 43 of the *Family Law* Act.

Section 43 of the *Family Law* Act speaks to the power of a court in custodial proceedings.

In proceedings in respect of the guardianship or custody or access to children of a marriage or a union; the Court shall regard the welfare of the child as the first and paramount consideration.

That is essentially a different kettle of fish as to the actual registration of the child of a Barbadian citizen. Where the welfare of the child does not – I do not want people to misunderstand what I am saying or misquote me. It does not matter there, not to say that it is not important but it does not matter for the mere fact of registration.

Issues such as guardianship, where it is contested; where the child's parents might not be fit or the parents may be dead or overseas and somebody is purporting to make an application to the Court saying I want to be the guardian of this child or I want to have custody of this child. That is an issue where the Court operates on the basis of a principle that the interest of the child matters.

On a question of the registration of a child who is the child of a Barbadian citizen and the application to register as a Barbadian citizen; the question as to the welfare of the child will not come into consideration because registration in and of itself will not affect the interest of the child in that specific way.

I just thought I would just clarify that.

Mr. Chairman, there was a point about the Revised Treaty of Chaguaramas, I was not sure.

Asides.

Mrs. Sheena MAYERS-GRANVILLE: This is point three (3)? Can point three (3) amend for three (3)?

Hon. G. P. B. NICHOLLS: Yes, amend for three (3). Okay, just let me just take a quick look at that because that was one that the section was not quoted.

Section 4(3) of the Immigration Bill or the Citizenship Bill for immigration?

Mrs. Sheena MAYERS-GRANVILLE: This is the Immigration Bill. Under the Immigration Bill, it states the persons who are allowed to enter and that are Barbadian citizens and permanent residents.

The section then goes on to say the Minister can deny entry. Following that section, we then read of CARICOM persons being able to enter Barbados.

The submission was indicating that under permitted entrance, where it says: "Subject to this Act" and the "CARICOM Community", that we have a qualifier there that they would be permitted entry consistent with the CARICOM Community movement.

Hon. G. P. B. NICHOLLS: Yes, but as long as we are not infringing our Community law obligations at the level of the Treaty because those are binding on the State of Barbados.

Barbados has signed a treaty, the Revised Treaty of Chaguaramas and we have Community law obligations and the Court that interprets the Treaty is the Caribbean Court of Justice (CCJ) in its original jurisdiction, has clearly set out in the Shanique Myrie case the exemptions to which the right of a definite entry can be refused.

As Minister responsible for Immigration, I would exercise that discretion on the advice of the Chief Immigration Officer and the officers working in that department to CARICOM nationals who appear to the department and to me as Minister, that making the entry would not be in the best interest of Barbados.

That is permissible within the Treaty as a basis for which the state can exercise that discretion. I have had to do it and I will continue to do it as long as the information, they will tell you that I just do not sign deportation orders or refusal orders. I go through each and every one at any hour of the night when they call.

Sometimes a judgment call has to be made on these things based on information from sources, which I will not here disclose. That is not something that I think that the State should cede to the Treaty.

The Treaty does provide for exemptions to be made on the basis of the determination of the State and that is what this provision is intended to continue.

I compliment your colleague for the …

Asides.

Hon. G. P. B. NICHOLLS: Sorry, if you want to answer to that specifically.

Ms. Sheena MAYERS GRANVILLE: Not to that specifically. I wanted to go back to your response on the Family Law Act and I recognise there was an error in my reference. You were quite right in highlighting section 5(1), which has to do with the registration of a minor.

The correct reference would have been section 5 (2):

"The minister may in such special circumstances as he thinks fit, cause any minor to be registered as a citizen of Barbados".

So, not that it does not cover, and I think I would have said in my initial presentation, that we

have the assumption but that it could be strengthened by an explicit statement in the best interest of the child.

Hon. G. P. B. NICHOLLS: I hear it. It is something that I think that we will take a look at but my instinctive response there is that sometimes, and the CPC, I might be calling you to back me up here; sometimes these provisions need to be written in as general a way as possible.

When you borrow language or phrases that are applied regularly in other pieces of legislation; you open yourself up to the argument as to whether or not the legislative intent is the same and because the legislative intent of that section which is used in the Family Law Act is done in custody and guardianship applications; the considerations for the court in making a determination on an application that is being fought by two (2) adversarial parties represented by lawyers, will not be the same considerations for the minister on a question of the registration as a child as a Barbadian citizen.

While I understand why that consideration by the court has to be paramount and while I am not saying it is not a consideration for the Minister; use of the language may give the unintended consequence of it being the same, having the same predominance, while that in itself might not be the only consideration for the minister to register somebody who is applying as a citizen of Barbados, who is registering a child.

There are broader considerations there. I mean, obviously our international obligations under the International Convention on the Rights of the Child would predominate there; that has nothing to do with the same things that a court would determine in a family law application.

The Minister must understand the State's obligations given in international law to that Treaty.

If I am going to take the language from the Family Law Act dealing with guardianship and custody and put it there, it would give a different flavour and it is subject to argument by lawyers. You know lawyers like arguing. Then the real broad scope of that provision is going to be limited by use of language in another Act, dealing with a specific thing. That is why drafters draft in general language. But I understand what you are saying there.

Yes. Sorry, I just wanted to say Glyne, thanks for plugging in for sportsmen.

One (1) of the reasons why I am very anxious to get this legislation passed is to make sure that we can strengthen our national teams.

We would have won a world championship medal in a... I cannot remember the name of the sport. The sport is hurling or something like that. The athlete that won the world championship this year, gold medal, she wants to represent Barbados since it is the place of her grandparents' birth but under the legislation, it will be a real stretch of how to exercise my discretion on the basis that she comes here for a couple of weeks.

I cannot do that under the law but I really would want to give our Barbados Olympic athletes and the Carifta athletes and all the other sporting teams the opportunity to dig into the wider pool of talent that is available.

I am glad that this legislation extends to Barbadians within the diaspora to be part of truly Barbados. I have cousins who were born in the United States of America. My eldest brother was born in the United Kingdom (UK) but my cousins in New York, when I went there to the United Nations (UN) forum on migration two (2) months ago, they startled me because they appeared to know as much about Barbados as every person that I talked to in Barbados.

They consider themselves Barbadians. They bring their church groups and stuff to Barbados regularly but they are Bajan, born in New York, mother and father born in Barbados. They consider themselves Barbadians and they would want their children to be Bajan.

This law, or the Bill that we are proposing here, will give the diaspora that comfort and that connection is maintained because Barbadian culture can only be defended and embraced if the full diaspora has a connection to its commitment and purpose. That is what we are trying to do here.

Right, as Chief Immigration Officer is saying, it is for that same reason that you are able to use the section 5(2), the exceptional cases and circumstances to give the minister that discretion. There is a child of a famous Olympic athlete. How do we get that child to be running for Barbados as he should be?

You have got to pass this Bill and we can get that gold medal.

Thank you, Mr. Chair.

Mr. CHAIRMAN: Thank you, Minister. Thank you very much, Chief Immigration Officer as well.

I see the communication between BEC and yourself and I am happy. I am hoping that you both are happy with the explanations given this morning because you are a very important segment of our national development that we have to respond to. I know they are listening.

The CPC wants to come in at this stage.

Mrs. Mechelle ELIE: Thank you, Chair.

The Minister had asked that I back him up and I would agree. I do think that the provision should remain general but when I heard the point made and the connection also to be made with the Family Law Act, I wondered whether the BEC was suggesting that whether or not a child has citizenship is something that should be debated.

In other words, the question of whether it is in the best interest of the child to have Barbados citizenship, be debated? Is that the point that you were trying to make?

The reason is that if you think of the average person outside of this, if a child is born in Barbados; the child is registered as a Barbadian. Well, the birth is registered, the child is a Barbadian citizen and that is the end of the discussion. In that sense, I would suggest that we leave the provision as is rather than open up the question of citizenship and whether or not it benefits the child to be a citizen of Barbados.

I would like some clarity as to where you are going with the point but I do agree with the Minister that out of an abundance of caution, we should keep the provision general.

Mrs. Sheena MAYERS-GRANVILLE: The comment was made not with the intention of debating if you should or should not register the child but it was noting that or it seemed to suggest a situation where the decision on registering rests with the Minister and if a decision had to be made, then it would be made in the best interest of the child because the way how it was read is in special circumstances.

So, as you indicated, on a regular circumstance, if someone is born in Barbados, they are automatically registered but if there were some circumstance where a decision then had to be made, then it be made consistent with whatever is in other legislation or what that demands.

I am hearing from the drafters the intent to keep it general so that you do not open the door for arguments and I heard lawyers love arguments about if it is in the best interest or not in the best interest but it was simply saying, if you have to make a decision, then make it consistent with what we see in other legislation.

Mrs. Mechelle ELIE: Thank you for that.

Mr. CHAIRMAN: Okay, any further comments, queries for BEC?

Again, let me thank you for taking your time out to be part of this very important process of national development and I am confident that your 10 recommendations will be taken into consideration along with what we have discussed this morning because you clearly came here to dissect most of the matters raised in section 4.3 of the Immigration Bill; section 5.1 of the Citizenship Bill; section 3.8 of the Citizenship Bill and the data protection matter, I know, harmonise the data collection and sharing provisions of the Immigration Act.

These are matters that have been discussed and certainly, when we meet as a Committee to deliberate after the oral presentations, I am confident that all these matters will be taken into consideration.

I thank you on behalf of the Joint Select Committee and Parliament.

Mrs. Sheena MAYERS-GRANVILLE: Chair, let me just express my thanks on behalf of the council and the executive of the BEC for the opportunity to appear here this morning and first, we have the opportunity to submit in writing but to have the opportunity this morning to appear in person and have this dialogue around our submissions.

I am confident that this intervention, along with the many others that the Committee has, and will strengthen the end result, the Bill that comes out of this process.

So once again, thank you.

Mr. CHAIRMAN: Let us move swiftly along because we do not want to delay the process of Members who have taken their time out to be here.

We now welcome the representatives from the Barbados Bar Association (BBA) to join us here in the Senate Chamber to address these matters pertaining to the two (2) Bills before us.

Okay, good morning, distinguished members of the Barbados Bar Association. Welcome to the sitting of the Joint Select Committee.

On behalf of the Joint Select Committee of Parliament, I extend a warm welcome and sincere appreciation of your presence here today to make your oral presentation on these two (2) important Bills, the Immigration Bill and the Citizenship Bill.

The Committee recognises the important role that you play, the role of the legal profession in contributing to the development of sound legislation and public policy and as practitioners and officers of the court, your knowledge, your experience and your professional insights are invaluable in assisting us to examine the legal, the constitutional and practical implications of the proposed measures under consideration.

The Immigration and Citizenship Bills, as you know, address matters of significant importance; touching on issues of rights and obligations; national identity governance; national development and the administration of law.

You have 10 minutes to present to this Committee and I know lawyers, I know you make your money by talking. I am on the other side. I make my money by implementing. As an engineer, I made my money by implementing.

We want to get through the process today seamlessly but I again, I thank you for taking your time out and when you before you speak, you introduce yourselves, because we are being streamed and you have a very large contingent who will be listening attentively because you are representing a very important group of people to national development and also to communities and to the future generation of this country.

Without further ado, I would hand the floor over to you and as you speak, you introduce who you are and let us get the process going once again.

Over to you.

Mr. Larry SMITH: Good morning, Chair and to Members of the Committee. I am Larry Smith. I am, for the moment, the President of the Barbados Bar Association.

With me is Mr. Kashawn Wood to my left, who is the Assistant Secretary to the Barbados Bar Association.

To my right is Ms. Lynn Marie Simmons, who is a member of the Bar and she is the Chairperson of the Legislative Reform Subcommittee of the Barbados Bar Association.

Thank you for inviting us and having us here.

We were told originally it was going to be 15 minutes and I realised that you have chopped us by one-third and so, we will, Ms. Simmons will lead the charge and I will chime in at a certain point, so thank you.

Mr. CHAIRMAN: We are very flexible and if that is what was told to you, I will give you the 15 minutes. That is fine.

Ms. Lynne Marie SIMMONS: Being cognisant of the time constraints, I have prepared a document which I will read, which contains the salient points that we want to make in expansion of what we have already made on the first occasion that we presented before the Committee.

Firstly, we want to speak about the absence of Explanatory Information regarding the legislative reform of the Immigration Bill and the Citizenship Bill.

During our first appearance before the Joint Select Committee, the members of the Barbados Bar Association highlighted the absence of an accompanying Policy Document and/or explanatory memorandum, which would serve to explain and contextualise the proposed legislation changes.

The then Chairperson, Ms. Marsha Caddle, MP, informed the Sitting that some of the proposals for reform had their genesis in the findings of the Barbados Population Commission (BPC) which issued a Barbados Population Policy document in 2024.

The BBA wishes to highlight the following observations made by the BPC:

"Firstly, the legislation should extend the categories of people entitled to citizenship and permanent residents; retain and encourage repatriation of Barbadians and stem the brain drain and promote managed migration of persons who can bring capabilities and resources to invest in the future of Barbados and contribute to areas of the

economy where there are unmet labour and skill requirements.

Such approaches would likely meet the immediate and medium-term labour force needs, an increasing number of people contributing to Government revenue through direct and indirect taxation."

Of great importance was the recommendation of the BPC for the formulation and implementation of a managed migration policy, which would support economic and labour market objectives.

The BPC highlighted the importance of a policy specifying short and medium-term targets for increasing working-age population which can be adjusted having regard to the changing economic, social and cultural profile of the country and its developmental objectives and opportunities based on a continuous assessment of the impact of migration.

It is our submission that any sweeping changes to the Immigration Act and the Citizenship Act must be informed by a migration policy which incorporates the afore-mentioned objectives, together with empirical data.

To the best of our information and knowledge, no such policy document exists and we find ourselves in a "cart before the horse" scenario.

The declining population is not unique to Barbados. Last month, Mr. Patrice Quesada – I hope I pronounced his name correctly – the regional coordinator for the International Organisation for Migration, observed that Caribbean nations, faced with shrinking populations and growing labour shortages, are re-evaluating migration policies as a key pillar of economic survival.

He said that declining demographics were affecting countries throughout the region, while labour shortages continued to place pressure on critical sectors like construction, healthcare and tourism.

Mr. Quesada, specifically highlighted St. Lucia's national migration policy as a possible model for other Caribbean countries. I am going to turn now and talk a little bit about the St. Lucian Migration Policy.

On 18 May, 2026, with the support of the International Organisation for Migration, the Government of St. Lucia launched its draft migration policy; positioning our sister island as the leader in evidence-based, inclusive migration governance.

That policy reflects a whole of government and a whole of society approach grounded in data, stakeholder consultations and a forward-looking vision that recognises migration as a driver of sustainable development.

At its core, the draft National Migration Policy seeks to ensure that migration in St. Lucia is effectively measured, monitored and managed through a gender-sensitive, rights-based and development-oriented framework.

It prioritises key areas such as labour migration; diaspora engagement; data systems; protection of vulnerable groups and migration governance in times of crisis while purporting national resilience and inclusive growth. It is our submission that Barbados should adopt a similar exercise.

In and of itself, the Barbados Population Policy falls short of the kind of content which is required to support and inform a whole of government and whole of society approach; grounded in data; stakeholder consultations and a forward-looking vision that recognises migration as a driver of sustainable development.

I am now going to turn to considerations for the work permit regime. It is further submitted that a piece-meal approach to policy making would be a significant misstep. For example, the people of Barbados have seen firsthand the effects of failing to employ data-driven analytics in government's approach in allowing foreign nationals to supplement the labour shortages in the construction sector.

There are at least, I would say, seven (7) hotels/condominium projects in addition to those already under construction. These projects have resulted in a high demand for artisans and labourers who now command a premium for their wages.

Developers and contractors have argued that the local labour force must be supplemented by foreign labourers and that about a thousand short-term work permits are urgently needed, with hundreds more to be required in the coming months.

At the same time, the Barbados Bar Association has also observed that one (1) of the largest and long-standing construction companies will now have to retrench members of its staff, citing declining competitiveness and sustained operational challenges.

At the heart of their retrenchment decisions seems to be the fact that the company honours its National Insurance Scheme (NIS) and Pay as You Earn (PAYE) obligations.

It has been brought to the attention of the Barbados Bar Association that foreign imported labourers are treated by their local employers as, "independent contractors" who are responsible for paying their own PAYE and NIS contributions, even though the facts are clear that the relationship is that of a contract of service, that is, an employer and employee type relationship; not a contract for services, that is, an independent contractor.

It is our submission that the Government should consider whether an employer who deliberately creates a category of worker with the label "independent contractor" when all other criteria point to that person being an employee is not offensive to the laws of Barbados.

In particular, whether such a decision is in effect a fraud on the National Insurance and Social Security Service (NISSS), by denying that service the contributions to which it should properly be entitled. It is our submission that any forward-thinking legislation must seek to ensure and correct these anomalies and disparities.

It is the understanding of the Barbados Bar Association that local construction companies and developers have called upon the Government to one (1), design a scheme where construction workers can circumvent the established procedures for short-term work permits and have a fast-track group designed and implemented for the processing of short-term work permits for construction, and two (2), for the Government to waive work permit fees.

It is our view that neither of the two (2) requests should be acceded to for the following reasons.

The BBA has canvassed views of attorneys-at-law who have handled bulk application work permits for construction workers. Our inquiries have revealed that more often than not, amongst each group of applications presented to the Immigration Department for processing, were persons who previously had criminal convictions.

Every effort must be made to ensure that persons are properly vetted and screened by the Immigration Department prior to their arrival on island.

We are also aware that a small group of foreign workers were recently brought into the island to work on a construction project and they absconded from the project. Their employer was unaware of their location on island. Clearly, the current system of tracking foreign workers on island is flawed and must be urgently revisited with a view to strengthening it; before any mass influx of workers.

Construction workers are usually hired under a short-term work permit visa. This visa was developed for itinerant workers who generally fall outside of the tax and NIS nets. It cannot be that the Government must be placed in a position where it can only benefit from indirect taxes, especially where concessions are granted to contractors and developers under the Tourism Development Act.

The Government fee for each short-term application is a mere $300, while the work permit fee per month for CARICOM workers starts at about $100 to $110; for non-CARICOM workers, it is within the range of $210 and $300. This should not significantly erode the profit margin of developers.

The implementation of any policy which would seek to marginalise the local workforce in favour of untested foreign workers would be socially unjust and politically problematic.

The BBA is of the view that in addition to the work permit being a fee charged; that a flat fee should also be applied to each applicant which will be seeded into the NIS scheme. Persons will only be able to access the NIS scheme once they have satisfied all of the criteria for assessing its benefits.

Foreign workers will still be required to contribute to the scheme. A similar type of system has been employed in other countries which are heavily reliant on labour forces, for example, the British Virgin Islands (BVI).

In addition, employers of foreign nationals who hold short-term work permits should also, as a

condition of that permit, be required to effect insurance, in respect of their employees.

It has been represented to the BBA that the Immigration Department has stopped stamping the passports of foreign nationals entering the island. The BBA does not support that decision.

We submit that this is a misstep, since it is impossible to verify the length of time a permitted entrant has on island without reverting to the Immigration Department. There must be a simple way to verify whether or not a person is lawfully on island. In the past, this could easily be done by examining the passport for an entry stamp.

I am going to turn now to our President who will deal with our additional comments. I think we are still within time.

Mr. Larry SMITH: Yes, I believe we still have time, Mr. Chairman.

Mr. CHAIRMAN: Proceed. Like I said, we are very flexible.

Mr. Larry SMITH: Thank you, Mr. Chairman.

Mr. CHAIRMAN: We will give you that latitude.

Mr. Larry SMITH: Thank you, Mr. Chairman.

We want to address the issue of the economic citizenship. It has been the policy of successive Governments that we do not support an economic citizenship position.

As far back as 2009, Barbados does not subscribe to the concept of economic citizenship and pursues a policy of not granting such status to non-nationals in return for financial contributions or economic benefits. The legislation should be amended to reflect this. This was in 2009.

The BBA, we recommend that the Barbados Citizenship Act should be amended to state that under no circumstances will such citizenship be granted.

Similarly, the Caribbean Community Movement of Skilled Nationals Act 2004-13 should be amended to state that economic citizenship will not be recognised as part of the definition of "national".

The term "economic citizenship" should be defined in all relevant legislation. That is certainly not the case in the Bills that are being proposed.

In December 2005, the European Commission signalled a hard line towards Caribbean Citizenship by Investment Programmes, stating that the existence of such programmes in itself may now constitute grounds for suspending visa-free travel to sanctioned Schengen countries.

In its eighth annual Visa Suspension Mechanism Report, Antigua and Barbuda; Dominica; Grenada; St. Kitts and Nevis and St. Lucia were identified as countries operating programmes that pose a significant and ongoing challenge of a much greater scale than similar schemes in the European Union (EU).

Between them, the five (5) countries have issued over 100,000 passports to individuals obtaining Citizenship By Investment (CBI). The (European) Commission expressed particular concerns regarding the adequacy of security vetting procedures, citing a short vetting time and low rejection rates.

In July 2023, the United Kingdom (UK) withdrew visa-free access for Dominica; citing clear abuse of its CBI programmes, including cases where citizenship had been granted to individuals it regarded as security risks.

Earlier this month, Ireland cut its visa-free access to St. Kitts, St. Lucia and Nicaragua. The Department of Justice, Home Affairs and Migration in Ireland announced the change on 11 June, 2026.

It is the BBA's position that, having regard to the free movement which exists between Dominica; St. Vincent and the Grenadines; Belize and Barbados, with the possibility of more members joining the current group of four (4) CARICOM countries, we endorse the 2009 Ministry of Labour and Immigration's Recommendations to include a definition of the term, "economic citizenship" in the Bill before the House and exclude those individuals from becoming eligible for obtaining Barbados citizenship.

We look at now the constitutional amendment issue.

In 2019, a paper was brought to Cabinet for the approval of a Revised Barbados Immigration Policy and Proposals for Legislative Reform; noting that both Chapter Two (2) of the Constitution of Barbados, as well as the *Barbados Citizenship Act*, Cap.186 provide for the granting

of citizenship.

There were and still are, inconsistencies between these two (2) pieces of legislation and there are in need of some kind of resolution.

The two (2) Bills in their current format would leave the inconsistencies unaddressed. The paper proposed a number of constitutional amendments which would be required to harmonise the Constitution with the *Citizenship Act*.

The BBA observes the absence of any Bill containing proposed constitutional amendments. Certainly, the Bill in its current form does not indicate that it is an act to amend the Constitution and as it currently is, it would create issues.

Should the tabled Citizenship Bill be passed without the requisite amendments to the Constitution; the Government can expect that there will be members of the BBA filing with some level of haste, constitutional motions to have the Act struck down as being unconstitutional and in conflict with the Supreme Laws of the land.

Of some import and great concern to the BBA is the significant reduction of the day's test for obtaining citizenship.

Currently, a person who has been ordinarily resident in Barbados for not less than seven (7) years, that is approximately 2,555 days, of which an aggregate of not less than five (5) years, approximately 1,825 days, must have been spent in Barbados or for such short a period, as the Minister may in special circumstances accept. That person can apply for citizenship under the Citizenship Act.

Section 3(2) of the *Constitution* provides grounds for the Commonwealth citizens who have been ordinarily resident in Barbados continuously for a period of seven (7) years. That is approximately 2,555 days to apply for citizenship.

Section 3(A) of the *Constitution* allows a person who has been ordinarily resident in Barbados, throughout the period of 10 years, that is approximately 3,650 days, immediately preceding the application, to apply for citizenship.

In 2020, a proposal was made that section Four (4) of the Citizenship Act be amended to allow for a person who was granted permanent residence under Section 5(2)(c) of the Immigration Act and, who had resided in Barbados for a total of 1,095 days, that is approximately three (3) years, in the aggregate during the last six (6) years, immediately preceding the date of application to be resident as a citizen of Barbados.

Moreover, a person who was an immigrant for a period exceeding five (5) years may, within three (3) years, after the commencement of the Act, make an application to the Minister to be granted citizenship upon satisfying the Minister that he or she has been an immigrant for a period exceeding five (5) years.

The Citizenship Bill 2026 at Part II provides additional grounds of citizenship and registration of certain individuals as citizens. A person who is a national of a member-state by birth; descent; or naturalisation, their spouse and dependents and who has resided in Barbados as a permanent resident, for an aggregate of 180 days, that is approximately six (6) months; during at least 730 days which is approximately two (2) years, immediately preceding the date of the application or a non-national of a member-state, their spouse and dependents, who have lawfully resided in Barbados as permanent residents for an aggregate period of at least 270 days which is nine (9) months out of a period of 1095 days, approximately three (3) years preceding the date of application.

Here are some of the concerns of the members of the BBA. For example, there are four (4) member-states now for which there is free movement. I can leave here and go to Belize, Dominica and St. Vincent and the Grenadines and turn up, register, work and reside without any issues whatsoever. So, we know Dominica has a Citizenship by Investment Programme.

So, someone through financial investment in Dominica becomes a citizen within what? Three (3) months or four (4) months. They are now a citizen of a member-state and not just a member-state of CARICOM. They are now a citizen of a member-state for which he or she can move freely.

They come to Barbados after four (4) months to set up here, work and live as currently the relationship is between those, these four (4) territories. Then within six (6) months, they can apply to become a citizen of Barbados.

Someone has within 10 months become a citizen of two (2) CARICOM Member States. Where is the vetting process? How is the vetting

taking place? How are we securing the borders? How are we being assured that the individual or individuals are the kinds of individuals that we want to attract to address the issues of the population shortage in this country? They have spent six (6) months out of two (2) years.

If they come here and they are here for six (6) months continuously, then they qualified out of the two (2) years.

It should be noted as well that there is no definition of "Ordinary Resident" in any of the two (2) Bills being considered.

The Barbados Bar Association is of the view that the definition of the term "Ordinary Resident", along the terms as stated in the 2019 Cabinet Paper should be included in section two of the Bill.

"Ordinary Resident" means a lawful resident in Barbados for no less than an aggregate of more than 132 days per year and that is the definition found in the Income Tax Act.

We have not seen yet, any policy document that underpins any of the Bills. We are not sure if one exists, but certainly at the level of the BBA, we have not seen any policy document as has occurred in St. Lucia, which is the driving force for their Immigration Act and their policy.

We see nothing which indicates via empirical data, via any form of substantive discussions, why there should be a truncation of the qualification periods. It is a position of the Barbados Bar Association that we strongly oppose the truncation of the day's test as proposed under the current Bill.

We are available for questions from the Committee.

It was raised previously, if I may, with your leave, Mr. Chairman, the question was asked, "why are we moving with such haste to deal with these Bills?" "Haste" is useful.

I believe the Minister at the time, the Senior Minister, indicated that, as reported in The Press that some people had waited years. I think it was a question that was raised by Senator Mallalieu.

According to the newspaper report, it was suggested that some people had waited for years to get citizenship approved and some died without ever hearing from the Immigration Department.

Those of us who practise at the BBA and I see some of you here on this Committee, would know that people have died waiting to have their Probate and Estate applications addressed at the Registry of the Supreme Court.

We would like the similar level of alacrity to attend addressing that issue for the BBA and for its members and for our clients who have died waiting to have their probate applications addressed.

If dying becomes the issue, dying while waiting; then it is the BBA's position that there are a number of other areas that directly impact the membership of the BAR where people died before those issues were resolved; that we should be grateful to see that kind of attention being focused in that direction.

It is not simply for the members of the BBA but it is for the people we serve who are members of the public.

We are grateful to you.

Mr. CHAIRMAN: Thank you, Mr. Smith, Miss Simmons and Mr. Wood.

On behalf of the Joint Select Committee, you have given us not only an earful but you have given us some very important matters of national interest that we need to respond to and incorporate into both Bills before this Joint Select Committee.

Before I give it to the Members, I heard you referencing Senior Minister but he is not here. He is not privy to this document because we received it this morning and in all fairness to the Committee Members, we want to have this document circulated to all Members; that is the protocol so they too can be au fait with all of the matters raised.

There are some very important matters I must say to you, well-articulated. I did not expect anything different, but I want the Ministers, especially, who are not here this morning, three (3) Ministers are absent from the Committee and the Senior Minister, he has probably heard you and he would want to respond to your queries and your submissions before this Committee.

Nevertheless, we will have a discussion this morning but it would not be a final discussion, on the matters raised by the Barbados Bar Association. We have here Minister Nicholls, who is really the substantive Minister as it relates to these two (2) pieces of legislation and he would want to weigh in.

I do not want to defend anything anybody said; that is not my role but I heard the last reference to the newspaper article and we have to be mindful. Sometimes when we get third-hand news, it is not really … I would want us to refer to the documents at hand because it is being streamed and we can refer to the live broadcast to get the true comments that were indeed raised in this. That is why we are streaming so that the information is not distorted.

I am not saying that the newspaper will distort the information.

I never said that, but I will want you to reference the live broadcast on the day that the Minister made his comment in all fairness to him.

I think he was using it as an example as to why we have moved with alacrity because the Population Policy that was revised in 2024 by the Population Commission, is indeed a very critical document, as well as the Barbados Economic Recovery and Transformation (BERT) Programme that has informed how we have drafted these Bills.

From a policy perspective, I do not want to speak on behalf of the Minister but just to say that when you refer to the Population Policy document and you see what our challenges are; then you will see why the Members of the Committee, they have gone for a three-year citizenship push and a two-year citizenship push because we have a crisis on our hands, not just a problem, but a crisis.

I would pause there and allow the other Members to speak. I do not want to quote what I quoted two (2) weeks ago but I want to have frank discussion and fair discussion and not to be biased as the Chairman to anything that was presented here this morning.

I am handing over to the Members of the Committee for their comments. Again, thank you for such an expansive and detailed presentation.

Over to you, Members.

Mr. Larry SMITH: Grateful to you, Sir.

Mr. CHAIRMAN: Senator Mallalieu.

Senator A. W. MALLALIEU: Thank you, Mr. Chairman and thank you to the members of the Barbados Bar Association who have presented this.

I would like to start with perhaps a little clarification because I have my own notes and my own challenges. You correctly quoted me on what I think we are doing in here in terms of opening a back door for citizenship from the CARICOM Free Movement areas.

I want to be clear on Dominica, which is part of our CARICOM Free Movement. There is absolutely no requirement to ever visit Dominica at all to get your citizenship. If you read what is on there, you can apply from overseas; you can make your investment from overseas and you can receive your citizenship from overseas.

So when we look at those timelines, in support of what you are saying, the back door that has troubled me with this, is that you can have someone who receives a citizenship in Dominica because at present, there are only four countries that are participants of that, which are Dominica; St. Vincent; Belize and Barbados and the only one (1) with a CBI Programme is Dominica.

In that same Bill, those countries can be expanded at the Minister's discretion. It does not need to come back at all to the Parliament for the countries to be expanded. Any CARICOM country can be added to that list at any point in time and there are many CARICOM countries with CBI Programmes.

The question I wanted to ask you because I did not only want to agree with you but I wanted to get your advice and your learned counsel on this. I have been told whenever I raise this, is that it would be a problem; it would be wrong; it would be, in some ways almost told me it is unconstitutional, to look through a CARICOM national's passport and ask the question, how did you come to have this?

I would like to know from you if you feel that there is anything in law or there is any reason why, as an Independent Republic, we could not build into this Bill, our own right to look through the passport that you are presenting to us and say, how do you come to have this? If you are a CBI, if you have come to this passport by a Citizenship by Investment Programme where you have had absolutely no requirement ever to integrate into the CARICOM anywhere whatsoever; you have paid your money to another country that that gives you the right to reside, work here and after six (6) months, you would be eligible for a passport.

Is there any reason that you would know as

lawyers as to why we could not do that?

Ms. Lynne-Marie SIMMONS: I would suggest that we revert to the position, which was contained in the 2009 Green Paper, which we spoke about earlier today, that mischief can be simply solved by excluding economic citizens and including in the legislation a definition for economic citizens. That strikes at the heart of citizens.

Citizenship is something, and I spoke about it last time when I was here. . . You should have a very close and real and abiding connection with the country with which you want to become a citizen. You have bought citizenship, that almost seems repugnant.

It would be my suggestion that on that basis, that you include a definition for Economic Citizenship and that way you can exclude those people from being eligible. If you want to have a halfway mark, you can probably say they would have to spend a longer period, say five (5) years and they need to spend time here.

They need to invest in businesses here. They need to integrate into society before they can be elevated to the level of citizenship and let us not forget that we have a common experience with our Caribbean nations, so we can understand the thinking behind treating other born CARICOM nationals differently because we have all shared, we are very similar between the islands.

That is not the case if you have somebody from some far-flung part of the world that has a lot of money that says, "I want to be a citizen". They have no idea what we are about. They have not actually lived, breathed, worked or integrated into society.

As a policy, I do not see any problem with ring fencing that particular category of person. I understand that some, and let me be a devil's advocate, people can say but is it not discriminatory? Are you discriminating against a particular class of people?

We must be able to form a policy that works for our country and that protects the value of our passport and does not seek to devalue our citizenship or our ranking, our passport ranking globally.

Senator A. W. MALLALIEU: Through you again, Mr. Chairman. Thank you for your response. It is the same conclusion that I have reached. There would be no reason why not to do it.

In fact, in looking for the Dominica example, just to play this out and when we refer to wealthy people, I want to say 200,000 US dollars in terms of global wealth these days is not a high bar; especially when that fee could have actually been paid on a parcel of real estate, which according to Dominica law, you can sell within three (3) years.

Really and truly, you only need to hold the real estate in Dominica for three (3) years. During those three (3) years, you would have resided in Barbados for six (6) months. You would have ended up holding a Barbados passport and you can dispose of your Dominica real estate at any point you would like.

I would end on this and maybe get your comments on it. I am more inclined to treat people who have received their nationality through the CBI Programme; one (1) with enhanced due diligence because I do not think that we can rely on other islands; other member states, to do the level of due diligence that we might want.

I do not think that we should give that up as part of our sovereignty when we talk about the national security risks. I do not think we should be subordinating that to someone else.

We should have enhanced due diligence for CBI applicants and then I would agree with you that I think that the residency period should be extended for those who are not already integrated within CARICOM through their birth or through by descent or what other way and that type of an amendment would more likely get my favour than one (1) that simply as it is written now, which I think is too easy.

Mr. Chairman, those are my comments but I am happy to hear anything else on it.

Mr. CHAIRMAN: Thank you, Senator Mallalieu. Over to you, Minister. You have heard the submissions and I would want you weigh in at this time.

Hon G. P. B. NICHOLLS: Thank you, Mr. Chairman. Let me first of all thank the BBA for making this new presentation before the Committee. I have not had sight of it until just now, so I am not going to respond to this submission, which I only just received.

It raised a number of important issues and certainly I will give the Committee the assurance that the Ministry and the Government will respond to this so that the Committee will have the benefit of the Government's position as it deliberates the submissions made by BBA.

One (1) of the difficulties that you have in this exercise is, there was a cognate debate of both the Citizenship Bill and the Immigration Bill before Parliament was dissolved.

When I laid the Bills recently in the House, this seems to be in the public debate and discussion, a conflation of things and that is what I was here discussing with the Chief Immigration Officer because there is an abolition of the category of Immigrant Status in the Immigration Bill and because of that, a number of transitional things had to be written into the legislation because we are no longer going to have that intermediary category of permanent resident, "immigrant citizen".

There is now a proposal for either citizen or permanent resident within the context of Barbados and our Immigration Legislation.

In order to become a citizen of Barbados, you are either born in Barbados, you are either a descendant of a Barbadian or you can be a permanent resident who is applying and the application of the permanent resident must require that person to become a permanent resident within the Immigration Act before they can as a permanent resident applied to be a Barbadian citizen under the Citizenship Act. The two (2) periods must be combined.

What you have is that some people are looking at the time frame within the Citizenship Bill and making it seem as if that is the only period which the application is being considered and not the length of time that they would have had to be a permanent resident and also prior to that, qualifying to be a permanent resident would of necessity require you to be resident in Barbados for a period of time within the context of the Immigration Act.

I want to thank the BBA for these submissions and certainly, this is what I think is valuable an exercise in terms of how the Government sees legislation through the process by way of engaging the Joint Select Committee and members of the public for contributing to the substance of the legislation.

Lots of important points are made here. I am not surprised at the level of scholarship and research that has gone on here because I do associate myself with the members of the Barbados Bar Association of which I am still a member for all intents and purposes.

I know each of the members who are before our Committee, Mr. Chairman, very, very well so I am not surprised at their contribution. I will take the opportunity to request time to study and consider these submissions and to make a substantive reply to the Barbados Bar Association's position.

Thank you, Mr. Chairman.

Mr. CHAIRMAN: Thank you, Minister Nicholls. I think that is only fair, especially to the other Members who are not here as well, so we can have a fair and frank discussion to impact these two (2) pieces of legislation in a meaningful way.

Senator Walters and then I will come back to you, Mr. Smith.

Senator R. O. WALTERS: Thank you, Mr. Chairman. I think what the Minister has put forward seems fair but I think that we should give the representatives from the BBA an opportunity to come back to have the discussion and not necessarily the Government just placing a response to these issues.

All the other contributors were given the opportunity to have dialogue on different points and they would not want that the Government takes a position where they look at the points and they send back some notes or make a couple political points but they give the Barbados Bar Association an opportunity to engage in the discussion, if they are so willing, on the points that they have raised and then the feedback from the Government's side.

To me, it is only fair that that happens in this situation, if they are so obliged to do.

Hon. G. P. B. NICHOLLS: Mr. Chairman, I said I am in no way shying away from the opportunity to have a discussion with my colleagues. They would tell you that I have had discussion on their previous submissions extensively with Miss Simmons and I spoke when I was a Member of the Joint Select Committee on Governance Policy.

We had a substantial discussion on that report and as I did with both the secretary and the president of the BBA. I did not want it to seem that I am going to come back in their absence because I am ready to have that discussion.

Mr. CHAIRMAN: I heard you, Senator Walters and while I agree that we should have dialogue and not just send back comments to the Barbados Bar Association, we are still operating within a specific time frame and guidelines as a Committee.

This Bill has to get before the Lower Chamber within a very short time frame. It is my wish that we do not have a another Sitting where key members are not present because while I do not want to belabour the point; I would have preferred to have even one night to sit down to make comments, notes and call the various Members to find out a few things on it but we were not given that opportunity either.

While I heard you, Senator Walters, you are now seeing this for the first time as well and I do not think you are in a position, neither of us are, to really have the comments that we had with the other Members because we had those presentations before us and we were able to have open and frank discussion on them.

We will revert, if there are no other comments for sure coming from the Members or other Members you wish to comment on.

Chief Parliamentary Counsel, I know you are here and there is food for thought. I know you would want to endorse and then come back as well.

Minister Springer, are you fine?

Asides.

Mr. CHAIRMAN: Chief Immigration Officer, I see there are some comments that you have stopped this stamping of . . . It is a direct statement, but you can comment now if you care to because there are some things that were said and we have the parties here who can comment.

I think there is a section in here, if I listened attentively, I am trying to find the page. Could you guide me, Miss Simmons, to where you said that the Immigration Department stopped stamping passports? That is a that is a section that I recall you …

Ms. Lynne-Marie SIMMONS: Ms. Inniss is here and she can possibly speak to that.

Mr. CHAIRMAN: Yes, but which section is it? That is what we are asking because we are now seeing it for the first time so guide us, please.

I recall you saying it and it jumped out at me. Page 10.6 is being represented to the Barbados Bar Association that the Immigration Department has stopped stamping the passport of foreign nationals entering the island.

The BBA does not support that decision. It is a misstep since it is impossible to be verify the length . . . This was under the context of employment, I think this is it . . .

Ms. Lynne-Marie SIMMONS: We can draw a difference between somebody coming into Barbados at the port of entry, but your passport is not stamped there. It is only stamped if you submit it to the Department for endorsement and on some occasions that does not happen.

Procedurally what happens is you apply for a Work Permit, you get a request for the payment of the fee if it has been approved. You pay the fee, then after about a couple of weeks, you will then get another letter saying you have been granted the Work Permit from this date to this date and you can submit your passport to the Department for endorsement and at that stage, it gets stamped with the duration of your Work Permit.

More often than not, persons do not submit their passports to the Department for endorsement and therein lies the problem because on the face of it, you would not be able to see if you have come into Barbados, I ask you to show me your passport and how long you are here for and what is the period of stay granted?

Unless it is being endorsed or unless you are walking around with your approval letter, you are not going to see it on the passport.

Ms. Margaret INNISS: I am Margaret Inniss, the Chief Immigration Officer.

Ms. Simmons I totally get where you are coming from but I will also add that, given that the Barbados Immigration Department is one (1) of seven (7) identified for digital transformation, you can appreciate that we are moving away from being paper-based, to a digital system.

A digital system where you are not stamped at

the airport because we have had several of our valued customers coming in and saying: "I travel here so often that my pages are being exhausted."

Barbados took, I believe, a policy decision in keeping with the rest of the world or for most parts of it, that we are not going to stamp.

You are within the system and if Immigration needs to know something, they will go in the system to find out whether or not you have been granted time; what time you have, whether it is just an entry visa or you have some form of status.

As you know, there are many times when different agencies would ask for information.

Let me say it this way, a person might ask for their information because they lose their passport and they want to get information and that information is provided.

Ms. Lynne-Marie SIMMONS: You would still have to revert to the Immigration Department and that is the point that we were trying to get across.

Ms. Margaret INNISS: You revert to the Immigration Department because as you can appreciate, we are evolving and we are taking steps and we are going to get to that place where we have a system but that is in keeping with best practice; where you can go in and retrieve that information.

Mr. Larry SMITH: If I may, Mr. Chairman. I think the question that would concern us then, is that in the interim or while we are evolving to a more digitised platform, what measures are in place to safeguard the borders of the country in the interim, while we are evolving? That would be a concern.

Hon. G. P. B. NICHOLLS: Mr. Chairman, permit me to answer that. The purple stamp on the passport does not secure the borders. The information that is within the immigration system is information that . . . I do not want to get into too much of the sources and methods.

What I will say is that quite very shortly, legislation will be coming to Parliament to establish the framework for advanced passenger information and passenger name records. It is a new piece of legislation.

Right now, Barbados operates on the basis where CARICOM impacts a system.

We are going to be beefing up that and the legislative framework to deal with advanced passenger information which we have access to now but now adding passenger name record which would also allow the state of Barbados and the competent authorities within the State, to be able to manage that information, prior to any vessel, aircraft or any other vehicle coming into the country.

It is not secured at the level of the Regional Security Systems (RSS) or CARICOM impacts by the purple stamp on the page.

This idea that not stamping the passport makes Barbados less secure as a place, I would like to scotch that, as it is right now.

Ms. Margaret INNISS: I am Margaret Inniss again, the Chief Immigration Officer. The absence of legislative underpinning of the special entry permit. . .

Ms. Lynne-Marie SIMMONS: Yes, Ms. Inniss, we dealt with that on the first occasion, but I am happy to answer any questions because we made some oral comments. I had undertaken to reduce them into writing because we know that this Committee is newly constituted and may not have had the benefit of hearing us on the first occasion.

That is just for information purposes but, if you want to ask me questions about it, by all means. I am here to answer them.

Senator A. W. MALLALIEU: Mr. Chairman, through you, sorry, what I would say is just for the benefit of the BBA. The previous submissions were given to this Committee.

All the previous submissions were handed over to us but it would be helpful to me if there is anything in particular about that special entry that the BBA wanted to raise. I would have liked to have heard from it, if you would allow them to tell us what the headlines of that was or do we do it on the next occasion. I do not mind.

Mr. CHAIRMAN: Certainly, Senator Mallalieu.

I just want to hear from the Chief Immigration Officer and then we allow Ms. Inniss to share with us, recommendations on the subject matter from the previous submission.

Ms. Margaret INNISS: Thanks, Mr. Chairman.

The comments, I know you spoke about the

Special Entry Permit and that you are going to beef that out in writing. Anything specific about the Welcome Stampers that we can discuss or was that just a comment about Welcome Stampers having work permits?

Ms. Lynne-Marie SIMMONS: Oh, for the conversion from welcome status to work permits. Yes, we had discussed that when we were formulating the legislation for that process, if you remember.

Ms. Margaret INNISS: Of course.

Ms. Lynne-Marie SIMMONS: So, at that time, we had thought that if you came to Barbados during the pandemic and you were here for six (6) months, you fell in love with the country and you wanted to not just work remotely but you wanted to come here, start businesses and invest more substantially in the country. What would be the quickest way for you to transition away from the remote work visa which means that you do not work for an employer in Barbados but you work overseas and pay taxes overseas, to one that is working in Barbados, paying taxes in Barbados and paying NIS in Barbados.

We thought the quickest way to do that is to convert them using the short-term work permit. We can still look at that now because there should be a mechanism where the information is given at the outset when somebody applies for the Welcome Stamp and then, that can be used to inform an application for a work permit, should they decide that they want to work in Barbados, not just from Barbados.

Ms. Margaret INNISS: Mr. Chairman, we have persons who have been here for what? Some six (6) years. Yes, 2020, under the Barbados Welcome Stamp.

I am sure those persons are persons with specific skill sets that could definitely benefit the economy.

Asides.

Ms. Margaret INNISS: You are going to continue or am I going to finish?

Yes. I am thinking that, perhaps, one of the considerations could be for them to roll over in the normal system of acquiring some form of status.

There were those persons who assisted us at a time when there was no economic activity.

I remember specifically that there was a lot of discussion, in terms of how we could fit them into our economy, based on the skill sets and the fact that they made Barbados a choice place at a time when persons were running from place to place and they saw Barbados as a safe haven.

I think it is those kinds of considerations and given the fact that it is now been six (6) years. You and I know that we worked on making that a reality.

Ms. Lynne-Marie SIMMONS: Mr. Chairman, through you, I like the six-year number because automatically when you have a person that has been on a work permit for six (6) years, the next step up is immigrant status under the current legislation.

So, in that scenario, we can look at section six of the current Immigration Act and see if an application for immigrant status cannot be grounded based on their skill set and the potential for them to establish themselves successfully in Barbados in a profession, trade, business or agricultural enterprise.

It would be a policy consideration because those persons would not have been contributing directly into the tax pool. It would be through indirect taxation.

It is something that the Minister should consider and probably you can craft the policy behind that. It is always better to give persons more than one avenue to establish themselves in Barbados.

Hon. G. P. B. NICHOLLS: Yes. Currently, the view is that there is more than one avenue. There are avenues under the Immigration Act and then, the policy created by the Welcome Stamp itself.

The Bill that is proposed does not create the Welcome Stamp category as a basis for persons to come into the country under that because that is under different legislative regime altogether and because of the special nature of that regime and its importance to Barbados at the time.

I do believe it has exceeded the original expectations and the way it is currently performing.

There is active consideration, as to if we can bring it within the context of the regime or to let it

stand alone as a regime managed by the Immigration Department on its own legislative footing. That is actually being considered.

Mr. CHAIRMAN: Mr. Smith, you wanted to come in?

Mr. Larry SMITH: Yes. Before, Senator Walters had asked for us to come back, I had conferred with my colleagues and we have all agreed that we are prepared to come back if the Committee wants us to come back.

We are prepared to do so at short notice. We heard the comments of you, Chair, that there are some time constraints and some considerations.

From the BBA's perspective, certainly, we just want to make sure that whatever legislative framework is put in place, that it is, it is on sound footing, it is solid and it is something which perhaps is not susceptible to any extensive legal challenge.

That is what is our role here, well part of our role to assist or to put forward the proposals of the BBA or the suggestions of the BBA.

While we understand the need for haste, we would still want to have an input if allowed if invited and to not let haste be a factor for not ensuring that we get it right. I am reminded of a guy down at the Psychiatric Hospital who once said the hasty bird flies past the nest.

So, we want to not rush from the BBA's perspective but we know that Government has this policy mandate on what it wants to do and we are here to support and assist in any way that we can. So, we thank you.

Mr. CHAIRMAN: Thank you, Mr. Smith, and thank you, Ms. Simmons and Mr. Wood. We certainly will get back to you on the appropriate timing. We in no way want to exclude you from the comments that will come from your presentation to us this morning that will inform this Bill.

I was just making the point that what we do, we have to do within a short time frame and I am happy that you are willing to return in that time frame to assist us in ensuring that we get the best Bills to the public for nation building, for our communities and for a future generation.

So, we will be communicating with you within a few days as to the best or the most appropriate time to return to the Chamber so we can have that discussion once our Minister would have reviewed in its entirety, and the other Members of the team.

Certainly, I look forward again to having you here. I thank you again on behalf of the Committee for your submissions. They are really indeed invaluable to this process. I thank you.

Mr. Larry SMITH: Thank you, Chair. Good day to all.

Mr. CHAIRMAN: Members of the Bar, Mr. Smith, Ms. Simmons, Mr. Wood, we invite you to stay. We will have lunch shortly, so we invite you to stay for lunch with us.

Mr. Larry SMITH: Thank you, Chair.

Mr. CHAIRMAN: We can stop streaming at this stage because we are through with our presentations. It is just a matter of some housekeeping.

Thank you, Members of the Parliament, those who have been with us for the last three (3) weeks, assisting the public in seeing the work of this Committee and the level of transparency that has gone into this process.

So,I thank you all.

Asides

Mr. CHAIRMAN: Thank you. I agree that they should return. I was a bit disappointed that we were now seeing this after we would have discussed at length.

Senator Walters, we have to manage whatever we do. We cannot just leave our hands open to allow Members to dictate how we, as a Committee, should be functioning. They had time to submit. They knew they wanted to - actually they had, there was a communication with Ms. Hamblin two (2) weeks ago that I was privy to, with respect to the Minister and members of the Barbados Bar Association.

I am saying that this is really not what we want as a Committee.

I do not want to use the phrase hoodwinked, but we need to see these presentations before, so we can indeed read them.

I am certain that CPC and I am sure Justice Moore would love to see this and comment, as well as the Chief Immigration Officer and the Minister because the Minister is invited by the

Committee and he is really one (1) of the key persons because you usually come after.

We asked that because of the previous presentation, we wanted to go through the previous presentation, but this is really new stuff especially as it relates to labour.

It really, really jumped me. Not that we could not comment. I can certainly comment but that is not my role to sit here and comment on behalf of a Committee. Nonetheless, a good presentation by them and food for thought.

Comments, Members? I know Senator Mallalieu has a plane to catch. I want to thank you though for indeed your dedication to this process. I see the commitment.

I want to thank you and wish you safe travel and we look forward to having you back.

I wish you would be here when … but you said you were out until July 20th or so?

Senator A. W. MALLALIEU: No, I am back here, I think on July seventh I fly back in. While I am away I will be in a very difficult time zone.

Mr. CHAIRMAN: You could do it by Zoom.

Senator A. W. MALLALIEU: That is what I want to say to you. It is an important process and to the extent that it does not clash with anything else I am doing, you will have my participation. I think it is an important matter.

Curious to what you were just saying. We knew that the BBA was coming today. We knew that they were making an oral presentation. We accepted them to make an oral presentation. I am not sure what did they surprise us with? They just happened to give us a written copy of what they said.

Mr. CHAIRMAN: Yes, but no. This is a new presentation. This is different to what they would have submitted before.

What the Committee does through Ms. Hamblin, is summarise so we can review and come here prepared to have a discussion, similar to what Senator Walters said.

We would have preferred to have this before us. We have key persons here who can make comments. Justice Moore, you know, who can better inform the discussion but we were not privy to it before.

Then we have other Members too, who would want to say something and Justice Moore for sure, who was part of the initial Member team looking at drafting of the legislation.

I am no lawyer and I cannot speak on behalf of attorneys, well-rounded, experienced attorneys. There may be other legislation that will inform a lot of what is in here and I heard that coming out of Justice Moore's mouth several times.

You cannot just rewrite legislation that we are privy to and he referenced several different types of legislation. So that is what I meant. I did not want to ---- you know because there may be legislation that deals with labour. I do not know.

I cannot say it because a lot of these matters that were raised, with respect to persons coming here from Belize; from Dominica; when I look at Schedule Four and I did not want to get into the technical details in terms of economic citizenship, I thought Schedule Four dealt with that.

Whether the points system, the integrity of the points system, whatever, you can discuss that. There are certain things that I did not want to mention because I would leave that to the technocrats.

I referred the Minister to look at Schedule Four to see whether some of their submissions were indeed captured in Schedule Four under the Immigration Bill. I think they were.

That is why I did not want to speak out of turn when I have the technocrats who can really dive into the nuts and bolts of the legislation. I thought Schedule Four dealt with the economic citizenship, some aspect of it, but...

Senator A. W. MALLALIEU: The point that Lynne-Marie made is the point that I have been making and it still is there. I mean, I am glad that they made it but I have made that point before in here a number of times. I think it is a backdoor. I think it cheapens our citizenship and I do not think it is something that we are going to do.

If it remains in there like that, it is not something I can support. I do not think that we should simply allow in someone, as I described. That is actually a path that is in there.

I appreciate what we are saying is that they can come to live in Barbados, then they are qualified through these six (6) months. We do not have to debate it now. You can look and see because I need to figure it out.

It does not make sense to me that it can be

extended to every other CARICOM country without ever coming back to the Parliament of Barbados to decide on it.

That is troubling and worrying for me. You have heard me on it and reasonable people can disagree but I happen to agree with Barbados Bar Association on that and it is not a new point.

All I was saying, though, Mr. Chairman, was that when we accept to have oral arguments from people, I am too disappointed that if the Barbados Bar Association has substantive matters and they are well equipped and more knowledgeable than me on many of these things.

I would have liked them to send them in advance but there are other people who have come and given us oral presentations and I knew not what they were going to say. We have to be able to respond to people when they make oral presentations but when it is the Barbados Bar Association, I would expect it to come in advance, I agree because it is more substantive matters. I understand.

Thanks.

Mr. CHAIRMAN: So far, we only had one other person who came with an oral submission. What was the name of the guy? The last guy?

Asides.

Mr. CHAIRMAN: Oh, no, Mr. Peter Thompson submitted. Mr. Peter Thompson had a written submission and he did not vary too much from it. He was spot on.

Asides.

Mr. CHAIRMAN: Yes, all of them with the exception of one gentleman, the last guy who came in.

The student, he was the only one who did not submit a presentation and indeed, the Chief Parliamentary Counsel had challenges with respect to the interpretation when he spoke. That was a challenge for CPC as well and we only received it after.

I would want the technocrats to see because I would read and then pick up a phone and call and ask a question, as to that aspect of the legislation ... I have seen this and like you said, Senator Mallalieu, misinterpretation by me, I am no lawyer and this is highly legal. In any event, it was good. I enjoyed their presentation.

Senator A. W. MALLALIEU: Sir, as I may not be here in person for your next deliberation and this is the first time I have sat on one of these Committees as such, guide me.

If in fact, I have a specific proposal that I think would address the weakness that I see in this; is that something that there is a formal way of tabling it? Do we debate it or is that really over to the Government's side to decide whether or not they want to do anything about it? How does it work?

Mr. CHAIRMAN: I am like, this is the first time I am sitting on it as well but I think being a Member of this Committee, that is why you are here. Your submission has to be taken into consideration and then we will feedback. The Committee will speak. We have Chief Parliamentary Counsel and when Chief Parliamentary Counsel looks at it to determine whether there is other supplementary legislation that is captured.

That would be our discussion, right? Then before it gets back to the Minister, because we have to agree that these are the areas that should form part of the new Bills going to Parliament.

We may not get everything we ask for, but certainly, Senator, your input into this is just as important as the Barbados Bar Association and I think more important because you are a Member of the Committee and it would be doing a disservice to you for you to leave in here and not having your points considered or heard or incorporated, once they are validated by the technocrats and by the entire Committee.

I would think that is the way to go, but if you, Deputy Clerks of Parliament, you can guide me.

If he wants to submit or Members of the Committee want to submit something in writing, I do not see anything wrong with that. Is that breaching protocol or the rules? I do not think so. I do not see why he cannot.

Hon. G. P. B. NICHOLLS: Mr. Chairman, if I may. The Committee is a Committee of Parliament, so it has to report to the Parliament.

Members who are on the Committee have been selected by both Houses to participate in a process to report to Parliament. They are not on the Committee to give individual positions separate

and distinct from the Committee's process, so they are . . .

Mr. CHAIRMAN: No, no, no; that is not what I am saying because I do not think that we . . .

Hon. G. P. B. NICHOLLS: Hold on. Let me finish.

I was explaining the broad context. I am not necessarily responding to just one point that you made, so just hear me out.

The joint parliamentary select process, the way it works is to examine legislation. You hear contributions from stakeholders; you receive contributions; then the Committee meets and deliberates on those submissions in its report back to Parliament.

The Report goes back to Parliament; I do not see how individual submissions can be contained in the joint report unless there is a dissenting position or something like that.

In other words, you do not make a submission to the same Committee that you are in and deliberating on.

Senator A. W. MALLALIEU: Thank you for that. I was not requesting to make a submission. What I was asking was: I have heard the submission of Barbados Bar Association which has been my own position, which I have expressed before and in response to that, as I started to allude to and responding to Ms. Lynne-Marie Simmons, I think that there is likely wording that would enhance the Bill and address the concern.

My question was, being that this may have be discussed, is there a mechanism for us, as a Committee, for me to give you what is my thought as to how I could address the concern that she has raised?

Hon. G. P. B. NICHOLLS: The simple answer to that is yes.

When the Bills came before the last Committee, the previous Minister, who was now the Attorney General, gave the Committee the assurance that the considerations that were made would be reviewed. In fact, he agreed with some of them. Even the Chief Parliamentary Counsel herself indicated to, if you read the last Report, that there were some parts of the drafting that needed it to be tighter and to align with other law and whatnot.

Since then, one of the first things that I did was to have a meeting with CPC to go over the Report; although there were no deliberations because the General Elections were called, so the Committee did not meet to go through the public submissions and the stakeholder submissions.

There were points made by Members of the Committee and also the members of the public. We went through those and we have kind of sifted out the things that should be changed or cannot be changed.

The final decision will be made by the Cabinet of Barbados and not necessarily the Ministry or the Minister but that is part of the parliamentary process.

There are two (2) parallel things going on at the same time, moving in the same direction.

The parliamentary process is going on, which is this but at the end of the day, the parliamentary agenda is determined by the Executive.

The Executive can determine, based on the report coming from this Committee, what things to adopt or not and then it will have to make the decision whether it is going forward with it or not. Then it would go through the parliamentary process, which everybody has their final opportunity to participate in.

Mr. CHAIRMAN: The answer to your question is 'yes'. Alright. Thanks, Mr. Minister, for your time as well. At short notice you responded and thank you very much.

Madam DEPUTY CLERK: Mr. Chairman, the question before the Committee is, will you all be willing to have the Barbados Bar Association return?

Mr. CHAIRMAN: Yes, of course.

Madam DEPUTY CLERK: Okay.

Mr. CHAIRMAN: We said so. We have to, but they have to understand that we have timelines. I would not want to not have them here again but they have to understand, you know, the process. I cannot just sit down and say willy nilly "when you are ready again" because they have delayed us as well.

Hon. G. P. B. NICHOLLS: Mr. Chairman, I just want to give Senator Walters and the Committee the assurance. It is not my intention to come back to debate with the BBA.

I am a lawyer by training and a lawyer can argue a point convincingly, even if he knows that

he is wrong. I have won cases which I did not expect to win and lost cases which I did not expect to lose. It goes on the question of argument.

My role here is to answer the questions of the Committee, in light of what the Barbados Bar Association has submitted but I am not coming back here to have a debate which will degenerate into a public spectacle between lawyers.

I just want to give that assurance.

Mr. CHAIRMAN: Thank you very much.

Hon. G. P. B. NICHOLLS: If I am disappointing you, Senator Walters, I will do it now and give early warning.

Mr. CHAIRMAN: Thank you very much. I too, as Chairman, will not allow this Committee to air its linen in the public. It is open and transparent communication but we are certainly not getting into any fights in here.

Hon. G. P. B. NICHOLLS: By suggesting that the Bill, if passed, will be challenged because it is inconsistent with the Constitution of Barbados. . .

Mr. CHAIRMAN: That I heard as well.

Hon. G. P. B. NICHOLLS: The current Barbados Citizenship Act, why have those challenges been brought to that? I am not going to respond to that, Mr. Chairman.

Senator R. O. WALTERS: All I wanted to do is to make sure that everybody that presented has fair opportunity. The Barbados Bar Association is an important institution when it comes to legislation.

Asides.

Senator R. O. WALTERS: Right, but everybody had the opportunity to discuss, have dialogue, clarify some of the comments they made and that sort of stuff, so we wanted to give them the opportunity.

In addition, we do not have the Senior Minister here, the Minister of Productivity or Minister of Tertiary Education who would have interacted on some of these points and they wanted everybody to have an opportunity to participate in this discussion with the Barbados Bar Association.

Hon. G. P. B. NICHOLLS: What I am just saying now is that I am not a Member of the Committee. They have presented an oral and a written report.

It was up to you all to give him two (2) bites at the cherry but I am just saying that in fairness to them, I would not respond without them being present because I do not want to be accused of misrepresenting what they are saying.

I will give a substantive response but I am not prepared to debate with them what the Ministry's position is as opposed to theirs.

Mr. CHAIRMAN: You are absolutely correct.

Hon. G. P. B. NICHOLLS: For the record, I actually shared law chambers with Mr. Smith before my appointment to the Ministry.

Mr. CHAIRMAN: We know that.

Hon. G. P. B. NICHOLLS: Mr. Wood appeared with me in Court as a junior in several litigation matters. In fact, there are the lawyers who are doing majority of my litigation work right now, the two of them.

Mr. CHAIRMAN: Let us get back to the business.

There is a motion before the Committee, Minister, please, to defer the original submissions, discussion and proposals. Proposed and seconded.

Thank you.

Is there Any Other Business? Senator Mallalieu has to go. The date for the next meeting?

Senator Walters, quickly. Minister Springer. We will have to inform Senator Mallalieu on the date for the next meeting. It would have to be next week. Is Wednesday good for you as well?.

Hon. G. P. B. NICHOLLS: I am not going to be able to respond to this by Wednesday.

Mr. CHAIRMAN: That is what I am saying. You do not need to be here to debate with them. The Chief Immigration Officer will be here.

Asides.

Mr. CHAIRMAN: They are not here, so I cannot speak for them but we have to get the business of the Committee done. Members said they would join via Zoom and you said you were fine so we have a quorum.

Asides.

Mr. CHAIRMAN: Alright, thank you very much and safe travel.

ADJOURNMENT

Madam DEPUTY CLERK: The formal notice of the next meeting will be sent out.

Mr. CHAIRMAN: We will send the formal notice of the next meeting, please.

The meeting is adjourned.

THE
FIFTH MEETING
OF THE JOINT SELECT COMMITTEE (STANDING)
ON ECONOMIC AND PRODUCTIVE SECTORS
ON THE IMMIGRATION AND
BARBADOS CITIZENSHIP BILLS, 2026

HELD IN THE SENATE CHAMBER, PARLIAMENT BUILDINGS, TRAFALGAR STREET

FRIDAY, JULY 3, 2026

FIRST SESSION 2026-2031

PRESENT:

Mr. D. G. SUTHERLAND, B.Sc. (Hons.), M.Sc., M. B. A (Dist) (***Chairman***)
Dr. W. F. DUGUID, J.P., B.D.S, F.D.S., F.D.R.C.S., M. Min. (***Deputy Chairman***)
Senator the Hon. C. P. SINCKLER, B.A., M.Sc. (*Senior Minister) (Minister of Foreign Affairs and Trade*)
Senator the Hon. J. W. D. REID, B.Sc. (*Ministry of Industry, Innovation, Science and Technology*)
Online

ABSENT:

Hon. I. A. WEIR, M.B.A. *(Minister of Public and Private Investment)*
Hon. C. S. V. HUSBANDS, B.A. (Hons.), M.Sc. *(Minister of Training and Tertiary Education)*
Dr. the Hon. R. O. SPRINGER, Ph.D., J.P., *(Minister of State in the Ministry of Transport and Works)*
Senator R. O. WALTERS, M. B. A *(Opposition Senator)*
Senator A. W. MALLALIEU, C. P. A., F.R.I.C.S *(Independent Senator)*

ALSO IN ATTENDANCE:

Mr. Nigel R. JONES (*Deputy Clerk of Parliament*)
Ms. Beverley S. GIBBONS (*Deputy Clerk of Parliament*)
Miss Suzanne Hamblin (*Journal Department of Parliament*)
Hon. Sherman MOORE (*Retired Justice of Appeal and Former Chief Parliamentary Counsel)*
Ms. Paulette ATKINS (*Senior Parliamentary Counsel, Office of Chief Parliamentary Counsel)*

SPECIALLY INVITED

Hon. G. P. B. NICHOLLS, (*Minister of Home Affairs)*
Mr. Larry SMITH, K.C., *President, Barbados Bar Association*
Ms. Lynne-Marie SIMMONS, *Barbados Bar Association*
Mr. Kashawn WOOD, *Barbados Bar Association*

The Chairman called the meeting to order at 10:58 a.m.

Mr. CHAIRMAN: Good morning. Welcome to this another meeting of the Joint Select Committee (JSC) of Parliament, where we are reviewing, deliberating and hearing submissions on these two very important Bills.

At this morning's meeting, we have asked the Barbados Bar Association to return to present to us because the last presentation was indeed one (1) that the Members of the Committee never had the opportunity to review. The full draft was circulated to the Members of the Committee.

In all fairness, this process is one (1) where we invite the public to comment, so we, in all fairness to them and to ourselves, we asked them to return.

They were willing to return and they are here this morning. We will start the meeting by reviewing the Minutes of the last two (2) meetings, held on 15 June, 2026 and 19 June, 2026.

We begin with a review of the Minutes of the 3rd meeting held on the 15 June, 2026. I think all Members would have seen these Minutes. We will go from pages. First page; second page; 3rd; 4th and 5th.

These were the Minutes where we heard from Mr. David Bromfield, law student; Faith Sealy and company; Amoy Gilding-Bourne and Miss Felicia Dujon; Corey Greenidge and Mr. Peter Thompson.

Are there any corrections from the Minutes? There being no corrections, we accept the Minutes.

Let us go through the fourth meeting held on 19 June, 2026. Page one (1); Page two (2); Page three (3).

These are the Minutes where we heard submissions from the Barbados Bar Association; Larry Smith and company and the Barbados Employers' Confederation **(**BEC**)**, Mrs**.** Sheena Mayers-Granville.

Any corrections? We need a motion. Since there are no corrections or amendments raised, we need a motion to confirm the Minutes of the meeting. A Member must so move.

Member of Parliament (MP) William Duguid?

Hon Dr. W. F. DUGUID: I would like to move that the Minutes be confirmed.

Mr. CHAIRMAN: We need a seconder?

Seconded by Senior Minister the Senator the Hon. C. P. Sinckler.

Mr. CHAIRMAN: Any matters arising from these Minutes that we care to discuss? Welcome Minister Reid, we know you are in attendance.

Senator the Hon. J. W. D. REID: Thank you, Chair, for acknowledging me.

Mr. CHAIRMAN: Okay. Let us go into the oral presentation by the Barbados Bar Association; we will begin the streaming **online** now.

Let me say before we start the streaming this presentation was done two (2) weeks ago. I know the Chief Parliamentary Counsel **(**CPC**)** was here and there were some queries raised and I am leaning heavily on CPC to clarify any matters that were not raised in the last meeting because I know they were more of a technical nature with respect to the law.

I do not think there were any matters pertaining to citizens. There were not any real policy matters raised. They were pushing a lot of law at the meeting.

I will lean heavily on you, Justice Sherman Moore and CPC to assist us; we also have the Minister here.

We do not have the Chief Immigration Officer today but Minister Nicholls, he has read the document and I know he has come fully prepared to address the matters.

Without further ado, we welcome the Barbados Bar Association.

A pleasant good morning to you, members of the Barbados Bar Association. They often say in this country and other places, if something is nicely done once, then why not do it twice?

I hope it is the case here, where we are coming to flesh out some of the issues raised at our last Sitting that was held on the 19 June, 2026.

Again, I want to warmly welcome members of the Barbados Bar Association and extend the welcome and sincere appreciation for you again, for showing the interest that is necessary in these two (2) Bills.

This is a public hearing where members of the public are indeed listening to us and this is very important. You have accepted our invitation yet again to participate in these proceedings. Like I said earlier, your presence and your willingness to share your perspectives and your experiences and recommendations are deeply-valued.

I am going to give you, since you would have presented prior on 19 June, 2026; we are going to give you ten (10) minutes and you will know the protocol. You state your name when you are speaking and then you get into your aspects of your presentation.

Over to you, the Barbados Bar Association.

Mr. Larry SMITH: Good morning, Chair. Thank you for inviting us back.

To my right is Ms. Lynne-Marie Simmons, who is the Chair of our subcommittee, dealing with legislative matters. To my left, is Mr. Kashawn Wood, who is the Assistant Secretary of the BBA and I am Larry Smith, President of the Barbados Bar Association.

It was our understanding when we left on the last occasion that given that we had just raised or just presented our paper that there were some questions that certain Members of the Committee may have wanted to raise with us upon our return.

We are here for any questions or queries that the Committee may have. There may be one (1) or two (2) things that may arise out of that.

Mr. CHAIRMAN: That is the way we will proceed. Members, we have **online** Minister Jonathan Reid. We have present with us, Senior Minister Chris Sinckler. We have Minister of Home Affairs and the person who will pilot the Bill in both Houses, Minister Nicholls. We have MP Duguid and we have Justice Sherman Moore, who spent a lot of time drafting and working with these two (2) key Bills. We have representatives of the Office of Chief Parliamentary Counsel with us.

I am going to probably ask Justice Sherman Moore if there are issues arising?

Hon. Justice Sherman MOORE (retired): At this moment, Mr. Chairman, we have no difficulties to raise at this point but we will hear as the session proceeds. Thank you.

Mr. CHAIRMAN: The CPC seems to be fine with your matters. The Committee, we have a duty to deliberate among ourselves; so it was my understanding that there were some matters because we were not able to peruse the submission prior, that we would ask for any elucidation, clarification; like you said, between us.

Not just from us but from you, if there were any matters that you wanted to raise again with us and to the public because a lot has happened since then and I will leave it to you too.

Ms. Lynne-Marie SIMMONS: I have one (1) additional point I wanted to make in light of events that happened this week.

Looking at section 19 in the draft Immigration Bill, I note the absence of sanctions. If you look at 19(4), it just says:

"*Any person who contravenes subsection one (1) or two (2), being a hold of a work permit contravened or fails to comply with any condition subject to which that permit was granted, is guilty of an offence."*

It does not go further.

When you look at the offences section now, which is section 32, it makes reference to section 12. It refers to section 17. It does not refer to section 19, which deals with work permits and then at the end, when you look at 32(g), it just says that the person is guilty of an offence and does not contain any sanctions and you can compare and contrast that with section 12(4), where it does contain sanctions.

That section, which is on page 22 of your draft says:

"a person who contravenes subsection three (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 five (5) years or both.

It is our submission that a similar clause should be included in section 19 or any of the clauses that contain a penalty.

The current Legislation does have a penalty. It refers to the General Offences section and it contains it there.

Mr. CHAIRMAN: Your concern is noted. Comments, Members? Just give the Members the opportunity to review and comment after.

Dr. W. F. DUGUID: I would agree with Ms. Simmons.

Clearly, if you are saying you are guilty of an offence; there must be some sanction for contravening the law unless it was dealt with at some other part of the Legislation. If it is not dealt with in other Legislation or other parts of the law, then clearly, it is something at we would have to look at to add in.

Ms. Paulette ATKINS: Sir, on behalf of CPC, we will meet first with the instructing Ministry as to the penalty that should be assigned there.

Mr. CHAIRMAN: Thank you.

Mr. Larry SMITH: Mr. Chairman, while you are on the issue of work permits, something which the BBA is concerned about. We see here, for

example, there is an application by a certain business seeking a work permit for an '*automotive window tint installer'* and a '*trainee associate'*.

What we are concerned about is what is the policy for determining why there is no one who might be available locally to be an automotive tint installer and a trainee associate and why it would be necessary that someone from outside of Barbados would be needed to deal with that.

What is the policy in place when these applications for work permits come in and even if there is circumstance where there is no objection, but it goes to the Chief Immigration Officer. Is there a framework there for determining whether they need to go back to society, so to speak and find someone? Or is it that no one has complaints so it is rubber stamped?

Certainly, within our population, there must be individuals who could do this kind of thing.

Mr. CHAIRMAN: Before the ministers come in; I recall a similar matter was raised, a similar work permit issue had been published in the **NATION** and the Chief Immigration Officer spoke to this. I do not want to misquote her but there is no rubber stamping.

What the Chief Immigration Officer said was that when those requests come to her, they are indeed scrutinised in their entirety and like you rightfully said, we cater to our own first.

Once the skills are here, we tend to exhaust the skills here, utilise the skills here before we seek skills within the region or even beyond the region.

You are indeed correct in that, we as a country and as a Government and the Minister is here, he can speak to it. I also think the Senior Minister can speak to it as well.

We cannot stop such applications but what we can do as the Immigration Officer, a person responsible for policy and indeed make sure that Barbadians are given the fair opportunity to be employed in this country and that this whole process of vetting and that resides with the Chief Immigration Officer and her institution.

The Minister has responsibility for policy and I know this government would not allow skills to be brought in that could be found in this country.

We are not against acquiring skills from the region but at the end of the day, something as simple as tinting a window?

We have men from Appleby Gardens; Ellerton; people from all over this country that do that and we would want them to have a fair opportunity to be employed, once they see an advertisement for employment in the private sector or even government.

I just wanted to clarify that because it was raised by one of our Members. I think Senator Walters raised it and we discussed it for half an hour and the Chief Immigration Officer spoke with authority on it.

Ms. Lynne-Marie SIMMONS: By way of amplification, the current long-term work permit application form has a question that speaks to the fact of have you tried to find work in Barbados or if you were offered the job to a Barbadian, if a Barbadian was available.

It is also our submission that having not seen any application forms which would accompany the new Legislation and if they are still being drafted, that provisions similar to that be included in the forms for work permits under the new Legislation; not just for long term work permits but also for short term work permits.

Dr. W. F. DUGUID: If I may, Chairman. In fact, and thank you for that, Ms. Simmons. If I may go further, the government, in fact, put together an online jobs register and that gives the opportunity for all Barbadians who are seeking work to go and register their services and their qualifications **online** and all, as far as I am aware, in fact, they have given instructions, I have heard the Minister of Labour say this before, as well as the Minister of Home Affairs, that all people who are seeking to get work permits are first directed to the jobs register to see if they can find someone who is suitable, who has offered their service in that particular discipline.

Now, the question is whether you want to codify that in terms of Legislation, I do not know but I know right now it is the practice that they go to the jobs register and there are several hundred people, I believe, who are already registered, who are offering their services there.

The practice is that before any work permits can be done, they must show that they have gone on to the Jobs Register and looked to see if there are people offering their services and if those people met the requirements.

The structure is there but the question is whether you want to codify that or just practice?

Mr. CHAIRMAN: Thank you, Dr. Duguid.

Mr. Larry SMITH: If I may, Mr. Chairman, following from Member of Parliament, Dr. Duguid, I believe that codification is always a good way to go because when there are infractions, it means that someone who believes that he or she may have been disadvantaged because they are on the list and they were not chosen; there is some place that they can go and there obviously should be a sanction in place.

Codification makes it clear and allows the benefit of utilising the law courts if necessary to address the issue in a formal manner. If a suggestion could be made from us, it would be that that should be codified, that a person be able to demonstrate that they did in fact go and check that register and should be able to defend their position that they did and not just say so.

Codification I think would be useful. Thank you!

Mr. CHAIRMAN: Agreed, Mr. President of the Barbados Bar Association.

Mr. Minister, you wanted to say a few words on the Constitution of Barbados?

Hon. G. P. B. NICHOLLS: Good morning, Mr. Chairman and Members of the Committee. Good morning to members of the Barbados Bar Association (BBA) and indeed to those persons who are viewing **online**.

Mr. Chairman, will you permit me first, if I may just deal with the issues that were raised this morning seriatim.

I will first say thanks for the indication about the absence of sanctions in section 19 of the Bill. That clearly is a drafting oversight and the Ministry will speak with the Chief Parliamentary Counsel to put the appropriate sanctions and those sanctions, I will say, would be in keeping with the scheme that has already been laid out in the Legislation. Thanks for that; it was an oversight.

As it relates to the question of work permits, at present, the present Immigration Act does require persons who are outside of Barbados or who are not Barbadian citizens or permanent residents coming to Barbados for the singular purpose of seeking employment; they are required to apply to the Immigration Department for a work permit.

The current policy is to ensure that Barbadians who are qualified or that are capable of doing the jobs are not disadvantaged by an employer seeking to bring employees into Barbados solely for the purpose of filling that job.

The requirement is for the advertisements to be placed in the Press, so that the public will have notice of these applications that are being considered by the Immigration Department, so that objections can be made.

Right now, the system is working well enough to the extent that there are a number of objections that are publicly submitted to the Immigration Department, as it relates to a number of these advertisements that are placed in the public domain through The Press and the Department is in the process of considering these applications and indeed the merits of the applications; *vis-à-vis* the objections and the merits of the objections; if there are any and then to make an assessment in each individual case.

Certainly, the department does consult with the Ministry of Labour and in relation to the Labour Department's work in doing its surveys in terms of determining whether or not there are shortages or lack of skillsets within the various sectors of employment in Barbados and that is always used as a policy guide to determine the framing of the decision that has to be made or whether a work permit is granted.

What I will say here is and I will reiterate what was said by the Chief Immigration Officer two (2) weeks ago; the placement of an advertisement in the Press or in the public domain by any employer is not indicative of the decision given by the Immigration Department on the application. Every application that is publicised is not granted.

There is policy guidance that is issued by the Ministry, with respect to the determination of work permit applications based on, as I said, the labour market supply data that is provided to us from the Ministry of Labour.

I could also give the country the assurance that, at present, we are reviewing how that policy has been working and how it can be streamlined.

A couple months ago, the Minister of Labour and myself had a discussion and we shared information pertaining to how our regional counterparts and countries within the

Commonwealth have been dealing with the work permit situations in their respective countries.

I have asked the Immigration Department to compile that information so that we can have a comparative list as to how work permit situations are being dealt with in other countries, so we can see whether it is a trend or whether there are changes that are emerging.

In fact, we can see from basically looking at some of the changes that have been ushered in, particularly in Canada and in the United Kingdom (UK), only this year, as it relates not only to work permits but as it relates to things like student visas and other immigration status; that we are keeping a watchful eye as to what other countries are doing.

Certainly, the things that affect us as it relates to our immigration policy also affect other countries. We look to see what it is that other countries are doing. The good things that they do that will apply to Barbados; we would try to emulate and the bad things that they have that do not really work, if we have those bad things, we will also try to amend them in our laws.

We are going through a systematic process of looking at how work permits are dealt with in Barbados. There are considerations about lengthening the time for the applications to be made public and so that the public can have a longer period of time to review the applications.

There was a policy in the past that you can place conditions on the grant of work permits, such as requiring the employer to engage in a process of training Barbadians in a particular skill, if the assertion is that that person has a peculiar skillset that is not available on the island or that there are not a lot of people who have the skillset and there are few people in the country; so we might need another person with that skillset. The attachment of conditions on the grant of work permits has been reconsidered.

We are also looking at reinforcing the regulatory regime as it relates to the consultation with the Job Registry, that Dr. Duguid spoke about just now and how that is supposed to be done as an immigration standard.

Right now, that information is shared between the Ministry of Labour and the Immigration Department as it relates to the numbers that the Job Registry demonstrates. We are now looking at having the employers satisfy more stringent conditions in relation to whether they have gone to the Job Registry and what is the result of their searching the Job Registry.

I am not just saying we cannot find anybody that is suitable. The language there is loose, in our view, in the Ministry, "*having found no suitably qualified person".*

There are a number of Barbadians who feel that is coded language for something that we all know too well that we really hope that we would remove as a scourge from our nation but that is the complaint in some sectors in Barbados that when that is used, that is meant to exclude the vast majority of us.

We are going to require employers to give a more detailed response to those questions and indeed, I will give the country the assurance that the current system is going to be strengthened.

As I said, we are going to probably look at increasing the advertising period; mandatory training and other conditions to be attached, so that you do not affect the dynamics of the Barbados labour market.

We are looking at making it mandatory that you make concerted efforts to target people within the job markets. Some countries have gone the way of targeting recruitment within a specific age cohort, particularly the youth because youth unemployment tends to be higher all over the world than in ordinary unemployment among other working people.

If there is a particular situation in the country based on the labour dynamics, as the statistics show; those conditions can also require you to target in terms of your employment strategies, recruitment drives to deal with young people and getting them in employment.

These things are being reviewed, as I said. We are looking at a number of jurisdictions and we are making sure that we are going to put a system in place to protect Barbadian workers. At the same time, we need to also reinforce the laws of Barbados that protect all workers, both now and in the future.

As it relates to some of the constitutional points that have been raised by the Barbados Bar Association, it is not the view of the government

that you can only amend immigration laws if the Constitution is changed.

We say that from the point of view that the highest law of the land is the Constitution of Barbados. The Constitution of Barbados does not put that prescription in the Constitution; that the immigration policy can only be changed in law by way of amendment of the Constitution, so that we do not share the view that we need a Republican Constitution before we can pass amendments to the legislation.

That is the Barbados Bar Association's view and I have great sympathy for that view. That is their position and that is an honourable sentiment but certainly it is not a sentiment which would require the government to pause this legislative process.

The Barbados Bar Association also submitted in its presentation that the provisions in the Bill, concerning the mechanism for the granting of citizenship, are at variance to those in the Constitution at present and that is true.

The government understands that that is true. The government also understands that a law cannot be at variance to the Constitution but when you say 'A' and say 'B', you must also look at the thing in its whole.

We understand that you cannot be at variance with the Constitution but while the provisions vary, the variance is not such that would make those provisions void.

Why do I say that? I am not contradicting myself. The actual Constitution at section nine (9), sets out that Parliament can pass laws to grant citizenship to persons who are not entitled to citizenship under the Constitution.

The very Constitution permits Parliament to do exactly what not only these two (2) Bills are doing but what the existing legislation does.

From the time Barbados became independent, Parliament always had the ability to pass a law to determine the question of citizenship outside of the categories or of those mentioned in the Constitution.

We do not agree that there is a constitutional variance in the manner that the Barbados Bar Association so forcefully contends. We understand why they might feel that we might need to bring this within the constitutional amendment process in order to make it real, but that is not the judgment of the government on this point.

Unless there are any other concerns, we have taken a number of the BBA's concerns as we have done with all the positions stated by the members of the public who have come forward; both before this Joint Select Committee and the other Joint Select Committee before the process was interrupted by the General Election that was held in February.

It is the intention of the government to consider the report of this parliamentary Joint Select Committee and the considerations that were raised by the members of the public and indeed the Members of the previous Joint Select Committee which were all set out and detailed in the report.

We have met as the Ministry of Home Affairs with the CPC and the drafters, to consider the submissions made by the stakeholders and members of the public and indeed the Members of the Committee.

We noted then that the previous Minister and the Chief Parliamentary Counsel came to the previous Joint Select Committee and made various concessions as to things that needed to be changed within the context of the Bills that were before Parliament.

Those Bills are currently before this Parliament because they were not changed. It is the position of the government that we did not want to get involved in changing the policy of the process.

Once it started with public consultations, the General Election came; we wanted those consultations with the public to continue so that the Joint Select Committee could conclude its work before any definitive policy changes were adopted and incorporated in terms of amending the existing legislation before Parliament. That process continues under this Joint Select Committee.

Certainly, we will make a final position in relation to all of the submissions that we consider worthy of consideration and worthy of attention.

Only yesterday, I received from the Clerk of Parliament, a copy of all the submissions from members of the public and I give you my assurance, Mr. Chairman, that by the end of next week, the Ministry of Home Affairs and

Information will respond to all of those submissions.

We have been compiling our positions, as I said, we have met long before this Committee even started back its work when it came in as Minister of Home Affairs to review the work done by the last Joint Select Committee, to put ourselves in a position of readiness to be able to respond to what the public said then and what it is saying now, under this Joint Select Committee.

Unless there are any other questions, Mr. Chairman or any other comments, I am happy to give a lot of my time to you.

Thank you.

Ms. Paulette ATKINS: Mr. Chairman, on behalf of CPC, I have reviewed the legislation and in response to the Barbados Bar Association submission on Clause 13 and 32 with respect to no penalty for the offences, I will seek to draw your attention to section 37 which is the general provision, which says:

"*A person 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 into imprisonment for a term of six (6) months or to both*."

It is CPC's contention that that adequately addresses the concerns raised by the Barbados Bar Association.

Mr. CHAIRMAN: Let us do it orderly.

Justice Moore, I think you wanted to speak earlier and I will now give you the opportunity first and then we will hear from the Barbados Bar Association.

Hon. Justice Sherman MOORE (Retired): Mr. Chairman, that was the very point that I wish to draw to the attention of this meeting, but Ms. Atkins has addressed it. Thank you.

Mr. CHAIRMAN: Now, back over to the Barbados Bar Association.

Ms. Lynne-Marie SIMMONS: I was drawing reference to a different section though. I was dealing with Section 19 which deals with work permits.

Asides.

Ms. Lynne-Marie SIMMONS: That is what I was raising, so if we can specify it.

Mr. CHAIRMAN: Use the microphone CPC.

Ms. Paulette ATKINS: Sorry. I was saying Section 19 stops at the offence and no penalty was given but section 32 then, is the general penalty provision.

It would cover where there is no penalty anywhere else; that section would be triggered.

Ms. Lynne-Marie SIMMONS: I am with you. I am suggesting that you amend that section in the same way that you have specified it in other sections and the sanction is included there. . .

Hon. Justice SHERMAN MOORE (retired): Yes, Mr. Chairman, it is a principle of drafting a statute that where you have a number of sections that would bear the same penalty, you do not put a penalty in those sections but it is kept and put in a general penalty provision; where it operates in relation to all of those provisions that create an offence and do not fix a penalty.

That is where it is put, in the general penalty provision. Thank you.

Ms. Lynne-Marie SIMMONS: Insofar as you have mentioned specific sections within section 32. I am not sure why section 19 is being excluded.

You have mentioned section 12. You have mentioned section 17 but you have not mentioned section 19; that was my query earlier. . .

Asides.

Hon. G. P. B. NICHOLLS: Mr. Chairman, if I may say, one (1) of the things that we have reviewed and Justice Moore can bear me out. When we looked at the current Bill, we reviewed the whole offences provisions in the legislation and we made certain observations there.

We would consider it again but as Justice Moore and Ms. Atkins have both indicated, the general penalty provision would apply where there is no specific penalty. I know someone will always question why does the general provision apply to some sections and why does a specific penalty apply to other sections? That is a choice of the policymaker.

If you want to put a penalty on every section, then the legislation would become necessarily long; that might be a drafting choice.

Those are questions of style and not really questions of substance. We will review it; I will undertake to commit a review.

If there is substantive merit in making a change, as suggested by Ms. Simmons, we will consider it. If it is not really a question of substance, we are not going to really bother with that because the general penalty provision covers every other offence in the legislation.

If the penalty is the same, it is particularly our view that where the penalty is the same for a number of provisions, by priority of reasoning, it means that where another provision is isolated and that is singled out, it is really the intent of the policymaker and the lawmaker to have a distinct penalty for those provisions, as opposed to a general penalty for other offences.

I do not want to say lesser offences but there are some penalties that are specifically targeted and that is the policy behind the draft. We will consider all those suggestions.

Hon. Justice Sherman MOORE (**Retired**): Mr. Chairman, as part of the drafting process, this practice is grounded in hundreds of years of drafting going back to the days when judges themselves did all the drafting and the great English draftsmen. It is a catch-all provision.

No person is above error and the draftsman ensures that he catches up. We sweep up everything at the end.

If we have missed anything, this is it. You are still caught and that is why there is a general penalty provision. You will find it in almost every Act where, especially it also shortens the Act itself.

If you had to put that after every section, what the penalty is, you would have a longer Act. Where penalties are going to be the same, you get a general penalty provision, as is done here.

Thank you, Mr. Chairman.

Mr. CHAIRMAN: One (1) final point on this topic of general penalties.

Ms. Lynne-Marie SIMMONS: This is my one (1) final point. Yes. In light of what has transpired this week, I am suggesting that we revisit how we are treating the penalty section as it relates to work permits.

I think I prefaced my statement and couched it against that backdrop. I have one (1) other point to raise in relation to the production of permits. This is an extension of the discussion we had previously.

I have seen that there needs to be an increase in monitoring and inspections. In so doing, it is not only the Immigration Department that undertakes the monitoring and inspections but also the Ministry of Labour.

If we look at section 30, it says:

"*A person to whom a permit is issued or granted under this Act shall produce that permit to an immigration officer or a member of the Barbados Police Service on demand or within three (3) days after such demand.*"

I am wondering if we should not expand that to include, for example, someone from labour or NIS. It is just a suggestion to expand the purview of it or if the thinking is that, if you are going to have inspections, for example, on a construction site to make sure that everybody has a work permit; that only the Police Service and the Immigration Department should be responsible for those inspections.

Having regard to the fact that the Labour Department seems to be working in tandem with the Immigration Department and the NIS also has some input in that.

If the Minister could explain the thinking behind that particular section, I would greatly appreciate it.

Hon. G. P. B. NICHOLLS: Thank you for the question. It is a very good question. Only on Wednesday, we had a discussion internally with the Immigration Department.

The question of the supervision of the entire process from the application, the grant of a work permit or the denial of a work permit, the question of whether the conditions attached to in the grant of a work permit or the question of whether it is a short-term work permit because there are short-term work permits that are granted or applied for and granted. Those are immigration matters.

The Immigration Department relies on the information provided from the Labour Department, Barbados Statistical Service (BSS), the Central Bank of Barbados and a number of other agencies of the State that would give us information about the sufficiency of labour supply in various sectors.

From the Barbados Manufacturers' Association **(**BMA**)** and the Ministry of Industry; Ministry of Agriculture; we get our information in relation for the sufficiency of supply of labour from many other governmental agencies.

The administration of the Immigration Act is an immigration function. It will remain within the purview of the Immigration Department under the management of the Chief Immigration Officer, to conduct all inspections to ensure that the immigration laws of Barbados are being complied with and that if any permits are granted, that the conditions attached to the grant of those permits; whether those conditions are being satisfied is ultimately an immigration issue.

While the information at the time of determining whether or not to grant a work permit application, based on the sufficiency of labour supply, that information may come from labour, statistics or any other sectoral interests that are represented across the departments of the State; that information is assessed by the Immigration Department because it is an immigration issue.

We must be clear in terms of how we execute policy. If we start to allow the Labour Department to determine whether or not a permit should be granted or whether or not the conditions exist for the permit to be sustained, renewed, revoked or whether or not the conditions are being observed as labour standards, they will be asking labour officers to conduct what is really the function of the Immigration Department.

Government must run in a tight, compact way, where there is clarity in terms of one's legal obligations under the law and to what extent you can exercise your powers as a citizen or as a civic employer within the State.

We understand that we have to collaborate with other departments and agencies. In fact, the Immigration Department has to collaborate with international partners to secure our borders through the Regional Security System (RSS) and other international agencies also.

The immigration decisions are ultimately those of the Immigration Department. I have asked the department to review its entire operations and to come back to me with a restructured plan as to how the department will be able to satisfy all of its statutory mandates and obligations; not only under existing law or under all of the international agreements that we are a party to as a member of the United Nations' framework and so forth.

Whether or not they have the staff to be able to do the job, in fact, we have had discussions about the creation now of a migration section within the Immigration Department so as to be better able to inform government on migration policies generally. That has been created; an officer has been stationed to start the work in terms of building out that department and other officers will join as well.

I have also had that discussion with the Immigration Department about what is the level of training within the immigration ecosystem that requires an immigration officer, not only to navigate within the context of the Immigration Act and the rules and regulations but all the other international standards by which Barbados is bound to by way of our international commitments under other agreements and treaties, *et cetera*.

Certainly, for example, the ICAO treaty, International Civil Aviation Treaty requires your Immigration Department to treat to certain things at the airport. There are other maritime treaties that would require you to do the same thing at your seaports, which require immigrational functions.

I have asked the department and they have gratefully warmed to the tasks and only yesterday the Chief Immigration Officer said, "*Minister, I am waiting on you for a date to make the presentation*".

We are looking at how we can build out an Immigration Department that is fit and ready to continue to do the work to protect our borders and to enforce our laws. I have also asked them to look at the issue of enforcement because when the Act was passed in 1979, the functions of immigration were previously provided by the Barbados Police Service.

There is a retention, as you have seen on the section that you just referred, to the dual ability of a police officer and an immigration officer to act within the purview of the provisions of the Act. That is also being reassessed within that context.

At present, there is no intention to change that but certainly, the enforcement ability of the Immigration Department needs now to be rationalised and to be beefed up within the world

and the framework that we live in right now and that is also being considered.

Once these things are done, I will discuss it internally again within the Ministry. Once we are satisfied that it is a good enough policy, I will take it to Cabinet and then seek Cabinet's approval for any changes that need to be made but rest assured, these things are being worked on.

Mr. Larry SMITH: Thank you, Chair.

Just one (1) further comment from us here is that in relation to the comments made by the Honourable Minister regarding what the BBA suggests or proposes; there may be some inconsistencies between the Constitution and the proposed Bills. We would just like to highlight that the information which supported the BBA's position came from a Cabinet Paper, Cabinet note, really, back in 2019 under this administration.

What we would just do as the BBA, is really to perhaps urge the Committee to have a look at that Cabinet paper and the positions of the administration as it then was in 2019; that there needs to be a harmonisation between the Bills and the Constitution and the Amendment.

If the view now is different from that, that is fine but I am just suggesting that perhaps that it may be something to look at. I am not saying to the government what the policy should be but that that was an issue that had been raised previously. That is where the genesis and the suggestion came from.

Thank you.

Hon G. P. B NICHOLLS: No Cabinet is bound by any decision of a prior Cabinet. Let me just inform the president of the Barbados Bar Association, that is how it is.

In fact, we do not even get to see the Minutes of the previous Cabinet. The administration may be the same but no Cabinet in the past can bind policy on the current Cabinet.

Mr. CHAIRMAN: Minister Reid, I see your hand up. Minister Reid is **online**. Let us give him the opportunity to make his input.

Senator the Hon. J. W. D. REID: Sorry, Chair, that was by accident but I will come in a little bit later.

Mr. CHAIRMAN: Okay.

Dr. William DUGUID: If I may, there is just one (1) thing that I would want to add to the discussion because I take the point of Ms. Simmons about adding other people who have the opportunity to ask for a work permit.

I think we must bear in mind that when officers visit building sites, they are visiting with their specific requests in mind.

For instance, when the labour people visit, they want to make sure the occupational safety and health issues are being upheld more than immigration issues. Even if you were to present them with a work permit, it is not what they are looking for. They are looking for occupational safety and health.

Certainly, when the Ministry of Health visits, they are looking for how you are housed; whether it is a registered barracks, whether it is not or whatever it may be.

Although the point is noted, maybe we may want to go further and say that we have a separate inspectorate who inspect, rather than having somebody go for health and then somebody go from immigration and then somebody going from labour.

Maybe we should have a separate inspector and I do understand that can cover all things at once, which then takes the impetus off of the manager of a site to have to go and deal with three (3) different people and take away from his work.

Then it is to the benefit of the government, if it is one (1) person going who can do everything but that may be a separate inspectorate. I do not know where that applies but I do understand the concern and the suggestion.

Mr. CHAIRMAN: Thank you. We have gone a full hour. I would want to ask the question to the BBA if they are pleased with the comments; the suggestions; rebuttals from Members of the Committee; the Minister.

Are you satisfied that you have exhausted your comments; your presentation and the reviews from your presentation this morning?

Mr. Larry SMITH: Thank you, Mr. Chairman. Yes, we are satisfied. Satisfied up until we see the revised draft Bills.

At that point, we may have further comment. I do not know if we will be invited back at that stage but our satisfaction is mired to the status of the Bills as they currently are. We wait and see what happens after the revision.

Much obliged to you.

Mr. CHAIRMAN: Let me thank you yet again.

I can see a lot of thought went into this presentation and certainly it was well received by the Members of this Committee.

I want to thank Justice Moore; Ms. Atkins, CPC; Minister Sinckler; MP Duguid; Minister Reid and we had asked Minister Nicholls, who is really not on the Committee, to join us. I want to thank you, Sir, for taking time out from your busy schedule to be here with us this morning, to field the comments from the BBA Association.

I am not sure whether in your capacity you are still a member of the Barbados Bar Association. I did not think so. You are still a member?

Asides.

There are synergies. Payment of fees is a different topic. I would not want to go there but I am pleased that we can sit as members of the legal fraternity, you all, and flesh out these technical issues.

I can assure you that this Committee will sit and we will internalise everything that has been presented to us, not only by the BBA but by the general public. Those persons who are **online** sending their comments, I want to thank you very much as well because the comments are well received.

It shows that Barbadians are indeed in tune and they are committed to this process of making these two (2) Bills the best that they can be to assist us with managing our country and making this country the best place to live, work and do business and one (1) that persons will feel comfortable indeed. Whether they are migrating; whether they are resident for some short period or whether they are utilising Barbados as a place of home, even though they were not born here.

Indeed, these Bills cater to all these eventualities and indeed to make Barbados address the deficiencies that we have. I am confident that what I am seeing here and the presentations thus far in the food for thought can fit into these Bills and to make them the best Bills that they can be.

We can stop streaming at this stage while we do a little bit of housekeeping before we conclude the meeting.

Hon. G. P. B. NICHOLLS: Yes, thank you, Mr. Chairman. It is certainly the Ministry's position that the contributions made by the members of the public; the stakeholders and the Members of the previous Joint Select Committee should be considered by this Committee.

Parliament has produced a report of the previous Committee. The only thing that the report did not contain would have been the deliberations of that Committee. There were no deliberations because General Elections were called.

This Committee is entirely free to come up with its own opinion as to what should be dealt with by those previous submissions but we would want, as the Ministry and government, to consider what was said by the public in relation to that previous report.

Mr. CHAIRMAN: Thank you, Minister.

We will look at all submissions – written, oral -- when we examine the current Bills to see if there are any additions to the Bill.

Indeed, Justice Moore, CPC Atkins, your input at this stage is critical for us in moving forward because we want to wrap this up within the next two (2) weeks or even sooner.

Senior Minister Sinckler, the role that you have as Minister of Foreign Affairs, I did not want to get into that **online** but I sent a note to Senior Minister with respect to the Nigerians that we cannot ignore. I heard Minister Nicholls made a comment, a public comment on it. We cannot ignore it because if we ignore it, it is ignored at our peril because people will come back and ask the questions.

I guess in our summation, we have at some point in time to indeed, I do not know if we can say it to the public. I have my views on it and I can share my views on it because I believe what I am hearing is minuscule to what we have seen in this country.

There are different ethnicities that come to this country to give birth and we never have had any challenges before. I have the leverage that Minister, that Senior Minister Sinckler does not

have or Minister Nicholls does not have. I am on the back bench and I have a little bit of latitude.

I can say certain things, but I would not want to say anything that would put my government . . . it is still my government, but at the end of the day, we have to be fair.

Until we see anything that is alarming, I do not see anything that the Chief Immigration Officer or the Immigration Department cannot address, whether it is deportation, whether it is sanctioning people but people have been giving birth, coming to this country and giving birth and having citizens by birth.

I clearly read the Act and I do not see anywhere in the Act that says and you can correct me, Justice Moore, you are the most senior legally here, that the parents of those children are automatic citizens. I do not see that anywhere in any Act.

I do not know what the issue at this stage but I do not want to dive too deep into it; I just wanted to raise it here so that we should not ignore it. Like I said, to Senior Minister Sinckler and sorry, Minister Nicholls, I did not say that to you.

No, I think I sent you but we should not ignore it at this stage, because when we go to Parliament, people are looking to hear you as the lead on it and you probably would have to say something on it.

Justice Moore, I would give way to you at this stage to hear what you have to say. We will not prolong the meeting along birth by citizenship lines for Nigerian families but that is where the country is heading on a lot of this discussion. I do not see any big challenge but over to you.

Hon. Justice Sherman MOORE (Retired): Yes, Mr. Chairman, I cannot see how the birth of one (1) child who would be the only one (1) entitled to citizenship, can transmit that citizenship to a parent.

You can deny a visa to a pregnant Nigerian woman or to any person, in which case that person cannot come and deliver a child in Barbados and you will not need to make that part of the Legislation at all.

The visa is an administrative process that goes on in the Ministry itself.

Thank you.

Hon. G. P. B. NICHOLLS: Mr. Chairman, I do not think that we can ever be unmindful of what is now the ability for opinion generated by the algorithms that feed the social media platforms that people go on to put content before a particular person who might necessarily be predisposed to a philosophical underpinning that is generated by cultural wars in other societies.

If you go on social media sites, the algorithm will feed you these things and that is deliberately designed by the operators of the social media platforms to share opinions.

We cannot be oblivious to the fact that what two (2) days ago the State Department said in retaliation to the decision of the Supreme Court, that Birthright Citizenship is part of the 14th Amendment, full stop, by a five (5) to four (4) decision that the Administration has in effect issued a statement that they will now make it very, very difficult for those persons to come.

If we want to stop people coming here on planes and denying them at the airport and sending them out who are pregnant, it will mean that we will be sending a signal to the world that that is what Barbados is about and we will also have a situation where Barbadian women might also feel the pinch of that as a retaliatory strategy.

Again, it is not national policy and again, I try to quell the debate publicly that there is no statistical evidence to show that this is a problem that is overwhelming the Immigration Department. None of these people are applying for even Permanent Residence or any other immigration status.

Most of them are very wealthy people who come here. We have had a fertility clinic in Barbados for 20 something years now and that is a world standard leader.

What the Press did not say, which is why I said to them last week, it is something to be celebrated that everybody is coming to Barbados to take advantage of a country that has an infant and maternal mortality rate of under 40 per 100,000 births. That is less than half of every other country around us in Latin American and the Caribbean and certainly better in Africa and Asia.

The average in the world is 89 (per 100 000 births); Barbados is 39 (per 100 000 births) and that is a credit – it is even better than the United States. That is a credit to the doctors, the midwives and the nurses in this country.

Rather than celebrate that and see who we can benefit from because from my perspective and I am not speaking under (*inaudible words*)... but can you imagine a child born in Barbados that lives its life outside of Barbados seeking at some stage to reconnect with the country of their birth, 30 years from now? What potential that has for Barbados?

Dr. W. F. DUGUID: If I may go further, though, Minister and colleagues. We had an assessment of our population and I think it is 2016 that for the first time in our history, our death rate superseded our birth rate and it continues to widen.

We should actually be encouraging people to have children here with the hope that people who are born here come back and live here. If we continue on this trajectory, we will continue to have a national security crisis. In a few years' time, half of our population will be over 65 years old.

Asides.

Dr. W. F. DUGUID: Well, there you are. It means that we have a significant deficit in people having children because Barbadians decided they are not having children. The first thing I hear is the cost of living is a problem.

We have to be encouraging people and it is not only encouraging Barbadians but encouraging other people, if necessary, to come and take advantage of that enhanced and improved mortality rate and have children here with the hope that those children will come back, they may - they may not - to live in Barbados. They may not because their parents are not from here.

We cannot be saying 'A' and then chastising when people do what we are asking them to do through this very same Bill. It makes absolutely no sense.

Unfortunately, I would say this just for here. It is unfortunate that people of our descent look down on people of our descent. Let me put it that way because we have bought into the European way that Africa and Africans are substandard. Absolutely not true. I think that is the unfortunate thing that is now playing out in our society.

Whether we like it or not, Barbadians are very xenophobic even when it comes to people from the other islands or they say, 'oh', from the low islands. That is how we are, but we cannot be like that. We must be now international people seeing international ways of doing things.

There is a reason that Canada has the greatest immigration in the world because they have a lot of land and very few people. What they did is they made themselves attractive so people would move and have permanent residence there. There are two (2) ways of doing it.

You can do part by the natural way that everybody likes to be able to improve your population or you can do it by immigration; but the natural way means 20 years before that person becomes a productive member of society.

In the meantime, if we cannot encourage people to have children, then we have to do it by immigration. This is why this Bill is so important and this is why we cannot frown when other people come here and have children.

We cannot frown on it. We should actually be promoting it because there is another industry, we used to call it medical tourism. This is just another type of medical tourism. What is wrong with that? Well, there you are.

Hon. G. P. B. NICHOLLS: They are calling it birth tourism because that is the way in which the pejorative word is being used to take what is really medical tourism and so on.

The truth is that when you look at the declining birth rates in Barbados, only 1,900 people were born in Barbados last year and that is startling. I made a point in the House of Assembly.

I went to do a presentation at a primary school and passed a classroom. When I went in, there were two (2) children in the class. I asked if the other students went out, they said, *"No! There are only two children in that age group*."

In the Reception Class at Holy Innocent Primary School, two (2) children this academic year in the Reception Class.

When I checked with Minister of Education, there are several primary schools in Barbados that have no children in age groups across rural Barbados.

We look at the people doing the Common Entrance Examination. It is half the people who are doing the Common Entrance Examination 10 years ago. It is not because people are keeping the

children at home and not allowing them to sit the exam.

Four thousand people died in Barbados last year and 1,900 were born. We are not even replacing the number of people who are dying. Not only that, but the other problem also is that we have is that the population that is not dying, is one that is aging. Barbadians are living longer, so the population will collapse the country.

Mr. CHAIRMAN: Thank you, Ministers. Thank you, Justice Moore. Minister, I concur.

It goes even bigger and I think the Senior Minister, I know he is not short of words. I know that very well and I know he will have his time to speak but the reality is this has a fundamental importance to diplomatic engagement; what we are seeking to achieve; south-south trade.

If we begin now to target Nigerians giving birth here, what are we telling ourselves? We just brought a plane . . . from Nigeria with hundreds of people here. I am sure they are not scammers. I do not think one (1) per cent of that group were scammers; business people, you know, Nigerians are coming here, high-net-worth individuals, building houses. I know of some who are building some massive houses, million-dollar houses here and we know how the Africans live, Senior Minister. Very, very well.

I think the Bajan public needs to be educated on Africa and I think that has to be a job, Senior Minister, of Foreign Affairs, to educate the Bajans. I have an interest. I have someone who has responsibility for Nigeria and Ghana and I have visited. When I went there, my wife told me: *"Come with an open mind, Dwight boy."*

Only two (2) days ago, I took my mom to eye surgery and the doctor that did the eye surgery said to me, he visited Ghana; he had a wonderful time and he would even live in Ghana.

I am just telling us we have to be very careful. That small segment of our society that the Minister spoke about that is seeking to bring all of the negatives, the naysayers, about what are the opportunities in Africa and the benefits that we as a country can indeed achieve through south-south trade.

We have to educate our public more, not only in financial literacy but the importance of the continent of Africa. Those are my words and I am hoping that this does not go too far because in Parliament and in the Senate, we have those that are competent, not only competent, eloquent enough to address these matters and I know that the Minister who sits to my right is quiet today but I know he of all people, can deal with this in a manner that I think can keep the Barbadians well informed, as well as Minister Reid with respect to industry.

Hopefully, we can have one (1) more meeting to go through the report from the last Committee.

Ms. Atkins, would you have seen that report?

Asides.

Mr. CHAIRMAN: Justice, you would have seen that report as well?

Asides.

Mr. CHAIRMAN: What we saw in terms of submissions, I think most of them were dealt with within the legislation.

I want to thank you, Ms. Atkins, as subtle as you were, you were very effective. I like that last intervention, section 33, general penalties. I do not think that Ms. Simmons had a comeback because it is clear in the Act that the general penalties section 33 dealt with everything that she raised.

Thank you for being so professional. I admire how you dealt with the public over the last weeks and I am looking to conclude within the next week or week and a half with these submissions.

What we can do from here, all the Members can review all the submissions with the legislation to see if there are any aspects of these submissions that we need to incorporate into the legislation. Be upfront with me if there are good points and they are to be included.

We have to send this back to the Minister after we conclude and it would be in a report format, right, Deputy Clerk?

Asides.

Mr. CHAIRMAN: Right, in a report format as to whether these submissions can inform

changes to the legislation and we want to do that within a week and a half.

Having said that, Senior Minister, I know you are the most travelled Minister with your portfolio. The Minister of Foreign Affairs has to be out of the country, you know, a lot. That is his job, so we want to fit you in because you are critical to this Bill.

I want to know from you about your timing because we will be looking to wrap up. I will call CPC as well and Justice Moore to see if there is anything that jumps out at us during the week.

Next week I will certainly give you a call and I like Friday meetings, if we can wrap up next Friday.

Minister, you will be here?

Senator the Hon. C. P. SINCKLER: Yes, please, next Friday is good.

Asides

Mr. CHAIRMAN: Dr. Duguid, I would like to wrap up next Friday. Once Senior Minister is available.

Asides.

Mr. CHAIRMAN: What I will do, Ms. Atkins, is reach out to you before, before Friday, so we know if there are any major additions from your end before we come on Friday.

Sounds like a plan, Miss Hamblin and Deputy Clerk Gibbons?

Madam Deputy CLERK: Yes, it does.

Mr. CHAIRMAN: This goes back to Parliament, before it goes on recess.

Madam Deputy CLERK: Mr. Chairman, we will still need another meeting after Friday 10 July, 2026, so everybody could come together and approve the report with any amendments.

ADJOURNMENT

Mr. CHAIRMAN: Just the approval, okay. We wrap up Friday and then we have a formal meeting to just approve everything.

CPC will be critical next Friday, for sure. Justice Moore and Ms. Atkins, will you be available as well?

Asides.

Mr. CHAIRMAN: Without any further ado, we have a motion to end this meeting and a motion to have the meeting next week, Friday, 10 July, 2026.

Dr. W. F. DUGUID: Mr. Chairman, I beg to move the adjournment of this meeting and have the follow up meeting next Friday, 10 July, 2026 at 10:00 a.m.

Senator the Hon. C. P. SINCKLER: I beg to second that.

The question was put and resolved in the affirmative without division.

THE
SIXTH MEETING
OF THE JOINT SELECT COMMITTEE (STANDING)
ON ECONOMIC AND PRODUCTIVE SECTORS
ON THE IMMIGRATION AND
BARBADOS CITIZENSHIP BILLS, 2026

HELD IN THE SENATE CHAMBER, PARLIAMENT BUILDINGS, TRAFALGAR STREET

FRIDAY, JULY 10, 2026

FIRST SESSION 2026-2031

PRESENT:

Mr. D. G. SUTHERLAND, B.Sc. (Hons.), M.Sc., M. B. A (Dist) (***Chairman***)
Dr. W. F. DUGUID, J.P., B.D.S, F.D.S., F.D.R.C.S., M. Min. (***Deputy Chairman***)
Hon. I. A. WEIR, M.B.A. *(Minister of Public and Private Investment)*
Hon. C. S. V. HUSBANDS, B.A. (Hons.), M.Sc. *(Minister of Training and Tertiary Education)*
Dr. the Hon. R. O. SPRINGER, Ph.D., J.P., *(Minister of State in the Ministry of Transport and Works)*
Senator A. W. MALLALIEU, C. P. A., F.R.I.C.S *(Independent Senator)*
Senator the Hon. C. P. SINCKLER, B.A., M.Sc. (*Senior Minister) (Minister of Foreign Affairs and Trade*)
Senator R. O. WALTERS, M. B. A. *(Opposition Senator)* ***(Online)***

ABSENT:

Senator the Hon. J. W. D. REID, B.Sc. (*Ministry of Industry, Innovation, Science and Technology*)

ALSO IN ATTENDANCE:

Mr. Pedro EASTMOND, (*Clerk of Parliament*)
Mr. Nigel R. JONES (*Deputy Clerk of Parliament*)
Ms. Beverley S. GIBBONS (*Deputy Clerk of Parliament*)
Miss Suzanne Hamblin (*Journal Department of Parliament*)
Mrs. Mechelle ELIE, (*Chief Parliamentary Counsel)*
Hon. Sherman MOORE (*Retired Justice of Appeal and Former Chief Parliamentary Counsel)*

The Chairman called the meeting to order at 10:30 a.m.

Mr. CHAIRMAN: Hello, good morning, all. Welcome to another meeting of the Joint Select Committee on Economic and the Productive Sector, where we review

submissions to inform both the Immigration Bill, 2026 and the Barbados Citizenship Bill, 2026.

On the Agenda before me, the meeting has been called to order. I welcome each and every one of you.

Nice to see you, Mrs. Elie, the Chief Parliamentary Counsel (CPC). Welcome back, Senator Mallalieu. We can see you had a pretty good trip because you look refreshed and everything.

Staff of Parliament, thank you again for being so supportive, not only supportive but always there to provide the necessary guidance to me as Chairman.

Justice Moore, my community stalwart and a man who has done yeomen service for this Government and previous Governments and to the

judicial system, thank you, again, for showing the commitment and dedication to this process.

Last, but by no means least, our Cabinet Ministers who indeed have taken out time from their schedules. I am very much appreciative of both Senior Minister Sinckler (Minister of Foreign Affairs and Trade) and Minister Husbands (Minister of Training and Tertiary Education).

These Bills indeed cut across foreign policy in a major way. I am very much appreciative of having you.

Do we have any Ministers **online**?

Asides

Mr. CHAIRMAN: No, not as yet. So, we have a quorum. So, we call the meeting to order.

Minister Husbands, I like you to pray for me, so I place my life in your hands when it comes to prayer, you and Minister Jordan. I do not think I can do that with some others.

That is not intended for you, Senior Minister. You are a good fellow. So, over to you, Minister Husbands, to lead us in a word of prayer, please. Thank you.

Prayers were led by the Hon. Ms. C. S. V. HUSBANDS.

Mr. CHAIRMAN: Thank you very much, Minister Husbands. The next item on the agenda would be the Minutes of the Fifth Meeting held on Friday, July 3, 2026, but these Minutes are not ready.

We understand there is no challenge with respect to delinquency here. I do not think that is the problem, but the fact that we have had meetings pretty close. I understand the work of Parliament dealing with Senate and the Lower Chamber as well.

So, I want a motion to move a motion that the Minutes of the Fifth Meeting held on Friday, July 3, 2026, be deferred for further consideration at our next meeting.

On the motion of Hon. Ms. C. S. V. HUSBANDS, seconded by Senator A. W. MALLALIEU, Minutes for July 3, 2026, were held to be deferred.

Mr. CHAIRMAN: There will be no matters arising from the Minutes, since they were deferred. We are moving into the business of the day. I will give a little preamble, as to how I recommend we move forward. We have limited time on our hands. We wanted to have these two Bills before Parliament, before we rise.

Probably, sometime at the end of this month. We have two things to do. We have to go through our submissions. Thereafter, we wanted to align the submissions with any amendments to the two pieces of Legislation.

I would want to recommend, as a matter of urgency, that we today look at both.

We go through the submissions, the oral submissions and written submissions, and we try to tie them together with the relevance to the Legislation in one go, as opposed to having a meeting today only to go through the submissions and then, come back again to review the Legislation. I think we all have reviewed this Legislation.

I think it is nothing outside of the norm to ask that we do it this way. I know Senator Mallalieu has to travel again. I know Senior Minister with his portfolio is off-island pretty often. I would want to have him, especially Senior Minister Sinckler here, based on his track record and the portfolios he would have held in last Government, as well as this Government.

It is always good to have somebody who has straddled both Administrations sitting. That is why you have an Opposition Senator here as well. So, that is the balance that we have. I am happy to have you, Senior Minister. So, I propose that is the way we move forward.

I do not know if we have any objections to it or any further recommendations as to how we should move forward today.

So, the floor is open to you all, the Members, to help guide the process, as to how we move forward. Senior Minister. Senator?

Senator Hon. C. P. SINCKLER: Thank you very much, Mr. Chairman. I think you are pretty much on the ball here with this. This is a very important process and two very important pieces of Legislation which, I think, the Government is quite right in trying to get done as expeditiously as possible, busy schedules and all, notwithstanding.

We are reminded, of course, of the fact that the House usually rises around this time for its summer recess which I was discussing with Mrs. Elie only a minute ago.

Respectful of that fact, we have to try to complete our work as expeditiously as possible, so that we can get these Bills back to the House of Assembly through the regular process, of course.

There are and have been some fairly substantive contributions, certainly, to this exercise. Even though I did not participate in the other Committee when it was empanelled, having seen some of it *via* the Parliament's **YouTube** channel, there were also some very substantive interventions and recommendations.

So, the work of both the Administration, in terms of getting those collated and put in a position to be able to recommend for the drafters and CPC and the consultant to look at and make any changes that are necessary. It is going to take time. And if we are to get this done before the Summer recess, I am looking at the Clerk. I am not sure. He does not know. I do not know when the House is going to rise. But the fact of the matter is that if we are going to get this done, certainly before Fall, the October period, October to December period, we have to work quickly to get this done.

So, from our end, we have to dispense of our responsibility in the Committee. So, if you have to have one, two, three more meetings close by, back-to-back, then we will have to do so and make ourselves available for this to be completed because we have to give the drafters time to get it right.

I cannot speak on legal drafting, it is a very complicated art and you want to capture those things which you feel would make the legislation better and obviously give better expression to the policies of the Government.

Broadly, from my own travels and interaction with Barbadians abroad, this is creating quite a bit of excitement among the Barbadian diaspora. People are really watching this **online** and looking forward to this legislation, particularly the second, third generation people are extremely keen.

The younger folk are really keen to engage this legislation, whenever you go into those major centres where there is diaspora. And even some that are not major, the children and grandchildren and great-grandchildren of Barbadians are coming up to you and asking, when is this legislation going to be ready?

So, it means that we do have a fairly powerful set of instruments before us. Our job is to ensure that we advise the Government properly, that they get it right, and that those persons who are anxiously awaiting it will get the benefit of engaging that and getting something that they have long felt they are entitled to. And frankly, they well are. So, I support your submission, and I think whatever we have to do to get this over the finish line, then I am open to doing so.

Mr. CHAIRMAN: Thank you, Senior Minister. Any further comments?

Let me welcome Senator Walters. Let me assure you, there is nothing at all – he is laughing because he knows I am coming at him - verminous about you, as it relates to this Committee.

So whomsoever out there is speaking that kind of language about you, I am sorry, you are a very dedicated and ethical and supported Member of this Committee. And I welcome you and I hope you stay here for a long time, Sir. Welcome.

Senator R. O. WALTERS (online): Good morning to all Committee Members and to you, Mr. Chairman. Good morning. Please behave yourself. Okay, let us consider the job at hand.

Mr. CHAIRMAN: I am so sorry you are not here to shake hands today. You are **online**, but we have a virtual handshake. Do not worry. Nice to see you.

All right, without further ado, I think we had the submissions grouped. Clerk, Deputy Clerk, Members of Parliament. I would want to review. I am not sure if all the Members recall the submissions that were grouped.

Do you have them there that we can at least share with the Members as opposed to going through one by one because we are trying to not truncate the process but to make it more efficient as we go through the submissions? They were grouped, or do you want to do them one by one. Clerk?

Mr. CLERK: Mr. Chairman, remember we had earlier, very early on this process, done them by groupings as they relate to subject matter, so we can do this.

Mr. CHAIRMAN: We can do that. Okay, all right, let us give the Members at least five minutes to get the groupings together, all the Members and the CPC as well as Mr. Justice Moore, as well as yourself to look at them and we can move forward.

Five minutes is not going to hurt us. So, let us gather them. So Senior Ministers and Ministers and Senators have them in the groupings.

At this point there was a break in the audio recording as Members examined the groupings

Restart of Audio Recording

Mr. CHAIRMAN: . . . they ask that we review. They are hoping that we can bring this 14-year matter to rest. I assured them that we have accepted that citizens by birth for certain of Barbadian Diplomats will indeed be amended to ensure that those children who were born . . .

Asides

Mr. CHAIRMAN: So, the Cabinet approved that already. Excellent. So that is the first one. We have sent the consolidated submissions to the Members. All right. Senator Walters, you received your copy? See if we can reach him because I do not want to move forward . . .

Senator R. O. WALTERS: Yes, I have.

Mr. CHAIRMAN: Okay, so we are looking at the key themes in the Consolidated Overview.

The first one is Citizen by Birth with children of Barbadian Diplomats.

Senator Walters, I will put you on the spot and ask if you have any objections to the submissions made by Yannick and Johanna Schaefer and Dr. Corlita Babb Schaefer, Daniel and Nathan Riley, Ambassador Trevor Clark and Juliet Babb-Riley. Do you have any objections?

Senator R. O. WALTERS: No objections, Mr. Chairman.

Mr. CHAIRMAN: Okay, great. Senator Mallalieu anything in that? Okay. Senator, Minister Husbands, you want to speak on it as it relates to what you just told me? Yeah, go ahead.

Hon. Ms. C. S. V. HUSBANDS: Yes, I am happy, Mr. Chairman, to inform the Chamber that the Cabinet had already looked at the request and it was approved so it would just be a matter of that coming to Parliament to be able to make it law so that we correct that gap that we have in our Legislation as it affects persons whose children are born overseas, but they are of Barbadian parentage and are part of the diplomatic service of the country so happily, that is already being accommodated.

Senator A. W. MALLALIEU: Sorry, just so. Why would that come back to Parliament? Would that not be an Amendment in this Bill? Because it could be...

Mr. CHAIRMAN: That was my question, Senator. That is my question.

Senator A. W. MALLALIEU: So maybe I misunderstood. You say it will be amended in this Bill so that the final version of this Bill will include that provision. Is that correct or is it a separate Bill?

Hon. Ms. C. S. V. HUSBANDS: Seeing that we have the Select Committee and we have the Bill, I think that the correction can be made. But what I am saying is that it is already approved by Cabinet so all it really needs to happen is to come to Parliament. Yes, it can be in this Bill. That is not a problem.

Mr. CHAIRMAN: Not it can be, we would want it to be in this Bill.

Hon. Ms. C. S. V. HUSBANDS: The Clerk will guide.

Mr. CHAIRMAN: No, no. CPC will. CPC will make the Amendment if they agree. Number one, Citizenship by birth of children of Barbadian Diplomats. We went through this. I think you were here for the first meeting, Mrs. Elie when this was raised, right.

Mrs. Mechelle ELIE: Good morning, everyone. I was not present at that meeting, but I am aware of the circumstances and changes that are appropriate to the Bill can be made.

Mr. CHAIRMAN: Justice.

Hon. Justice Sherman MOORE (Retired): Yes, Mr. Chairman, that was resolved because that provision was put in because of a difficulty that the Immigration Department had with the Registration Department and the non-registration of children; but that difficulty was resolved and it was agreed here that there was no longer any need to pursue that. It will just be removed, and a new

draft of the Citizenship Bill will be sent to the Committee.

Senator Hon C. P. SINCKLER: We dealt with this at Cabinet as well, and instructions have been given to the Chief Parliamentary Counsel's Office through the Attorney General to ensure that the appropriate Legislation be given to effect that because recall that the Provision is in the Constitution and therefore, since the Constitution is a supreme law, any other subsidiary Legislation, any other Legislation, Statutory or Subsidiary Legislation, has to reflect that so the issue is just clearing up and so we did not bother to pursue beyond what Justice Moore has said in terms of the instructions.

Mr. CLERK: Mr. Chairman, additionally, at one of our earlier meetings, we unanimously agreed that the words would not state 'in which they were born, refuses to grant a birth certificate' would be deleted in Clause 2(8). We agreed to that very early on in our process.

Mr. CHAIRMAN: That is the Clause in the Citizenship Bill that is, right? Right.

Mr. CLERK: We agreed that we would delete that reference to where the state in which they were born, refuses to grant a birth certificate.

Mr. CHAIRMAN: Agreed. Okay, thank you.

The Oath of Allegiance versus Solemn Affirmation and in our summation, we had freedom of conscience. Let us hear the views on this. There were several submissions.

Hon. Justice Sherman MOORE (Retired): Yes, Mr. Chairman, that was also settled when the reference was made to the provision in the Interpretation Act that specifically says that Affirmation is included in Oath.

Mr. CHAIRMAN: I just want to make sure we capture all, but I recall the Minutes of the, I think that was the Second Meeting. We have the Minutes of that Second Meeting as well. Alright.

Mr. CLERK: We have also written those presenters to indicate that the Committee pointed out that provision was available in the Interpretation Act and there was no need for them to come before the Committee and they agreed with our position as well.

Mr. CHAIRMAN: I recall that, Mr. Clerk. Thank you very much for bringing clarity again.

Let the Minutes reflect that again because this is very important and as such, we would have written those Members who submitted the challenge they had with the Oath of Allegiance versus Solemn Affirmation, and we let them know that that was indeed within aspects of the legislation.

Thank you!

Integration of Welcome Stamp. This was raised by a number of people. I know this is one that we can flesh out. Are you hearing me clearly, Senator Walters?

Senator R. O. WALTERS: I am trying to keep up.

Mr. CHAIRMAN: Okay. We are looking at the Consolidated Overview of the written submissions. We are at Item 3, the Integration of the Welcome Stamp and those were submissions.

We have the written submissions that we can refer to in their entirety and there were proposals of crediting the Barbados Welcome Stamp tenure in the Fourth Schedule of the Bill.

Let us speak about this.

Two submitters argued that the Bill overlooked the 12-month Barbados Welcome Stamp and offered it hold no route to permanent residents. I think Senator Mallalieu spoke on this at length. Let us have some views.

Welcome, Minister Dr. Springer. Sorry, I did not welcome you officially. I am sorry about that.

Dr. the Hon. R. O. SPRINGER: Thank you, Mr. Chairman.

Even before you started, I think the consensus was that the Barbados Welcome Stamp Programme was always meant to be a temporary programme, and it was never seen as a pathway to citizenship. I think that was part of the discussion that we had on that matter.

I do not know if there was anyone, certainly I do not recall, Senator Mallalieu, if there was any variation from that view.

Hon. C. P. SINCKLER: No. I do not think that there was a deviation from that particular policy of the Government.

The thing is that given the broad scope of the current drafts of legislation, there is a scenario in which people who may participate in the Barbados Welcome Stamp could in fact avail themselves – and I think we recognise that – of the opportunity

to access Barbadian citizenship, even though the programme was not initially designed with that in mind.

If you remember, the programme came about because of the situation with the COVID-19 pandemic and the need for the capacity to be able to work remotely and the innovativeness of the programme allowed for persons who wanted to continue to do their work, but in a different jurisdiction, to be able to do so under certain circumstances. The Government would have provided those circumstances.

Now, of course, we know from what has transpired with the programme – which has been highly successful – and is being copied by other nations across the world, looking at the Barbados model, in particular, that some persons who have availed themselves of the Barbados Welcome Stamp have bought properties in Barbados, have set up companies in Barbados, and are operating in a broader scope than they originally had intended because they have fallen in love with the island, its people, its hospitality and the way we do business and so forth. Those persons may have, for whatever additional reasons, stay on much longer and establish greater roots within the Barbadian community -- socially, economically, and otherwise.

The thing is that we would not want them to be excluded if they so felt that it was purposeful enough for them to avail themselves of whatever legislation may exist.

You are correct in saying that the Barbados Welcome Stamp was not designed as a pathway to citizenship, but because of the way how it has evolved and the solidification of interest by persons who have come to Barbados and now are now owners of property, investors, and some have even brought members of their families here and operate in the Barbadian space. They may have, on a broader context, to be able to avail themselves of a Legislation such as this.

The two things are not necessarily originally intertwined or integrated, but that is not to say they are now operating mutually exclusive of each other. That is how programmes of that nature ought to work. You start in one place, if it develops well, if it goes good, and people can see that it is making a positive contribution to Barbados, not just in increasing population, but increasing investment and so forth and really creating people who are invested in the future and success of the country, that you would want to encourage those persons, or let me put it the other way, you would not want to discourage those persons from going a step further and availing themselves of any opportunities that may exist to become full members of the Barbadian society.

You are right, Member of Parliament and I think we are on to a good thing here, so to speak, where that is concerned.

Mr. CHAIRMAN: Minister Husbands and then Senator Mallalieu.

Hon. Ms. C. S. V. HUSBANDS: Mr. Chairman, I just wanted to get some clarification. I believe I may not have been at the subsequent meeting.

At the time, we had wanted to hear Justice Moore share because of the concerns that were raised about how they felt that the Legislation did not sufficiently include the Barbados Welcome Stampers. I agree that it does. There is nothing that prevents a Barbados Welcome Stamper from using the pathway. I believe we were hoping that Justice Moore would have been able to give us the legal position on it.

Mr. CHAIRMAN: Let me hear from Senator Mallalieu, and then I will give Justice Moore a little chance to gather his thoughts and then come in after.

Senator A. W. MALLALIEU: Thanks, Mr. Chairman.

My understanding, and let me just speak for clarity, I did not raise this myself. I agreed with the oral submission and the written submission made by Mr. Peter Thompson.

My understanding of his submission, and I think it is that the point system, there are many routes to citizenship in partners. One of those routes is through permanent residency and in order to gain permanent residency, one of those routes is through this point system.

There are other ways. There is being a spouse, and a retired with sufficient things. There are many ways through permanent residency, but one of the ways is the point system.

My understanding from the submission was that the point system does not recognise a Barbados Welcome Stamper and give points there.

I support the idea of adding that as one of the areas where you can gain points because clearly, if you were good enough to come here on a Barbados Welcome Stamp and you have been here for sufficient time and we have seen your contribution, we have seen all of these other things that you have done that, to me, would seem to be a correct way to get some points so as to follow the permanent residency pathway which already exists.

That was my understanding of what the submission was from Mr. Peter Thompson and that was a necessity for a modification to the Schedule or the point system or whatever it was so as to give Barbados Welcome Stampers points in it. That was my understanding.

Mr. CHAIRMAN: You are absolutely correct because when you, if you go back to his submission, you will see where he mentioned the incorporation of the Barbados Welcome Stamper into the Four Schedule.

He even recommended the points, three consecutive years, up to three points, five years up to five points so while I understand Minister Springer's point, that was the origin of the Barbados Welcome Stamp, but at the end of the day, if you look, Barbados Welcome Stampers are well suited to fill the country's demographic gaps as that was articulated.

Young, highly educated, and bringing their own employment, but yet had no explicit route to permanent residency, regardless of the length of stay or integration.

Therefore, it was clear the intention of the submission, which I as Chairman support, but you know, you have to, the consensus is the Committee. Again, I agree with you, Minister Husbands, I would really want to hear from Justice Moore and CPC on this matter.

But, I too, Senator Mallalieu, I am in support of having the Welcome Stampers incorporated into the Immigration Bill, on the Fourth Schedule, there may not be a need to write anything in the Legislation, other than in the Fourth Schedule and award them points, because as Senior Minister Sinckler rightfully said, there may be some welcome stampers who qualify for permanent residence and who can go on into being citizens of this country, and who indeed can help us address the real crux of why we are here.

We have a dearth in our citizenship. Persons are dying. I think Senator Mallalieu, you were not here, but I think it is Minister Nicholls who gave some stark statistics stating how many people died.

I think it is three times the amount of persons dying than were born in the country. I think it was 4 000 to 1 900, something like that. He had given it in the last meeting. You can check the Minutes.

Hence, that is the whole genesis of why we are here as well.

Therefore, I will hand over to Justice Moore and then CPC, because I think Minister Husbands asked for Justice Moore to comment, and then CPC, Mrs. Elie. Senator Walters, feel free. I think MP Duguid, I almost said Minister Duguid. I am so accustomed to calling him Minister Duguid. MP Duguid should be **online** shortly.

Hon. Justice Sherman MOORE (Retired): Mr. Chairman, thank you.

The Remote Employment Act was designed for a special and specific purpose, and that was to invite people who wish to come to Barbados and work remotely, who were employed in a country other than Barbados, in relation to their job or their employment in the other country.

The Remote Employment Act did not seek to confer any immigrant status on remote employees.

It would be a matter of policy, whether those people who live here during that time of remote employment are allowed to have that period of their residence counted towards any immigrant status, but that would require an amendment to be effected to the Immigration Act, because it is only through Immigration Law that they can acquire a right to change their status from remote employee to resident, citizen, or whatever status you wish to offer them in Barbados.

There would have to be an Amendment to the present draft on the Immigration or the Citizenship Bill in order to confer a status other than that of remote employee.

I know suggestions have been made for a point system in this Immigration Act. However it is done, it would have to be Government policy,

and then we would be able to incorporate it into the Bill whenever we are instructed to do so.

Thank you, Mr. Chairman.

Mr. CHAIRMAN: Thank you, Justice. Mrs. Elie, CPC.

Mrs. Mechelle ELIE: I do not have anything further to add. Essentially, I agree with Justice Moore that an Amendment would be the tidiest way to deal with the matter.

Outside of the Amendment, the question of whether their time spent can be counted remains open, and they are in no different position from any other person, which to me is the issue that they are raising, that they are different. They have been here and have proven that they can sustain themselves, *et cetera*.

Therefore, if they were, in terms of the framework, as I understand it in the Legislation, I am trying not to walk into the policy arena, then it would seem to me that they would have to go through a process like anyone else to qualify, which perhaps may not answer the concerns that they have about having a clearer path for transition.

Then there are other residents' issues in terms of taxation that would now also need to be worked out.

Hon. Ms. C. S. V. HUSBANDS: I just wanted to, therefore, ask another question. Can that be achieved by including something in this Bill to be able to do that? Or you need a Cabinet policy decision first?

Mrs. Mechelle ELIE: Policy would definitely be needed, but to answer your second question, yes. Something can be included in Legislation. It may also require Amendment of the Remote Legislation as well.

Hon. Ms. C. S. V. HUSBANDS: Okay. Thank you. I believe that we have had close to 4 000 persons who would have been accepted by Immigration on that Welcome Stamp Programme.

I do not know how many yet remain here, because they would have come for a period of time and then go back. As you remember, it would have started in the COVID period.

The reason that the Government at the time in drafting the Legislation for the Welcome Stamper, why it did not include a path to citizenship, it was because we knew we had this overall Immigration Citizenship Bill that we were going to do, and we did not want to prejudice that by creating Legislation that we would then have to go back and make some type of change.

Therefore, I firmly believe that the Welcome Stampers have demonstrated not only their capacity to take care of themselves, but what is of greatest value to Barbados now are the level of skills which they have and which they want to offer.

Many of them, because of being here in the country, have recognised some of the areas in which their skills could be useful, and many of them have offered to put their skills at our disposal.

Hence, when it comes to building out our population and building out our skills, they would actually represent a powerful acceleration for Barbados to acquire the types of cutting edge skills that we need in order to be a competitive nation.

Therefore, I would give my full support to whatever is required to be able to make sure that they are counted and that they can proceed to citizenship as they so desire. Thank you, Mr. Chairman.

Mr. CHAIRMAN: Let me just add, I think it was Ms. Lisa Mundy who had a written submission and she mentioned the absence of the Welcome Stamper again, just like Mr. Peter Thompson into the Fourth Schedule.

However, she went on to say, and it is very interesting, that her now 15-year-old son, was fully integrated into this country since age 10, and he may have to leave once his school ends. That was part of the submission, and we would not want to ignore that at all, because part of our mandate here is to prepare this country for 50 years down the road.

These 10-year-olds will become, some can become high net worth individuals, some could contribute, not some could, they will contribute to national development in some way.

We would not want to ignore a 10-year-old because we want to isolate the Welcome Stampers only through the Remote Work Legislation.

I support you, Minister Husbands. I support you, Senator Mallalieu. I think it is Senior Minister Sinckler who spoke on it. This even gives us more impetus to want to include the Welcome

Stampers into the Immigration Legislation, so that we can capture these young children. Some parents may have given birth in this country too.

They, too, in a few years' time, I say a few, because 10 years is a few years when we speak to development and speak to integrating persons into our society.

Ten years is a few years. In a few years' time, these are persons who will become leaders and contributors to national development. So, I just wanted to bring that in, having the submissions before me and referring to the persons because we need to focus on not only the summary, but the content in what was submitted before this Chamber.

This Committee, sorry. That indeed is in my view, one of the most powerful comments. Yes, I heard Mr. Peter Thompson, but when we are talking about children, persons giving birth to children and then, having to leave because we have ignored the Welcome Stampers, then that cuts to the core of development and, indeed, being an all-inclusive Government and country.

Over to you, Senator.

Senator A. W. MALLALIEU: Thanks, Mr. Chairman. I just want to make sure we have some clarity around this. I do not think that there was a proposal to create a separate pathway to citizenship for the Welcome Stampers, okay. There are seven pathways, as I understand it, to citizenship. What we are really talking about, at the end of the day, here, is by permanent residency.

So, all we are talking about is simply recognising that people who we have already agreed are suitable to live and remote work in Barbados, and we have lots of information about them during that period, they have lived here, we have seen how they have operated and have contributed, *et cetera*, that they should have within that route to permanent residency because, as Justice Moore has pointed out, the remote work did not give them that right.

We are looking for them to give them a right to permanent residency and through permanent residency, they will then be treated as everyone else with all the normal safeguards, *et cetera*. The difference being that our stance, as a country, has long been that we do not want to have people in Barbados taking a job of a Barbadian who otherwise could not work. Okay.

When we did the Welcome Stamp, one of the primary things were that you are not putting anybody out of work because you are coming here to do your remote work.

So, this is a change in policy and it is one to say that we are going to recognise this. I think that there is unanimous agreement around here.

It was a good suggestion that has been made. I think it just comes down to, maybe, back to the Cabinet or whoever it might be, to simply say how many points are you going to give and what is that pathway and treat them just like how you are going to treat any other permanent resident. I do not think we need to say anything more on the matter, to be quite honest.

Mr. CHAIRMAN: Justice, anything? CPC?

Hon. Mr. Justice Sherman MOORE (Retired): Nothing more, Mr. Chairman. I think that we await any instructions that come, as to whether you give some sort of immigrant status, whether it is permanent residence or whatever.

The appropriate amendment can be made, depending on the instructions we receive from the instructing Ministry. Thank you very much, Mr. Chairman.

Mr. CHAIRMAN: Thank you very much, Members, for bringing the clarity. It is the "how", how it will be done.

Indeed, there is general consensus that we should incorporate the Welcome Stampers into the Fourth Schedule and any other policy amendments or policy recommendations that will allow these young people who are so bound to the Welcome Stampers that came to this country or that were born in this country, should benefit in some way from the Welcome Stampers being incorporated – be it permanent residence or whatever.

Well, my view though is and I share Senator Mallalieu's view, there should not be anything separate for Welcome Stampers. They should be treated in the same way as any other person who is seeking to become a citizen of this country. I think that is the crux of it.

So, having it in the Fourth Schedule, giving them points is critical, so that their children can indeed benefit.

So, I think that is it. They should not be treated any differently and that is what I am hearing from the other Members. There should not be anything special written in the Legislation, the Immigration Bill, to say, "Well, let's treat the welcome stampers like this from a policy perspective."

But, they should be incorporated into the Fourth Schedule and be treated the same way as any other person who are seeking to become a citizen of this country. The rest is up to Cabinet now.

Indeed, well, the Minister and Cabinet, because Cabinet approves the recommendation coming from the Minister. It is our view, as a Committee, that they should be incorporated.

Let us go on to the fifth point. Anything from Senator Walters, please?

Senator R. O. WALTERS: So, Chairman, I am very aligned with the comments around the table. I think it is just, as you said, how we get it done. I am aligned with the fact that they should be given the opportunity to a pathway. How it is done is what we have to work out.

Mr. CHAIRMAN: Thank you. Alright, we are onto the fourth. I want to skip the fifth one because I am strong on the fifth one. I mean on the fourth one, Ministerial Discretion, the finality clauses and procedural fairness.

There were a number of submissions from parties, Democratic Labour Party (DLP), Barbados Employees Confederation (BEC), Blackman and Sealy, Barbados Chamber of Commerce and Industry (BCCI).

There was a strong consensus among institutional submitters that Section 13 of the Citizenship Bill, which states that the Minister need give no reason, his decision being final conflicts with section 18 of the Constitution, the right to a fair hearing.

They recommend requiring written reasons, judicial review or appeal, per Blackman and Sealy, making section 13 expressly subject to sections 9 and 10.

I guess they are speaking to the Citizenship Bill. We had an extensive discussion on this. I can open the floor by saying the Minutes reflect that asking the Minister to give an explanation as to why citizenship was denied or to go into in-depth explanation, can be a matter of national security.

I think the consensus was, unless I am reading it wrong, that after the explanation, that we seek not to interfere with the leverage that was given to the Minister.

I speak under correction, but, CPC, I would defer to you in this case, but we heard Senior Minister, hearing Minister Weir and Dr. Duguid, Member of Parliament.

I am not sure Senator Walters and Senator Mallalieu agreed. I speak under correction. Minister Springer, I think, agreed with it. I am opening the floor now for clarity on this matter.

I will ask the CPC to open the floor on this topic of Ministerial Discretion, the finality clauses and procedural fairness, because there was a reason why the Legislation was drafted in this way.

So over to you, Mrs Elie.

Mrs. Mechelle ELIE: Thank you, Mr. Chairman. There are quite a few. . .

Mr. CHAIRMAN: Before you come in, we can all refer to the Bill in the sections if we want clarity, we can go to the Bills now because I said we will look at them jointly, so as to tie in everything.

You have two iPads, I unfortunately do not, but I look at . . . Let us go. I just wanted to bring clarity as we move forward. So, we can refer to the Bill as well, the Citizenship Bill and the Constitution as well.

I think Justice Moore spoke extensively on the Constitution as it relates to this one.

So over to you, Mrs. Elie.

Mrs. Mechelle ELIE: Sorry, Mr. Chairman, if you can give me a minute, please.

Mr. CHAIRMAN: This is a working meeting, so we pause and allow Ms. Elie to…

Mrs. Mechelle ELIE: There were some procedural issues raised as well concerning the Immigration Bill.

So perhaps we can deal with them jointly. So let me just...

Mr. CHAIRMAN: Thank you. The request is to address the procedural issues as it relates to the Immigration Bill as well? I do not have any difficulty with that. Members, you are fine? I think the Members agree.

Mrs. Mechelle ELIE: Okay. The thing is, even though there are legal issues, this case is not exactly straightforward.

If you recall, I believe one of the Members, it might have been a Minister for Home Affairs himself, mentioned the fact that some decisions are not subject to judicial review, and that is by virtue of law itself.

He also mentioned the reasons that certain decisions would not be subject to judicial review, national security. And I believe you recalled rightly that that was the general consensus of the meeting by the time the discussion had been concluded.

It does not mean that there are not areas of the Bill, that perhaps once the policy is there, further procedural measures can be put in place, or maybe even by regulations, to ensure that even though a person may not have access to reasons, they have some comfort that a certain procedure was followed for arriving at the decision, whether it is immigration to citizenship or immigration, permanent residence, that was as fair as it could have been.

Some of the challenges with such regulations would be, for example, ensuring that we do not create certain grounds that make it obvious as to why the person was being denied some form of status or denied entry in relation to the Immigration Legislation.

I believe we spoke about that as well. What we can undertake to do is revisit the Legislation once we get the instructions to see whether it can be tightened in any way.

In the Immigration Bill, the provisions, for example, with respect to deportation and appealing, those, if you recall, now, I hope I am not confusing Committee.

Mr. CHAIRMAN: Can we pull up the Immigration Bill? Because the Citizenship one is more clear, if we can pull up the Immigration Bill that is the one that they say conflicts with Section 18 of the Constitution, the right to a fair hearing? I think that is the area.

I am sorry, CPC, just want to go through so we have clarity. I do not want to come back, then next week to reference the Immigration Bill. So, we have the Immigration Bill before us. Take us through the Section. Is it Section 9?

Mrs. Mechelle ELIE: One second, please.

Mr. CHAIRMAN: Section 9. It says where a person to whom a permit was issued under Section five remains in Barbados after expiration. . . Is it that? The Minister may make . . . No, it is not the deportation order.

Mrs. Mechelle ELIE: Sorry, just one second, please. The only thing with having all the technology is that you cannot always flip the pages as fast.

Mr. CHAIRMAN: Take your time. Section 9 speaks to prohibited persons fully.

Mrs. Mechelle ELIE: Right. What came to mind in terms of the issue of fairness? Remember, we are only looking at the summary, but in the back of my mind, some of the issues that stuck out, the ones that first drew my attention.

So, it was Clauses 22 and 23. By way of illustration, if you look at Clause 23, revocation of the deportation order, and whether or not a person truly has an opportunity, because of the time frames, *et cetera*. If you remember, it was argued that it was insufficient, expensive, *et cetera*. So, it was no true appeal, so to speak.

Mr. CHAIRMAN: The effect of a revocation of permission to remain in Barbados, that is what it is?

Mrs. Mechelle ELIE: Yes. Right.

Mr. CHAIRMAN: So that is section 24 of the Bill. Clause 24?

Ms. Mechelle ELIE: Clause 23?

Mr. CHAIRMAN: Twenty-three?

Ms. Mechelle ELIE: Right.

Mr. CHAIRMAN: But it moves into 24?

Ms. Mechelle ELIE: It starts with 24 where the deportation order is made. Then it goes to Clause 23, where the person has an opportunity to have the deportation order revoked.

Mr. CHAIRMAN: Yes.

Ms. Mechelle ELIE: But they have to apply, they have to pay a certain fee, and there is a very short timeframe within which they can do so.

Then they will not, because of the Administrative Justice Act, there is no opportunity for them to get reasons as to why they are being deported. If I recall correctly, that was one of the concerns. That was one of the issues that brought up the issue of fairness.

The question is, therefore, I am not looking at the constitutionality now, because with respect to a right of fair hearing, that is slightly different. I do not think we can take it .. .

We are talking more about the trials, *et cetera*. We are talking about having an opportunity to be heard. But the fact that this situation is a bit different because it is an exception. Full stop. And it is a saved exception as well.

So, it is a question of whether the Committee is minded to make a recommendation that the process allows more time.

Mr. CHAIRMAN: Section 23, the revocation of the deportation order. In terms of more time, the Committee shall within 72 hours after receipt of the application, by notice in writing inform the deportee of its decision. That is the section you are focusing on.

Ms. Mechelle ELIE: Yes. He is served the deportation order, and he only has 24 hours after he is served to apply for the revocation of the deportation order. So, he does not get a lot of time.

Mr. CHAIRMAN: Where is the 24 hours?

Ms. Mechelle ELIE: 23 (1).

Mr. CHAIRMAN: 23 (1).

Committee Members are you are you following? Right, 23(1). That is page 31 of the Bill. It says, 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."*

23 (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."*

23 (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."

So, they are both timeframes within for the Committee and also timeframes of 24 hours where the Minister shall act.

Mrs. Mechelle ELIE: But if you recall, the issue was that the timeframes were too short, especially to get the amount of money required.

Mr. CHAIRMAN: Okay, to the fee of $3,000?

Mrs. Mechelle ELIE: Yes, that was - and then when you look at Clause 35, there is a review process. This is one of those cases where, again, the decision is final.

Mr. CHAIRMAN: Section 35 speaks to the 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."

35(2) The decision of the committee referred to in subsection (1) shall be final.

Ms. Mechelle ELIE: Right. So, I raised that because I recall specifically that this was one of the issues that people felt was insufficient fairness.

Mr. CLERK: Mr. Chairman, if I may intervene.

Mr. CHAIRMAN: You may, Sir, you may.

Mr. CLERK: Because the issues that are being raised by Mrs. Elie, if I am not mistaken, I think the earlier Committee, the Committee on Governance, raised these issues and if you look at the Report of that Committee, specifically Clause 23 and Clause 25 in the Report, which is part of the discussion today, that Report indicated that the Committee has scrutinised Clause 23-(2*) "which imposes a non-refundable fee of $3,000 for an application to revoke a deportation order payable within 24 hours."*

The then Chairman argued that the fee was excessive, potentially prohibitive for vulnerable individuals and disproportionate to the administrative costs.

The Deputy Chairman suggested that while the fee might be justifiable to cover the cost, the timing should be extended. The then Minister explained that the fee was intended to discourage frivolous applications but acknowledge the point and the Committee determined to recommend a downward revision of the fee and extension of the payment timeline.

As I said, this issue came up before the previous Committee and that was the recommendation. So, I think that is what Mrs. Elie is recounting because it did not come up in this Committee.

Ms. Mechelle ELIE: Thank you. I guess I do have in the back of my mind the entirety of the submissions in relation to the point of reasons, fairness, *et cetera*. So that was one of the issues. I understand that the Committee is taking the Report into consideration, so.

Mr. CHAIRMAN: Yes, yes, yes, we are.

Mrs. Mechelle ELIE: Okay. That being the case, I will be guided by you Clerk. So, you suggest I no longer proceed along those lines and just deal with...

Mr. CLERK: What you can do, given that the Report is down for discussion, when we get that to that, you can make a final answer.

Ms. Mechelle ELIE: We deal with it then. Okay.

Mr. CHAIRMAN: It would still be worth it for the Members who were not on that Committee to hear your case in terms of the recommendation from a policy perspective.

You are not going into policy but based on what was placed before the Committee and your recollection and how you think we should proceed.

We are going to refer to the former Committee's Report because that is part of our Agenda but I still do not want to use the word 'stifle', but let us give CPC the leverage to inform and educate the Members here on the on the drafting process as it relates to these recommendations.

Ms. Mechelle ELIE: Thank you, Mr. Chairman.

I believe the other issue had to do with Prohibited Entrance as well in terms of not having to give reasons. In other words, generally the Minister's discretion and the fact that because of the Administrative Justice Legislation, there is no need to give reasons.

I do not believe that this approach, under Section 13 of the Citizenship Act, where the Minister's decision is final and there is no need to give reasons, or under the Immigration Legislation, even though I did mention that there might be areas that we can maybe seek to improve the draft to give a bit more comfort to persons that certain procedures are being followed and like cases are being treated alike.

I disagree that the provisions are inconsistent with the Constitution. This is more so a question of sovereignty as opposed to, let us say, who are you? I just think that those are some apples and oranges we are talking about here.

It is a question of sovereignty, who you let in, who you do not let in, *et cetera*. And once there is sufficient guidance in the Legislation, even though a person may not be given full reasons, I do believe it is sufficient. I think the grounds of national security are extremely compelling, but again, that is going into the area of policy.

Mr. CHAIRMAN: Welcome, MP Duguid. Comments.

Dr. W. F. DUGUID: Thank you.

Mr. CHAIRMAN: Comments, Members. We heard from CPC, Justice, you are fine. Senator Mallalieu.

Senator A. W. MALLALIEU: I just want to be clear on what we are discussing here. I understand from the previous Report, and I have no problem with the previous recommendation for the Report, I have no idea actually what is the right word you want to look for, where are there similar instances in our Legislation that would have timelines and fees?

We would want to make sure that the timelines and fees that are in this Legislation are similar to other ones in other areas and I do not know. I am no expert on that.

On the surface of it, would seem to me that 24 hours is very quick. This is a life-changing decision for whoever this person is that is being deported so, I would... perhaps want to give, a little bit more time, if I found myself in that situation somewhere else, that I would be able to get it sorted out.

So, I see nothing that was in the previous recommendation or the work on the previous Committee that I would disagree with, if that is what we are talking about here.

If we are talking about the broader issue that someone raised in one of the presentation about the powers of the Minister, at the end of the day, with the experience that I have had serving in the Senate for the last number of years, I recognise that those powers are necessary to be there, and it is incumbent upon us as a people to make sure that

we have reasonable people in those positions who are exercising those powers.

I would not be in favour of removing those powers completely. Those powers are not used willy-nilly as such. They are used when necessary.

So, if there are two different things we are talking about, the one from the Report, I agree with what was said before. If we are talking about powers of the Minister, I do not agree with the submissions that were made that we should simply remove those powers from the Minister.

Thank you, Mr. Chairman.

Mr. CHAIRMAN: Thank you, Senator Mallalieu.

There were two different things, and you brought clarity as well as CPC, right because what we read was a joint submission and of course, she looked at both Bills because the Immigration Bill and the Citizenship Bill speak to two different aspects of powers and the submission from the previous Committee, I wholeheartedly agree with.

I heard the CPC, if you can correct me, Ms. Elie, your mention of the $3 000 was to eliminate a certain aspect of person or deter a certain type of person. Is that what I heard from you or not.

Mrs. Mechelle ELIE: Well, Sir, I did not set the figure, so I cannot speak …

Mr. CHAIRMAN: You cannot set the figure, but I was speaking towards the actual point, not the figure, the point that you made.

Mrs. Mechelle ELIE: The point I was making, I was repeating some of the issues that arose concerning Ministerial discretion, options for review and appeal, and the way the discussion went surrounding that particular issue.

Whether or not you couch it in terms of deterrence, that I believe did come up as one of the concerns.

Mr. CHAIRMAN: I think that was the main concern.

Mrs. Mechelle ELIE: Right.

Mr. CHAIRMAN: Deterrence was the main concern, but I agree with the length of time from the previous, because I have here the previous Committee's recommendation on the Clause 23, the Revocation of the Deportation Order, which is separate, as Senator Mallalieu would have mentioned, I agree.

The Committee determined to recommend a downward revision of the fee and an extension of the payment timeline, which I agree with the extension of the payment timeline, but I am still trying to wrap my head around the fee because at the end of the day, while I read it was intended to discourage frivolous application that was the Minister, but acknowledges the point.

The Chairman at the time argued that the fee was excessive, potentially prohibitive for vulnerable individuals and disproportionate to the administrative cost. That was the recommendation of the previous Chairman.

I am not so sure that would I go there because there must have been a reason why this fee of $3 000 was agreed upon and that is where I am going as to the points, whether the point that the Minister made, and that is why he said to eliminate frivolous applications.

If that was the deciding factor, because any person making an application has to be serious about staying in this country. There will be people, yes, who can afford, but again, we always speak about and ask ourselves about data. Data helps to inform decisions.

In engineering, there is something called (D.A.D.A.)- Data Analysis Decision and Action in engineering, D-A-D-A, and Mr. Elie can tell you about that, Mrs. Elie. That is how engineers work, data, analysis, decision and then action.

This $3 000 fee must have been a reason and the then Minister spoke and I would not want to ignore the comments from the Minister and to adjust the fee just because we are trying to appease the comment about vulnerable individuals in the absence of data. That is where I am going. That is what I am guided by, that is why I would want to hear from the Chief Immigration Officer as well, for me to really agree to accept a reduction in fee.

Justice Sherman, I see you wish to come in and the Members who are online. Member of Parliament, the Mr. William Duguid, feel free to comment, but that is just me the Chairman.

I am in agreement with the extension of the payment timeline. As outlined in the Clause, the 24-hour period is short because sometimes even high net worth individuals need more time to

assess banking payments and there may be systems down.

You cannot access payment. Everything is being done digitally now and then for someone who is then looking to borrow the funding or get the bank to agree, get access to funds, 24 hours is a short time frame, I agree to that, but I cannot sit and say that I agreed to the downward revision of the fee without data. That is me. I rest my case there.

Any comments, Justice? Minister Springer, anything? I heard from Senator Mallalieu.

Dr. the Hon. R. O. SPRINGER: Really just to agree with the timeline of 24 hours. I certainly think that is a very short period of time considering that 12 of those hours would probably be nighttime, but for the same reasons that you mentioned, any number of reasons could prevent a person from having access to those resources within that short period of time and you must take that into account.

As you go further in the Bill, you can see that the Committee shall within 72 hours after receipt of the application referred to subsection 1 by notice in writing, but if they have 72 hours to do their response, I do not see why the person could not have at least the same 72 hours in order to pay the fee. I do not know where the 24 hours came from.

I would have obviously to get more information as to what the thinking was when such a short period of time was allocated, but I do agree that a little bit more time could be given, even if just for humanitarian reasons.

Mr. CHAIRMAN: Minister Husbands.

Hon. Ms. C. S. V. HUSBANDS: Thank you, Mr. Chairman.

I would support what Dr. Springer has shared. I really think the time is short and the fee is large and I would agree with you that we would need to get information from the Immigration Office concerning the reasoning behind the length of time and the size.

It really presents a trap for those people who, as we were saying, are not in a place that they can quickly command the resources, but they must have had a reason. I think that the Committee should hear what those are before we make a recommendation on how to proceed with our recommendations in relation to it.

Mr. CHAIRMAN: Thank you. Senator Walters.

Senator R. O. WALTERS: Mr. Chairman, I think there is an interesting discussion on the fees and the timelines and so forth, which all seem to be quite reasonable.

If you refer to the point for the ministerial discretion and so forth in terms of the powers of the Minister or in this case of the Immigration Bill of the Committee. I am not sure if we are really considering the fact that a deportation order is a very serious thing.

I assume, because I do not have any experience in immigration, but I assume when that decision is made it is made on sound ground and within good reason as it relates to relatively to protect Barbadians or Barbados, *et cetera*.

I think we have to also put that into context in terms of what we are safeguarding here, in terms of a decision made under certain criteria by law to deport someone, remove someone from Barbados, and then what rights do they have then to have a claim against that order.

When it comes to the justification of the fees and the time, I think we have to look at the overall context of it as well. I am not saying that it should be $3 000 or $2 000 or $500. I am just saying that it has to be considered in that context, and I agree that we need further information also from the Immigration Department in terms of how those fees are derived.

Do we have any idea what other territories are doing in terms of fees and the revocation of the deportation order as well? Do we have any information on hand as to other jurisdictions in the region?

Mr. CHAIRMAN: Good question, Sir. I am seeing the nod. We can find out. I think it is a point of … Miss Hamblin, could you make a note? The question raised by Senator Walters, what other jurisdictions charge in terms of fees when a revocation order is being disputed and also the timelines.

We can look at the Caribbean as well and others wider, because I often think most times we go and we look at those outside of the region and then we do not look at the region. Sometimes, I

should not say most times. That is too broad, sometimes. Therefore, we want to look at that.

That is a very good point Senator Walters, we can have that information for our wrap-up. I will try during the break to reach the Chief Immigration Officer as well to see what we can find, but it is a good point.

Continue Sir. Are you through, Senator Walters?

Senator R. O. WALTERS: Yes, that is it for me, thanks.

Mr. CHAIRMAN: Therefore, there is some consensus with the former Committee with respect to the timeframe, the 24 hours, to increase that.

The ministerial discretion I heard clearly supported from Senator Mallalieu, to leave ministerial discretion within the Legislation, there are reasons for that, and we do not want to go, the national security would be mentioned and then there are some other reasons why.

Senator Walters, I think this was raised by Democratic Labour Party, Mr. Greenidge.

Asides

Someday Senator Walters, you never know, you may be sitting in in the chair where you have to give ministerial discretion and you would not want your hands to be tied either as a result of making sure that we do right by our country as a Government, to protect our citizens.

Therefore, these are things that we have to consider. Sometimes it can be a safety issue. Sometimes it can be an intelligence issue. People mentioned border security, but I speak more to intelligence issues, because an intelligence issue is why we have certain Committees formed within the Barbados Police Service and the Security Council.

There are certain Committees that not even some Ministers are privy to know what goes on at those meetings, and for me that is more about intelligence, because protecting information serves a country well, because the more information you put over as it as it relates to border protection and national security, the more you become at risk not only as a Government but as a country. Therefore, we have to be very careful.

The Ministry of Home Affairs, Attorney General, the Barbados Police Service, the Defence Force, Customs and Immigration, these are the institutions that protect our borders and we certainly from a policy perspective and a ministerial and governance perspective we cannot tie the hands of those persons who we elect to protect us as citizens of this country. I will pause there.

I agree with Senator Mallalieu and with the other Ministers who agree, to not tie ministerial hands, the Minister's hands, or the Government's hands.

On the other issue, I would await the data on the whole aspect of the fees, because I am not sold on just you know reducing a fee because in some persons eyesight it looks as too much money for a vulnerable individual, and if we are only speaking to vulnerable individuals or if we are speaking on safety and border protection which is wider and more of what I will say as fundamental in protecting the citizens of this country moreso than a vulnerable individual.

While, yes, we have to protect vulnerable individuals and this Government has done a lot to secure and empower vulnerable individuals, so I am not saying that out of context, but I am saying that within the context in which we are discussing this piece of Legislation.

Therefore, do not let those who are listening think that I am opposed to protecting vulnerable individuals as it relates to those persons in lower income brackets. I am speaking from a national security protection and an intelligence protection of citizens of this country. I rest my case there.

Okay. There is some consensus there, thank you Members. We move onto the compressed citizenship timelines and citizenship integrity.

It would be good to have Senior Minister Sinckler weigh in on this. Is he gone or is he taking a call?

Asides

Mr. CHAIRMAN: He is taking a call. However, we can have the discussion. The qualifying periods for some are too short.

The Democratic Labour Party submits the Bill should not proceed in the current form. It

warns that wealth-based residents plus accelerated citizenship invites international scrutiny.

Then there was Mr. Joseph who proposes a fixed six-year period. Kayla Blackman proposes a tiered three to five-year test. Amoy Gilding-Bourne and Felicia Dujon cited the five-to seven-year international gold standard and the Bar Association was concern that two years crippled due diligence. The Barbados Chamber of Commerce, while not proposing a timeline, expressly recommends that the First Schedule be reviewed without creating any transactional pathway to citizenship.

I think we are now speaking on one of the most fundamental aspects of the Bill. The pathway to citizenship, the reduction of timeline, someone has them compressed citizens timeline, and someone mentioned citizenship integrity.

A lot has happened since we met on these two Bills and there were a number of comments in the media, call-in programmes, they are also citizens of this country and persons of interest that we need to factor in what they are saying, with respect to Nigerians coming to the country and giving birth.

These are some of the topics that came up as we were in our deliberations and we would not want to ignore anything that the public has said while we are deliberating and trying to improve these two Bills.

Therefore, we can begin to discuss this, the compressed citizenship timelines and the citizenship integrity. We can refer to the comments from the various submissions raised.

If you have your submissions there are 11, 16, 17, 20, and 21, in that order from the submissions list, and we can have our debate, the discussion. Sorry, it is not a debate, on these matters so over to the members. MP Duguid is now back online.

Senator A. W. MALLALIEU: Mr. Chairman, I only have two questions.

First, I would just like get some clarity. When we talk about these compressed timeframes, I would like through you to ask CPC or Justice Moore to help me.

The requirement for a CARICOM national to have 180 days in 730 days as the qualifying period to apply for citizenship, do you interpret that to be that once the 180 days have been earned, they can immediately apply? Or do you have to wait the 730 days to apply and demonstrate that you had the 180 days in that 730 days?

Framing, the question understands clearly, when we talk about a compressed time period what people will characterise this as is, after six months of residency in Barbados you can apply to be a citizen.

Is that accurate, or is it that the intention or the strict interpretation of the law is after 730 days you demonstrate the 108 days which one is it?

Justice SHERMAN MOORE: Mr. Chairman, it seems fairly clear to me that you must accumulate over a period of many 730 days residence amounting to 180 days.

So, clearly, the 730 days would have to have elapsed and you would have during that time, that period, been living in Barbados for 180 days.

You might come and go. You come for two months or three months. Leave, come back and go again. Come back again.

At the end of 730 days, you will be able to say, "Look, during that time, I have lived in Barbados for 180 days."

So, the period must first elapse. The larger period must first elapse, before you can make your claim.

Senator A. W. MALLALIEU: Okay. I thank you for that. I apologise if I just say it in my own way.

So, it is clear to you that under this law, a person who has been here for 180 days continuously but has not met the seven-hundred-and-thirty-day threshold if they are a Caribbean Community (CARICOM) person, cannot apply until the 730 days have elapsed.

Although they have met the criteria which says you must meet at least 180 days in the 730, they cannot apply although they have met. They have been here continuously for 180 days.

Hon. Justice SHERMAN MOORE (Retired): Do you have the provision before you? Can you read it aloud, please?

Senator A. W. MALLALIEU: Give me a moment to find it, please.

Mr. CHAIRMAN: Yes. This is the Citizenship Bill. I can help.

Senator A. W. MALLALIEU: Please.

Mr. CHAIRMAN: This is the section, Part II, Clause 3 (5), where you are looking at the 180

days? That is what you are saying? It reads…. I can read the full section which states as follows:

"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 naturalisation;*

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."*

That is page 10 of the Bill.

Hon. Mr. Justice Sherman MOORE (Retired): It has to be an aggregate period of 180 days. All the days….

Mr. CHAIRMAN: During the period of the two years which is….

Hon. Mr. Justice Sherman MOORE (Retired): Within the two years….

Mr. CHAIRMAN: Which is 730 days, immediately preceding the date of the application. So, the date of the application and, yes, you have to be then within an aggregate period of 180 days.

Hon. Mr. Justice Sherman MOORE: So, that period must have expired. The 730 days must expire before you can make your application and you will have to add all of your stays in Barbados together, in order to arrive at 180 days during the two-year period.

Mr. CHAIRMAN: But the two-year period must expire.

Hon. Mr. Justice Sherman MOORE (**Retired**): The two-year period must expire before you can make your application. It must be an aggregate period. So, you add every day because you would not necessarily be living for 180 days at any one time.

Senator A. W. MALLALIEU: Okay. So, I think why I am asking this question is that it gets to the point that some people have objected to, which is the short time period.

So, in both cases, the CARICOM and the non-CARICOM national route to citizenship *via* permanent residency, in one case, it says the shortest period that that can possibly happen in is 730 days, reading it that way.

You have got to be, as a CARICOM person, demonstrated some residency of 180 days in the last two years here. You have to reach that criteria. You cannot apply after 180 days.

You have to become a permanent resident after 730 days, two years, you must then apply and demonstrate that within that last two years, you were here for 180 days.

Similarly, for a non-CARICOM person, if I can do the math correct, it is three years and 270 days. So, when we speak of the period of which, the shortened period, we are really speaking of a two-year period and a three-year period, and not a 180-day period and a 270-day period. That is the clarity I am just trying to bring to it.

Mr. CHAIRMAN: Yes.

Senator A. W. MALLALIEU: Have I gotten that correct?

Hon. Mr. Justice Sherman MOORE (Retired): Precisely. Precisely.

Mr. CHAIRMAN: That is the point. So, you have to exhaust these years. Well, they have days but 730 days, that is two years. One thousand and ninety-five days, that is three years. Then after, you apply. That is how I read it. Well, that is how it was explained to me when I read it.

Similar to you, Senator Mallalieu, I had questions on it.

So, I am glad that the clarity is here for all of us and for those listening.

You apply after the period of 730 days, as well as for the 1 095 days. After the 1 095 days, there are 270 aggregate days that you add up.

For 730 days, it is 180 aggregate days. So, it is clear in the Sections and if anyone referring to the Bills, Part II under Acquisition of Citizenship Section 6, So it is clear.

Senator A. W. MALLALIEU: Yes, thank you.

So, just developing the point, in terms of understanding the timeframes, that is after you have become a permanent resident.

There may well be a time before that, as you remember the discussion we were having before, if the policy becomes, for example, with the remote work group that they are given some point system, they may already have been living here for one, two, three or four years, accumulated enough points to become eligible for permanent residence.

Having become a permanent resident, this waiting period starts then. It is not added together in my understanding of this law because it is a CARICOM national and permanent resident who has been physically present for 180 days of the last 730 after they have become a permanent resident.

Is that your understanding of it as well? Or does it start from before you were a permanent resident?

For example, someone with a work permit, they may have been here for five years under a work permit scheme and through that work permit scheme, it leads to a method to apply for permanent residency.

So, let us assume that they have been here for five years very legitimately with a work permit and then, they apply to be a permanent resident.

My understanding of the Bill is that having then been granted permanent residency, the clock starts to run then.

It says that now, you must remain a permanent resident and demonstrate, if you are a CARICOM person, that over the next 730 days, you have been here for 180.

Is that everyone's understanding? Is that correct in law?

Thank you.

Mr. CHAIRMAN: Justice.

Hon. Mr. Justice Sherman MOORE (Retired): Yes, Mr. Chairman. I do not think that your residence on a work permit counts towards your stay.

A work permit is a specific thing, you come to do a job and you do the job and you are gone. So that would not avail you.

Senator A. W. MALLALIEU: So, I would agree with you, and I believe that that is what the policy is. I just wanted, and I do think it is unfortunate that we do not have someone from the Immigration Department just to make it clear. But I want to say that in my reading of this, as of, unless I am corrected otherwise, the time periods that were being debated, some people had a misunderstanding of it.

The time period, as I understand it, is after you have achieved permanent residency by one of these methods, whatever method it is that already is in the law, plus perhaps the new method, which might be through some additional points as a remote work. But the clock starts then. It does not go back to the first time you entered Barbados or otherwise.

As long as that is clear, I personally do not have a problem with the time periods because I think you have to add them all together. You cannot just look at the last piece of it.

Mr. CHAIRMAN: We heard from Senator Mallalieu. Aggregate is aggregate. That is what he is saying.

Any other comments?

Hon Dr. William DUGUID: If I may, Mr. Chairman.

Mr. CHAIRMAN: Thank you, MP Duguid.

Hon Dr. William DUGUID: First, I must apologise for not being there in person.

However, I wanted to speak about the matter about the times and the pathway to citizenship.

Let me first say that, obviously, we accept that Barbados has a problem in terms of its birth rate and its death rate. And the population assessment said that we needed to increase our population if we were going to be able to replace it.

Those of you who may have studied or seen what other countries have done in order to encourage people to immigrate, you have to make yourself attractive.

I can speak from my own experience as a permanent resident of Canada. They have made it very attractive by making – It is easy, relatively easy, certainly when I did it, to become a permanent resident. I think it is three years to become a citizen.

And they have also made it very attractive by having essentially free healthcare, essentially free education, primary, secondary, and subsidised education at tertiary level and all sorts of other programmes and policies to be able to encourage people to want to immigrate to Canada.

In fact, Canada is considered the best in terms of immigration and people who have immigrated there. And they have been able to fill out their

population to larger numbers than when they first started.

If we are going to make our society successful, we cannot continue to have an aging population. We accept that we have to have an immigration policy that is friendly, but it must also be attractive.

For it to be attractive, it means that we have to have certain programmes and policies to attract people to want to come. If you look at other jurisdictions, people are making and finding very, very innovative and intuitive ways to make their country attractive.

Let us face it, if we are going to be in the market to try to get people to immigrate to Barbados, it is going to be, it is actually competitive. So, we have to find ways to make it attractive.

I think the times that we have put forward, that have been put forward in this Bill are very attractive to a person who wants to get citizenship, who wants to move from being a permanent resident to being a citizen. I fully support these timelines at this time.

Mr. CHAIRMAN: Thank you. Spoken, accepted. Recommendation taken into consideration in MP. Duguid. Minister Husbands?

Hon. C. S. V. HUSBANDS: The other side of the argument that was just placed by Mr. Duguid is the fact that one of the things we have to recognise, I realised that in the comments, there was talk about the gold standard, five years, seven years, ten years, *et cetera*. You have to realise that the national development goals of countries differ.

The big countries, as we like to call them, like America and Europe and so on, what they are trying to do is to limit migration into their countries. They are concerned about the number of people who are coming in illegally, the number of people who are applying and then coming in and creating social problems, *et cetera*, for them without the corresponding benefit of the type of contribution that they can make to their economies.

Although they are rapidly reaching the place where they actually need people in order to keep their economies afloat because they are all aged societies as we are.

Barbados, on the other hand, we do not have hundreds of thousands of people knocking on our door saying we want to come and live in your country. We simply do not. We have the problem of being an aged society. We have too few people in Barbados. Barbados has something like 270 000 to 280 000 people. Singapore has close to 10 or 15 million people although they are almost the same size as Barbados and it makes a difference to your economic development.

Now, we are not suggesting that Barbados goes after ten million people, but you must recognise that the small size of our population will not allow us to be able to grow the economy much further unless we have an injection of people into the population, especially at the working age, and with the types of skills that can strengthen our enterprises or create new enterprises, this is extremely important.

The comment about the length of time, *et cetera*, I am happy that we have clarified that what you did going up to permanent residence, your work permit does not contribute towards your timelines. This is important.

But even if the only thing you were considering was the 180 days or the 270 days, because of technology today, when a lot of countries first put in these long time periods, you did not have access to quick information to make an assessment of a person. You had to write. The immigration office would then have to search up the information pertaining to that person, which could take time, because again, there was no technology that would allow you to go and quickly go into a database and see everything.

Today, you can get information within seconds. And I believe that the Chief Immigration Officer, when she was here, pointed out that the advanced passenger system that is used by them allows them to tap into databases around the world to get the necessary information about whether a person is likely to be a problem.

And so, before the person lands in this country, even to come and visit, we have information that allows them to make a determination whether they will let that person on our soil or not.

So, I just want to assure Barbadians that there is no need to fear that the short period, as was

rightly pointed out by MP Duguid, is to make us attractive. That is exactly how Canada did it, because Canada had a problem of having a landmass greater than the United States but only having 38 million people, whereas America had 300 million people, and that makes a difference to the power of your economic growth.

So, attracting people is important. Barbadians need to be receptive, supportive, and they need to be able to offer the courtesy and the welcome to people on our shores because we are going to need them to help us do the heavy-lifting to our economy. This is going to be important.

I trust that Members appreciate this fact and that Barbadians accept this as this is in our best interest.

Mr. CHAIRMAN: Thank you, Minister Husbands.

First, let me ask, any other Member wishes to speak on this? I think Senior Minister wishes to speak on this, but he stepped out of the room. He said he wanted to speak about this, perhaps we can go back to it when he is here, but I have asked us to really review if we are serious about what we are doing.

I think it is the Barbados Population Policy the Commission Report, and I think I mentioned this, the revised one of 1st of February 2024 and I heard Minister Husbands, she referred to several extracts from it, well-articulated.

The whole approach, how we address this whole population growth, how we promote population growth, to achieve the growth in population size. They looked at managed migration, and of course, is likely to increase the population of the working age short term.

The second is through policies that promote repatriation of Barbadians and their continuous engagement with social and economic life through residents elsewhere and the third is by supporting reproductive decision making to the strengthening of an enabling and supportive environment of families.

The statistics quoted though in this Report, and I heard people saying that the time frame is short, but there are several things that we must bear in mind. We are responding to an economy that is dependent on tourism. We are responding to a population that is aging. We are responding to a country where the birth rate is less than one-third of the dying population.

So, more persons are dying than we are giving birth to individuals and the Report speaks to the depletion of Social Protection Fund in this country by about 2 040 and there are certain guidance Statistics, I mentioned data, you analyse it, you make decisions and you take action.

Taxation as well, with a decrease in working population, that speaks to a decrease in taxes that we collect to help sustain our livelihood, to address social protection. To address the same vulnerable families that we speak about so often, to address the disabled community.

So, if we sit and be, we continue to reference a gold standard. I keep hearing people referencing a gold standard.

A gold standard, in my view, was relevant when we never had these challenges but times have changed and we know very well that while we are living in the Caribbean, we are in tune by the snap of a finger to what is happening in Iran, what is happening in the United States, what is happening in China through technology.

And to tell me that in this day, where we are guided and we are utilising technology to have meetings all over the world and to tell me that two years is too short to do due diligence is telling me that we really are not in tune to what is happening, the developments that are happening across the world, not only in Barbados, but across the world. What transpired in the 1970s and the 1980s, the fast pace at which information can be shared and we see it.

Sometimes I think people in the US get information about what is happening in this country before I do. Very often I look and I see on my phone, things that happen in Barbados, people are sending me from the US.

So, technology has indeed taken over and for us too, I heard Dr. Duguid and Minister Husbands articulate the challenges that we face with social protection, the challenges that we face with our National Insurance System and the depletion of our funds if we do not address these matters in a short time frame.

We are talking about two years and three years, but I do not want to say what me, personally, would propose. I do not think it is

relevant for me to say that. The relevance of that we look at the Committee. I certainly do not think that two and three years is too short for citizenship in this country.

We need skilled individuals in this country. When we look at the Barbados development context, what has happened over the years and the population has decreased significantly, it has not increased from back in the 1960s.

The projections were not achieved as a result of an aging population and the decreased birth rate.

These are things that we must factor into our Immigration and our Citizenship Bills. And I would want that without me going into the implementation of the Barbados Economic Recovery and Transformation (B.E.R.T) programme, the restructuring of State-Owned Enterprises, the fiscal and public sector and the monetary policy that this Government has implemented to address the number of challenges that we face pre-COVID and post-COVID.

I think what we are here discussing is fundamental to our business' future and I do not see any challenge with the two-year period and the three-year period to citizenship after both the 730 days have elapsed and the 1 095 days have elapsed. I do not see the aggregate amount being a challenge or a problem for citizenship in this country.

I will pause there, but I would implore every single member and and citizen of this country to read the Report from the Population Policy Commission revised on February 1st, 2024 and this indeed has given me sufficient data to analyse and to say that the recommendations in these two Bills are indeed consistent with the data that came out of the study. This Population Policy Study and the Report by the Commission.

So, I pause there. Let data guide our decisions, people, and not our emotions.

Senator R. O. WALTERS: Mr. Chairman.

Mr. CHAIRMAN: Yes, Senator.

Senator R. O. WALTERS: Yes, thank you.

Well, we know the Government has signalled from very early that this, in my opinion, was one of the non-negotiables in terms of the length of time, and they have defended the time very aggressively.

One of the other issues that have been raised was the whole fact that we have also invited...

Mr. CHAIRMAN: Senator Walters, I am not certain it was said that is non-negotiable. I think we are here as a Committee to make recommendations to the Minister and to the Government, so I do not think that none of the matters that came before us are non-negotiable.

We have, as a Committee, the leverage to recommend whatever in the interest of the citizens of this country. I do not think anything is non-negotiable in here. That is a fact.

Senator R. O. WALTERS: The Government defends the two-year and three-year periods very aggressively and they have cited the pressures in terms of economic pressures, skill shortages, *et cetera*, but if you are looking at the submissions, one of the other questions that have been raised was the whole fact of the invitation or the perception that we could be inviting citizenship by investment when we look at including monetary transactions as a part of the citizenship criteria.

How does the Committee feel about those comments?

Senator A. W. MALLALIEU: Mr. Chairman, I am not sure that the context in which Senator Walters raised it, but it is a legitimate comment that was made, raised by the Barbados Bar Association and has been raised by others, which to do with the citizenship programme where we are inadvertently, I want to say, if we do not do something about it, and it certainly is something I believe we need to change, where we have included in the CARICOM Free Movement Bill, there are four countries in that, and in one of those countries, Dominica, you have a citizenship by investment programme.

In Dominica, their particular programme does not require residency. You can become a CARICOM national in Dominica and as our Bill is currently drafted, you can arrive in Barbados having gotten your citizenship by investment, economic citizenship, that entitles you under the CARICOM Free Movement Bill to live and work here and then after the 180 days out of the 730 days, you can then apply for citizenship in Barbados.

That is not in itself citizenship by investment in Barbados, but it is actually in some respects

worse, because what you have done is that you have allowed someone to pay a fee in another CARICOM country, get a CARICOM passport there, use that passport as your right and privilege to work in Barbados and then use that as your pathway to citizenship in Barbados.

If Senator Walters is referring to that part of it, I will speak to that part of it, which the Barbados Bar Association had raised, and we had discussed that at the time. I do believe that it warrants an amendment to treat any CARICOM national who has attained their CARICOM national or CARICOM citizenship by investment, there should be an enhanced period and an enhanced due diligence on that pathway.

We need to be able to look through it as every other country is doing today as to when they question and say, I see that you hold a such and such passport, but I notice that you are not born in such and such place. How did you come to get that citizenship? If the answer to that, is it was through a CBI programme, then I think Barbados would be well served to think carefully as to whether or not you are going to treat that CARICOM passport holder as they would treat all the other CARICOM passport holders who were born there or got that citizenship by descent or by marriage or otherwise.

Senator Walters, if that is what you are referring to, you have my support that is an unintended loophole that we need to fix in this Committee before this is sent back, in my humble opinion.

Hon. Ms. C. S. V. HUSBANDS: Mr. Chairman, through you, I just wanted to ask a question of Justice Moore.

This has been a contentious issue and what I would want is your professional opinion on is this. While you are a citizen by investment in Dominica, the Barbados Immigration Department still does due diligence on every single person that comes in here by an aeroplane, and they do due diligence by the boat. It does not negate their powers if this person is on the list of prohibited persons. It does not prevent the Immigration Department from denying them access. I just wanted to know if you could clarify if that is the case.

Hon. Justice Sherman MOORE (Retired): Any person who seeks to enter Barbados may be denied entry if the person is undesirable for whatever reason.

I think there is still on our books an Act called the Expulsion of Undesirables Act under which if such a person enters, that person may be removed.

I think that was done in the early 1970s, the Expulsion of Undesirable (Carmen Bailey) Order, 1973 was made then to expel, I think the female was a citizen of Jamaica, but the Executive has the right to determine who is allowed to enter a country and who should be removed from that country.

Hon. Ms. C. S. V. HUSBANDS: I believe that the power retained in the Minister to be able to deny people to remain here without giving cause helps to cover if you have somebody coming in by other means, but for National Security Council considerations you need to block them because it is a concern. It has affected the other territories who have utilised the citizenship by investment.

I think it is important for Barbadians to understand that the Government has taken all of these things into careful consideration, not when we wanted to do this Bill, but from the time you had the issue of citizenship by investment.

We knew that CARICOM wanted to look at the Free Movement of persons it was one of the first questions that was asked because we recognised some of the weaknesses that would have occurred in how other territories may have managed that particular process.

We see the result in terms of the response of the bigger countries when they feel that perhaps it is not as tightly managed as it should be and the impact that it has had on how they have accepted the passports, *et cetera.*

I also want to draw to the attention of the Committee and to the country, because when we were first discussing this, there was the concern that we had placed a premium on being able to have assets or investments up to a value of $5 million, and that this attracted five points.

It was felt that it signalled to the outside world that we were trying to bring a citizen by investment programme by another name. I want to explain why that is not so, so that Barbadians

can have the confidence that is not going to be viewed internationally in that way.

If you look at Section 7(1) and (2), the Fourth Schedule to the Bill, page 48. It says:

"One of the criteria that you can get five points for is if you are age 18 to 30." It is not just if you have over $5 million. If you are 31 to 50, four points.

It then speaks about, at three, your level of education, the skills or the experience and expertise which you can offer to the country. That also can get up to five points, because these are valuable to the country.

Then if you have served in diplomatic missions and international organisations, ten points.

Therefore, that is even higher than the monetary requirement.

I share these things because it is important to understand that Barbados is not seeking to develop a citizenship by investment by another name.

When it comes to the financial resources, if you have real property valued between $500 000 and $5 million, it is three points, over five million dollars, five points.

Other assets, if your assets are valued between $100 000 and $500 000, it is two points. Between $500 000 and $5 million, it is three points, and over $5 million, it is five points.

Hence, there is no weighted system here that prioritises money over other considerations. The same data that we have before us when we check to see who a person is before people come, the bigger countries have the same thing, so they can see who you have allowed in or who you have not allowed in, and they will see if you are not working with a very tight ship.

What Barbados has done, it has determined it must keep a tight ship, because that passport is valuable. It is recognised and it allows us to be able to go many, many places across the world.

Therefore, we do not want Barbadians to feel that we are putting that at risk. There is no hidden citizenship by investment programme here. What we are doing, we are seeking to attract people who have the means to take care of themselves, we are seeking to attract people who have skills, and we are seeking to attract people of a particular age that can help us with building up our population over time.

We have carefully crafted it so that Barbadians will benefit in the long run.

I am obliged to you, Mr. Chairman.

Dr. W. F. DUGUID: Mr. Chairman, if I may. Just also to add to Minister Husbands, and maybe Justice Moore will correct me if I am wrong, but as I understand it, first thing, the free movement opportunity for the member countries of CARICOM came after when we first started this Legislation.

Therefore, I understand and appreciate why people would think that it would have ramifications.

However, when people come here from the other three nations under that free movement, they still retain their citizenship of those particular countries, which means that they still would have to go through the permanent residence and then the citizenship for these other, to get citizenship of Barbados.

Hence, in no way, in no way does it allow the Citizenship by Investment because that person would have to go through those same processes. Even though they have the right to live here, they maintain the citizenship of the country that they came from. I think that is the important part that people did not understand. That is as I read it.

Now, I do appreciate that there are certain ramifications that happened because this came after, and that we have to look to see what those other ramifications are. However, that does not negate them from going through the process.

Mr. CHAIRMAN: Let me give way to Senator Mallalieu first. You go ahead.

Senator A. W. MALLALIEU: Thanks, Sir. I think it is important that we have this discussion and fully vet it.

First of all, thank you, Minister Husbands, for pointing out the checks and balances that we have already. That is not in question. That is not the point I am raising.

The point that we need to understand is that we are, in my opinion, and I thank you as well, Dr. Duguid, for pointing out the order in which these documents have come, these Bills have come. I believe it to be an unintended consequence.

Perhaps you will correct me and tell me that it is in fact government policy. I would not know.

The unintended consequence that I have been pointing out, and others have pointed out is that CARICOM nations, who, let us start with the CARICOM Free Movement Bill. It is in place for four countries today, three and plus Barbados. It can be amended by order of the Minister. It never has to come back to Parliament in any way. It can be extended to every CARICOM country tomorrow. It might actually happen this afternoon. We do not know. It can include everyone.

There are currently, I believe, five CARICOM countries who have Citizenship by Investment programmes. There is only one in the current list of four that are in the CARICOM free movement.

However, we have to recognise that being that you can change it by Order this afternoon, tomorrow, next week, you could include all of them without any problems.

We are not talking about 'undesirables', because of course, at the end of the day, at our Port of Entry, we can refuse anyone, perhaps not someone with a Barbadian passport, but anyone else, we can refuse entry. You do not have a right to come here unless you are a Barbadian.

However, we have allowed through by including the Citizenship by Investment (CBI) countries into this. What we have allowed is for someone to simply upgrade their right to live in Barbados by making a purchase of their citizenship through another CARICOM nation.

Therefore, what actually happens?

We do not get the money, the $200 000 that the US dollars, because we do not want a Citizenship by Investment programme in Barbados.

You rightly pointed out, we have a residency by investment programme, and it is only after you have made a huge threshold, huge investment and done all these other things, age, skills, various other things, and investment is only one of those criteria, we might allow you to be a resident by investment, then having proved through the normal process, the permanent residency that you are entitled to or deserving of, you could apply for citizenship at some point.

All of those pathways are there, and they are legitimate, and they are great, and we have all agreed with that. We do not have a Citizenship by Investment programme in Barbados. We have chosen as a country, as I understand it, not to have that.

What I am seeking to point out to you is that all those other things aside, what can happen, which I do not think is our intention, unless you tell me that it is government policy to do this, is that you can have someone who purchases today, a Citizenship by Investment programme in Dominica, because that is the only one that is part of the four, and by holding that passport, they can be a legitimate person, because if they arrive in Barbados and we do not consider them suitable to be here, we can refuse them. They do not hold a Barbados passport; they hold a Dominican passport. We can say, thank you very much. You may leave. You are not coming.

However, if they come, and they are not that person, they now have a right to live and work in Barbados under that Scheme. Under that Scheme, after 180 days of being resident here in the 730, they now have a right to apply for citizenship.

I am simply pointing out to you that that pathway seems too short, and it seems too short to a lot of people, because the way in which they got their passport to begin with, and there is no reason why we as a country need to accept that. We could simply say, very simple in this Amendment, we look to how you got your CARICOM citizenship, and if you have it by birth, and you have it by descent, and all these other things, that is normal. We accept that.

However, if you have come to that CARICOM nationality through a Citizenship by Investment programme, we think that you should be subject to a longer period than a true-born CARICOM national. I do not see why there is any objection to that.

However, perhaps it is in fact government's policy to do exactly what I have described, which is to provide a very, very short way for a person to buy a citizenship through another country and then have the right to live in Barbados and a pathway to citizenship. I do not agree that that is the right thing to do. That has been my position.

Mr. CHAIRMAN: Let me come in before you, Minister Husbands. Thank you, Minister Husbands. You know, we said, and thanks to the Clerk of Parliament for referring to the former Committee's Report.

Let me just take a section from the Members who formed that Committee. I think Minister Springer was there. There is some merit to Senator Mallalieu's comment in that report. Clause 7 and the Fourth Schedule from the Committee, it recommends that the point system be refined to ensure it is a transparent and effective tool.

The weighting of attributes such as education, skills and experience should be clearly set out, and the mechanism for dealing with dependents should be simplified to avoid the transfer of points.

Then, it went onto the last sentence, the inclusion of financial resources must be clearly framed to avoid any perception of a Citizen by Investment Scheme, with due regard to the Organisation for Economic Co-operation and Development (OECD) guidelines.

I just want us to refer to the former Committee because we have to go through this report. So, I am going to be skipping between their recommendations and our recommendations.

I think there is only one Member here who sat on the former Committee. Well, the last Committee. That is Minister Springer. You recall, Minister Springer, this matter being brought before the Committee? Oh, sorry, and Senator Walters.

Sorry. So, I guess, Senator Walters, he has his report before him and he too is making sure that we address some of the matters raised by the former Committee. So over to you, Mr. Springer.

Dr. the Hon. R. O. SPRINGER: I was just agreeing that, yes, I do recall the matter being raised. I mean, and I also take the point that it was raised and discussed extensively. In fact, that perhaps was amongst the issues that were of greater concern when we met on the last occasion.

I would want to agree with the fact that it was actually brought to this particular Committee, so you can get a sense of the matters that came up then and what we thought about them then, and certainly how we are going to approach to them now because some of the issues and concerns that were raised then are still matters of concern today, even with this Committee.

To that extent, I was looking for the Report so I can also refer to it as well. I could not find it. I think it was sent also as a big document. So, as soon as I can find that Report, I can perhaps make reference to some of the things that we would have brought up in our last Committee.

Mr. CHAIRMAN: Minister Husbands and then Justice Moore. Justice, Minister Husbands has given away to you.

Hon. Mr. Justice SHERMAN MOORE (Retired): Thank you, Mr. Chairman. The contention seems to be, or the discussion rather, is moving around the citizen of Dominica by investment. I think Clause 5 (5), if that is the clause under discussion says as follows:

"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 naturalisation"*

Those are the three categories of citizen who can apply.

Mr. CHAIRMAN: Which one are you on?

Hon. Justice SHERMAN MOORE (Retired): Clause 5(5). I just wonder if that is the one that is being discussed. Sorry, Clause 3(5), not Clause 5(5).

Senator A. W. MALLALIEU: So, through you, Mr. Chairman, just to understand, Justice Moore, are you saying to me then that a person who has acquired their citizenship in a Member-State through an economic citizenship method, however that might be described, CBI and other people describe it other ways, that would not be covered because I would really be glad if you said yes to this.

That does not make them eligible in Barbados because they cannot become a national by birth. They did not become a national of that Member-State by descent and CBI or Citizenship by Investment is not considered naturalisation. Is that correct?

Hon. Justice SHERMAN MOORE (Retired): Naturalisation is a process of living in a country and making an application after a given period to become a citizen.

Senator A. W. MALLALIEU: But, I must say, Mr. Chairman, through you, that assuming that Justice Moore's interpretation of that is correct, I would withdraw any objection I had to that because that would mean exactly what we intended to do, which is that people who are CARICOM people, we are extending to them the olive branch, if you might say, to come and live with us, help us with our population and bring skills, we are doing this openly.

It does not extend, therefore, to economic citizenship and I am very, very happy that you have pointed that out to me.

Mr. CHAIRMAN: That is Part II, subclause 5, right? Clause 3(5). We have Clause 3(5), yes, under-6

Acquisition of Citizenship. Part II, Clause 3(5), yes. Senator Walters, you are fine?

Senator R. O. WALTERS: Yes, I think that brings clarity into the discussion.

Mr. CHAIRMAN: Minister Husbands, are you okay?

Hon. Ms. C. S. V. HUSBANDS: I am fine. Justice Moore clarified the position and I think people feel more comfortable.

Mr. CHAIRMAN: Alright. What I propose is that we break for lunch now because Senior Minister wants to weigh in on the citizenship matter and he is in a meeting. I think after lunch, we can resume.

We should be able to get through the other points, the summations and the consolidated matters. They are roughly only about four more, when we return.

We can conclude by looking at the last Report which also is in a summary form.

As Senior Minister Sinckler said, we must be prepared to come next week and wrap up this session of the Joint Select Committee on the Immigration and Citizenship Bills. So, that the following week before we rise from the Lower Chamber, we can have this Bill debated.

So, I will want the support of the Members. We may have one more meeting at short notice next week, if we do not finish today. Of course, we must have that meeting because we have to consolidate and have a Report prepared by this Committee.

SUSPENSION

So, let us break for lunch. Let us do not stay too long.

I think 50 minutes is good enough. Clerk, is that good enough? Fifty minutes? So, in essence, we can be back by 2:00 pm. So, we can be back by two o'clock. So, we resume at 2:00 pm. We need a motion to adjourn for lunch. No?

Okay, we suspend this session until 2 p.m. this afternoon.

RESUMPTION

Mr. CHAIRMAN: Alright, we have a quorum. We can start.

Members, we resume after lunch. When we broke for lunch, we were discussing the whole matter of compressed citizenship timelines and I think Justice Moore would want to make an intervention here before we close this matter out and move on to some other pressing matters, comments and submissions from the public, written and oral.

So, I will hand over to Justice Moore as the final comment on this compressed citizenship timeline.

Hon. Justice Sherman MOORE (Retired): Thank you, Mr. Chairman.

I would just like to draw to the attention of Committee that a similar provision exists in the Canadian Citizenship Act for the timelines especially with respect to what in our term is the three-year period and it says:

"The Minister shall grant citizenship to any person who A, makes application for citizenship, B, they are repealed, C, is a permanent resident within the meaning of sub-section 21 of the Immigration and Refugee Protection Act, has subject to regulations and all unfulfilled conditions under that act relating to his or her status as a permanent resident and has one, and this is the important one, been physically present in Canada for at least 1 095 days during the five

years immediately preceding the date of his or her application."

We have 270 days. Out 1 095 days, they are just a bit higher but our own circumstances have dictated our needs and that provision is really the way that we intend to go, except for a slightly shorter period.

Thank you, Mr. Chairman.

Mr. CHAIRMAN: Thank you, Justice. I think the documents that we were given, we all have those documents referencing the Canadian Legislation. I think those were submitted as a package to us as well. So, I want to thank you for bringing the clarity and giving us as the Members food for thought as we close this very important aspect of the two Bills before the Citizenship timeline and one of what some will say, citizenship integrity. It is not just a timeline, but integrity. So, I understand that this was not done in isolation and references were indeed used for various countries.

I heard Senator Mallalieu before we had our lunch break. I think you were mentioning some references to six different countries with respect to citizenship through naturalisation. Citizenship by Investment. I think you mentioned that there were six countries you researched and there were more you were looking at.

Senator A. W. MALLALIEU: What I was saying to you and I, sorry, so the discussion continued between Justice Moore and myself at lunch and beyond and what I have been advised and led to understand, and I was researching was what is the normal understanding of the word naturalisation, and it has a definition in the dictionary apparently that we use and it clearly speaks to physical presence and it speaks to being part of the country in which you are naturalising. That is what it means.

The question that I was raising at time was, was there a need for us to give clarity that Citizenship by Investment is not considered in Barbados law as a root because it is not a naturalised citizen? You are not a citizen by birth, you are not a citizen by descent, you are not a citizen by naturalisation because CBI, economic citizenship, is not part of naturalisation.

And that was the advice given by Justice Moore, which I have accepted and in my quick research, which certainly is not thorough, one might argue, someone might argue that once you have been granted a passport by another nation, that passport should be recognised and you should not look through to how you have got it.

But I am comfortable with the advice that Justice Moore has given us that in the Barbados context, how we interpret naturalisation, it would not include economic citizenship from someone else.

Mr. CHAIRMAN: Thank you for the clarity. Sorry we all were not privy to that discussion, the conversation at lunch, but thank you very much, Senator Mallalieu.

Hopefully, Senior Minister Sinckler will get here before we conclude. Okay, he is logging on, but we will go on and then we can come back to get his intervention. So let us move to submissions.

Asides

Mr. CHAIRMAN: No, but we can deal with this and then go back. I do not want to delay.

Labour market, wages, housing, infrastructure, national development. Individual submitters press concerns about wage disparity favouring foreign workers, housing affordability and strain on healthcare.

I am not sure, they reference the employer business bodies were supportive of managed migration, urge alignment with the Barbadian Population Policy, we all do. Clear work permit service standards and defined investor entrepreneur remote worker pathway and they were a few persons who looked at this aspect as it relates to immigration matters.

Indeed, there were a number of interventions, I think when the Bar Association presented twice where the Chief Immigration Officer was asked to comment on ads that were placed in the paper requesting workers that the Committee or Members thought could have been sourced locally, but yet they were advertisements and we were told it is a process.

The Chief Immigration Officer, whose duty is to address these matters, the operational matters, were indeed on top of it and did not see any major

challenge, but yet the process of advertisement by some companies were accepted.

In terms of filling the job or the post or the vacancy, they recognise once this is a job that can be done by a local, the preference or the process is to engage local employees before going overseas. I know I have Minister Husbands who championed tertiary education at this stage.

If you want to comment before we move on because I do not think this is a major, if the Members will agree or disagree with me, this is not a major issue to spend the whole afternoon on.

Over to you, Minister Husbands.

Hon. Ms. C. S. V. HUSBANDS: Thank you. I believe it is an area that is of concern to Barbadians because they think through the challenges that we already experience in terms of the labour market. They are concerned about issues of wages. Will we have enough housing? Would allowing people to come in put greater strain on limited resources.

I just want to start by saying that the history of the Barbados Labour Party has always been about when we are replacing infrastructure, we do not replace to meet the immediate need. We invested in infrastructure that will hold the country for at least 40 years.

If you think back to when we wanted to do the four-lane highway, when we wanted to do flyovers and so on, it was in our planning process to look at not just the traffic for now, but what the traffic will be in 20 years because it costs a lot of money, so you might as well put in sufficient capacity.

What you would note is what the Government has been doing since we have come to Office is we have started putting a lot of things in place because our infrastructure is old, crumbling and cannot serve even our current population.

If you are talking about the water pipes, those have been crumbling. It is going to cost us $2 billion to change all of them in Barbados. We must eat that elephant one bite at a time, and we have started that process.

When you talk about education, we are doing the education transformation. We are going to be changing the buildings. We are going to be investing in teacher training, *et cetera*, so that we can accommodate people. In terms of housing, you know that we have a programme to expand housing significantly.

All of that is in response to the needs of the immediate Barbadians we have now, the Barbadians that we will have going forward in the future over the next 10, 15 years or so.

We are putting ourselves in a position to take care of current and future. Hhowever, to pay the bill of that investment you need to have more people working, contributing to government revenues, contributing to the National Insurance Scheme, contributing to consumption in the country so that you are able to generate sufficient income to be able to pay those loans as those become due.

We are actually pursuing an extremely balanced strategic approach to the management of the provision of services.

If you have 270 000 people and you need an airport, another country with a million people that needs an airport has more people to help carry the cost than Barbados would.

We have to be able to appreciate that the two things go hand in hand, that we are attending to expanding capacity, but at the same time recognising that by having more population, you can better afford to put in the level of capacity that will meet the needs of Barbadians now and those who are going forward in the future.

Our managed migration policy takes all of that into consideration and we need to stay on course as civil servants, stay on course as private sector to keep working towards that economic growth so that we are able to generate the income to make sure we can provide for all persons who will live in our space.

Thank you very much, Mr. Chairman.

Mr. CHAIRMAN: One of the comments coming out of the submissions … Welcome back, Senior Minister Sinckler.

The Democratic Labour Party argued that labour and productivity challenges, I should not say argue, they presented the point, are better met by targeted instruments and they mention occupation-based migration, employer sponsorship and graduate retention than by accelerated citizenship. Occupational-based migration, I guess, it is a form of managed migration.

Senator Walters, I do not see any issue with the comment. The argument or comment put forward by the Democratic Labour Party, occupational-based migration.

Then there was a Mr. Jefferson Trotman. He raised concerns that foreign workers may be offered higher wages and better benefits than Barbadians in comparable roles, and he sought clarification on fair employment policy.

Again, I am not certain what clarification he is asking for.

From my knowledge, I can say that this Government has fair employment policies and, of course, there are times when you must look outside for skills that we do not have here and that comes with a price.

I do not think that what he said, they raise concerns that foreign workers may be offered higher wages and benefits than Barbadians in comparable roles.

I will not sit here and support that, but I know there were times, and I too have been sitting on the fence with you, Minister, and I know there were times when you were looking for certain skills and we cannot get them here, even now.

Planners, for instance. Getting project managers is another instance. Of course, if you look outside for those skills, you are going to have to pay higher.

You may have four project managers here and you need another 15 or 20, but the four here, they are being paid X. Do you raise their pay to compare with the seven that you have to bring in to fill a dearth or to fill a void.

I am not certain that what is being put forward here is correct because when you have to look outside for skills, you have to pay for those skills. Persons can tell you, I am not coming to your country to work for that amount of money and then you have to leave it.

Fair employment policy would see some persons being paid higher than some in comparable jobs. I do not think it is always the case. You must speak in the context in which these jobs before … I do not know if Senator Mallalieu has any comment on that or Senator Walters, because I know where we sit as former Government Ministers, Members of Parliament Duguid and myself.

We battled long and hard, him in infrastructure and I in housing, to find project managers and planners. We had to go outside, and we had to pay to get those skills. I just wanted to give you that example.

Senator R. O. WALTERS: Mr. Chairman.

Mr. CHAIRMAN: Yes, Senator Walters.

Senator R. O. WALTERS: I think one of the points, and it might be misleading by how this point is structured in terms of...

Mr. CHAIRMAN: Bring the clarity, that is why we are here. Thank you, Sir.

Senator R. O. WALTERS: The point about favouring foreign workers. I think what came out is that foreign workers might actually be taking less pay than Bajans and therefore will be prioritised over job placements. I think that was also one of the issues that came up during the discussion. Not only being paid more, but the fact that some of them could be paid less and then squeeze out those that are looking for work.

Mr. CHAIRMAN: That is really… I understand where you are going now. It depends on the level at which we are discussing.

Senator R. O. WALTERS: Exactly, it depends on the level.

Mr. CHAIRMAN: What I can say though, that, I mean, as recent as last week, these are matters that the Government has been addressing.

These matters have been addressed by the Government as recent as last week, and as recent as this week. We are fully aware from that side of the fence, yes? I understand what you are saying.

Thank you for the intervention, Senator Walters.

Do we have any other comments as they relate to that aspect of the submissions? There was a request that studies on labour needs and projected numbers. I think you raised this as well, Senator Walters, and national development rationale be made public.

Senator R. O. WALTERS: Yes, indeed. The Minister promised to provide some information on that.

Hon. Ms. C. S. V. HUSBANDS: I had forwarded it to the Clerk of Parliament to ask that it be distributed. Nobody received it? The manpower assessment that was done by the University of the West Indies?

Senator R. O. WALTERS: Well, I did not receive it.

Hon. Ms. C. S. V. HUSBANDS: Yes, I would have sent it a couple of weeks ago after you had reminded me. I will identify it here again and see if they can send it out.

However, U.W.I had done a manpower assessment for Barbados, and what they were able to identify for us was the fact that we have a weakness in terms of a number of skill areas, and that unfortunately some of the people who are actively looking for work may not actually have the skills that are needed to be able to fill those gaps.

Therefore, what we have been doing as a Government, our Ministry has worked on putting in place a number of training gateways. We are about to launch a digital one as well, and this is to do rapid upskilling of persons who currently do not have the skills that are needed in the Barbadian economy, and this will assist us. We are also doing work on expanding our capacity at the various tertiary level institutions to ensure that we can accommodate more Barbadians.

However, here is the problem. If you have a hotelier who wants to invest in a hotel in Barbados, and they have done their due diligence, and they have identified that this hotel would work well in three places, they do not stick with one. They have two or three that they have under consideration. Once they have done that, what are the determining factors now would be the speed and ease with which they can set up that hotel, the availability of the labour skills that they are going to need in order to do it, so that if Barbados were to indicate, well, we do not have the skills, they will very easily sit around a table somewhere and say, well, we are moving from Barbados to St. Lucia.

Hence, we would lose the construction of the entity. You would lose the construction jobs. You would lose the foreign exchange that would be earned. You would lose the hospitality workers.

Therefore, there is a lot of loss on that train if you cannot respond quickly.

Barbados thus had to make the determination whether they would allow foreign workers to come in to fill the gap while we try to speed up the training of Barbadians to be able to fill those gaps. That is what we have been doing, and we are seeing more people coming through in construction.

We have done close to 3 000 of them in different forms. We have just started the hospitality gateway, and we have had about 2 000 that have applied.

Thus, we are expanding capacity to be able to train people in the hospitality skills so that we can capture the jobs. We have something like four hotels that have been constructed. Some have started and some are near finishing this year, and so we have to keep accelerating the training to ensure that we can capture the jobs.

Nevertheless, I will look for it, and I will send it out so everyone can get the manpower assessment conducted by the University of the West Indies.

Thank you, Mr. Chairman.

Mr. CHAIRMAN: Thank you. Do we have any other questions on the labour market, and wages, infrastructure, national development? They were raised by the DLP, Jefferson Trotman. I mentioned some of them. Wages parity, favouring foreign workers, housing affordability. Do we have any other major matters on this one?

All right, let us move on to CARICOM, Constitutional and Treaty Consistency. It is number seven we are on before we go back to the compressed citizenship and engage Senior Minister.

The concern raised by some submitters was about CARICOM, Constitutional and Treaty Consistency. It said both Confederations identify tensions between the Immigration broad entry prohibition power.

This is both the BEC and BCCI with section 4(3) and CARICOM Free Movement on the article 32(30) of the Revised Treaty on Chaguaramas.

Between the Advanced Passenger Biometric Data provisions and the Data Protection Act 2019, recommending that the framework be harmonised with regional and international obligations.

Chief Parliamentary Counsel (CPC), I want to defer to you on this one. I know Senior Minister is here as well, so Senior Minister, feel free to intervene. Over to you, CPC.

Mrs. Mechelle ELIE: Thank you, Mr. Chairman. I will just make some general remarks.

First of all, Legislation covering so many topics will always be in tension. It is a given, and there might even be some conflict because we are trying to satisfy different interests.

Therefore, for example, there is a mention of the data capture when persons are moving around in terms of advanced passenger information and the fact that we have a Data Protection Act in place.

However, I do not want to speak too much on this point, because I understand there might be some changes coming, but one has to do with the fact that we need to keep borders secure, but at the same time, so then you need to capture a person, you need to capture a certain amount of information.

The Data Protection Act, recognising that persons have a right to privacy and how you treat with the person's information, that there should be principles governing the treatment of the person's information, especially if it is sensitive personal data, provides protections for the treatment.

Hence, I would not say that the tensions or the conflicts are absolutely irreconcilable. It just means then, it is about how we apply the Legislation.

Certainly, we do have to provide in the law for both situations, border security and checking people's names against watch lists.

These are standard things that are in our best interest, as is setting up frameworks for protecting persons' personal information. So, I do not necessarily agree that changes have to be made to the Legislation. I think that they are sufficient in this regard.

In terms of the CARICOM treaty and the general entry prohibition power, again, it is another case of just two tensions.

Mr. Chairman, I believe, the Committee had already accepted and summarised the need for the Minister's broad powers.

I did not get to make the point concerning the citizenship aspect, but the fundamental issue is this: The State has a right, as a sovereign State, to deny entry. It has a right, subject to constitutionally

guaranteed citizenship, to determine the legislative framework by which a person would get citizenship.

So, to say that this is in conflict with the constitutional protections for right of a fair hearing is, I think, a bit perhaps misguided in terms of how we look at it.

If you have a right even to deny a person entry to protect yourself, so much more so, you have a right to deny them the right to stay, live and enjoy the full rights of every other citizen that has this constitutional guarantee of citizenship. That is the fundamental point.

It applies even with respect to CARICOM nationals. The fundamental thing is to ensure that in the application of the broad powers that have to exist, they are not applied inappropriately, more so than anything else. Even a CARICOM national even in the current Legislation, if they fall within any of the categories in the current Schedule of Prohibited Persons, they can be prohibited.

There is a certain amount of freedom of movement, yes. So, in terms of there being restrictions, yes, there are some restrictions, but it is just the way it is. There is no getting around it because we are seeking to promote free movement, but we are also seeking to protect against security threats and other threats that might face the country.

So, yes, the person is right, in that, there is tension but I am saying that the tension is understandable. The application is important. The point made in the more detailed submissions concerning Regulations or maybe further criteria that can guide the process, I think that has merit.

Perhaps, if the Committee or the Ministry, when the Bill is returned is minded, either more provisions can be added to the Bill for that or perhaps in Regulations.

So that, at least more of what takes place behind the scenes not for national security purposes, but just generally to show that there is, you know, a review process and it is not an arbitrary decision.

Perhaps, that is something that can be looked at, but the Bill should not be amended to take away what are really sovereign rights.

Mr. CHAIRMAN: Justice Moore.

Hon. Justice Sherman MOORE (Retired): Mr. Chairman, thank you.

We are dealing with different things in different circumstances. The State, the Executive,

has the power to make Treaties and Treaties operate between countries.

Parliament is the only body that is vested with the power to make law. Parliament has to make law for peace, order and good governance.

The Immigration Act and the Citizenship Act are intended for that purpose; peace, order and good governance. If there appears to be any difficulty with the treaty-making power, that is a matter between the Executive of Barbados and the Executive of the treaty-making country.

The law of the land is made by Parliament and is applied by those people invested with the power to apply the law. There is no conflict there. Each area has to flow in its own stream and they do not mix. There is also some mention of Section 18 of the Constitution and the right to a fair trial within a reasonable time. That has to do with criminal law.

We are not in the realm of criminal law. Again, that Section of the Constitution does not come into play in the circumstances in which we are speaking. So, we look at the CARICOM Treaty as a treaty to create certain standards of relationship at the level of Government to Government.

The Immigration Act is meant to protect the right of entry into Barbados and the right of the Minister to remove from Barbados persons who should not be in Barbados. There is no difficulty in that sphere. If there is a misunderstanding by those people who do not understand, then this is not something that we can deal with.

They just have to take legal advice if they think they have a difficulty, but this is the law. There is national security, things happening in the interest of national security and the interest of public policy.

There is no conflict between the CARICOM Treaty made by the Executive and the Immigration Act which is made by Parliament.

All countries have Immigration Acts. All countries have treaties. The European Union (EU) functions and they have immigration laws that control their own countries. It is just a question of getting the appropriate advice if a person thinks he has a difficulty. But there is no conflict between the Treaty and the Immigration Act.

Thank you, Mr. Chairman.

Mr. CHAIRMAN: Clear, crystal clear, Justice and Mrs. Elie from CPC. Thank you all very much on this topic of CARICOM and constitutional and treaty consistency. Thank you very, very much. I learned something today as well. Thank you. That is the whole purpose of…. You know you do not know everything and, indeed, this is highly legislative based. I really learned something today.

Let us look at number eight, Safeguards for Vulnerable Persons. This is anything that involves our children who are our future, and anti-trafficking. The proposal with respect to the protection of Child Protection Services, was that should be a guardian amendment to protect minors during the execution of a search warrant. That was raised.

The BEC also separately raised the best interest of the child standard for the registration of minors. I think it was Amoy Gilding-Bourne and Felicia Dujon who urged that gender response of an anti-trafficking protection across work permits. This one I did not see any challenge really, in terms of being something that we can incorporate into the Legislation.

These are things that are known. These are things that have been legislated before. So, the guardian amendment is what I wanted to discuss. So over to you.

Mrs. Mechelle ELIE: Thank you, Mr. Chairman.

The point of the guardian amendment is well-received. The concern, however, is that these Bills may not be the place for it. The point is that the submission makes relates to a general issue in law.

What they are saying is that, for example, if there is a search warrant, or there is a raid, a child might be present. What if persons, adults are not there? *et cetera*. So what protections are to be offered for to the child in those circumstances?

I am not sure what the practice is now, but if such an amendment were to be desired as a matter of policy, there are better places of general application in the law that the amendment can be situated.

For example, the Child Protection Act, the Child Justice legislation, there are other pieces. So, to the point concerning the anti-trafficking

provisions and how, especially how we view persons who are trafficked.

Again, situating any such policy in this legislation alone makes it a little bit, narrower in scope, perhaps? And we do have the trafficking legislation. But that is, I think, it is a wider policy issue that requires more airing in a different way.

Mr. CHAIRMAN: Justice, you want to come in?

Hon. Justice Sherman MOORE (Retired): Well, Mr. Chairman, thank you. I must say that I really do not understand the complaint, first of all.

Normally, I would say it is without merit. It has no place being raised in an immigration or citizenship context. It just has no application. It is, I can only repeat that it is without merit.

And the police have the power to execute search warrants, and they must have rules when they execute search warrants, even in the presence of adults. And I do not think that they would execute a search warrant just in the presence of minors.

That submission, whatever it is called, has no place here. And that is as much as I can say.

Thank you, Mr. Chairman.

Mr. CHAIRMAN: Let us move on. Thank you, Justice and CPC, Mrs. Elie. Just wanted the clarity, because I know you spoke on this at a previous meeting. Just want to make sure that we are fine with this. Okay.

The Constitutional Constituency of the Citizenship Bill was raised. It was raised by the Bar Association, and I know that Minister Nicholls discussed it at our last meeting.

I think, Justice, you were here at the last meeting when we discussed this matter that was raised on the Consistency of the Constitution and the Citizenship Bill.

I think that was one of the first things that the Bar Association brought forward. They posit that the Constitution trumps these two Bills. I do not know that that is anything to discuss to say no to. We have a constitution, but we have these two Bills. And I think the Legal Officer from CPC, forgive me for not referencing her title, but she represented, Miss Atkins, spoke on the matter, as well as Minister Nicholls.

But I would give you the opportunity to put the matter to rest, because after this discussion, I do not think we had any major argument after between the Consistency of the Constitution and the Citizenship Bill. They said it was inconsistent with Chapter two of the Constitution.

Hon. **Justice Sherman MOORE (Retired):** Yes, Mr. Chairman, thank you. I really do not see the inconsistencies because the Constitution authorises Parliament to make rules for citizenship, in areas where the Constitution is silent. Because not every aspect of citizenship, especially naturalisation of citizens, is not a constitutional matter.

The Constitution deals with birth and descent mainly and marriage and things of that kind. In any event, I think that a draft Constitution came out, and is, I believe in the public domain at this time in which citizenship is one of the aspects that will be repeated in the new Constitution.

Parliament will be given the same power to make rules to confer citizenship on people who are not citizens under the Constitution. That is a general rule in every Constitution.

Parliament makes provision by Act of Parliament to confer citizenship on persons who are not entitled to be citizens under the Constitution.

I see no difficulty there, it is the same. It is consistent throughout time and the existing citizenship act relied on the same provision that this draft is relying on.

Thank you, Mr. Chairman.

Mr. CHAIRMAN: Thank you. Any further comments? Senator Walters? I think this was put to bed again.

Thank you, Justice.

Minister Nicholls?

Hon G. P. B. NICHOLLS: No comment.

Mr. CHAIRMAN: Any comments from you, Senator Walters?

Senator R. O. WALTERS: No, Mr. Chairman.

Mr. CHAIRMAN: Okay, thank you, Sir.

Alright, we can move on.

There are two other matters I would raise: citizenship by recognition of the deep diaspora. I am not sure. This was raised by Dr. Ray. He is asking for the expressed adoption of a citizenship by recognition framework for descendants of the foundational settlers and enslaved persons of

Barbados beyond the great-grandchild threshold, verifiable by primary genealogical records and scientific data.

So, this is going now down the ancestral lines. You have gone past the great grandchild threshold now, and you are looking at your ancestral rights, for the lack of a better word, and how those who can pass citizenship to their children and those who cannot answer the restorative justice claim of the deep diaspora.

He cites Canada, Bill C3 of 2025 Laws Canadians and Israel Law of Return and the Benin Law 2024-31 of templates prioritising Ancestral Recognition over Residency.

We are not to ignore any submission. I am not sure if you have it there, Justice and Mrs. Elie, and if there is anything we can say on this, because I certainly would defer to you on this matter.

Anything to propose in the Legislation? We have some legalese here, Senator Mallalieu, anything from you? Minister Husbands, Senator Walters? And I see CPC. Over to you.

Mrs. Mechelle ELIE: Thank you, Mr. Chairman, but this is absolutely a policy matter as to how far Government would wish to go. That is the most that I am prepared to say.

I am trying my best not to descend into the policy arena and express views outside of the legal but certainly, I am happy to be made aware of the various pieces of Legislation internationally that allow for such a concept. It is quite interesting.

Mr. CHAIRMAN: Would be interesting to hear from some of the experts in this area how deep and how far we go because this is indeed one, like you said, of a policy nature and of course, once it is accepted by the Cabinet of Barbados, then draft instructions will come to you so I understand that very well but perhaps over the next couple of days, as Chairman, I will see it as my duty to reach out to and see if the Minister can help me.

The Minister responsible for that is Trevor Prescod and it would be interesting to hear from the Cabinet Minister who has full responsibility for Heritage and Ancestral Matters to hear from him on this.

Over to you, Justice.

Hon. Sherman MOORE (Retired): Mr. Chairman, without getting into the policy matter, what is the state of our Archives that has created a serious difficulty having regard to our history?

Mr. CHAIRMAN: In all fairness to me, Justice, I cannot answer that, but it is a fair question, and I think it is a duty to have the information that can feed into this Committee, and I will also pass on the request.

Miss Hamblin, the question, where are we with our records? So, we can have an answer. Just a note for me to follow up and of course…

Hon. **Sherman MOORE (Retired**): Mr. Chairman, it was just a rhetorical question. I say, having regard to our history, it might very well be difficult to trace most of us.

Mr. **CHAIRMAN**: Yes, but nonetheless, just in case we can trace, you still want a final note. Because you may be asked to draft something that is really beyond your scope and we would not want that. I do not want to ignore any submission, and I do not want to trivialise any submission.

So, the fact that this was put forward by a citizen gives me the right, therefore as Chairman, to see how far we go.

Hon. Sherman MOORE: Indeed, Mr. Chairman.

Mr. **CHAIRMAN**: I would not want to trivialise the submission in no way, citizenship by recognition. Is there scope for that in the Legislation? That is all I am asking.

We are going through and the final one before we go back, Implementation Machinery. I am now seeing this Regulation, the special entry Permit Regime, work Permit Products and Change Management.

There was a submission by the Barbados Bar Association. You have it right. CPC, Minister, you have it as well. Senator, do you have it because this is one that I am now reading and we can give ourselves a little time to look at it because I am not familiar with this submission so, we can pause for a minute or so and have a read of this one.

Members, Senator Walters, this is submission 11 on the Consolidated Overview of written submissions and this is the final one.

A minute or two minutes to read the document.

Senator R. O. WALTERS: I have a document that only has eight submissions.

Mr. CHAIRMAN: Oh, there is an updated document. Yeah. Check your e-mail, Senator Walters. This was sent because the other Members received it. So just check your e-mail.

Senator R. O. WALTERS: Doing that now.

Mr. CHAIRMAN: We will review for two minutes and then we come back at two minutes past three, but we are still working but in silence in review. There is no break.

Audio Recording was Stopped

Audio Recording Resumed

Mr. CLERK: … if that is the case, if you look at immigration, for instance, they speak to the Student Regulations and these Student Regulations were done, the last Amendment was done in 1986.

That really sets out how student visas are approved and applied, but you will not find that in the Bill for sure.

We have had a history, I mean, this is Barbados, we have had a history of Regulations not coming with the Bill. The Regulations come later.

Hon. Sherman MOORE (Retired): The reason for that, Mr. Chairman, is that the Bill is like the parent and you cannot have the children until you have a parent, so you must settle the policy in the Bill before you proceed to the Regulations.

Mr. CHAIRMAN: I like that.

Senator A. W. MALLALIEU: Interesting, Justice Moore, the parent before the child.

Mrs. Mechelle ELIE: For certain pieces of Legislation, we have actually put in the Bill what we would otherwise put in Regulations, a level of detail, because 1) it was available, 2) it was sufficiently important in terms of the implications for the citizen to put them in the Bill, but oftentimes, it is just not always practical.

The other thing is … Sorry?

Asides.

Mrs. Mechelle ELIE: Right. Then the other thing is that sometimes we prepare the Bill, yes, but certain Bills lapse, and they never come back.

In terms of our limited resources in the Office, first of all, it makes more sense to proceed with the Bill first and work on the broad policy, because in the broad policy, look where we are now.

Had we done Regulations for this point system and then two Committees recommend, we should go a different route, there goes a lot of work now to be undone and redone.

I am saying, there is merit in what you are saying in terms of Regulations where available and where it is feasible to come at the same time so that the House of Assembly and The Senate can have sight of the entire package, but in some cases, it just will not work.

Dr. W. F. DUGUID: With all this discussion about Student Regulations, though, it prompted me to ask a question that I had even when we first started this, but I never got a chance to ask it. I will ask it to the drafters of the Legislation, and it is like this:

When a person is granted a student visa or a right to be a student in Barbados, could that time then count as residency towards citizenship or residency in any way?

I will tell you why I ask. If you are a student in Barbados from a CARICOM country, over a period of three years, you are entitled to vote. You have a voting entitlement. If you, by virtue of being a citizen, you have a voting entitlement.

Yes, Justice Moore, students can vote once they have been there for three years, because remember, they are resident here, because they are from other CARICOM countries and CARICOM or Commonwealth countries, once you are resident for a period of time, you can vote.

If people have a right to vote by virtue of being resident when they are citizens, would that same right then follow through as a residency?

Why I asked that is because in other jurisdictions, it does come to residency.

Again, we go back to what we say is the gold standard, but in other jurisdictions, in order to attract some of the best, most educated permanent residents and then citizens, what a lot of jurisdictions do is they try to capture people who study in those jurisdictions and by offering them that attributes to their permanent residency and then by extension, attributes to their opportunity

to become citizens because they have been educated in that country.

Mr. CHAIRMAN: The Clerk of Parliament? Yes.

Mr. CLERK: Mr. Chairman, just in relation to what Dr. Duguid is saying. From my years in immigration, it was always pretty clear that time spent on student visas or work permits were not to be counted towards status.

To me, it always seemed rather strange, and I came to the conclusion that you can have somebody who resides illegally and their time come towards status, but somebody who has complied with the law and resides legally on a work permit contributing immensely, they could even find a job and it was easy back then to evade immigration.

You could come into the country and reside illegally and that time was counted towards citizenship. I always found that rather strange that you would treat … It is almost as if the law was encouraging it.

You could profit from it in terms of acquiring status, but you could not do it if you came the legal route. You had people who would have come on a work permit, contributed immensely to the development of the country and that thing was not counted at all, but as I said, that seemed to be an immigration thing.

Dr. W. F. DUGUID: From the consistency point of view, and I take it back to voting because a Commonwealth citizen could be from any Commonwealth country. We know the law. We know the law well, Mr. Chairman.

Any Commonwealth country Australia, India, Pakistan, any Commonwealth country, once you are resident in Barbados for three years, you are entitled to vote, and you have that voting right.

How is that you can have that voting right, yet still that same residency does not count towards the other residency? Certainly not necessarily for citizenship, but maybe from a permanent residence point of view.

Mr. CLERK: In terms of skills, because Minister Husbands, you mentioned our skills deficit. You can have students who are here, highly skilled students, granted student visas and we have a skill deficit, but you know, we cannot …

Hon. Ms. C. S. V. HUSBANDS: I am sorry. I think it is something that the Committee should recommend for consideration, really.

Mr. CHAIRMAN: Senator Mallalieu, I know you … Justice Moore is the drafter.

Hon. Sherman MOORE (**Retired**): I believe the Representation of the People Act says something different from the Immigration Act, and that might be responsible for the right to vote, but if you are on a visa, it is a conditional residence. It is for a period certain and that period, because it is subject to a condition, cannot count towards your status as either resident or citizen.

Senator A. W. MALLALIEU: Having listened to you; it sounds to me …

Senator R. O. WALTERS: I am not hearing. I am not hearing.

Senator A. W. MALLALIEU: … that the solution lies in the same way we looked at the Barbados Welcome Stamp people which is to give people who are here legally whether work permit, Barbados Welcome Stamp, student visa or otherwise, a pathway to permanent residency through the point system, which they do not have today.

Rather than create a different pathway, because there are seven pathways today to citizenship, why not solve the problem that Dr. Duguid has raised and others have agreed by recognising that is a legitimate person in Barbados and they should get credit which will get them towards the permanent residency because once you bring everybody into that permanent residency, that is really the gate that you are trying to get people through.

Once you get in there, then it is the same for everyone to move from permanent residency to citizenship.

If that was the proposal, I certainly would agree that people in Barbados on student visas, much like people on the Barbados Welcome Stamp, should have a pathway to permanent residency through the through the point system, which again might be policy that you can think about and see how you want to do it.

Mr. CHAIRMAN: It is a good point raised by the Clerk of Parliament, because from the standpoint of a skills deficit, you may have

those students here, and you recognise there is a dearth in an area, and I mean, you can begin.

I certainly agree with you, Senator Mallalieu, permanent residency, and once you get through that door, then everyone in the same room, and viewing for citizenship, I have no difficulty with that recommendation, but how it will be done, and how it will be put forward as a recommendation from the Committee, to be accepted by the Minister and the Cabinet, then for the drafters to include it.

I know the drafters probably have their idea, how they would include it, but it has to be a policy decision before it gets to Mrs. Elie and Justice Moore, and I know they have the three lines by which to have that done, because it is in here for other things.

It is just a case you raised; it is an excellent point. I like the idea.

If you have students here, a skills deficit in an area, say project management, I call that, and they are indeed project management students, why not give them the opportunity? You are not automatically saying that they will, but you give them the opportunity that if they so desire, they know that it is in the Legislation, they can apply.

Senator A. W. MALLALIEU: Let me add to that, Mr. Chairman, now you thought about it, because Canada has been mentioned a number of times by people who have said it is having quite an open, robust system, and they had a people deficit, a skills deficit, and they actually have a pretty good programme with this.

I do not know all the details of it, but I can say to you that if you are a student in Canada for, I think it is four years, you get a postgraduate work permit for two years. You are then allowed to work for two years within the area that you have studied. During that period of two years, you then find your route to permanent residency through that route.

Therefore, we do not need to reinvent the wheel as such, because as you say, Canada has been very successful in doing that, and I think a lot of when we change our own Immigration and Citizenship Law, to the extent that we can show that we have been following the practices of bigger countries than ours, I think it will be a lot more acceptable to what we do.

I do not know the details of it, but I suggest to you that we take a look at that pathway that the Canadians have.

Mr. CHAIRMAN: You have persons with knowledge of the Canadian Legislation who can speak on that.

Dr. W. F. DUGUID: There is a postgraduate residence programme, it is the same exact programme you spoke about, and that postgraduate residence programme gives you the route.

It encourages people who have studied there. It means that the actual study time does not count, but the postgraduate residence programme does.

Hon. Ms. C. S. V. HUSBANDS: I was only going to give an aside, Mr. Chairman, that Barbados has lost many an excellent student studying in areas of national concern to that Canadian programme.

Therefore, it is in our best interest to make sure we attract people as well, grow the economy so that our skilled students want to return from Canada to work in Barbados.

Everything works hand in hand, so all hands to the plough.

Mr. CHAIRMAN: Accepted. It is a recommendation. Therefore, we will put forward, and we will add that to the recommendations to be forwarded to the Minister for him to seek approval from the Cabinet, and thereafter, whatever drafted instructions will be sent from the Cabinet.

Thank you all. Very good intervention by the Members.

This indeed has not been a day wasted at all.

However, what we have here on that final note, 11, there were a number of matters raised, that were discussed. The Special Entry Permit. I am not sure if you want to pick that up. The Special Entry Permit Regime should be given legislative underpinning (***inaudible words)*** at the paragraph of the Cabinet paper. I do not know which Cabinet paper.

It should also answer criticisms levied by the OECD. I think Minister Nicholls spoke to this, and I think Minister Sinckler as well, because there were comments on a former Cabinet paper that we are not privy to, so I cannot rule on and ask the Committee to rule on CPC intervention on

a Cabinet paper that they were referencing and we were not privy to.

Therefore, I would want not to ignore but to exclude this as being relevant at this stage and move on to any other matters.

The Welcome Stamp holders to Work Permit, that was discussed at length. We do not need to go back there. The notes propose that ordinary residents to be defined as lawful residents for more than 182 days per year consistent with the Income Tax Act.

This is the last point submitted by the BAR as a point of interest summarised. Chief Parliamentary Counsel, you can guide me here, with respect to. . .

Mrs. Mechelle ELIE: Thank you, Mr. Chairman.

I can see the value in what the BAR is saying of having consistency across the laws.

However, the considerations for the timeframe in the Income Tax Act might be different from considerations of Immigration.

I think this is something, it would be good to hear the technocrats from the Immigration Department on. Even if it is a written response to it.

Mr. CHAIRMAN: Justice Moore, do you want to say something?

Hon. Justice Sherman MOORE: Mr. Chairman, I think that ordinary resident was dealt with in a case some years ago. I will have to try to find it. It is not as simple as saying you can fix it on the income tax.

The 182 days is just the period for if you are a resident in Barbados for which you will be subject to tax, to the payment of income tax. I do not think the two should be made to coincide.

However, the ordinary resident is a term understood in law. I think we can research it and give you a more definite meaning than that.

Mr. CHAIRMAN: Thank you, Justice Moore.

Is there anything that I missed in the submission from the BAR in the summary? I do not want to spend the rest of the evening, but I just want us to be mindful, Members of the comments, I think this is the second time I am raising it. The comments raised by the public on Nigerians' way to acquire citizenship in the country. Citizenship by birth.

I said openly that a Nigerian coming to this country to have a child, gives the child the right under the current laws to have citizenship by birth, but not the parent.

I am not sure whether that matter came up in the public, but I know the matter of the Nigerians coming to Barbados to have children, citizenship by birth came up.

However, they did not go a step further. Whether the parent will become citizen, and there is no part of the Legislation that suggests that the parent will become a citizen. While I do not want to call it a moot point, I think that we are raising a concern that is really not a threat to our society.

I think the Immigration Department has the authority to vet, screen and to treat with these matters as they see them appear before us. To legislate something like that, I am not sure. I think it was Gline Clarke who said that you cannot legislate a culture, you cannot legislate everything.

I am not saying that the advertisements that we are seeing, they are not creating a problem but I am not expert in the area. I have read a number of submissions and just wanted us to be mindful of what is out there.

As a Committee, that topic feeds right into what we are discussing, in terms of immigration and citizenship, the two Bills.

To go further, in a discussion I had with some Government Members, including backbenchers, it is known that persons came here over the years to have children.

Fertility clinic was up and running for years. We saw no challenge with it. It was accepted in our society and still accepted in our society.

I believe if they are, Senator Walters, I will use the word, "verminous" issues coming out of persons having children in this country, then that will be dealt with at an operational level.

But, we have to be mindful of how we legislate things.

Having now recognised that South-South trade with the challenges in the world, we have to be careful of air connectivity going South and several trade agreements going South, that we do

not strip the rug from under our feet, if we begin to legislate certain things.

So, it is up to the Committee to determine if it is something to discuss. I think, I owe it to the Members to raise it because I listened to comments. I read comments and am hearing comments. Persons asked me, how are we going to treat it? So, I just put it there to us too.

I think, we have the wherewithal in the Immigration Department to treat with these matters. I am not sure whether we need to legislate them or what we are seeing is a problem to our society at this stage. I do not know. I was told that the data is not sufficient to say we have a problem. I am being upfront with you.

I have asked the question and was told that we do not have data to suggest that it is a problem. So, over to the Committee, if you care to speak on it.

Senator A. W. MALLALIEU: I certainly had not planned to speak on this, Mr. Chairman, but let me just say a couple of things because this is actually quite controversial on a global basis.

As far as I am aware, we have a right to citizenship by birth to Barbados and there is no proposal in front of us that changes that.

Birthright citizenship, this has just been argued before the Supreme Court in the United States and as far as I know, the sitting President has lost his argument on it which is, if you are born on US soil, whether you are born of illegal immigrants, normal immigrants, tourists or whoever it might be, you are a citizen because that is how it is.

As far as I know, that is the law in Barbados as well.

Now, having said that, I am also aware that in Canada and the United States, they seek to avoid situations where people do birth tourism because they will require that the airlines do not allow mothers in their third trimester to be travelling.

That does not mean that you are not having travelling in your second trimester, spend a month and then, have a premature baby. That can happen not by design, but by happenstance.

So, I am not sure, you know, that we have anything really to talk about, other than, perhaps, my recommendation would be there is no harm in transparency in this matter.

The Registrar issues birth certificates. The birth certificates in Barbados say who the parents are, if they are Barbadians, resident, non-resident or otherwise. We can regularly publish that statistic and see if you really have some conspiracy to bring lots of people from outside of Barbados to have children here because I am not aware that is so.

But, what is before us, is a Bill to do with citizenship and we allow birthright citizenship. So, if you are in Barbados and you have a child, that child is a Barbadian. That is our law. Unless there is some proposal to change it, it remains.

Thank you.

Mr. CHAIRMAN: Comments, Senator Walters? Comments, Member of Parliament, Dr. Duguid?

Dr. W. F. DUGUID: Thank you. Maybe, I should not speak on this because I might speak something quite controversial. But, let us look at it the other way. How many Barbadians go to the US to have children to take advantage of that birthright by being born there?

How many Barbadians go and have their children in Canada, by virtue of the opportunity to claim Canadian citizenship by being born in Canada? So, how can we then have a problem with citizens from other countries coming to Barbados?

I actually do not think they are coming here to claim citizenship. I actually think they are coming here to get the best prenatal, postnatal and perinatal care that they can get, better than the US and Canada.

The child mortality rates during birth in Barbados are some of the best in the world, better than the US and Canada. I actually think that is why people are coming here to have children, because the risk of infant mortality rates and the risk of problems around the pregnancy are very low in Barbados, in comparison to the rest of the world.

The follow-on from that is, that by being born on Barbadian soil, they get this right. Whether they benefit from it or take it up, that is another matter 18 years, 17 years, 16 years or whatever down the road.

I do not think that that is what it is, but I do know that there are many Barbadians that have

travelled and have happened to have children in other countries.

So, I find it a very curious and interesting debate but I do not think it is an issue at this time.

Mr. CHAIRMAN: I heard you, thank you. Senior Minister Sinckler, we recognise you.

We have you there in and out and wanted to give you the opportunity to comment on the compressed citizenship timeline and citizenship integrity comments raised on the length of time it takes to become a citizen of this country and the process.

I know you wanted to comment on it. So, it is over to you, Senior Minister.

Senator the Hon. C. P. SINCKLER: Alright, Correct. Thank you very much. My apologies to you, Mr. Chairman and the Committee Members for being in and out. It has really been quite a hectic day with some unavoidable appointments that I had to keep.

I just wanted to go back to this issue of the compressed time, because I think that this is really the one among others, but one of them that is causing some consternation among people. I think with some level of justification.

Mr. CHAIRMAN: Senior Minister, can you turn on your video, if possible?

Senator the Hon. C. P. SINCKLER: Oh, yes! I am driving, so that is why.

Mr. CHAIRMAN: Okay. Be careful. Be careful. Be careful. You are being driven or you are driving? Be careful.

Senator the Hon. C. P. SINCKLER: Either driving or being driven, I am driving. I am in the car, and it is moving so. . .

Mr. CHAIRMAN: Alright. Well, you should turn off the video then because we do not want that. That is risky. Turn off the video.

Senator the Hon. C. P. SINCKLER: Precisely.

Mr. CHAIRMAN: Yes, thank you.

Senator the Hon. C. P. SINCKLER: However, I am going to be very quick because I think that this causing…. in fact, I am going to pull aside here shortly.

This is one of the areas that is of concern to Barbadians, maybe even with some degree of consternation, because people want to know that those who are seeking to get a Barbadian citizenship, and as people say, to get a Barbados passport, are sufficiently immersed in, and part of the society, before that privilege and it is a privilege, is extended.

That is fair. One cannot argue with that, given that we hold, you know, our citizenship as we ought to and our passport, as pretty sacrosanct. That is part of who we are, a central part of who we are.

But the committee also has known and taken evidence and Members have expressed both on the Committee and Members of the Government and Cabinet have expressed the view that the process that we currently have is not necessarily as expeditious as could be.

Having myself said before that I did work in the system and I actually work on the citizenship desk. So, I have a little familiarity of how long it takes.

The issue is how do we balance the two sides?? Those two very good points of the polemic to ensure that we reach a happy place, if not a totally acceptable place, a place where people will be relatively comfortable, that we are not doing violence with the sacrosanctness of the citizenship. Also, that we are not really burying our heads in the sand and ignoring some of the very critical challenges which we face and the issues which have been very well ventilated in this Committee.

That having been said, I would want to suggest that the Committee may want to consider making a proposal extending that period of time, a little further out in consideration of some of the arguments.

Perhaps to a four-year designation somewhere in between what would have been the extended period of between five and seven years and what is being currently recommended. I think that may be a useful thing to balance what we have heard.

Now, that is not government policy. I want to make that very clear. It is not government policy, but our remit on the Committee is to hear evidence, to analyse what has been presented by Barbadians, what government's policy is.

We know what the government policy is. It is captured in the legislation, in the draft legislation in the Bill. We have presented that and until that

is changed, government policy remains. So let me make that abundantly clear. So, there is no editing at this stage of government policy.

But I am saying that in light of the presentations which we have had, Committee Members may want to reflect, if they have not already, on some happy position between what is currently in the legislation and what we have heard from people, both those who have presented formally to the Committee, either in person or in writing, and those in the wider public who have commented on it.

And that is really just to spur the discussion, you know, to have the widest possible and deepest possible discussion about an appropriate settling point for the Committee.

As I said, the government's policy remains.

Should the Committee include such a suggestion, then it is up to the Government to either stick with its original position and/or alter it to suit.

I think in the context of the remit of this Committee and the reason why it was sent here in the first place, was to have all those ideas contend.

So, that is what I wanted to put on the table.

Again, as I said, all of the Members of the government side, I do not have to speak for them, but I think that it is well-known, certainly the Members of the Cabinet through collective responsibility, but also for the wider parliamentary group, our position is what our position is.

But just to put that on the table to spur discussion of what may be a happy position to land on in between what the Government has presented and what obtains now, so to speak.

So that is the contribution I wanted to make because I think that, you know, in the end, our goal as an Administration is to ensure that we can sustain this Barbadian population, this Barbadian civilisation.

People see these things in small, maybe one, two, three, five-year spans, but we really do have to be thinking about 20, 25, 30, 40, 50 years down the road, what is happening.

And we have already seen and heard from Members of the Cabinet, Ministers who have responsibility for social investigators, our sociologists or anthropologists or statisticians, that we are now very quickly approaching depopulation, that is, that we have more people leaving us than we are replenishing.

And if that is really and truly the case, and I have no reason to doubt the veracity of the statistics in that regard, it means that the urgency of now is even more accelerated. Because in five, ten years, if we continue at this rate, we are going to have a significant challenge.

So, we really do have to wake up as a country and plan towards what is going to be happening, not just five, ten years from now, but 25, 30, and 40 years. How do we sustain this economy?

How do we sustain this society without a level of population that frankly makes sense based on what we have? So that is the input which I wanted to make.

Thank you very much, Mr. Chairman.

Mr. CHAIRMAN: Thank you, Senior Minister. Yes, we looked at it, this idea raised by some, of compressed citizenship timeline.

There was some clarity sought by Senator Mallalieu in that we recognise for a national of a Member State, the two years, you have to be here for the two years before your citizenship can begin to aggregate by the 180 days. And for the non-national, not a national of a Member State, it was 1 095 days, which is three years, before the aggregate of the 270 days can begin to kick in.

Prior to that, Senator Mallalieu raised the point, he clarified through Justice Moore that the idea to citizenship prior to this 730 and 1 095 days were not counted. So, in effect, persons could be here for more than even three years, longer than three years before those two and three years begin to be counted.

So, for me, this is just me as Chairman, Senior Minister, I would err on the side of caution, trying to appease, submissions, when you know we have a serious problem on our hand of national development.

To recognise that the aggregate period of at least 180 days for nationals of Member States, that comes after a two-year period of you being on this island. A two-year period. And this has nothing to do with prior to being recognised as, this has nothing to do with you being seen as a resident.

That is what I understand this to mean. So, this is indeed a length of time, a minimum at least 730 days immediately preceding the date of the

application that this aggregate of 180 days will begin to kick in for nationals of a Member State, and this is a long time. This is a long time but like I said, I am not a Member of Cabinet.

I am just giving you my perspective on it and what some of the Members share and Senator Mallalieu is still here, Justice Moore is still here, they can speak.

Minister Husbands, MP Duguid and Senator Walters so we reopened this discussion to you because we know from your experience you are probably the only one of us that, other than Justice Moore, would have worked with two governments and who would have experience.

You worked in Foreign Affairs as well and we must give credit to your experience. That is why you are a Senior Minister; we can reopen the discussion for 10 minutes to allow the members to share with you their views and any clarity you would want to bring after they have expressed their views on this matter.

But I am not prepared to, my recommendation, the little leverage that I would want to recommend is that we go no more than three years, which would be 1 095 days for nationals of a Member State. That is the most I would want to go for nationals of a Member State.

That is just my recommendation. But if I had my way, I would leave it as is, as drafted thus far and presented to us. So, over to the Members to have a conversation with the Senior Minister, please.

Dr. W. F. DUDUID: Chairman, it is interesting that you would bring up nationals of a Member State.

Mr. CHAIRMAN: Because that is in the Legislation.

Dr. W. F. DUGUID: And the reason I say that is because we are drifting more and more towards Members having the right to immigrate without having to go through the process as the other three nations can already. And it is my belief that more members will join and as more members join, it may be the exception rather than the rule of people who are having to come through that route because they will have it through the other Legislation.

Mr. CHAIRMAN: Understood.

Dr. W. F. DUGUID: Therefore, I think that to keep it at two years is reasonable because again, we come to the point that you want to make it attractive and it brings back to the other point that we have opened up for Dominica, St. Vincent, and Belize.

But how many people have used the opportunity to actually come, although we had it open for a period of time and I think part of it is because we have not made it as attractive. They want to move to somewhere better and you want to show people that it is better and the reason to move is because it is better, not only because you want to be in Barbados for sun, sea and sand.

You want to see a better standard of living and that is normally why people move and I think if we make it more complicated or more complex for people, it just becomes another hurdle or another burden, and it does not go to the attractiveness that we want.

So, I would want to stick with what we had originally, which was two years for Member States and three years for non-Member States.

However, I do think that over the flux of time, the concept of Non-Member State, those people will get the right to come and live here anyway because more people will join and add to those other three that already have that right.

Mr. CHAIRMAN: Noted. Any other Members?

Senator the Hon. C. P SINCKLER: Mr. Chairman, I do not have a problem with that at all.

As I said, the government's policy is the government's policy, which we support. That is the original, what is already in the Legislation, as you have quite eloquently expressed, Mr. Chairman. I think that that will stay and we support that.

The point I am putting on the table, if there was to be a consideration of all the evidence that we have heard and an alternate position had to be suggested or included in the Report that that may be a consideration. That is what I am saying.

Now, I think we have to make it abundantly clear to people that in a fully functional and properly functioning Single Market and Economy, Caribbean Community, where free movement is fully and properly provided for, along with the

contingent rights and so forth and so on that goes with that type of provision.

The truth is that any citizen from the CARICOM who comes to Barbados would be able to get the same benefits that a citizen of Barbados will get without having to be applied for citizenship. That is really the reason why you have a single Market and Economy and a Community.

Because as a citizen of that community, you are already imbued with the same rights and therefore, you would not need, if it is properly functioning, to get citizenship of the country for which you have decided to move and to work and live because the provisions of the Revised Treaty or the provision of whatever the treaty governs that fully functioning integration system will already provide for that. I think that that is a point that needs to be made clear.

Now, if you prefer and you want to apply for the citizenship of the country, you want to become a Barbadian citizen or Trinidad citizen or St. Lucian citizen or whatever the case may be, then the provision of the Legislation will tell you how you can achieve that particular designation but it coming as a community citizen imbued with full rights contingently ensures that you should get the same treatment as any person who is living and is a natural born citizen of that country.

That is the only thing you would not be able to acquire, of course, is a Barbadian passport, so to speak.

You will also be able, as you have seen, the Commonwealth citizens, the Supreme Court of Barbados has ruled on this matter, even Commonwealth citizens who acquire Barbados for a specific period of time and has conformed to certain rules and laws as we have them, would be entitled to vote.

So, the law is clear on that, the jurisprudence is there. So that is the point that they are making, so I am not saying that we try to alter the government's position or change it, leave that as it is, because that is what the position is in the Legislation.

What I am saying is that given the preponderance of contributions which we have had, that it is worth having in the context of that recognition, this has been happening and then to say that a medium between what currently exists and what is in the proposed Legislation would be that middle point for consideration.

That is what I am putting on the table but I agree with you, and of course, as a Member of the Administration of the Cabinet, my recommendation would be to stick with what we already have, but given the evidence which we have heard, the discussions which we have had, then that may become a way of suggesting that this is something that has been put on the table and we can conclude that it is not necessary.

We must faithfully reflect on the fact that this in hearing has been a suggestion that has come up either on the extreme or in the medium.

Mr. CHAIRMAN: Okay. Senator Mallalieu wishes to intervene here, so I will give him the opportunity.

Senator A. W. MALLALIEU: I stated my position earlier on this, but it is interesting, Senior Minister Sinckler has kind of taken this in a slightly different direction.

Whenever we have been talking about this and from the government side, they are quick to remind us of why we are doing this. Talk about the skills deficit, the declining population. We have a problem with National Insurance Scheme. We have all these different things and all of that is true.

We know all of that but there is a leap of faith that you make to say that the solution to that is citizenship. That is not the solution that has been proposed.

We started out some years ago and I think we were the first to do it and we have led in this CARICOM with it. We had the CARICOM Skilled Initiative so if you had a university degree and you were from CARICOM you could work here.

We have gone a step further and we were the first to join with the other three countries and say, it is not just CARICOM skills, it is everyone that can do this.

All of those things, including the work permit regime and what we have heard submissions on making it easier to do, quicker, all of those various things and we heard the Chief Immigration Officer talking about all the things that they have done in order to make that system better.

We have heard arguments even today that the reality is that private sector businesses in Barbados do not go out and find foreign labour, which is more expensive and comes with all kinds of conditions when that labour was available here locally, and then we heard Senator Walters say, well, it is not the expensive ones.

The problem is that we are bringing very cheap labour and there are people who are willing to work cheaper than the local ones. That is a slightly different issue.

The point I am trying to make to you, Mr. Chairman, and to everyone, is that the solution to skills and people that we need in Barbados to drive our economy and the statistics are clear on it, and we do not need to hear it again, it absolutely is there.

I see it in every industry that I work in, there is no doubt that we need the people, but that does not mean that you have to make citizenship extremely easy because you can solve your labour problem through permanent residency, you can solve it through CARICOM Free Movement, you can solve it through liberalisation of work permits, you can solve those problems in different ways.

When we come to talk about the path to citizenship and the time to it, I believe there is a different criterion that you have to take into consideration because up to that point in time, none of those people are in any way diluting the strength of your passport. They are not citizens. Yes, they have a right to vote.

I did not even know, I learned about it here from two different people. If you are from Commonwealth and you have lived here for three years, you have a right to vote. Fair enough, but you do not have a right to A Barbadian passport.

Do we really believe that we need to make that so very easy? Because I think everything else, we are doing is addressing the problem that has been articulated.

I think there is the other side to that problem, Mr. Chairman, and I am sorry to delay. I was the first one to say that it was a Friday evening, but I think this is an important national matter. At the end of the day, people who are going to come to Barbados need to want to come to Barbados.

No matter what we do here, what Legislation we pass and what words we use and fancy things that we do, unless there is an opportunity in Barbados that is better for someone than the opportunity that they have at home, they are staying home. That opportunity comes in many different regards, and we face challenges in that.

It is not just a matter of saying, we are building 1 000 more hotel rooms, so we need 1 000 more people to work in these. That is not the solution. That is not the problem. The job that they have to be offered has to be paying a level with conditions. They need to be comfortable living in the island. They need to be comfortable that they are safe. They ought to be comfortable with the education system, the medical system, everything.

What we do here, all I am seeking to say is that, when you get to that last part, Mr. Chairman, which is to talk about how long do you need to be here before you are eligible for citizenship is a completely different argument that the problems that we face with a declining population, a declining skillset, and how do we grow this economy. The two things are not bound together. Without solving both, you solve neither one.

In your proposal, if you said – and I would wrap up here with it – if you said in not your proposal, but if you are just thinking through and said, would you respond to the queries that have been made by many people that the route to citizenship is too quick? Should we slow it down a bit?

We have heard the arguments to say, we do not need to do that because in this world of digital technology today, we can figure out within a matter of days what used to take us months to figure out, figure out in a matter of hours what would take us days before. We have heard all of those arguments.

What we do know, because we talked about Canada earlier, and I just want to put it perspective because we get mixed up with years and days. We have used Canada as an example a couple of times, but in Canada you need to be physically present for 1 095 days within the last 1 825 days.

In Barbados, the proposal as it stands for the CARICOM countries are 180 days within 730 days. There is a big difference between the two of them. We are somewhere six, seven times less, I cannot do the maths, 180 versus 1 095.

Senator A. W. MALLALIEU: Yes, that is CARICOM. Whereas the Barbados proposed non-CARICOM is 270 days, so five times less if they want rough maths.

If you went along and said to me instead, so as to respond to some of the queries that were made, that you were going to leave everything as is because we are going to solve the problem with the skills, you are solving that through the permanent residency, you are solving that through the work permits, you are solving it through the CARICOM Free Movement, all that you are solving there.

But when you come to the citizenship side, if you said to me instead that you were to move those thresholds from two or three years to three or four years, just so as you were responding to people who have raised this, I would not be opposed to it, but as I said earlier, if you leave it the way it is, with my understanding of how it operates today and what it leads up to there, I think it is an arguable position.

Would it be better for other people who think it should be three or four years?

Some people have said that the gold standard is seven. I think that is over the top, but if you moved it to three or four, Mr. Chairman, if the Committee did, I would not be opposed to that.

I will wrap up by saying, just recognise there are two different things we are talking about.

You want to solve a problem with population, the number of people physically in Barbados, you can solve that without having a shortened route to citizenship.

You solve that problem through permanent residency, through skillsets, through encouraging people to work here, through offering the work environment that people want to work here, then you give them the opportunity that they see Barbados as a better opportunity and to come here. That is how you solve that problem.

Citizenship is a different issue, and I am not opposed to making it slightly longer, but if it stays the way it is, I will not oppose it either.

Thank you!

Mr. CHAIRMAN: Thank you very much, Senator Mallalieu. You are clear and concise. You explained your position and I started out by saying the most I would go with the Member State would be the three years.

With the non-Member State, like I said, I am not hard and fast with it, but your point is well articulated and not only well articulated but well taken.

I appreciate the sentiments and how you were able to convey the explanation of mutual exclusivity between the two. That is a pretty good argument that you presented to us.

Citizenship versus skills and you can have skills being addressed through work permit, permanent residency and several different areas. Then you clearly explained the whole issue of being a citizen and the importance of the passport as well.

One of the things that came up, Senior Minister, was the whole issue of generating enough revenue and payment of taxes.

While you explained the mutual exclusivity, Senator Mallalieu, that aspect has to be taken into consideration. How does this process, if they are mutually exclusive, what is the impact of revenue generation? That is critical and the fact that if we carry on along this path, we will see our National Insurance Scheme be being challenged by the year 2 040.

Those are some of the things that I will want us to look at as well because payment of taxes and how we respond to the social care policy within the country as we see the persons are living longer, we have more dependents than independents.

I would want to use that phrase because of the dearth in skilled labour in this country. I heard you Senator Mallalieu and you were very clear. You brought clarity as well to the point of skills versus citizenship.

However, I would want to hear from the others. Senator Walters, you are **online**.

Senator R. O. WALTERS: Yes, Mr. Chairman. I think I made this point a couple of meetings previously when I asked, what was the harm of relaxing the aggressiveness of the period to grant citizenship. It is aligned with the conversation that just happened a few minutes ago.

Mr. CHAIRMAN: You are not driving, and there is a requirement that we have not just audio

but video that your face be shown. That is a requirement of the meeting. We gave Senior Minister a little latitude because he was driving and I do not want him to crash. That is the truth. I would hate to know that my Senior Minister, you know, gets in any accident.

Senator the Hon. C. P. SINCKLER: I was not driving Chairman. Are you trying to get me arrested?

Mr. CHAIRMAN: All right. Thank you, Senator Walters.

Senator R. O. WALTERS: Yes, right.

Therefore, as I said the conversation that just happened a few minutes ago initiated by Senior Minister Sinckler was one that I mentioned before.

What would be the harm if the Government was not as aggressive with their policy given the fact that a lot of the debate publicly was the concern of the time allotted to grant citizenship.

Again, as I said, the Government has been firmly defending its position, skills deficit, you name it. Senator Mallalieu just went through all of it.

I really endorse the comments of Senator Mallalieu and the perspective of putting on the table as a Committee for consideration for the Government and the Cabinet, a medium ground that acknowledges the many contributions of those that participate in this process at wider Barbados.

Mr. CHAIRMAN: All right. Thank you, Senator Walters.

Minister Husbands and MP, do you have any comments before I go to CPC, because CPC will draft what is agreed by Cabinet. Draft instructions will be sent, so I am not going to put CPC on the spot with respect to where their barometer points. They have a role in terms of drafting as per Cabinet's instruction, and that is clear.

But they are here to clarify aspects of the Legislation. I want to thank them before we end. Justice Moore, CPC Mrs. Elie, you all have done an excellent job in clarifying. Even to those who presented oral presentations as well as the submissions and to the public where the Legislation have indeed included aspects of submissions already. We cannot put everything in one basket.

You pointed us to other legislative Bills, that have incorporated the Child Guarantees and everything. The Child Protection Act, I think this was discussed several times.

MP Duguid and Minister Husbands, it is clear this is fundamental to us moving forward, and I want to hear from both of you before we conclude this evening. Do not be long, please; it will soon be past 4 p.m.

Hon. Ms. C. S. V. HUSBANDS: Very quickly. It is not that Barbados cannot benefit from work permits for quick short-term swelling of the labour force to be able to get some skills and be able to fill critical gaps.

Similarly, permanent residence would allow people to stay longer. The main problem with, for example, the work permits, there will be a tendency for the export of the wages and so on to go back to families where they have people living permanently, so you would get some drain there.

However, with permanent residency, people will stay for a much longer period.

The advantage of offering citizenship is that you have long-term population growth, because people will settle permanently. They will raise families. They will purchase homes. They will invest in their communities, and this will offset your low fertility birth rate and help you to deal with the problem of your aging population because a person has decided, I am going to be here. This is where I am going to be buried. I want to live here as a citizen. Then the people who have citizenship will make greater economic investments.

A person who is just a permanent resident and somebody who is highly net worth, they will be investing in different places and will have a natural tendency to do more of that in the land of their birth or land where they are a citizen. When they transfer citizenship to Barbados, you will get a higher level of potential investment.

It also helps people to become more fully integrated in society, participate in civic life, and contribute to nation building because they see this as my country. This is where I live. I am the citizen of this country versus another one.

Therefore, you will have longer talent retention, and you will have an expanded tax base over a longer term period. Those are the benefits

of going for citizenship rather than just staying at permanent residency or work permits.

Barbados, however, we can use all three to quickly get to where it needs to go, but stopping short, not offering citizenship or delaying citizenship, you are not going to get those lovely long-term benefits that come from somebody being willing to transition from one country and embrace this country as this is now my country. That is what we are aiming for, but we are using all three.

Thank you.

Mr. CHAIRMAN: Thank you, and I smile. Thank you, Minister. Well-articulated. MP Duguid.

Dr. W. F. DUGUID: Thank you. First, I fully endorse everything that Minister Husbands said. I thought she articulated it very well.

My thoughts go to two things. Does offering citizenship to other people who come dilute our passport? Where is the evidence of that? That is the first thing.

Does offering citizenship to other people dilute our passport? I do not know where the evidence is. Maybe somebody needs to enlighten me as to where the evidence is that offering citizenship to other people who have been vetted, who have citizenship at other locations, where does it dilute our passport?

That is the first thing.

Then the second thing that comes to my mind is, you know, we have this thing called a dead-end job. There is no chance to be promoted. I think that somebody will look to get a job or look to a location where there is an opportunity to have a reasonable promotion in a reasonable time. You hear all the time that the policemen who have been constables for 20 years and cannot get to station sergeant or sergeant.

Do we want to be that place that it is a dead-end opportunity and there is no other opportunity provided other than opportunity to be a permanent resident? Or if you want to be a citizen, you have to wait longer and delayed.

I go back to being competitive and being attractive. We cannot offer what a lot of the other countries can offer. The level of healthcare that they can offer. We cannot offer the standard of living where you get baby bonuses and all sorts of things that other countries can offer, we cannot offer.

Therefore, we have to find other ways and means to be attractive. I think this opportunity for that shortened time gives us that place to offer that attractiveness that we cannot offer at other levels.

Thank you.

Mr. CHAIRMAN: Thank you, MP Duguid. Do we have any further comments? I heard the question and this is healthy discussion. I love it. Does offering citizenship dilute our passport?

Senator Mallalieu, tell them what you said. Do not be afraid, Senator Mallalieu. We are having a frank discussion here.

Senator A. W. MALLALIEU: I provided the evidence. I am surprised the Minister has not acknowledged it, but the evidence has come from the EU, the US and the United Kingdom (UK.) The problem is not the specific granting of citizenship through the route of permanent residency, but it comes when we have opened the door for the CBI residents.

Hold on, I understand your interpretation of how that has been dealt with but, you earlier said . . .

Excuse me, Sir. Minister, you said earlier, and I took it because I have always felt that this was what was going to happen, is that the four countries that are a party to this free movement is quickly going to become 6, 8, 10 and 12. Right now, there is only one of the four that has the CBI Programme.

Asides

There are many. There are six of them that actually have it.

In fact, unless my statistics are wrong, there are more people that hold Kittian passports than they are people who have been born in St. Kitts. So, when you add that in, you have a different challenge.

The evidence that it dilutes the passport is that if other countries are unable to verify or unable to feel comfortable that the holder of a Barbados passport is a born and bred Barbadian or has come through the ways that we normally did so, all they will do is, they will react in the same way that they have reacted to all these other countries.

We will go quickly from an ETA, an Electronic travel Authorisation, to a full visa. There is ample evidence of that. In fact, Vanuatu or whatever the one is, the EU struck it off completely.

Okay. We have the situation with many Caribbean countries; you have to get visas to go to the UK. Some Caribbean countries, they are out of the Schengen Treaty.

I travel this world over. When I show my Barbados passport, people stand up and say, "Oh". A lot of times they never heard of it before, but then they go on their little computer and then, "Oh, no problem, Sir." Stamped.

So, the evidence is there. If you ask for the evidence, the evidence is absolutely there with the number of countries that have looked through how did you get your passport and ask the question.

So, remember earlier, Minister, I was very clear. I have no problem with the timeline. I did not raise it. This matter was dead. The matter was raised by someone else. So, if you want to go longer, I am happy to go longer. If you want to leave it the way it is, I have supported it the way it is. So, we do not need to argue it anymore. Not so?

Hon. Ms. C. S. V. HUSBANDS: Alright.

I do not want to leave in the minds of people a doubt. The countries that look at your passport, they are not making decisions based on emotion or hearsay. If you have a regime of Citizenship by Investment, they are able to assess who you are allowing to come into your country.

If they see some shady people and they see some people of doubtful character that in your anxiety to get the 200 000 or whatever it is, all whosoever will may come and very few people you have turned back, that sets up a red flag.

Barbados is not doing that.

Therefore, they are not going to have a problem with a Barbados passport because you can see from every angle, we have sought to ensure that we can control who comes and who does not come.

Just because you have a CARICOM passport, it does not mean you can come here, become a citizen and get one of our passports. It does not mean that. The Immigration Office is highly trained. They are very protective, too, because sometimes you have got to…. But, they are highly trained and try to protect the country.

So, I do not think Barbadians have a need to be concerned. We are aware that technology allows people to know exactly what is happening in your country, even sometimes when you, yourself, do not know, they know exactly what is happening and will make decisions based on evidence because they have it. They do not have to guess at it. They do not have to feel for it.

They have the evidence. So, I want all Members to be reassured on that point.

Thank you.

Dr. W. F. DUGUID: Let me just add, let us not conflate issues.

Certainly, the requirement for (***inaudible***) **. . .**and Laws of Schengen is not because of issuing of passports. It is because people went and claimed refugee status for all sorts of reasons.

The claiming of refugee status, they thought that the numbers of people claiming refugee status from certain countries saying that they were victimised because of their sexual orientation or spousal abuse, those were the reasons.

Let us not be clear, it was not because of issuing passports.

There is no evidence across the world that says issuing passports dilute the validity of the passport.

Asides

Mr. CHAIRMAN: This is a discussion for another day as well.

I am happy. Minister Husbands, I endorse your submission with respect to citizenship and how it enhances social stability, as well as civic participation. It also enhances, based on social stability, persons in public life who can add value to the governance structure of this country as well.

So, from that standpoint, I certainly agree with you, in terms of separating the two. This was a very good discussion.

Senior Minister?

Senator the Hon. C. P. SINCKLER: Yes, please. I am still here. I am very much still here. I agree 100 per cent with what my colleagues have said.

Particularly, I am happy that a Member of Parliament, Dr. Duguid, intervened, as he did laterally, because he is absolutely correct.

There is a misunderstanding about some of what has taken place relative to what the EU, the UK and others have done. People believe that it is exclusively because of the CBI Programmes.

The CBI Programmes have their challenges and people have identified some of those challenges, in relation to issues about how the programmes are run and so forth and so on.

But, those were not pinpointed as the specific reasons why these restrictions were imposed.

Now, I think the mere fact, and I think Senator Husbands has made that point quite eloquently, that this Administration has taken the time to go through this, it is now the second Committee. It has been discussed.

The Bills have been drafted and that we are actually having this type of discussion, shows the level of seriousness with which this subject matter is treated. It is not a flippant subject. The Government is not treating it like that. Government is well cognisant of the issues that have been presented and the concerns that have been presented.

So, the mere fact that we are having this type of discussion at 4:21 p.m. in the Friday afternoon in the middle of Crop Over will tell you exactly how serious all of us who are on this Committee and who were on the previous Committee, in the Cabinet and in the wider Government feel about this issue, as well it ought to be.

I will close by reminding Senator Mallalieu that this is the reason why we have two Bills. They are actually related. They are tied because you do not become a citizen if you do not immigrate.

So, you are not going to stay remotely somewhere, apply for Barbadian citizenship and not come into the country and engage.

So, there is an immigration Bill, an immigration process and then, there is an additional value-added proposition of going even further, as you immerse into the community and as you become part of the society to make your contributions.

If you so desire to move then to the level from being a permanent resident or just having immigrant status into citizenship, then this Citizenship Bill and the provisions in it, give you that pathway. And the Government has outlined how it intends to go forward in that particular regard.

I think that is why these two very important pieces of draft legislation are before us so that we take them together and understand that they are linked. And I think Senator Husbands very clearly and very eloquently did in fact put those forward.

The reason why I was originally, in conclusion to what I said, was not to in any way undermine the government's policy. Our policy is what it is and we stand by that.

Still, we also have to be mindful that other presentations have been made and as a Committee who is drawn to review, take evidence and report, if not advise, the Government on this matter, we should, in fact, try as accurately and as faithfully as possible to, in our conclusions, respect the fact that people had alternate views. That is the point that I am making in relation to that.

And that is why I said, you know, I think Senator Mallalieu spoke about it, on the extreme of the seven or eight years and between what we are proposing as a Government, there is a median in between there that people have been dancing around and some perhaps not as specific as to point it out, but we have to recognise that that has been there if we are to report faithfully as a Committee.

That is the only point that I was making in relation to that.

Thank you very much, Mr. Chairman.

Mr. CHAIRMAN: Thank you, Senior Minister.

Let me say this has been a very healthy, I say value-added, Senator Walters, Senator Mallalieu, Senior Minister, MP Duguid, Minister Husbands, Minister Springer, Minister Weir, Minister Jonathan Reid, Members of Parliament, Members on the Committee, CPC, Justice Moore, and pass on my regards to Ms. Atkins.

We are not finished yet, but I believe that this session indeed was valued-added, meaningful.

I like the openness, the discussion, and persons willing to share their perspective on these two critical Bills. We are coming to the end of the sessions because we need to get this Report back

to the Cabinet before the rising of the Lower House for summer recess.

We have to take in two more sessions.

Monday is the Official funeral of our dear deceased head of the Fisheries Division, Dr. Cox. So, Monday is out since we will go there to pay our respects to her, the sterling contribution she has made to that sector and indeed to our development as a country.

So, Wednesday is the next day for us. We do not want to go past next week at all. So, two days I am asking Members to make themselves available for the wrap-up, which is Wednesday and Friday.

Because if we are to, I heard Senior Minister mention it and if we are to stick to the mandate of the Government and the Cabinet, to rise in the Lower House for summer recess, then we have to finish.

And I see two sessions, and not a full day. We have two things to do, and we have to go through, we will go jointly with the former Report that has been submitted from the last Joint Select Committee of Governance and Policy Matters on these two Bills, as well as the review of the two Bills themselves.

Thereafter a Report goes back to the House. The Minister will see the Report. He gets the Report as well, but the Report goes back to the House of Assembly.

I would want that we have our final meeting on Friday so we can wrap up and have a Report back to the House the following week. It means that Parliament will have a duty to ensure that this happens on the week of the 20th. During the week of the 20th, we need to Report back to Parliament.

The last Tuesday in the month will be the 28th of July, so, we have to get a Report back to Parliament, the week of the 20th. The 20th is a Monday, then Cabinet meets on the Thursday, so, we have to conclude the preceding Friday.

Senator Walters, Senior Minister, Members of the Committee, we have to conclude next week on the 17th.

I would beg your indulgence to ensure that we not only spend a Friday evening during Crop Over to discuss these very important Bills, but that we conclude these next Friday.

All those in favour? The 15th and 17th. Senator Mallalieu, you said you have to travel? This is your last meeting? But you will be available online?

Asides

I therefore seek a motion that those be the two dates for the meetings.

The motion was so moved by Minister Husbands and seconded by MP Duguid?

Mr. CHAIRMAN: Clerk of Parliament, am I missing anything?

Mr. CLERK: No, Mr. Chairman, but even when we meet the Friday, once we have concluded our work and then we do the Report, the Committee still needs to meet again to actually approve the Report.

Mr. CHAIRMAN: Can we have a virtual meeting to approve the Report?

Mr. CLERK: Yes, we can.

ADJOURNMENT

Mr. CHAIRMAN: Thank you. So, we will set up one because we know we all are moving around and very busy Ministers and Senators and Justice and CPC as well. We would not want to be tying up another day in here. We can have a virtual meeting to approve the Report. Agreed?

Anything further, Clerk? Okay, so we meet again next Wednesday at 10. Same place. Again, I want to thank you all for being here and for the extensive discussion on these two important Bills.

Have a blessed weekend and see you all next week, Wednesday.

Thank you.

THE
SEVENTH MEETING
OF THE JOINT SELECT COMMITTEE (STANDING)
ON ECONOMIC AND PRODUCTIVE SECTORS
ON THE IMMIGRATION AND
BARBADOS CITIZENSHIP BILLS, 2026

HELD IN THE SENATE CHAMBER, PARLIAMENT BUILDINGS, TRAFALGAR STREET

WEDNESDAY, JULY 15, 2026

FIRST SESSION 2026-2031

PRESENT

Mr. D. G. SUTHERLAND, B.Sc. (Hons.), M.Sc., M.B.A. (Dist.) ***(Chairman)***
Dr. the Hon. R. O. SPRINGER, J.P., Ph.D., (Minister of State in the Ministry of Transport and Works)
Hon. C. S. V. HUSBANDS, B. A. (Hons.), M.Sc. (Minister of Training and Tertiary Education)
Senator the Hon. C. P. SINCKLER, B.A., M.Sc. (Senior Minister) (Minister of Foreign Affairs and Trade)
Senator R. O. WALTERS, M.B.A. (Opposition Senator)

ABSENT:

Hon. I. A. WEIR, M.B.A. (Minister of Public and Private Investment)
Dr. W. F. DUGUID, J.P., B.D.S, F.D.S., F.D.R.C.S., M. Min. ***(Deputy Chairman)***
Senator the Hon. J. W. D. REID, B.Sc. (Ministry of Industry, Innovation, Science and Technology)
Senator A. W. MALLALIEU, C.P.A., F.R.I.C.S.

ALSO IN ATTENDANCE:

Mr. Pedro EASTMOND, (Clerk of Parliament)
Ms. Beverly S. GIBBONS, (Deputy Clerk of Parliament)
Mr. Nigel JONES, (Deputy CLERK OF PARLIAMENT)
Miss Suzanne HAMBLIN (Journal Department of Parliament)
Mrs. Mechelle ELIE, (Chief Parliamentary Counsel)
Hon. Mr. Justice SHERMAN MOORE (Retired), Consultant to the Attorney General and former Chief Parliamentary Counsel)
Ms. Margaret Inniss, Chief Immigration Officer

SPECIALLY-INVITED:

Hon. Gregory P.B. Nicholls, (Minister of Home Affairs and Information)

The Chairman called the meeting to order at 10:26 a.m.

Mr. CHAIRMAN: Good morning to all. We are not streaming, right? We are just recording? Thank you very much. So, a little leverage today.

Morning everyone, I welcome you to another meeting of this Joint Select Committee (JSC) on the Economic and the Productive Sector on these two (2) Bills. We would like to get through a number of things in this meeting.

After our formal minutes approval and matters arising, we would want to look at three (3) areas: the report of the Joint Select Committee on the Governance Policy matters of these Bills. That is the last Committee.

Then we want to examine the Bills in their entirety and the consideration of a composition and compilation of the Committee's report.

This afternoon, we have the Minister of

Home Affairs who will be with us. He will certainly be here to review one (1) or two (2) areas that were raised, so as to prevent us from coming back next week. We want to conclude everything today.

The next meeting will be only to formalise our report really, and we can do that **online**.

Without further ado, let me welcome everyone. Let us start the proceedings on Minister Husbands, you held us up for two (2) minutes so you can open with a word of prayer for one (1) minute.

Minister Sandra Husbands offered prayers.

Mr. CHAIRMAN: Members have received the Minutes of the meeting held on Friday, 03 July, 2026 in this said Senate Chamber and they are before us for approval.

Let us go through briefly. Page one (1). We all have them? Page two (2); three (3); four (4); five (5); six (6). I do six (6) because I start from the opening. Corrections and Amendments?

A motion to confirm these Minutes? They are simple Minutes as well as I can see. Do we confirm as a true and accurate record? Thank you, Sir. Thank you.

Motion proposed by Minister Husbands and seconded by Senior Minister Sinckler. Approved by consensus, I should say.

Any matters arising from the Minutes? If there are none, beg to move a motion that we defer the Minutes of the meeting held on Friday, July 10, 2026. These Minutes will be circulated by round-robin because we are not coming back.

Motion to defer these Minutes. That was a meeting held on Friday, July 10, 2026. We are behind with some Minutes by a meeting or so; we just want to defer these.

A motion to defer the Minutes? Thank you, Minister Husbands. Any seconder? Someone to second these Minutes to be deferred. Thank you, Minister Springer.

Today is a very important day for us. I would not want to say we have reached the end because we still have to review and come up with amendments/recommendations for these two (2) Bills.

We are now on Item Five (5), the consideration of report on the Joint Select Committee. This was the Committee on Governance and Policy Matters chaired by Member of Parliament (MP) Caddle. She was an MP then. The Members then were Mr. Springer, the Deputy Chair; Peter Phillips; Minister Blackman; Senators Boyce, Nicholls, Walters, Nurse and Mr. Ralph Thorne, the then Leader of the Opposition.

This Report is before us. Do we all have the Report? We need to review this Report page by page. If there are any fundamental issues, we will go through the Report.

The Report gives the summary of the meetings – one (1), two (2), three (3), four (4), five -- and we can see that at the last meeting, they detailed Clause by Clause the deliberation on the Citizen Bill and agreed on the process for drafting the final recommendation, so we want to do both Bills today.

Let us get into the detailed deliberations on them, that is the bottom of Page Four (4) of the report. Could you circulate a copy to Minister Springer? Minister Sinckler, Senior Minister you have a copy of the...

Asides.

Mr. CHAIRMAN: Yes, that is the report of the JSC. The Joint Select Committee **online.** We want to go through that Report.

Senator the Hon C. P. SINCKLER: You are saying it is a specific report itself? What is the name of it? I have something that you sent yesterday, Analysis of Deportation Order. So that is not it. The one (1) that he is referring to? No. No. I do not have it.

Asides

Senator the Hon. C. P. SINCKLER: On 01 June, 2026? Let me see. I will tell you. I am fine; I see it right now.

Mr. CHAIRMAN: Justice Moore, you have it? Chief Immigration Officer, you have it? This is the copy of the Report, the Joint Select Committee Report on Governance from the last Committee. Yes, we want to go through that Report.

Asides.

Mr. CHAIRMAN: It is a detailed report. It is a long report but we will get through it. It is there. Senator, do you have it? Send it to Senator Walters. Okay. You have it, Ministers? Senior Minister, you have it now?

Asides.

Senator the Hon C. P. SINCKLER: I am waiting on him. I know nothing about this fancy thing that you are talking about. I deal with paper. Leave that for young boys.

Asides.

Mr. CHAIRMAN: Let us go. Justice Moore and Chief Parliamentary Counsel (CPC), you all are with us on the Report? The details, I will go through section by section. It says in section seven (7) that the Committee received technical guidance throughout its proceedings from CPC, Mrs. Elie and Justice Moore. We are on to section seven (7).

Clause three (3): the Right to Enter Barbados, the Committee discussed a recommendation from the Barbados Bar Association (BBA) regarding clarifying language on a permanent residence Right to Enter. CPC advised that the board was outdated so this was the Committee who accepted this advice.

Any comments there from CPC? Anything from us?

Clause four (4). Feel free to take me back if you want to say anything on the comments; I am trying to get through. Permitted Entrance and we are focusing on the Immigration Bill. If you can have copies for those who do not have two (2) systems, could you ask someone to copy the two (2) Bills for us, please? Just send a note to have the two (2) Bills copied for the Members.

Recommendation: Reside and Work. The Committee expressed significant concern that this provision lacked clarity, qualifying criteria and definition.

Asides.

Yes, we were at four (4). Sorry, I am just jumping. CPC agreed to harmonise definition with the language in the Economic Partnership Agreement (EPA); a recommendation to expand the list of countries. In the Clause(4)(1)(c)(2) was discussed and not considered the current priority. Is this something that we want to revisit or is this okay?

Asides.

Mrs. Mechelle ELIE: The Economic Partnership Agreement referenced is quite detailed, so, there were some terms used in the Bill borrowed from the Economic Partnership Agreement but not defined. This was a comment raised by the BBA, so the response we gave in terms of harmonising definitions was related to an undertaking to pull in more of the definitions from the Economic Partnership Agreement to give more clarity to the expressions used in the Immigration Bill, so we stand by that.

Mr. CHAIRMAN: We can look at; I guess on the definitions, we will see, this is in relation to the EPA.

Senator the Hon C. P. SINCKLER: To the CPC, would that go into the Interpretation Clauses to reflect what you just said?

Mrs. Mechelle ELIE: There is an interpretation in Clause f**our (**4**)**, apart from the General Interpretation Clause. If you look at Clause 4(14), we defined quite a few but the Barbados Bar Association still had some concerns. That is the reason we wanted to look at it.

Senator the Hon. C. P. SINCKLER: The EPA is domestic law so you cannot cross-reference. . .

Mrs. Mechelle ELIE: Exactly.

Senator the Hon. C. P. SINCKLER: I gather what the Chief Parliamentary Counsel (CPC) is saying is that, what they will do is to is to cross-reference to get the appropriate definitions and defining clauses so that for the person who is reading it that is not familiar with EPA, would have at least a clear understanding of why and where; why you are quoting them and where they can be found.

Hon. Ms. C. S. V. HUSBANDS: I was just

saying that the second part there where it said: *"... to expand the list of countries"*, do we not have them in front of us? The Ministry of Foreign Affairs would have to give guidance on which ones. I would leave that out, the expansion part and do that another time based on what the Minister of Foreign Affairs puts as a recommendation.

Senator the Hon. C. P. SINCKLER: That is easy. That is not a major thing.

Mr. CHAIRMAN: Noted because I see the Clause 4(1)(c)(2) speaks to the EPA; that was the comment at Section C. That was in the case of the European Union (EU) Member State the Economic Partnership Agreement signed as Bridgetown on 02 October, 2008 in case of the United Kingdom (UK) Economic Partnership Agreement signed at Castries? I guess that is alright; no problem.

Clause five **(**5). Reside or Residing Work Status. The Committee expressed significant concern of the provision as drafted, lack clarity, qualifying criteria.

Hon. C. S. V HUSBANDS: I could support the Minister's position here, where they indicated that the provision codified an existing administrative practice and indicated openness or willingness to revisit it based on the Committee's Report. They will look at giving more definition to the issue of reside and work status.

Mr. CHAIRMAN: Any comments from the others? Any further comment here? This "Reside and Work" says:

> *"The Minister may, on application made to Minister prescribe form grant to any person of permitting such form as the Minister may approve to resign or to reside and work in Barbados for such period and subject to such condition as the Minister determines."*

CPC, anything on this?

Mrs. Mechelle ELIE: No, Mr. Chairman.

Mr. CHAIRMAN: Justice Moore?

Mrs. Mechelle ELIE: We would await the comments of the Ministry in terms of how the clarification should be done.

Mr. CHAIRMAN: To just be clear, we await the comment from the Ministry or the Minister?

The Minister is coming, so we await the comments from the Minister. Anything, Senior Minister? You may draw your experience. Anything you want to say here?

Asides.

Mr. CHAIRMAN: Okay, cool.

Clause six **(**6**)**. The Acquisition of Status of Permanent Residence.

It is always good to focus on the Clauses. This one (1) speaks to the retired person and his dependent(s); if they have sufficient financial resources to maintain themselves -- basically, Members queried how retired person's families, how 'sufficient' would be determined.

For the sake of transparency, the criteria should be published under your Regulations or through departmental guidance.

Feel free to comment on any of these Clauses.

Hon. Ms. C. S. V. HUSBANDS: I thought the point system that is in the legislation had indicated from as low as $100,000. I do not know if that makes a good benchmark and I do not think it indicates whether that is per annum or if that is standard that you have at least $100,000 in savings or have an annual income of $100,000 based on your pension.

Mr. CHAIRMAN: Are you looking at the Fourth Schedule?

Hon. Ms. C. S. V. HUSBANDS: Yes. The point system that they have there. The lowest level start for points in terms of financial resources is, I think, $100,000.

Mr. CHAIRMAN: Yes.

Hon. Ms. C. S. V. HUSBANDS: Right. It does not say $100,000 per annum. It does not say $100,000 start along with a pension, so I do not know if we need to clarify that.

Mr. CHAIRMAN: CPC, the numbers without a notation; the Minister has linked Clause 6(1)(b) with the Schedule Four (4); where the point system starts at Clause 5(b) in the Schedule Four (4), other assets in Barbados value between $100,000 and $500,000; whether that $100,000 is per annum or that is total assets, whether per annum, whether per day, just total assets.

I would assume it is total assets. This Clause queries how a retired person sufficient financial resources would be determined.

Hon. Ms. C. S. V. HUSBANDS: I do not think we need to make a distinction between a retired person and a working person because the main thing is, do you have sufficient resources to be able to take care of yourself? If we if the Bill has points starting at $100,000, it either has to be $100,000 per annum or if it is $100,000 in savings but there is a pension.

What we are saying is that the person has to be able to maintain themselves and not become a charge on the State. I think that we need to tidy up that $100,000 and then link it back to the issue of sufficient financial resources. The two (2) cannot be separate.

Dr. the Hon. R. O. SPRINGER: I think also Madam Minister that they wanted a set criterion in writing.

Hon. Ms. C. S. V. HUSBANDS: Right. What I am saying is that in order to at Clause 6(1)(b), to deal with this; to take care of the fuzziness of sufficient financial resources; you need to link it back to where you do the points.

At the points it says the person will get X number of points for the lowest level is $100,000, so one will have to assume that is the benchmark that you want to use to say that a person is presenting with sufficient resources.

The question is, is that $100,000 per annum or is that $100,000 in savings but you have a pension because $100,000 is not going to last you for 10-15 years of retirement, if you get the drift.

Mr. CHAIRMAN: Should we link this to the criteria in the point system? This is just to say that the retired person, if they have a dependant, you must be satisfied that that person has sufficient resources to maintain themselves because of the nature of the retired person.

I think that should be, if they have sufficient to maintain themselves and dependants, to secure the acquisition of status of permanent resident.

You do not want them being in the country depending on the State for finances. Chief Immigration Officer, I guess that is what they are trying to say here? I am not a drafter but my interpretation; it is a level of independence moreso than dependence on the State.

Ms. Margaret INNISS: My name is Margaret Inniss, Chief Immigration Officer. It is definitely intended that the person should not be a burden on the public purse but I do not think that the intent was to link it with the point system.

Asides.

Ms. Margaret INNISS: Exactly. Just to ensure that you can take care of yourself.

Mr. CHAIRMAN: Yes, CPC, go ahead, Ms. Elie.

Mrs. Mechelle ELIE: Chair, I would have to agree with the Chief Immigration Officer. I think we might run ourselves into some difficulty if we put the lower, the $100,000 as the minimum threshold.

Let us say, I believe you mentioned pensions, if someone has about, let us say, $50,000 to start but they have a guaranteed pension; so they will be getting something every month to sustain themselves. To me, one can still consider that sufficient financial resources. They may not get the two (2) points.

Hon. Ms. C. S. V. HUSBANDS: Yes, I am with you because I think that the...

Mr. CLERK: Mr. Chair, I do not think 6(1)(b) is linked to the points at all because if you go to Clause (7), you will see it speaks of additional grounds for the acquisition of permanent resident status and that is where the point system comes in.

Clause 6(1)(b) speaks to if you have a retired person that person must have sufficient resources.

Asides.

Mr. CLERK: It is not linked to the points at all.

Mr. CHAIRMAN: That was my take on it as well.

Hon. Ms. C. S. V. HUSBANDS: I was not trying to say that it is linked. I was trying to say that if you are going to remove the fuzziness of sufficient financial resources; you have to have a starting point. It does not have to be...

Mr. CHAIRMAN: Minister, look at

Clause seven (7) and the Fourth Schedule, that is where the next point comes in; if you see it there on the report, that is where the point system comes in.

Hon. Ms. C. S. V. HUSBANDS: Okay. It is not a problem. I was just saying that in order to get specific, you have to have some benchmark that you are using. I was only saying that I know that in the point system, the benchmark where you can get points starts at $100,000, so it does not have to be that because I think the CPC made a good point.

Once the person has a pension and that is the point there, are we saying that they have to have X amount of money in the bank or X amount of money in the bank and a pension? This needs clarity.

Mr. CLERK: Well, this is an immigration matter, so determined by case by case, you know because you can have a retired person who is **gay** 80.

Hon. Ms. C. S. V. HUSBANDS: Who is what?

Mr. CLERK: Certainly, you would want $200,000 to maintain themselves while they are here. I think that case by case, this is in relation to 6(1)(b) and third persons who are then, you know, otherwise dependent on them. I do not know, in some cases where you have the mother and that may be her great grand or something, that is dependent on her. So, it is done on a case-by-case basis.

Senator the Hon. C. P. SINCKLER: Chief Immigration Officer, if I can bear on your knowledge. What is the current position if a person presents who is a quote-unquote pensioner or retired person, I should say, because that is different? A retired person. What would currently obtain in an assessment to determine sufficiency of capacity of support?

Ms. Margaret INNISS: As Mr. Eastmond said, it is done on a case-by-case. You may have a person who is retired, you might have two (2) pension cheques coming in. Sometimes when a person may have one (1) and then there are cases where your children might be financially supporting you and they are then submitting information to indicate that they are capable of supporting you.

It is more case-by-case, to ensure that you are not again a lien on the public purse but it is not something etched in stone that you must have $100,000 saved in your bank account. It is case-by-case and...

Senator the Hon. C. P. SINCKLER: I understand that but I can also appreciate the question that Minister Husbands is asking as well. The reason why I ask that is because we had, I was not here but I read it. We had a commentary recently that appertained to something of this nature from a Member of the Other Place; in relation to how people ought to be treated, who are quote-unquote returning national.

For the record, I do not support that view at all but it raised debate in the public domain and a Clause such as this, I am sure is going to give rise to further debate in that regard.

Being retired and having so-called means to support oneself does not necessarily mean that you would not become a burden on the public purse because there are things for which, unless you are coming with a very, as we would say in Barbados, pay load full of money, you are going to, at some point in time, become lien on the public purse for support, or avail yourself, let me put it that way, of the services of the state for support.

Now, the reason why I am saying that is when we are doing a case by case analysis, we have to have some rules; some guidelines that determine that 'A' could potentially become a permanent burden on the public purse for want of independent financial support, as opposed to 'B', who may not necessarily be.

While you cannot prescribe for everything in legislation, it is possible you can through either the main legislation or subsidiary legislation regulations; have a clearer, more definitive answer to that question or application or provision for the application of that particular clause.

I do not necessarily think that is a bad thing to ask for. I think this Committee would be wise to seek guidance, let me put it that way because I do not think the Committee can prescribe . . . so to seek guidance and further clarity from the drafters and from the Ministry about what is intended for this particular Clause because it is really highly subjective. There is no objectivity in "sufficient financial resources".

In fact, once you put the word "sufficient", it becomes very speculative, at worst and without further, ill-defined, at best. My own sense is that, I think, we should really … the thing here is not to disadvantage anybody but it is also not to open up the State to an undue burden which it is not able to afford.

I think, you know, either we ask for further advice or seek in suggesting that the Regulations that will go with this, if there are Regulations going with this particular Bill; to ask that somebody, the Minister, on the advice of the Chief Immigration Officer or whatever, defines what "sufficient resources" or "financial resources", would mean and the consistency in the application of those.

If I turn up and say: "*My daughter is going to support me. I am retired. I am not earning a very large salary but my children are going to support me"* and I produce evidence to that effect or letters from them to that effect; that should, in normal circumstances, suffice. But, what if that support is no longer available? I mean, you have already committed the act.

So, my sense is, Mr. Chairman, that I would err on the side of caution and ask for some level of further distillation of this particular Clause. I am not a drafter but I am speaking from a layman's perspective if I had to be reading it, it is clear, in terms of how the words are written.

Mr. CHAIRMAN: This was clearly stated from the last Committee and you are absolutely correct, based on the comments. The Committee agreed, for the sake of transparency, that the criteria should be published; like you said, either in Regulations or through departmental guidance.

We heard from Senior Minister. Any other comments on this Clause?

Mrs. Mechelle ELIE: Just one (1) observation. Forgive me. Sometimes, it is only when one puts down a draft and picks it up again, that different perspectives arise.

Mention was made of returning nationals, in relation to this Clause but you would have observed that the Clause does not speak to any Barbadian connection necessarily, even though it is in this provision where most of the Clause shows some sort of nexus with Barbados.

I am not sure if that issue came up, in terms of the policy. In other words, was Clause 6(1)(b) intended to relate only to returning nationals; retired persons who have some connection with Barbados? That is not how the Clause is drafted now? Any retired person, anywhere or anyone at all.

It does bring into question how this provision, Clause 6(1)(b), relates to the one (1) that the Clerk mentioned, Clause seven (7) because the proposal was not related at all. If there is no Barbadian connection, then why is this person not falling within the point system? Perhaps because of their retired age, it will never get any points.

You can make a valuable contribution to the society regardless of age but I think, perhaps, the Chief Immigration Officer should say something on this, in case, it came up and the decision was made to have a very wide Clause or, if now that we are looking at it, we realise, okay, there is no Barbadian connection, do we need to re-shift the provision or is this acceptable, as it stands?

Ms. Margaret INNISS: In listening to the conversation, perhaps, we would be best served if we have some kind of Regulations or further guidance on this because, I think, we are forgetting Caribbean Community **(**CARICOM**)** nationals who are among us, live with us and also have families that are returning nationals who ought to be treated in the same way as Barbadians. I think that there are a number of variables now that we need to take into consideration for that.

Senator the Hon. C. P. SINCKLER: Yes. Mr. Chairman, I think that let me add by way of example. In Barbados, not just in Barbados, I think it happens all over the world because I have seen it in other countries as well. There is a routine conflation between "pensionable" and "retired".

People conflate the two (2) terms. I can be retired medically unfit. I am a retired person; I cannot work any longer. I am not pensionable though but I am retired. If I present and I am saying I want to get citizenship. I say, "I have been here but I have had an injury or whatever and I can no longer work", what criteria is used for me because I am a retired person but I am still relatively young in age?

Are the provisions there to determine what

is the threshold that I have to meet and cross, in order to be considered by this? That, I think, is what is the critical thing here. This is the kernel of why I suspect people are asking for some clarity. You know, I presume in legislation, at least for me, I prefer it to be the least complicated, the better.

I should be able to read it and understand it, generally, without having to hire a million lawyers to interpret it for me. I think certainty must be at the centre of what we are speaking about. I can see, if it were to pass, as it is, that questions are going to be asked about this.

I think now that the Committee has had it before it and it has been discussed, I agree with the advice of both, CPC and the Chief Immigration Officer, that, perhaps, within our responsibilities to reflect on this and report to Parliament, bring, if we can, our advice that actions be taken to bring greater clarity to this particular point.

Noting, as well that this these Bills have been around for a little while; a lot of time has elapsed and a lot of stuff has elapsed, as well. So, that is the other point that, I think, is worthy of note.

Mr. CHAIRMAN: Noted. Certainly, we need criteria for this. We need some guidance. I see Minister Springer. Do you want to comment on it quickly?

Dr. the Hon. R. O. SPRINGER: Yes. It is just to add to what Senior Minister said and looking at the existing criteria using the point system, person who is retired but not pensionable.

I am assuming that person may have retired over 50 years, meaning that they will only be entitled to three (3) points as a person over 50 and their skills, education and experience would only gather them an additional three (3) points, which would mean in order to make the ten point criteria, that person would then have to have property in Barbados value in excess of $500 to $5 million or any other assets that are valued between $100,000 to $500,000.

It brings you right back to the point system because other than that, that person would never, unless it is a decision made elsewhere, qualify under this particular system. I assume that they are over 50 years old.

Mr. CHAIRMAN: Noted. Some guidance and clarity are being sought here. Criteria to be published. I guess that is where we are with this one (1). I can see why based on the extensive discussion and the thank you, CPC, Chief Immigration Officer, Senior Minister. Thank you all. Minister Springer.

So, this is one (1) that we will raise with our Minister and the Ministry. Chief Immigration Officer, you have first-hand, one (1) of the areas. Oh, Honourable Justice Moore (Retired), you wanted to come in, sorry, I did not see. Sorry about that.

Hon. Justice Sherman MOORE (Retired): Mr. Chairman, briefly, today's billionaire could be tomorrow's pauper. We speculate on everything.

Historically, we have always had the challenge of people becoming charges on the State or the parishes in the days of the poor law system, when someone was caught unable to look after himself, say from, you might be from in St. Michael and you are caught in St. George or St. Lucy and so on.

This question of means has always been with us. I think in the present circumstances, the Chief Immigration Officer and the Ministry responsible would be able to provide some guidance in the form of Regulations to clarify, if clarity is necessary; any lingering doubts as to the application of this provision.

I do not see it being dealt with otherwise unless the decision is to remove it altogether.

Thank you, Mr. Chairman.

Mr. CHAIRMAN: So noted Honourable Justice Moore. We are back to the technical team in the Ministry to provide the clarity, either through Regulations or through some other departmental guidance in the area. This note stands but certainly there is a need for clarity, criteria and by way of regulations or some other way. Let us move on. These are the comments that will go back to the Minister.

Clause 6(3), still under Clause six. Under a disability, the Committee agreed that the phrase should be clarified to specify legal disability. With the comments so provided by Mr. Boyce.

Clause 6(3) reads: 'A *person who is a permanent resident - you can read it – in Barbados will make an application to the minister,*

on prescribed form on behalf of a minor or dependant who is on a disability to be registered as a permanent resident'.

Any further comment on this? CPC?

Thank you for coming Minister Nicholls. Welcome. There is a seat up here as well. You have a seat by Senior Minister and one (1) here. Minister Husbands is there. Any notes or we can move on?

Hon. Justice Sherman MOORE (Retired): Mr. Chairman, if I may, the line . . .

Asides.

Mr. CHAIRMAN: We are running against time, so, can we speed up? We really need to get through this document because the Minister has some queries we want to address. Thank you. Justice Moore**,** go ahead.

Hon. Justice Sherman MOORE (Retired): Just quickly, I can only say that the language is quite clear. It speaks of a minor child or dependant who is 'under a disability' and that could only mean a legal disability. If a physical disability were intended, the language would then say a dependant 'who is disabled'.

Mr. CHAIRMAN: This is someone challenging drafting competence. This is a question — so who raised it? You were here when this was raised Senator Walters? Deputy Chair, you were here?

Asides.

Mr. CHAIRMAN: The consensus? Leave it? We are very mindful though of the treatment of rights of persons with disabilities and this may be raised again. Are we prepared that the explanation given by Justice Moore? I am no legalese but once we are happy that this will take all the negatives out of the minds of the persons with disabilities and the Convention on the Rights of Persons with Disabilities. Are we fine? Okay, great.

Clause 6(4), as we move along quickly, this speaks to a person who is a direct descendant of a citizen entitled upon application on the prescribed form to be registered as a permanent resident. This is a direct descendant. Note the absence of a definition for direct descendant and agree that one (1) should be provided in the Bill to be read and in conjunction with the Citizenship Bill.

This definition can be provided? Justice Moore, what was the clarity that was brought to the team on this one (1)? CPC? We are just going through the summary of your report that you know – your formal report.

Is there anything on this before we move to Clause seven (7)? The Committee noted the absence of the definition of direct descendant and agreed one (1) should be provided in the Bill.

Mrs. Mechelle ELIE: We were of the view that 'direct descendant' meant exactly that, the ordinary meaning, grandchild, great-grandchild, *et cetera*, going down the line. If the Committee wishes us to provide a definition, we will look further at it but that was where the discussion centred, what does it mean?

Mr. CHAIRMAN: It said that that the Committee agreed that one (1) should be provided. We have some Members of that Committee here. You cannot wear two (2) hats, Minister but nonetheless. Senior Minister you care to . . .

Senator Hon. C. P. SINCKLER: I was not present in the previous Committee, so I cannot speak to what was said or asked for. I can only go from what my experience has been. Having tried to avoid the Clerk when I was working at the Immigration Department. I worked in the citizenship section. So, my question...

Mr. CHAIRMAN: We have three (3) immigration officers in here and the Chief.

Asides.

Senator Hon C. P. SINCKLER: My question to the Chief Immigration Officer is what is the current position as it relates to descendants? Are we introducing new language here by saying direct descendant?

Ms. Margaret INNISS: No, we are not. We have citizenship by descent but I like the idea of having a definition in the spirit of accountability and transparency.

Senator Hon C. P. SINCKLER: Chief Immigration Officer, with all due respect, that sounds like the language of a politician. I want the language of a technocrat. What is transparency?

In the spirit of transparency and accountability, that is 'political speak'.

I want to know what is the current state of affairs and whether or not we ought to be introducing new language to bring clarity to something that is already clear?

Hon. G. P. B. NICHOLLS: Exactly.

Ms. Margaret INNISS: On that note, I will agree with my Minister.

Senator Hon C. P. SINCKLER: The smart thing to do.

Hon. G. P. B. NICHOLLS: Chair, I have not said to you yet but the Ministry of Home Affairs and Information; the Chief Parliamentary Council; Justice Moore; as the Consultant who drafted the Bill and the Immigration Department met since I took up the Ministry and reviewed this document and I think we have come to a consensus as to what in this Report from the previous Joint Select Committee we will agree to change or could be changed and what was not.

I do not know if that might be helpful to you but I know that it is still the role of this Committee to go through the entirety of the Report but we did, this is one (1) of the first things that we considered as well so I just want to bring that to the attention and on the Clause 6(4).

It was not felt that this Clause needed to be defined because the English language in which it is written is very plain and simple -- who is a direct descendant and I am always very cautious of throwing a perfume on the violet.

Mr. CHAIRMAN: Well, thank you, Minister Nicholls, Welcome and thank you for coming today; a very important day and it will certainly serve us well if we can have those areas identified for experience. We really do not want to be going through an exercise where some of these points are non-points and I am not sure whether, you met yes but did you finalise the areas and if so...

Hon. G. P. B. NICHOLLS: Yes, yes, we met the only challenge I have is that I have my own notes but I do not have the Ministry's record of that Meeting and I apologise for that but that is outside of my control.

Mr. CHAIRMAN: In that absence, we must proceed.

Hon. G. P. B. NICHOLLS: I do have something that I can submit to you but they are, as I indicated to you, Mr. Chairman, there are some other issues that have arisen since...

Mr. CHAIRMAN: That we will deal with this afternoon.

Hon. G. P. B. NICHOLLS: If you want me to, I can take you through those areas which the Ministry, having reviewed this Report, felt that there was need for a change.

Mr. CHAIRMAN: Yes, but can we, so as not to miss any of the points because it is critical that we review the Report as part of the Agenda of this Committee; to review the formal Report because we do not want to miss any substance.

Like you said, we have different minds around this table. We never had Senior Minister Sinckler, who was a former Immigration Officer as well and who not only brings immigration knowledge as well as the Clerk of Parliament.

We have three (3) Immigration Officers here, one (1) senior; the Chief Immigration Officer and then two (2) former immigration officers. I do not want us to lose sight that we have competent people around this table but time is of essence. Let us go through the Report and deal with each matter.

If there is anything Justice Moore, that you think is not worthy of discussion, we can say this is not worthy of discussion. I am asking the Minister to intervene based on his recommendation on the last Report as well because this Report goes back to the Minister as well as Parliament and we do not want to be wasting time.

We are at Clause seven (7) and the Fourth Schedule. This came up earlier but not in the same context in which we are going to look at it now. The Point System, are we fine with the points?

The Committee engaged in an extended discussion on the point system. Concerns were raised about the total, the low total of 10 points and the Chairman objected to awarding points solely for personal wealth, emphasising the need to shift towards productive investment.

The Minister confirmed that the Point schedule is not fixed and can be adjusted by Regulation. The Committee agreed that the system requires significant refinement with meetings and criteria to be clearly set out, likely in regulations,

to ensure there is a transparent and effective tool.

This came up, the Point System, a number of submitters raised this, persons both oral and oral presentation and submitters, so feel free, Minister, you can jump in here because this is. . .

Hon. G. P. B. NICHOLLS: Mr. Chairman, thank you.

Certainly, it is a valid observation made by the last Committee and we have undertaken a review of the Point System to broaden the scope based on the submissions that have been made. The United Nations Development Programme (UNDP) or is it the World Bank Consultant, has given us an exhaustive report containing, just give me one (1) moment, recommendations as to how this Immigration Policy would be implemented as it relates to the point system and other matters.

Those are administrative matters in terms of the Schedules and what will go into it and at this stage, we have not finalised that but this is something under active consideration and in my view, does not impede the progress of the Bill at this stage because the government will have to amend Regulations as they go on.

Things and circumstances change so we are actively engaging with the World Bank on a number of consultancies but one (1) is which directly deals with how Barbados treats the whole concept of migration; getting to deal with what we traditionally call a brain drain but what international scholars are now calling a brain gain because you have Barbadians that have left and that have been skilled and expertise and experience abroad can still come back and contribute meaningfully even if they do not come back physically.

It is viewing it not as a brain drain but as a brain gain.

Those are new concepts within the whole migration ecosystem, so we are working through how we are going to even accredit Barbadians who are trained overseas so that they can meet criteria to come back in their various professions without having to go through a number of administrative and legal hurdles that might bar them from working in Barbados.

For example, you cannot be a Commissioner of Police unless you were trained at the Regional Police Training School, for example but you might have a Barbadian who is an expert police in some particular type of tactics that is required now as a skill but they will have to go to the Regional Police Training School in order to come and work in the force unless there is some special law change.

There are several things in which we are looking at and how we can get not only foreign people but also Barbadians to come back in and all of this will be set out in Regulations but I do not believe that it is now the place for the Committee to delay the passage of the Bill. The comments made about expanding it beyond the concept of wealth, personal wealth, is well taken.

Mr. CHAIRMAN: Justice Moore**,** this matter was raised by several submitters and we know our role as there are key stakeholders in these Bills and we would not want to go back to Parliament and the same questions are being asked.

I am not sure how the Regulations will be dealt with to address the Point System but the Committee agreed that the system needs some overhauling; some reviewing; more weights to it.

I do not know, so to go back to the public, to Parliament; it is the third reading. While I know that regulations can be made after legislation has been passed, you will still want to bring a level of comfort to those persons who raised concerns.

Hon. G. P. B. NICHOLLS: Chair, if I may direct you to Page 48 of the Bill, the actual Bill, which begins on the Fourth schedule and it says 'maximum points to be awarded', and there are five (5) categories and not one (1).

The comment, while speaking about what the Chairman said; points are not only awarded for personal wealth. That may be what the report says but the actual Bill speaks to age; Barbadian descent; education; skills; expertise; service; diplomatic mission and international organization; financial resources; also personal property, real property in Barbados and other assets.

Mr. CHAIRMAN: Right, but not to interrupt you but my thing is these are the points that were submitted to the public and I am saying having submitted this to the public; the public came back with the comments.

Hon. G. P. B. NICHOLLS: I am just saying that the comment is not accurate. The Chairman objected to awarding points solely for personal

wealth and that is not the case.

Mr. CHAIRMAN: Let us ignore this comment, though.

Hon. G. P. B. NICHOLLS: I am just checking.

Mr. CHAIRMAN: Yes. Thank you.

Hon. G. P. B. NICHOLLS: I just responded to what is here.

Mr. CHAIRMAN: Yes, but I am saying, are we fine with the points? I mean, based on what we have in the Bill because this was circulated. There were some queries raised and if we go back to the submissions, the rating in terms of financial resources; more ratings should be given to skills.

There were queries where, I do not have them in front of me but I recall, based on the submissions and I am asking if what we have here; are we comfortable in going back to the Third Reading and because questions will be raised about these points.

Hon. G. P. B. NICHOLLS: Mr. Chairman, all I would say is that sometimes when you have more than one (1) consideration, it is the policymaker that draws the balance.

Parliament, in its ultimate role of passing the law, will have to determine whether or not the policymaker has gotten, being the executor, gotten it right but certainly, to say that you do not like the balance without assuring how arithmetically you should change the balance based on some criteria or some measurement that is tested or whatnots it means that we will always have disagreement as to where the balance is drawn.

I am saying that unless you have come back with a concerted plan in any of the submissions which shows that this has been studied and that there is a particular perspective which shows that the shift was too heavily weighted in one (1) direction and there is material evidence or empirical evidence to show that this is not effective in other countries or this has been problematic in other countries, something that is tangible in that way, just to say that you do not criteria is not, in my view, a basis to shift it unless you have put something solid in terms of what you will replace it by.

The comments made by members of the public are noted and again, these things are in the Schedule to the legislation and it allows the Immigration Department to make suggestions to the Minister who will have the right by ministerial order subject to parliamentary approval, to shift this statutory and regulatory criteria, as the case may go on.

I am saying that at this stage, it is not our view that it requires any shift that would delay the passage of the Bill to Third Reading. That is all I want to say at that point.

Mr. CLERK: Mr. Chairman, I just want to put this in the record that this Committee reports to Parliament and while we accept the recommendations and the views of the Minister; we do not necessarily have to follow anything that the Minister says.

The reason for having this Committee is that this Committee could engage the public and come back with our own report. If our report aligns with what the Minister says, fine. If it does not, that is fine as well because ultimately it is Parliament that has to say that we have debated this report; we agree with all the submissions that came to the Committee and then Parliament makes that decision.

This discussion is fine but I just want it to be made clear that the Minister's role here is purely advising the Committee and the Committee then makes …

Mr. CHAIRMAN: Thank you, thank you, Sir and I understand that. That is why I am saying the public is just as important as we and we know the role of the Cabinet of Barbados, we know the role of the Minister.

I do not want in any way to diminish or undervalue the role that both of them play in this process but at the end of the day, this was sent to Joint Select Committee for a reason; that the public can weigh in heavily on it.

I have a duty, as Chairman, to recognise the submissions and to do justice to the submissions in a way so as not to undervalue anything that we do here and we have Members here who represent various institutions who made submissions.

I think this is a very important point, and that is why I asked the question: Are we fine with the points?

I will lean on you, Senator Walters, we are at Clause Seven (7) of the Fourth Schedule because I know your submission raised some

concerns with respect to the points system, not based on these comments only because these are comments from the former Committee that you were part of.

From the legislation in Schedule four (4), where we receive comments from the public with respect to the waiting based on age. You can pull back your rating where you said clearly that there should be more focus on skills and education than on financial resources. I know that was one (1) of the comments that came from your submission and others.

I just want, as a Member of the Committee, to zoom in for a minute on Schedule four (4) and I thank the Minister for appointing us to Schedule four (4) because this is very important as to how we move forward; not that it can delay the Bill but to give the citizens of this country the comfort that this Committee did justice to their recommendations, the ones that are worthy to note.

Are there any comments?

Senator R. O. WALTERS: Well, I missed at little, unfortunately, I had to take a call, so I did not get the previous comments. Are we trying to ascertain the Fourth Schedule, in terms of the rating and the points and stuff like that?

Mr. CHAIRMAN: The comments, the lower total of 10 points created an overly simplified system; these were comments from the former Committee and since those comments we had a Fourth Schedule with a point system drafted but still we got, I will not say a push back but some queries in terms of the point system.

I will not call it push back because I mean, like I said we can go forward and we can say the Minister when he presents in Parliament that we will be coming back with regulations as it relates to the point system.

I have no difficulty with it but I do not want to leave here; when we leave here that Members said that we have not gone through the point system and that we were fine or we agree that we should make regulations to amend the point system or this is what we are going forward with, that is all I am asking, nothing else.

Senator R. O. WALTERS: Well, if we refer back to what the government's intention is in terms of population, workers and contribution to National Insurance Scheme (NIS) and skills deficit, a person that is qualified but is 40 years old will not get 10 points if they do not have financial resources. We are not going to attract those persons based on this.

There has to be some shifting when you look at how the points are allocated across the different criteria in terms of age, skills and the financial resources because if you are saying that you want a working population, most of those persons, experienced persons are after university and stuff or between 31 and 50 and you are awarding four (4) points and then you only go up to five points for education or skills.

If those persons have the requisite skills and between 40 years old and they do not have the financial resources; they do not attain; they do not have the opportunity to get citizenship here or get status. I think there needs to be a relook and rethink based on what the government's intent is or they have expressed the intent to be.

Senator the Hon. C. P. SINCKLER: I told Senator Walters I had the membership form for him.

Asides

Senator the Hon. C. P. SINCKLER: I think he is trying to fairly represent what government policy is.

The truth is, in all seriousness, point systems are, I assume, intended to be indicative. That is to what the threshold is for qualification of a particular person or persons, category of persons, to ascend to be granted such status.

Now, they are not absolute though. I cannot imagine that a point system can be absolute in the sense that it has to take into consideration other factors.

The point system gives you a grade, so to speak, based on certain criteria. One (1) of which may be educational attainment and so forth and so on. It does not stop there.

It has to be taken into consideration or in conjunction with other criteria which make you eligible to achieve the ultimate goal that you are trying to achieve.

For example, a person who has been coming to Barbados, who has bought a property; who has

invested $5 million; I am just quoting a figure and who wants to avail themselves of such status, to become a Barbadian citizen or to achieve status in Barbados, should not be stopped from achieving that on the basis that they do not have some other criteria which is required.

For example, a degree for which you can get points or so forth and so on. These have to be dealt with, I think, on the merits of what we are asking for. What is the minimum threshold, first of all, that we are trying to set? What is the pathway to get into that? How do we, in the context of using a point system?

This is because you see this is the challenge when you reduce it to a statistical exercise or when you include a statistical exercise, you have to do weighting. How does X qualification as opposed to Y? How do you allocate a point system based on what is the weighting that you are going to be giving each of those qualifications that you may have or that we may think you have or skills to achieve that status?

Now, that becomes highly subjective because there is somebody who has to apply that and to use not just empirical evidence but to use discretionary judgment in determining whether the X person is going to pass or not.

For example, and that is why I think a lot of this cannot be captured properly in the main legislation. It really has to go into schedules, has to go into regulations because to try to do so would be to make this legislation a nonsense; really to make a nonsense of the legislative drafting process.

As I said, I am not a draftsperson but I am trying to put myself in the position of a person who is trying to find what the policy is.

The policy objective is to give people access to a particular status, to allow them to live and reside and work and whatever they want to do in Barbados, at a certain level that accords to what the natural born Barbadian citizen would have at birth, acquire at birth.

That is the policy and we know Senator Walters has indicated some of the reasons why government is doing this. By the way, I think Chairman I should remind, even though I should not have to remind, this Committee has a particular designation and some of the conversations I have heard of this Committee have strayed beyond what the designation of this Committee is.

What is it called? The Joint Select Committee on what? Economic and Productive Sector; it has a very specific designation.

There was another Committee that considered this Bill on governance precisely. This one has a particular role, and we have to be very faithful to the role we have been ascribed and not to stray too far down the wicket for want of getting stumped.

As Senator, I call you Senator, you are now a Member of Parliament, Foreign Minister, who is a cricket person will tell you. You do not want to be all down the way swiping and catch yourself in the wrong place.

For example, there are people that we know of. I certainly have encountered at least one (1) case. I would not mention it because that would define who the person is. I know of examples where there are people who have resided in Barbados, working for organisations, for example, regional and international organisations, some private sector entities, for a period of time and they have made outstanding contributions to Barbadian society.

When their tour of duty has come to an end, some leave, I think the majority do leave but some do want to stay because they have deep roots in the country now.

They have children at school; they have bought property; they have brought over parents and grandparents and their whole family is in Barbados.

Sometimes it is not necessarily the most convenient thing for them to root up everybody and leave. They, I think, in the context of this type of legislation, as they continue to provide not only financially, contribute financially but also have skills which can be used by the country and which have been used by the country, albeit in a different context in terms of working for an organisation or whatever but who have certain skills that we need, may want to stay in Barbados and wish to assimilate through a process such as this to acquire citizenship.

I honestly feel that we should give them a pathway to do so.

Now, that may not necessarily be specifically written in the main legislation but I think in the context of something of this nature, where you apply points and have a proper waiting system for that, those persons should be given that opportunity through advice being drawn from the Chief Immigration Officer and others, to the Honourable Minister, who ultimately will have the responsibility to make that judgment.

That is why for the remit of this particular Committee, these are the types of things which we want to address. Now, I will tell you this. As Foreign Minister, since I have been appointed and I think I made this point to this Committee before, maybe last week but I am getting a little older, so I do not remember what you do last week, sometimes, but there are a lot of third or fourth generation Barbadians.

There are a lot of Barbadian citizens in the diaspora who because of certain circumstances taking place in the northern countries that they found themselves in, are anxiously awaiting this Bill. They really do want to have options open to them to be part of something else because they are not feeling the most welcomed where they are.

I think those who are forward-looking can see how those situations can deteriorate very, very quickly. This is frankly Barbados or for those who are in the other territories, Trinidad, that is the only thing they have to hold on to, in that sense.

These people are bringing or can bring considerable skills and/or resources to the country. Our remit as a Committee, and, of course, I am a member of the Cabinet, generally as a Government, given Government's policy, is to ensure that we make that pathway certain, clear and applicable.

"User-friendly" is a cliché that they use. It is a very, very bad cliché but something that people can easily access and make good use of, in order to achieve the status which, they believe and would hope they can have access to.

Mr. Chairman, I presume if we accept the advice or the commentary of the last Committee, as Senator Walters said, I think we have to be consistent with what the Government policy or the objective is. To the extent that we need greater clarity on this, I think that is something that should be captured in some other part of the process and not necessarily in this.

I have seen the Chairman object to the awarding point solely on personal wealth and shifting to productive investment. These two (2) are not necessarily mutually exclusive. I think we are really fighting over something….

Look, the Government's policy is very clear. It is clear to me, at least, about what we are trying to achieve and the reasons why we are trying to achieve it. The mechanics are here in these Bills. I do not see my role here in this Committee to try to rewrite this legislature. I am not rewriting any legislature. I leave that for the people, the Minister and his team.

If there are issues that obfuscate the policy, in terms of the drafting, that does not give sufficient clarity to the Government's policy, then we have a role, taking into consideration comments which have been drawn from the public; comments which have been drawn from members of the Committee and other technical advice that we may get from time to time from the Minister or whomever in his Ministry that is responsible, the drafters and the consultant.

Our role, as the Committee, is to ensure that we distil that in such a way, as when we report, that there is a degree of clarity, both to whom we are reporting and for those in the public who have made or those other stakeholders who have made their contribution to that. That is the role of the Committee, at least in my view, from what I read in the Terms of Reference.

I think, that we are really on the same page. That is why I go back to asking all of the time, what is it that we are trying to fix? If there is nothing to fix, then please do not go off trying to fix it.

We may run ourselves into a bigger problem and have to come back with something that really ought not to be drawn to our attention any further.

Sorry for being as long as I was.

Mr. CHAIRMAN: Well, thank you Minister. Thank you very much. Perhaps, I should have read the entire comment and that is why I graduated to the whole aspect of productive investment and you are spot on. They are not mutually exclusive but, the role of this Committee, you articulated right; economic and productive. Those are the two (2) roles.

Indeed, we are here with a mandate but, having said that, we still have a duty, in my view, to the public and I am not going to water it down because that is why this Bill was sent to us, the Joint Select Committee.

I have to play the role of a fair Chairman, that is all I can do. I cannot sit down and say, *"I agree with Government policy, let us leave it"*.

I have to be fair to what was presented to me by the public; both oral and written presentations and concerns raised by other Members. I certainly agree with you, Minister. We have to enhance the economic and productive sectors as we seek to build these two (2) critical Bills. I do not think we are at odds at all. None of us in here.

We do not want to nitpick, like you said and to change things that will pose a major problem down the road for us.

That is the comment on Clause seven (7) and Schedule Four (4). I guess these are things that the Committee agree that the system requires, even though refinement and that can be done in Regulations.

CPC, these are things that can be done in Regulations, as opposed to us trying to finalise a point system today which is not really our role. I agree with Senior Minister. It is not our role to finalise but the role to ask that these things be looked at in Regulations.

CPC, a final comment and then, we move forward to Clause Eight (8) quickly because we spent a lot of time on this; too much time.

Mrs. Mechelle ELIE: The final comment would be that certain aspects can be done in Regulations, yes, in terms of the weighting. Let us be clear. The cap is 10 points. Well, when I say that, in other words, the threshold that needs to be met is 10 points. If the person gets a maximum of five (5) points based on education, that is weighted, three (3) points based on age; then that is the end of the discussion.

Unless the person falls under some other provision in the legislation that allows them to become a permanent resident, that is the end of the discussion. The Regulations cannot go outside the scope of the Bill; that would be *ultra vires*. All it can do is provide methodology for determining, whether or not the person gets the five (5) points.

I just wanted to bring that clarity so that the expectation, as to what the Regulations can do or not do, would be in line.

Mr. CHAIRMAN: Thank you. The Minister noted clearly that it is permanent resident that we are examining here and not citizenship.

Senator the Hon. C. P. SINCKLER: I agree with CPC but I also think we need to make the point that the way how this is written, is that that recommends your eligibility, your entitlement to get to that status. It does not automatically mean that you will be approved. At least that is not my understanding.

Asides.

Senator the Hon. C. P. SINCKLER: Yes, of course. You meet the criteria, you get to the threshold, you got there but there are other steps that have to be enjoined on that to get you over that line. That is the point that is being made and I think that that is the point that has to be clear.

That is why I said these things have to be read in conjunction with the other Clauses because if you set it abroad and people get the impression, that I get the ten points, so it is mine, automatically; then you are really tying the hands of the Chief Immigration Officer and the Minister.

I think that is why we have to be very clear about what we are doing here. So, I agree with CPC. Subsidiary legislation cannot alter main legislation, right? Regulations cannot change; if you want to change it, you have got to go back to Parliament and amend the Act. That is a fact. Let it be known as well, so Committee Members are not in any way --- do not let it be taken that this can stand on its own in isolation.

Mr. CHAIRMAN: We are going back at this again?

Senator R. O. WALTERS: I understand what Senior Minister is saying but the point that is being made is that if we are looking at the criteria and we are looking to fill skills gap; fill employment; fill the labour force and all those things based on how it is currently structured, it will probably not be effective to get ten points in a lot of cases.

Mr. CHAIRMAN: Noted, Senator. That is why I wanted a discussion on it for a number of reasons. Clause Eight (8), Loss of status,

Permanent Residence. Minister, was this one (1) of the areas that we looked at in terms of amendments?

I agree with Senior Minister, we are not going to spend time trying to flesh out things that have been fleshed out already and go back through, trying to...

Hon G. P. B. NICHOLLS: Chair, with respect to the matters raised in this report, to which the Ministry; the Immigration Department; the Office of the CPC and the consultant looked. They were Clause three (3), Right to enter Barbados; Clause four **(**4), Permitted Entrance; Clause Five (5), Reside and Work and the Right to Appeal. That is all that we considered based on what is contained in the Report.

In relation to anything else, it was felt that what was covered in the Bill was adequate. In relation to the specific point you made about loss of status of permanent residence. When the concern was raised regarding the vague wording of activities detrimental to security in Barbados.

Again, the accusation is that the language is vague but sometimes the drafter has to put language in a broad context because not all of the circumstances that will arise in the future, can effectively deal with the situation.

I believe the drafters will be able to expound on this a little bit more. If you circumscribe or prescribe language with an exactness of force, it would mean that when a particular circumstance arises in the future that is not covered by that specific language, that the legislation will have no force to deal with it.

If you want to say how does a permanent resident lose the status of permanent residence and prescribe ten criteria, if something happens that is, common sense would say that the 11th, 13th, 14th, 15th, 16th situation the person would say no and you cannot strip them from that. That is why the language is written in that way and that is why that was not assessed to be something that warranted any change in the current drafting.

Mr. CHAIRMAN: Any comments? We can move on. Thank you. Senator, anything from you? Okay, great.

Nine (9) and the Fifth Schedule, Prohibited Persons. The Fifth Schedule, anything? You are fine. I see a name being mentioned here as expressing a concern.

Hon G. P. B NICHOLLS: That person is not who is sitting here now.

Mr. CHAIRMAN: I know. You wake up one (1) day with a hat and the next day you know you are not wearing it. That is the nature of life. CPC any comment.

Mrs. Mechelle ELIE: We took the point back then in terms of the comment made by the Honourable senator and agreed to. We stand by what is here that we can look at alternative language.

M**r. CHAIRMAN:** Any other comment from anyone before we move on? Okay, great. Clause 23. We had some discussion on this recently at our last meeting, The Revocation of the Deportation Order Fee.

I think there was a document circulated showing the comparative analysis of deportation order revocation fees of six (6) CARICOM and Commonwealth jurisdictions. Senior Minister, do you have this document?

This is the comparative analysis. You all have it? Chief Immigration Officer, you have it CPC? Okay, you provided it, sorry.

We see that there was only a revocation fee in three (3) jurisdictions really. You want to see it? That is it. So, comments on this before we move forward? There was a request to extend the time and a request to reduce the fees. We discussed this at our last meeting. Any comments?

Hon G. P. B. NICHOLLS: The policy here is that the fee that was set was not necessarily pegged to any comparators within the region or any other country. The fee here was set on the basis of what it would take in terms of the administrative cost to process and deal with these applications in the time-frame that was required.

I am routinely required by Immigration Department to consider deportation orders and revocation orders and that would sometimes require an immigration officer reaching and contacting me wherever I am; any part of the world or at any time of the night or day.

There is an administrative cost to dealing with having to manage these situations. Technology affords us the opportunity to be familiar to sign them once I get notice of them but also to consider the file and stuff.

An officer has to, in short order, prepare a file, all of the notes because my policy is that the Chief Immigration Officer will tell you, I read the file. I am not only going to read a Minute suggesting that the Minister should revoke the order.

I am going to look at the circumstances, the court reports, if any or any other relevant circumstances. There is an administrative fee that will add cost. We have asked the department to look at establishing really an enforcement section, really a modern enforcement section that is going to require technology; that is going to require interlocking your databases, the other search engines, from other security agencies that we partner with through the Regional Security System **(**RSS**)** and Interpol or other databases. It is going to require manpower to do searches and that kind of stuff.

This fee, while people would say it is excessive, is truly reflective of the cost of having to manage each and every application in this way and that cost cannot be minimised. If you want to make it that the public of Barbados through the Treasury will not have to contribute to the cost of running this part of the department and not the person utilising the service or wanted to have consideration being given, then we could take that burden and put it back on the public of Barbados but this is where, in our view, that is appropriately placed but that is the rationale for it.

The Committee, as the Clerk said, is free to make any suggestions to Parliament.

Mr. CHAIRMAN: The former Committee recommended a downward revision, so I am not sure that this was a consensus or whether the Committee determined to recommend a downward revision of the fee and extension of payment timeline?

I know you are wearing different hats, so that is why you do not want to put you on the spot.

Hon. G. P. B. NICHOLLS: No, I could have gone back to the last one (1) but you alluded to it, so that is fine. The Committee did not make a recommendation as to what specifically it would want it reduced to. Well, it is up to . . . but the downward revision cannot be on the basis that is, *"Cuh dear, that is too high"* and it seems to me that that was what was the sentiment that basically said it is too high so let us reduce it.

The Committee is free to put any figure on it but I am just saying that is the policy that informs it. It was not plucked out of the sky.

When you say, I see the cost of a candidate, it is what? 1,200 Canadian dollars; what is the equivalent of that in Barbados dollars? They might have a large federal apparatus that will be able to allow them to absorb the cost and distribute it more evenly.

That is where we are at, so the Committee is free to make any decision but I just want to inform everyone about the rationale behind it.

Mr. CHAIRMAN: There were two (2) matters there. The extension of ... this came up last meeting. I think, Minister Husbands, you spoke on this. I mean, with respect to the timeframe; you care to repeat for us because we must recommend.

Hon. Ms. C. S. V. HUSBANDS: Yes, my main concern here is the high charge; the $3,000 and the short time. It really does not allow justice to occur. The issue is, as good as we are at identifying people who might need to leave; sometimes you may not know all of the circumstances and where people have to make an appeal, the opportunity for appeals should occur.

I think with a reduction and with more time, you allow people to get the justice that they need to have their case considered. Sometimes the circumstances might warrant that second look and enough time should be allowed to allow the look to occur.

Mr. CHAIRMAN: I think we had some comments coming from, I think Senator Wa**l**ters, you care to comment here as well. I do not want to and then I think Justice Moore you commented on this at our last meeting. Twenty-four hours payable within 24 hours.

Senator Walters, you can go first.

Senator R. O. WALTERS: Thank you, Chair. I agree totally with Minister Husbands but what I want, just for my clarity and maybe some Members of the Committee. If we can walk through a deportation process in practicality; a person gets the order to be deported and then there is the application they are making to be heard or to query that order. . .

Mr. CHAIRMAN: We make it simple for

you. Let the Chief Immigration Officer walk us through.

Senator R. O. WALTERS: I just want to understand it. I mean, the Minister spoke about a lot of searches and this and that. I just wanted to understand.

Mr. CHAIRMAN: Let her take us through.

Senator R. O. WALTERS: What really happens and because from how we see it, all of that stuff should be done to get to the stage of deporting a person; not at the point where they make an application. The government just now must defend that decision, so I am not sure what cost is involved in that process.

Ms. Margaret INNISS: A person who is being deported, the process of deportation is that you have the investigation unit. In some cases, it is that person contravened the law and the investigation unit will have to go out then, sometimes with police, to find that person.

It could also be a case after finding that person, then their passport might not be with them and they will say, well, my passport is in another parish and then you have to journey there then to get their documents and then their clothes might be someplace else and then you still, on humanitarian grounds, will have to then go with them to get their clothes.

Then you must ensure under human rights that that person, if they so desire, can get a shower; they can get phone calls; they can have access to food. There are a number of things before the order, or while the order is pending. There are several activities. I do not know if that fully explains it to you.

Asides.

Ms. Margaret INNISS: The Immigration Department, the Minister, signs the Order. The Order then must be prepared by one (1) of the technocrats. They then have to conduct some research.

If it is a case where it is a police case, then you have to find police to get that information; then to make the background for the deportation order. Sometimes it could be 2:00 a.m. and the person is leaving the next day, say around six (6) or eight (8) o'clock in the morning; we must find the Minister and he must sign the deportation order.

In some cases, the person contravenes the law and they have time and so you need to revoke the time, the legal time that they have; so that is another order to be prepared and for the Minister to sign.

In these cases, we have sometimes to collate with the carrier so that we can secure a flight for that person to go out on and then you must serve the order to that person in the presence of another person.

Mr. CHAIRMAN: Senator Walters, are you fine? I see you are a bit distracted.

Senator R. O. WALTERS: Right. I understand the process but I want to understand the process more after the person has made a request for revocation of the order. What does the Minister or the government then have to do?

That is where the money is, that is where they now have to pay the fee. So, we talk, all this is done up to get them the order.

Now that they face the order and they want to challenge it. What then is the process after that for the government, that is costing $3,000?

Hon. G. P. B. NICHOLLS: The fee is not kicking in at that point. This is where the government is saying, well, obviously, in the process of revocation, there is no cost to the person being deported.

In the Revocation Order of them being here because they would have been granted permission to be on the island before, so that permission now has to be revoked and then there is a Deportation Order to take them out to the country.

The entire process has a cost in terms of administratively, how it is done by the Immigration Department. The recovery only comes when the person is challenging that process but the cost of it is not from the challenge to the actual deportation. It is recovering some measure of what is entailed in the whole process.

It is not to say that at the point that you are, I think what Senator, sorry, Minister Husbands has also raised is the absence of an appropriate mechanism for appealing immigration determinations in the Act, which is currently in the present Act but seems to have been omitted from the Bill and that has to be addressed and we hope

that you will address it.

As I said, this is entirely up to the Committee to make a determination as whether it wants to reduce the cost. In terms of extending the time, a deportation order is only going to be made consistent with the provisions in the Act. That is when the guillotine comes down but that is only so in very narrow circumstances.

Your permission to come into Barbados will be revoked and you will be deported and that is obviously if you are in breach of the Laws of Barbados; have been convicted or have done something that is completely covered within the legislation.

It is not a question of not given in person through process in terms of determination because you would have already had that determination by the court to have breached the law. Immigration Departments do not make a determination as to whether someone has breached the law.

The Magistrate or the Court will hand that person over to the Immigration Department for them to be dealt with in accordance with the Immigration Act and that is when the Immigration Department kicks in. The Immigration Department does not go through a determination of whether that person is guilty or innocent so that that person has to have time to prepare their case against deportation.

The legislation is narrowly drawn to say you will be deported in these few circumstances. Really, it is not a question of due process. It is really a question of administering the deportation process.

Yes, we put a question here about terms of review but that review is not necessarily administrative because there may be a circumstance, let us say, for example, a person has committed a crime in Barbados who was given permission to come in, so that permission has to be revoked and then you would consider the deportation order in circumstances where that person may face some kind of persecution or something on their return to their country or something like that but that is in a very rare case.

I must stress that Barbados is not a signatory to the International Convention of Refugees but certainly a humanitarian consideration is something that would come up at that stage; there is rarely anything really to go on apart from administering the process of deportation after a determination has been made by the Court that the person is guilty of an offence.

Senator R. O. WALTERS: My thing is that the State is already paying for this deportation process. Why does a person who is challenging it should be asked to pay almost a full amount.

There must be consideration to reduce the fee from $3,000, so that person can get an opportunity to be heard within three (3) days by the Committee.

Hon. Ms. C. S. V. HUSBANDS: I concur because all of the work has been done before. If the person did not challenge it, you were not going to get any money. You would have executed your deportation order.

I do not think that the fee for a review should be quite that high. I think it should be reasonable enough that the person could get the review if required.

Hon. G. P. B. NICHOLLS: One (1) of the reasons I think the fee has been high is because the challenge at that stage would almost be nebulous and you do not want to have an excessive amount of challenge.

If you take it too low, then every deportation order will come with a review and then you want to have to go through the entire process and give that person a hearing in circumstances where, as I said, a deportation order is only made in very limited circumstances if you look at the application.

You cannot just pick up somebody and say, you are not from here; we will deport you. It does not work that way -- no matter what Mrs. Weekes says on her radio show.

She says the Minister wants to do all this but at this stage, if you raise it too, it is almost like the guy that had a thing that would fly too high to the sun and fly too low; you have to put it in an area, but there is a significant cost of dealing with each and every one of them.

It may be right to charge everybody something but at this stage, we are only seeking to recover but the real basis at which the fee is set is to discourage the very nebulous applications that will come about as a result of keeping it too low or lowering it to a stage where I can just challenge

it and then just throw the whole administrative system in a process where they now have to conduct a review in a very short space of time and get a review panel to hear a matter, where you beat your girlfriend, burst her head and you get convicted in the Court and if the Court says, pay a fine.

Sometimes the Magistrate may not send a person to Dodds Prison but the real punishment is getting them out, then the money that should have gone to the victim having to pay now for review, then what do you do? Let them back in?

I know the images of Immigration and Customs Enforcement (ICE) and what is going on in the United States of America continue to drive a …

Mr. CHAIRMAN: We recognise your recommendation but not to be disrespectful to you but you are invited to the Committee and I would like to hear the Members of this Committee discuss this matter because it is clear Minister, that you, as a former Member of this Committee, determined to recommend a downward revision of the fee and an extension of the payment timeline.

This was communicated to me in a Report and I am sticking with the Report and asking the Members of this Committee, where are we? While I value your input, I am not going to allow you to sway this Committee in any way.

Asides.

Mr. CHAIRMAN: No, no. You cannot leave. You have to be able to . . .

Asides.

Mr. CHAIRMAN: We are having discussion, Minister and we are having it as adults so there is no one who should want to leave this Committee because of anything anyone is saying in this Committee. I think the questions and the comments are fair.

We want to hear from the other Members because you have a major role to play when we are finished with these two (2) pieces of legislation. I have not heard from Minister Springer. I have not heard from Senior Minister Sinckler.

I have heard from you three (3) times on the matter and that is why I have asked that we allow the other Members to come in on it. I have heard from Minister Husbands in her citing that she agrees with the downward revision and the extension of the timeline. Are there any others?

Dr. the Hon. R. O. SPRINGER: I just want to support that view, Mr. Chairman, even when we brought it up in the previous Committee on governance and policy matters, we felt too at the time that the $3,000 was too much and the short period of time that it was meant to be paid in was a bit too short as well.

Listening to the Minister's explanation, I understand his position. I understand that it would also as a deterrent but I assume that any person who is deported would want to appeal that deportation and their citizenship being revoked. Most persons would want to appeal, I imagine, so it is not going to stop anybody from so doing. That was just my take on it.

The figures had to come from somewhere and I would want at least some discussion as to why $3,000? Why not $500 or $1,500 or $1,000? From that perspective, I think it deserves a little discussion.

Please just forgive me because I stepped outside. If these things were discussed whilst I was outside.

Mr. CHAIRMAN: No. It is just where we are. This Clause 23 and we are asking for the input of the Members; that is where we are.

Dr. R. O. SPRINGER: That is my take. I am saying it is a bit high.

Mr. CHAIRMAN: Okay. Submit that. Any other comments? We heard you, Senator Walters, that it is a bit high and the extension of it. Minister Sinckler, Senior Minister.

Senator the Hon. C. P. SINCKLER: I do not have strong feelings one (1) way or the other about the level of the fee. I think the Minister has greatly explained that 99 per cent of the time, when something of this nature happens, it usually comes through some Court Order and I would risk to bet that 99 per cent of the time there is not going to be an appeal, certainly of the deportation order.

There may be an appeal if the person has been convicted of a crime or some other infraction of the law. I would be very surprised if that

happened.

There may be circumstances other than that where both Chief Immigration Officer and the Minister may have to act.

For example, it may be on a national security ground, the person may through various intelligences by these agents by relevant authorities, be deemed to be a national security risk.

Now, from my own experience of these matters, Courts are loath to jump in front of the of the Chief Immigration Officer and the Minister and execute exercise of their duties in that particular regard because these are very sensitive matters.

I am sure that there are very few Courts, if any, that would have responsibly tried to interfere with that particular process. They would give grace to those actors.

It comes down now to a question of under what circumstances would you have a person wishing to appeal a deportation order and I would think that that would be a very small number of persons.

My sense is that if you feel very strongly you are not in those categories I have just explained or any of those special characters and you feel that you have been adjudged incorrectly by the authorities and you want to appeal and it really means that much to you; we should be minded to put, as they say, your money where your mouth is.

In the context of that, I do not see the fee as excessive. What I think though and I am not in the mind of the drafters, is the prohibitiveness of it because you know, we only see these things some of us when we read in newspapers or we hear or read something **online** or whatever the case may be.

There is a lot that goes into these exercises; it takes up a lot of time and I am telling you $3,000 is, what is the word?

Asides.

Senator the Hon. C. P. SINCKLER: Maybe I should not go there. Yes, it is minuscule in the context of what you are dealing with. This is because you not only have to mobilise people to pursue an administrative process but when you are doing that, you are taking them from work which they should have been doing otherwise.

That has a cost too because they are still getting paid and they may very well have to do overtime too. Who knows?

The reason why I suspect, I do not know, I am not the head of the drafters, they have set this bar, is to say to persons, that small number of persons, if you run into this problem and you want to challenge this and as well it takes a Minister to say that that was taken out that ought to be put back in the Committee should recommend such, that there is an appeal process.

If you want to appeal, then put some resources down. We may say 24 hours is too short a timeline; we may say that and that I could live with.

The quantum, I really do not think and I see the comparators here in terms of what is happening in the Caribbean and what is happening elsewhere, that is a matter for them to determine. Our job is to determine what should happen in Barbados. We take guidance because as well we ought to, it may even be persuasive. There is nothing binding about this.

This is just to give us an indication of what people have set but we are now adjusting our legislation. This might have been done because it has no application as to when these fees were set. These very countries may want at some point in time very soon to adjust theirs too, based on volume and adjusted for inflation in terms of value.

Mr. Chairman, I respect the contributions of those who say it is a little bit too much and too sharp and all that kind of thing but I am saying that you know I have heard in this Committee and in the other Committees about how precious it is to be in Barbados and how much you want and how much it worth and passports and all that thing.

If you think it is worth that much then put up the little change and if you say after, if you successfully pursued your case then you are refunded, I can live with that too but put a little something on the table if you are going to occupy the time of my officers; his officers, in this particular regard.

That would be my contribution to this and I

really do not think this is something that we should be arguing over too much.

Mr. CHAIRMAN: We are moving along but like I said and you rightfully outlined my role, I have to give each Member the opportunity to comment on these matters, and give their views on these matters. Mr. Eastmond?

Mr. CLERK: I am just saying to you Mr. Chairman, that based on the numbers here, they have two (2) Members who are in favour of this reduction only one (1) speaking. Three (3) Members in favour and only one (1) against. Unless that is changed Mr. Chairman, we still work with numbers. It is three (3) to one (1).

Senator R. O. WALTERS: I am willing to consider if we leave the fee still at least change the time frame to allow persons the opportunity to raise those finances but not an agreement leaving the two (2).

Mr. CHAIRMAN: A quick discussion on the time frame because they were both. . . Minister Springer?

Dr. the Hon. R. O. SPRINGER: I was moved by the wisdom and words of the Senior Minister, so it is really no issue for me. I just wanted some explanation as to as to why.

Even my premise that persons would wish to challenge revocation or a deportation order and the Senior Minister explained that in actual fact, that that was not indeed the case, it helped to sway me in the opposite direction. I believe numbers should be in favour. . .

Mr. CHAIRMAN: The numbers are two (2) in favour of dropping the fee and two (2) in favour of maintaining the fee. Let us speak on the time frame. I heard Senator Walters. Senior Minister, give us some advice as a former immigration officer.

Senator the Hon. C. P. SINCKLER: I do not have a problem with the time frame. I stand to be advised by the Minister and certainly by the Chief Immigration Officer. Minister on the policy, Chief Immigration Officer on the operations. I stand to be advised by them. Whatever they are saying, I will definitely support.

Mr. CHAIRMAN: Time frame. Let me hear from the Chief Immigration Officer. Minister, you have the final say. The Chief Immigration Officer, timeframe.

Ms. Margaret INNISS: My timeframe would be about 48 hours; that gives us enough time to turn things around and make the necessary preparation.

Mr. CHAIRMAN: Forty-eight hours as opposed to 24 hours? Minister Husbands anything before Minister Nicholls comes in.

Hon. Ms. C. S. V. HUSBANDS: As long as we can provide opportunity for people to actually get money because I assume you have to pay that before, correct?

Mr. CHAIRMAN: Yes, you have to raise it and pay it.

Hon. Ms. C. S. V. HUSBANDS: You have to pay it before you get the review? Is that the case?

Mr. CHAIRMAN: Chief Immigration Officer . . .

Ms. Margaret INNISS: Yes. Definitely.

Hon. Ms. C. S. V. HUSBANDS: So, more time, I think.

Mr. CHAIRMAN: Forty-eight hours. Move from 24 to 48?

Hon. Ms. C. S. V. HUSBANDS: Yes. That would be some ease.

Mr. CHAIRMAN: Senator, your comments?

Senator R. O. WALTERS: You get more time. You cannot give them forever. I think two (2) days, 48 hours is better than less.

Mr. CHAIRMAN: Minister Nicholls.

Hon. G. P. B. NICHOLLS: I have no view on the time because I am guided by what it takes for Immigration to deal with the time from the fee is paid, to convene the panel and to give them time.

I am also mindful though, of circumstances in which you might only have a short window of time to get the person out of the country before that person would not become a burden on the State to have to maintain them, before the next flight is available.

If you had a situation where a carrier comes into Barbados every two (2) weeks or two (2) weeks per month and then, they go to Antigua to and come back to Barbados to go somewhere else, then you know you have to wait another month and have to keep them here at the expense of the

State. That is why these timeframes are kept in a short order.

I want to reiterate the whole concept that the deportation order is not a criminal punishment. It comes after criminal sanction has been imposed by a court. The shortness of the time period is not in any way inimitable to that person's interests.

That person has done something which in the determination of the Chief Immigration Officer is detrimental to the interests of Barbados and they should be taken out of the country, as soon as possible. We are still a country that has compassion, so there is a review process.

The review process is not intended to lengthen the time that they are in Barbados or to give them another chance to say, "*Man, cuh dear"*.

It also must be cognisant of the impact of the victim of that crime. That is why sometimes these things might appear harsh but we also have to take into consideration the victim of that crime, where a person now can spend money to get a reprieve when the person they have offended or something might not be benefitting from the financial resources that they have because the court would have adjudicated the matter in the way of which the deportation resolves the justice of the case.

If they are not having the ability to pay, then what recompense goes to the victim of that crime? That consideration goes out of the window. That is where the shortness of the time period, the turnaround period and the apparent high value of the fee to reconsider the matter, is the policy. It is up to the Committee.

Mr. CHAIRMAN: Like Senior Minister, I guess, we were guided by the 48 hours and the request by Members to give the deportee time to raise the funds. I think the Chief Immigration Officer recognises 48 hours is a reasonable; one (1) extra day. I do not have a difficulty.

This Minute, Clerk of Parliament. The Committee allows the fee to stay; that is $3,000. We increase the payable time to 48 hours. Clause 35, I think, Minister, you can lead on this because you said that this was one (1) that was changed.

The Committee noted that this Clause provides for appeals against the decision of the Chief Immigration Officer. I think this was one (1) that you really wanted to speak on. You can feel free to, on a significant concern regarding the practical utility of this right where no reasons for the initial decision are given.

Hon. G. P. B. NICHOLLS: This is one (1) where I will suffer, Mr. Chairman, from the absence of my notes from the Ministry because of the short turnaround time. I did not know I had to come here until last night. Yes, so I had to go somewhere else this morning first.

Mr. Chair, if you want to speak to the Members as well but just give me an opportunity to check; give me some time. Mr. Chairman if you want to speak to the Members but please give me an opportunity to check.

Mr. CLERK: Mr. Chairman, just before the Minister, I want to speak on the same thing as well. While I am speaking, the Minister can check his notes.

Having worked in Immigration, I have always had a difficulty with this. Under the Administrative Justice Act, I do not think you can review the decision of the Immigration Department.

Sometime back in the 1980s, a mechanism was provided that you could review the decisions of Immigration. Persons would be refused status, as they called it then and they were asked to appeal the decision. There was this Committee that was set up. I remember, I think, at one (1) point, Minister Blackett when he was Minister, was Chairman of that Committee.

Now, you apply for immigrant status. Your application is refused. You are told that you can appeal it, and no reason was given why it was refused in the first place. A lot of times, persons appeal and they put back in the same application. They did not put any additional reason because they never knew why it was refused.

I always wondered why you would give the person the opportunity and chance to appeal a decision and under the Administrative Justice Act, you are not required to give any reasons.

To me, it was an appeal that really was not an appeal because you do not know what you were appealing against and you would just submit the same application again. I am not sure why Immigration dealt with it but to me that was something that needed clearing up. Hopefully . . .

Asides.

Mr. CHAIRMAN: Minister.

Hon. G. P. B. NICHOLLS: Yes, thank you. Thank you, Mr. Chairman, for the chance to check my notes. We did look at this. In the current legislation, there is an Immigration Review Tribunal that is established to look into these matters.

From the Ministry's vantage point, we do agree that there must be a right of appeal that is meaningful. That if a person is making a decision adverse to the interests of an applicant; the person should know what that decision is, subject to the national security considerations which would not obviously be able to be dilated and set out in form.

I am of the view that we have moved in other legislation, in recent times, to looking at the process of an internal review, where there is a merit-based system of review. That is something that we are willing to send to the drafters to put in their system, where the person has access to the reasons.

If it is a national security reason, the legislation will be drafted in a way to say that the State does not have to go into particulars, other than saying that there is a national security reason.

Right now, there are a number of things that we are privy to our national security concern that I would not even tell my wife. I would not even tell her because if I were to tell her, she would ask me to leave politics. They are that grave. So that, yes, if a person is here in Barbados and are trying to move up from one status, from right to work to permanent resident and that does not happen, then you should at least have a review.

I agree that once there is a review mechanism, first of all, the decision-maker should be able to do what is called internal review; that is one (1) tier. The person who makes the decision, whether it is the Chief Immigration Officer or the Minister, should have to be able to reconsider that decision, once that person is aggrieved by it.

Then, if the person does not feel satisfied, the next and final stage should be some internal appellate determination of the review of the matter. This is not a subject area that with respect, unless it impinges on the constitutionality or the fundamental rights of a person or some really exigent circumstance that is beyond the capacity of the Immigration Department or a minister, should not be the subject of review by a court.

In other words, we cannot shut the door to court but what we do is narrow the immigration decisions, the channel from them because a judge is not to determine immigration status.

A judge is to determine the legality of how the immigration process occurred in terms of if it was fair to a person but you need to narrow that because here, to be determining your immigration status or a deportation or revocation of a citizenship or something of that nature; it should remain internally but only with a narrow avenue to a court because we do not want the court to be determining deportation orders.

We do not want the courts to be determining when a person was denied residence a right -- because lawyers would now make that like how the Americans have turned medical negligence into a kind of bingo, right?

You have advertising on the back of buses and stuff, come and hire me, you know, and we just go there. That is what we want to propose here; that any determination should first have an internal review.

I can work with the CPC with wording that we are proffering in some legislation that we are working at the policy level at the Ministry, how that has worked.

There is an internal review by the decision-maker first and then you can have an appellate system by the Immigration Appeals Committee but very narrow circumstances in which that will go to the court. I can provide the wording to the CPC if that is comfortable enough for the Committee.

Mr. CHAIRMAN: This speaks to the Right of Appeal, Clause 35. Any comments? The legislation has the Minister, the Solicitor General and a third party invited by the Minister to be a member of the committee to review the decision as well.

Hon G. P. B. NICHOLLS: If I can be more specific to benefit the Committee. There is a right to internal review where the person aggrieved by the decision shall, before seeking review by the tribunal - internal review - and a clear provision that there should be no application for judicial

review entertained unless the remedies within this part have been exhausted.

'A person who was affected by an immigration decision may request an internal review within a 21-day period. A request for internal review shall be made in writing or by electronic means'.

Then there is a duty of the Chief Immigration Officer or the Minister, **'***upon the valid receipt of a request for internal review, to reconsider the decision, identify any error of law, fact, or procedure or discretion, consider any new information that may properly arise, make a fresh determination in accordance with law and fairness and the principles of good administration, and the review shall be conducted by the person or the body not involved in the original decision so far as practical'.*

So that, you might get a different officer if you have the staff to do so.

Then on an internal review, they could confirm the original decision, vary it, revoke it, remit it for further determination, or take any other actions determined by law. The time for internal review, the scope, we can set that out.

There are exceptions to internal review where the matter is urgent and a delay would cause irreparable harm to life and limb or something like that, or it is not reasonably practicable to convene an internal review, hearing, there might be a national emergency or something like that, and you might not be able to do that.

The matter raises a constitutional question or something like that.

Then after that internal review, the appeals tribunal, which will be comprised to hear the determination of the decision-maker. This brings fairness into immigration decisions in a way that we do not have now. It will create more work for the immigration department to do but they know that they have to build a new enforcement section in order to deal with all of the administration of this legislation and all the new legislation that will come in relation to the powers of the Immigration Department.

That is what we are recommending as an improvement from the tribunal that exists in the current Bill but does not have a prescribed procedure governing the jurisdiction of how that is supposed to be done. This is something I can share with the CPC if it is acceptable to the Committee that we can put this system in place.

It is not an appeal; it is an internal review by the actual decision-maker and then you go to an appellate system and that is the end of the matter there, unless the court determines that there are appropriate circumstances which the tribunal could not have dealt with.

Mr. CHAIRMAN: Crystal clear. Could you make the notes available to the Committee so we can have them as part of the recommendation specifically to this Bill and to the Clauses. Minister Husbands?

Asides.

Hon G. P. B. NICHOLLS: Sorry, Minister. I would take guidance from CPC whether that needs to be in regulations or whether that needs to be in the body of the legislation substantively in terms of the process of the revision. We will take guidance on that.

Asides.

Hon C. S. V. HUSBANDS: I just want to ask for an excuse. I have an engagement.

Mr. CHAIRMAN: We will miss you, Minister. You have to go? It is like a mother leaving her children going on a plane, American Airlines. Thank you, though, Minister, for your contribution and travel safely, please.

The Savings, Clause 39. We can skip this? CPC, you were supposed to comment on the question whether it is going to be in the Bill. Some of the amendments will be in the Bill because it is new; it is part of guidance in terms of how but I am no drafter, so CPC can comment.

Mrs. Mechelle ELIE: Thank you, Chair. I think if we put broad language in the Bill and work out the details administratively, that might be a better approach because then it allows for flexibility, should there be a need to change.

Mr. CHAIRMAN: Thank you. Thank you, CPC. Savings and Transitional, that is it? The Committee expressed concern that deeming existing regulations supplied to the new Act could create significant gaps and leave administrators

without proper guidance.

The Committee strongly recommended that the new Act not be brought into force until the requisite supporting regulations have been drafted and are available. This is, you know, counter to what we just discussed.

Regulations can always come after, Minister? Yes. So, you are not too hard and fast on this one (1)? Any comments? I do not think there is the need to comment on this.

Welcome Stamp and Special Entry Permit. A lot of discussion. We will have lunch at 1:30 p.m. but we will keep moving until 1:30 p.m.

Welcome Stamp - the Committee discussed the absence of clear provisions for these existing immigration products. The Bar Association raised concerns about the absence of legislative underpinning for the Special Entry Permit and the lack of a transaction pathway for Welcome Stamp holders.

It was agreed that the legislation must provide a visible and defined pathway for holders of these to transition to permanent residence of citizenship and that a Savings Clause should be included to protect the rights of those with existing indefinite permits. The Minister indicated openness to considering how this cohort might be addressed.

We heard a presentation on the Welcome Stamp; an oral presentation, a detailed one (1). Guidance here on this matter. Senator, anything from you on this because Minister, I know you have a duty because we are pressed for time in terms of the deadline. What are your views on this one (1)? I would ask you to lead the Welcome Stamp discussion.

Hon. G. P. B. NICHOLLS: I thought Senior Minister Sinckler's position on this early on in this Committee was clear. I cannot improve on that.

There was a deliberate decision not to include it as a Special Immigration Category and it came up because of circumstances under the COVID-19 pandemic.

It is one (1) of the most important aspects of Barbados' attractiveness as a destination that we want to be able to attract economic activity to the country but at the same time, it is not fully within the immigration status family of such a permanent nature that we want to put it into law in this form.

I do not agree with the comment though that it does not exist because the Special Entry Permits that are part of the discretion of the Minister is what allows this in the first place so this is just a category of special entry that is allowable but to put it as a specific immigration status, the fluidity of which does not justify the formality that will be required to put it in as a special category as we speak.

Mr. CHAIRMAN: Senior Minister, you wanted to come in because I remember you spent a long time on it last time.

Senator the Hon. C. P. SINCKLER: I think the Minister has put it exactly as it ought to be put**.**

My concern with it is that I did not want this special programme to be bastardised in this way by including it as some pathway. It is not, even though people who enter it can legitimately find themselves, by the means that we have all outlined here, for eligibility for citizenship.

I think we want to be able to attract people for the value of the Welcome Stamp as opposed to putting that brand on it and then people, then you cannot tell the difference because people will be trying to use that as a means as opposed to . . . so that would be a bastardisation of that programme, I think.

Mr. CHAIRMAN: Point taken. Any comments on it before we close because I am in agreement fully. Senator Walters; Dr. Springer, you were fine as well? I think you spoke on it as well; that ends that segment, unless. . .

Hon. G. P. B. NICHOLLS: You want me to go to the Immigration Bill?

Mr. CHAIRMAN: Yes, we can leave the Citizenship Bill for last. We can give you the opportunity between now and lunch to go through your proposed amendments, recommendations that we can discuss.

Is there a document you want to share?

Hon. G. P. B. NICHOLLS: I will be guided by you, Chairman. I shared with you and the Clerk, a document. Just give me a second. I just need to save something here.

Mr. CHAIRMAN: Yes, I think you can share it with the Committee.

Hon. G. P. B. NICHOLLS: Yes, I will.

Chairman, I agree to share this document with the Committee. It is intended to be shared with the Committee. It is something that I had intended to take elsewhere but I was requested to bring it here.

There are some amendments to this Bill that are necessary and they go outside the specific scope of the economic policy and I do apologise but I am going to crave the indulgence of the Committee to consider the recommendations.

Can I ask something that we shared so that those persons who do not have the report can go because I am going to go very quickly to the Members of the Committee so that I am not going to read through the whole of the Report but there are some Amendments that our recent experiences have shown that we need to beef up the law.

We have had and I am saying this in camera here, and this is not recording, right?

Asides.

Hon. G. P. B. NICHOLLS: We have had an experience where a Nigerian lady coming from Lagos on a flight directly to Barbados presented at our airport with a child purported to be two (2) months old; her child. Nothing there to excite any suspicion.

Three (3) days later, she turned up at the Registry seeking to have that child registered as a child that was born in Barbados at a private home.

That prompted the suspicion of the officials at the Registration Department. They did not escalate it to the Immigration Department. (***unclear***)**, but sent her to the Queen Elizabeth Hospital (QEH)** where she then attempted to get a green card, although the child was not born at the QEH. She was asked to seek legal advice and she was advised how that would happen.

When the Immigration Department was contacted, a visit was made to the house at the location where she said she was, and she and the child were found. They were taken into custody.

The child was assessed by the polyclinic as part of the law in terms of dealing with child safety and child protection.

In the investigation carried out by the Immigration Department and subsequently the Barbados Police Service, it was discovered that the child was not her child, but born to another woman in Nigeria.

She was bringing the child here with the purpose of trying to get Barbadian papers so she can get to the United Kingdom. Our system is robust enough to detect these kinds of things and I want to say that for the record of the Committee.

The current law and what this new Bill proposes in no way weakens or allows us to be susceptible to these kinds of things but what we seek is to further strengthen it by reason of the recent examples that we have seen and by some international recommendations from some of the partners who we work with and who do audits of our international security and border security systems.

That matter is currently being investigated and being dealt with by the Barbados Police Service. It is my hope as Minister of Home Affairs that she can be prosecuted because I believe that we need to send a strong signal that Child Trafficking and things of that nature are not things that are going to occur in Barbados or will be tolerated.

What the Immigration Department has said to the Ministry over the last three (3) weeks dealing with this and other episodes that we have seen, is that the Immigration Act needs to beefed up in a number of ways -- one (1) is the verification of the relationships between accompanying adults and minors.

If children are travelling unaccompanied that raises red flags within the system and the advanced information system that we have and all the other systems would flag children travelling by themselves as a matter for concern.

Where the investigations, both at the port of entry and subsequent to entry, circumstances come to the attention of an immigration officer, then at that stage, it is still a question of whether your permitted entry is lawful and valid and needs to come within the remit of the Immigration Department.

The interface between immigration enforcement and trafficking-in-persons investigations needs to be beefed up. Custodial security standards for detained and inadmissible people also need to be beefed up.

We have a situation with people who are denied entry in Barbados; we do not have an ICE

facility, contrary to people's views that the airport has this big open set of cells that we just pack them up at the airport. That is not true.

We must rely on private security at present and places where people can be placed in hospitable accommodation. We cannot put them in dungeons or barracks. We must put them in private accommodation.

The Barbados Police Service and Immigration Officers are not equipped at present to secure that. This is something we now have to work on.

The Immigration Department has, as I keep saying, no enforcement section, which will now be costing the taxpayers of Barbados more and more money, as we move forward.

That has to be strengthened in the legislation to provide that the custody of a person not permitted entry in Barbados still remains within the jurisdiction of the Chief Immigration Officer or the Immigration Department because they are not permitted entry but they are here, I do not want to say the word "detained" because you can only detain them if they are in breach of your law. They are not in your country, so I think the word is "retained".

The Immigration Department wants to retain them at the border, although they are inside the country, but they are still retained by the Immigration Department.

Mr. Chairman, the last thing we want to do is to be able to make provision for the seizure, retention, the custody and the disposition of fraudulent travel documents.

We are seeing an increase in the ingenious way in which people are trying to beat the system; come with travel documents that look ostensibly like a passport that is machine readable, birth certificates and stuff like that, that look completely legitimate but they come with quick response (QR) codes. When you check the Q.R. codes, nothing comes up, but they look authentic.

We do have to improve our border management since, I think, the Chief Immigration Officer had a meeting at eight (8) o'clock this morning with a partner that is helping us to beef up these systems.

I met with them yesterday and we are doing all we can to make sure that the signal does not go to the world that Barbados is, as what my grandmother would say, "an open sepulchre", that any anybody could come and do what they like because once people see that there is an avenue; they will come.

This summary and these suggestions here speak in specific detail to Amendments to the Bill that the Ministry has agreed with the Immigration Department are necessary to give them the power to be able to discharge their functions at the border.

Again, these are people who are not permitted entry under the Act to come in but they need to still have some way of, 1) to investigate in deeper circumstances persons who are arriving at the border and indeed persons who are permitted entry under false circumstances but have breached our Immigration laws; the legislation does not sufficiently give them the jurisdiction to be dealing with them as immigration matters, as opposed to the Barbados Police Service not having to go and bring them as a basis on which to deport them but we want to be able to retain that chain of custody.

This is what these recommendations are in a nutshell. It is not a long document, about eight (8) pages but it sets out specifically the amendments.

I notified the CPC only in late hours of this morning, that this was coming. I do not have, I confess, any wording for these drafts but I want to make sure that I do not put undue stress on the offices of the Immigration Department in their ability to secure all.

They have done a tremendous amount of work based on a number of other circumstances which the security arrangements are still up in here that I cannot dilate on but I really, really want to formally compliment them at this Committee for being able to secure our borders.

At the same time we are looking into the future for these recent incidents as to how we can beef it up and make sure that we are compliant with our international obligations.

Mr. Chairman, the last one (1) speaks to the seizure of fraudulent documents.

I do not want to say that is a no-brainer, Mr. Chairman but the truth is that, we cannot afford for Barbados, under the International Civil Aviation

Convention, to be audited as a jurisdiction that has failed to put provisions for the seizure of these documents and dealing with them and that has to go in our Immigration Act because our competent authority at that stage is the Chief Immigration Officer and the officers of the Immigration Department.

These things impact on our economic policy for sure because we get blacklisted; a bad audit or downgraded in terms of the capacity of our airport.

If our advanced passenger information systems are compromised, then the Central Bank of Barbados, the Statistical Department, the Ministry of Finance and Ministry of Economic Affairs are not able to keep track of arrival numbers that has an impact on how we measure Gross Domestic Product (GDP), how we measure growth.

That has an economic impact in terms of how we deal with concessional loans, grant aid and funding, how we deal with negotiating interest rates and all of the various green bonds and the debt for climate swap. It has a cascading effect on our economy; if we do not secure our borders.

This is not necessarily going outside the scope of the Committee but I hope that the recommendations, though be it late and at the last meeting that you have are acceptable, provided that the CPC is not overwhelmed with these, but these are really security matters that need urgent attention.

Mr. CHAIRMAN: Any comments? There are really four (4) major issues that were brought to us today. The verification of relationship between adults and accompanying minors; basically to require documentary evidence of parents, guardianship, custody of consent in prescribed circumstances.

You need documentation that represents the true relationship that exists between the two (2) parties and I think that these are some of the immigration and trafficking in persons. They is clearly, custodian security for detained and inadmissible persons.

The fourth one (1) is seizure of fraudulent travel documents. They are clear and we can read them. I have no difficulty in recommending them to the Committee.

Asides

Hon. G. P. B. NICHOLLS: No. Just e-mailed… Sorry about that, Mr. Chairman.

Hon. C. P. SINCKLER: I do not have a problem with them but unfortunately, I hate to be the spoiler but I am not quite sure that this is your route through which, Mr. Minister, such a submission can be made to this Committee.

Asides.

Hon. C. P. SINCKLER: I heard it very well and the latter part of your submission should have come first because it is correct but these are amendments which I do not think … I stand to be advised by The Clerk but I am a little suspicious as to whether they can be properly put before this Committee for action, not that I do not agree. I agree 100 per cent. I stand to be advised. I just want to make sure.. .

Mr. CHAIRMAN: About the process.

Hon. C. P. SINCKLER: Yes, that if we adopt that we do so appropriately and lawfully in the Committee. The Clerk, please advise so that we can think because I agree 100 per cent because one (1) of them at least surely, in terms of recommendations, came through the Ministry of Foreign Affairs.

Mr. CLERK: Mr. Chairman, if we go as first principle to the name of this Committee, which is the Economic and Productive Sectors, the amendments that are being proposed probably would not qualify.

Given that we are taking on board a Report of the Committee on Governance, which would probably have looked at these amendments and the extent that the amendments, the Immigration and Citizen Bill have been with Parliament now this is three (3) or four (4) months to require those amendments to come in separately … because we will have to send this back to the House; pass the Bill and then come two (2) weeks later to deal with amendments.

I think to the extent they said that we are taking on board the Committee on Governance and its report in relation to these two (2) Bills, we could in that circumstance examine these

amendments and propose them today.

Senator the Hon. C. P. SINCKLER: Thank you, I just wanted to be clear and to be properly advised. With that, I am satisfied with that explanation and I support the recommendations of the Minister and hopefully we will be able to get our technical people to draft them in.

I think we cannot, I should say we should not let pass this opportunity, to recognise that what the Minister is proposing are some very serious adjustments that need to be made. We have discovered in recent times certain lacunae in the legislation that we have and we need to fill those immediately because of the circumstances that we found ourselves in.

I was always particularly intrigued by this. I remember when I first encountered it, I was always intrigued by this notion of persons being held by the Immigration Department who are not really in the country; they are physically in the country but they are really not in the country in the sense that they have been properly admitted to the country.

Now, both Senator Walters and I may know a particular character who ran afoul of, allegedly, of the law some years ago, he may not know, since he is still young, who was charged with a crime; perpetrating a crime on a person who came to Barbados but was not admitted legally to be in the country, was in a holding pattern.

The crime was committed when the person was allegedly committed when the person was in that holding pattern. The case was brought, the person subsequently left the island and it posed a lot of challenges of getting evidence and all of that.

I am acutely familiar, I thought I must even know if that case came to an appropriate resolution; I think it may still be in the system if my memory serves me correctly. You know, this person was in this arrangement that we have and, you know, things happen.

The issue is that we need to strengthen whatever weaknesses exist, that is the point in this arrangement.

It probably obtains in other countries as well, to some extent. We just had the unfortunate situation of a Barbadian national, Minister, who after having been discharged by a court, was held for six (6) months by immigration authorities, somewhere, which was not the best place to be held. We had to basically fight to get that person back to Barbados.

It puts the Immigration Department without appropriate modern legislative tools in an invidious position, for which, frankly, liability could be apportioned if something happened while that person is being held and to correct these situations is very, very important. The more expeditiously we do so, the better for us.

I, Chairman, support 100 per cent. I just wanted to make sure that the record reflects that we are doing this appropriately; it has been clarified.

Mr. CHAIRMAN: I support the recommendation. You rightfully said, Senior Minister, you have to make sure that this is done in correct and proper order and I consulted the Clerk of Parliament prior.

As Chairman, I think I had the right to do such before inviting the Minister as well and we were within our grounds because it was taken under the pretense of the whole discussion on the governance aspect from the former Joint Select Committee. That is why we have entertained it at this stage.

I want to thank you for the guidance as well. It is always so wonderful to have the experience of former Minister of Finance, former senior and now Senior Minister, and who would have seen and straddled both sides of the fence and understands governance in the way that some of us do not.

You know, when you go through the horn-pike and hottest fires, you become the finest steel. I thank you. So well-articulated, Senior Minister. Thank you for your support.

When you are through, Senator Walters, I would defer to Minister Springer for any comments. CPC, it is a document that will come to you. You have it. Thank you very much. The Chief Immigration Officer, that is why we needed you here as well. I know you had a hand in what was put forward.

I do not want to say give you more protection as a public officer who are engaged in these, what I call very sensitive and national

security issues, so that you recognise that you have support from the government and that the legislation protects you. I think that is fundamental.

You should feel safe executing your duties because there is a fallback with respect to the legislation that this Committee would put forward to Parliament. I want to thank you for being here.

Senator Walters, as soon as you are through, we have lunch at 1.30 p.m. and I do not know if you wanted to comment. Are you fine?

Senator R. O. WALTERS: Yes, I am fine with this.

Mr. CHAIRMAN: Yes, thank you. That is your brother right there. He told you, you walked the same halls and the same roads.

Asides

That is a fact. You correctly said it. Only one (1) is more successful than the other two in that walk. By a long way.

Minister Nicholls and then we can have Justice Moore if you want to comment, as well as CPC, feel free, Chief Immigration Officer. I heard the Clerk.

Hon. G. P. B. NICHOLLS: I heard from Justice Moore and CPC because the issue I want to raise is why I indicated at the earlier part about the two or three Clauses that we agreed on in the report that you are considering.

Mr. CHAIRMAN: No problem. We give way to you.

Hon. G. P. B. NICHOLLS: Just very quickly, Mr. Chairman. I just circulated a little note to you and to the Clerk, which you can send on to the other Members of the Committee.

As I indicated before, on assuming the responsibilities for leading the Ministry, the first thing we did was to take the report on the Joint Select Committee on Governance and Policy Matters and considered the comments made.

There are not many changes that we have gone through in relation to the Immigration Bill. In Clause three (3) in relation to the right to enter Barbados, we noted that the Chief Parliamentary Counsel had advised that the words used in the Clause were a little bit outdated and that permanent resident status inherently preferred the right to enter Barbados and that advice was not accepted by the Joint Select Committee.

That is one (1) of the first things we noted at the level of the Ministry. On permitted entrance in Clause four (4), the Chief Parliamentary Counsel had agreed that we needed to harmonise the definitions with the language in the CARICOM legislation.

I do believe that since then, we needed to look at also the arrangements that we make for those persons who are allowed the travel-free requirements among the countries within sub-grouping of CARICOM.

We felt that at the level of the Ministry that Clause four **(**4**)** needed to state clearly who are permitted entrance and that when you read the Bill, you should not have to go to the Schedule to see who are permitted entrance.

Clause four **(**4**)** says "Permitted Entrants". List them. Simple. So that, any citizen or person who is looking to come to Barbados, who is not familiar with the language and style of drafting, would not have to go to a Schedule to look to see a list of categories in that.

That was one (1) of the things that we thought we could clarify.

That is just not to change the substance of what the Bill says but just to put in a section at the beginning which lists who the categories are. I know there is a view that if you had to change it, then you have to come back and amend the legislation but, the truth is, this is an important point in the Immigration Legislation.

The persons who are permitted entry is not something that you change by Schedule. This is an important thing. Anytime you want to make a change to that; you really should come back to Parliament and make a change. This is not something that is likely to change on a weekly or monthly basis. That is a substantive provision, so the Ministry felt that that should be set out.

In relation to the 'Reside' or 'Reside and Work', I do not think that the last Committee had the benefit of the working operations of the Immigration Department, as to what this was.

We felt this was a nebulous category that the Minister just gets up and decided who was is Reside and Work. It was not properly explained.

When I went to the Ministry, they actually

started to defend it and came up with so many different circumstances. I have asked them to codify all of that. Put it in writing because reside, the right to reside and the right to reside and work. This is something that you grant every day administratively. The Minister issues it.

As in some circumstances, I have not gone against the advice of the Immigration Department but certainly it is within my power to grant somebody Reside and Work if the Immigration Department feels that they should get Immigrant Status or Permanent Residence. That is not how the power is exercised or they understand it to be exercised.

I felt that rather than retaining it without saying how it is operated, that is what I have here:

'People married to Barbadian citizens or permanent residents or married to CARICOM skilled nationals or other community nationals, who wish to reside in Barbados during the cohabitation period that is required for them to apply for any status'.

If somebody is entitled to come to Barbados and they have a girlfriend, a boyfriend or married to that person and that person is not a CARICOM skilled national; a Community national or any of the other recognised categories but they are married; will they just come and stop in the house? Or you will tell them that the husband or wife cannot come to Barbados?

That is how the Minister exercises that discretion. Then, that allows them to meet the cohabitation period to get a proper immigration status.

A second category of the persons who do not satisfy the cohabitation periods and does not qualify for any immigration status but who on the determination of the Minister, it is expedient and reasonable for that person to be granted Reside and Work; that might be in persons who fall through various categories. I do not want to go into any specific cases here but that is there.

It is different from the third one (1), where a person who applies for a status but they do not meet the relevant qualifying period where, in the opinion of the Minister . .. again, I want to stress here, this thing about the opinion of the Minister is not a discretion that is exercised by the Minister willy nilly.

This is a discretion exercised by the Minister in accordance with our constitutional role to take advice from the technical officers within the Ministry.

Ministers do not act outside of the provisions of the law and do what they feel. They must take technical advice from the Ministry. That is how the Reside and Work has been codified.

But, the latter category also does give scope for emergencies; humanitarian situations; that would allow people to be accorded the right to enter Barbados. Why that is important, Mr. Chairman and Members of your Committee, we live in a world where emergencies and disasters can create climate refugees.

Certainly, our immigration laws must be able to allow for that flexibility. Again, the reason why those circumstances are not listed is because we do not know what circumstance the power to be granted the right to Reside and Reside and Work in Barbados needs to be exercised; that is only in a rare circumstance.

The last thing that we have on our shopping list here at the level of the Ministry is that there are seven (7) offences in Clause 32 but we want clarity. We want people to know what the immigration offences are in specific detail. List them. They are listed but name them. Break them out into separate different offences so that there is no argument.

That is just a question of re-drafting but that is not a question of substance because they are adequately provided for it the law but we wanted to make sure that the seven (7) offences are individually mentioned.

Those are our comments on the Immigration Bill arising of the earlier Joint Select Committee on Governance Report.

Thank you for your indulgence, Mr. Chairman.

Mr. CHAIRMAN: Thank you. The last one (1), the offences, you said that there are seven (7) separate offences at Clause 32; that this Clause be amended in order to make the distinction between the nature of each offence rather than combining them.

Just how do you intend to do this because I see the offences.. .

Hon. G. P. B. NICHOLLS: One (1) of the things is that we do not want a person to be told that you have breached Clause 32(a) or Clause 32(f). Just name what the specific individual offences are, so that people know what they are really charged for.

Lawyers speak about a section 13 offence. We know what that means. The public does not know what section 13 or section 16 is in the Offences of a Person. We know what that means.

It is assault with grievous bodily harm with an intent to maim, disfigure and disable.

When we speak about section 16, everybody knows what that means but that is everybody who is a lawyer. We wanted to make public aware that if there is a breach of any of these specific offences, it is very clear to them what they are. That is just a question of sorting out and giving them a label.

Mr. CHAIRMAN: Okay. Clear. So, you would put like a sub-heading on each and every one. Okay. Understood. Yes, I am someone who is not legalese either. I just wanted to make sure how because I saw the note about how this will be done.

So, the recommendation is that on all seven (7), they put a sub-heading as to what the offences are. Theft, (a) or whatever. That is the recommendation from the Minister to the Committee.

SUSPENSION

What we will do, at this stage, is pause for lunch. We are 10 minutes behind. We do not take more than 50 minutes because we want to conclude today. I think we are going well. We had some meaningful discussion. I see, Minister, you will have lunch with us.

Hon. G. P. B. NICHOLLS: I am grateful.

Mr. CHAIRMAN: We have one (1) or two (2) of this discussion because I want to ask you a few questions as well.

Clerk as well, I need to know the way forward after lunch because we still have the Citizenship Bill to look at and then, the two (2) pieces of legislation, if we are supposed to make any amendments, exclusions and inclusions based on submissions.

Do not forget the reason why we are here. We are a Joint Select Committee who are charged with the responsibility to take feedback from key stakeholders to see how best we can improve these Bills and that transparency has been maintained.

We do not want to end off by not going through every aspect of the Bill and I stay committed to the mandate of this Committee.

So, after lunch, in 50 minutes - Deputy Clerk what time would that be? I used to be a mathematician, used to be. This session stands suspended until 2:35 in the forenoon. Thank you all.

RESUMPTION

Mr. CHAIRMAN: It Is now five (5) minutes to 3 o' clock. We are onto Page Six (6), the detailed deliberation on the Citizenship Bill. We are going to do a similar exercise.

I do not know if Minister Nicholls will join the session but I want to thank him for taking time out to be here this morning and provide us with some clarity on the Immigration Bill and some aspects of it that he believes should be included and sanctioned by the Committee. We went about it in the right way.

The Citizenship Bill. Clause Two (2), Interpretation. The Committee recommended no amendments. I am not sure if there were any from other parties.

Clause Three (3), Additional Grounds of Citizenship. Clause 3(1) Abandoned Newborn Infants. The Committee discussed the definition of newborn. Legal advisors clarified that the term is a question of fact to be determined by medical evidence and the circumstances of each.

The Committee accepted that prescribing a fixed time frame in Legislation would be impractical and could create uncertainty. That is Clause 3(1).

Clause 3(2). Citizenship by Design.

Dr. the Hon. R. O. SPRINGER: Chair, earlier on we had raised the issue. I think we addressed it too. There were three (3) issues mentioned under Clause Six (6) of the Immigration Bill that spoke to Direct descendant. They spoke to acquisition of status as a permanent

resident.

Mr. CHAIRMAN: Yes.

Dr. the Hon. R. O. SPRINGER: There was one (1) where Direct Descendent and there was no definition and the previous Committee had asked that a definition be offered.

Mr. CHAIRMAN: To be read in conjunction with the Citizenship Bill.

Dr. the Hon. R. O. SPRINGER: Right. Now we are looking at Citizenship by Descent and I am curious as to persons; people; obviously your children; your grandchildren are already descendants but then you have your adopted children and I guess their children.

I am wondering if their children now will be considered your descendants as well. I know we are guided by the...

Mr. CHAIRMAN: What I saw in the Bill, the notes, I read it, that if a child is adopted; once a child is a citizen of Barbados; their children are entitled as well to citizenship. Once they are a citizen of Barbados, so it is somewhere in here and during my time last night while I was reading that came up as well, so we will see that outlined somewhere in the Legislation.

CPC, you can guide us as to where it is.

Mrs. Mechelle ELIE: I am looking. Section 5(3).

Asides.

Mr. CHAIRMAN: Right, 5(3), yes, that is here. Thank you. It says, "*where under any enactment enforced 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 adoptive or in the case of a joint adoption, either adopter is a citizen of Barbados, the minor child become a citizen of Barbados from the date of the order."

That is clear and if that person becomes a citizen, then their children become citizens based on the Legislation; that is clear.

Dr. the Hon. R. O. SPRINGER: Okay.

Mr. CHAIRMAN: Any other clarity on that area? Thanks, Justice, for nodding. Means you agree. Yes. Thanks, CPC.

Citizen by Descent. Any citizen, regardless of how the citizens should be able to pass on citizenship today, they decide on this Clause. That is normal and it is 3(2).

Onto 3(4) Transition of Immigrant Status. The Committee discussed the transition of persons holding immigrant status under the former Act. It was noted that the legislation was signed on to other statuses such as special entry permits and Welcome Stamp. We discussed this.

The Committee agreed that this provision should be reviewed to ensure comprehensive savings and transfer framework. This was discussed. No need to get back there, with respect to the Welcome Stamp. Agreed. We do not need to rehash this.

There is 3(4), 3(5) and 3(6). The Committee considered submissions recommending higher residency threshold for citizenship applications. A divergence of views was expressed.

Some Members agreed that proposed thresholds were too low to demonstrate genuine commitment to Barbados, while others felt they were sufficient for non-CARICOM most of this is the aspect of the Bill that created some level of discussion, 3(6), 3(5).

In terms of the two (2) years, a recommendation for non-CARICOM nationals, the majority agreed that their aggregate period should increase to two (2) years out of a three-year period; 730 days within the 1095 as opposed to 270, the matter of threshold for CARICOM Nationals was left for further consideration.

We are looking at Member States, CARICOM and Non-Member States. Non-Member states are outlined in 3(5), in 3(6); while Member States are outlined in 3(5). So 3(5) and 3(6); Comments? This was a very substantial matter during the submissions and we will want to hear comments on the Nationals of a Non-Member State in terms of the process, the time frame and the threshold.

The Floor is open for discussion with the recommendations from the former Committee. I remember, Senior Minister, you were on a call when we discussed this and you were of the view that three (3) or four (4) years you were neither here nor there with it but your view was the fact that we have a number of persons who would have objected to the two (2) years and we were

discussing the ability to incorporate stakeholders without losing any, you know, a year or a year or a year on or off would not be too detrimental to the process.

I think you mentioned that.

Senator the Hon. C. P. SINCKLER: Thank you, Chairman. That was mentioned in the spirit of recognising that there have been concerns expressed about the length of time and it is carried here as well, consistent with that and I had not seen this but I am now seeing this, so I am assured in my view that the intervention was an appropriate one.

The government's policy is the government's policy, which is, we think that the two (2) years are adequate, given modern technology and the capacity for us to function and to get various things like background checks and those things then expeditiously now given the context that we have.

I think two (2) years for an assimilation into the domestic society and culture is a reasonable period of time but that notwithstanding – and that is what the Government policies and we, the representatives of the Government on the Committee, clearly support that position – mindful also of our responsibility, wider responsibility of the Committee to reflect some of what we have heard and to include some of that, not to override what the Committee will agree to but to try to put a compendium of the options that may be available to the Government and to Parliament to consider.

I was then recommending that or suggesting that it would not be without some credibility as to the hearings that we have had; that a middle ground may be something that we would want to put in square brackets as having by analysis arrived at, but the original position, of course, of the Committee, I should say of the Government, and hopefully of the Committee, is that what we have here now in the draft is adequate because we do believe it is adequate.

One (1) of the points I wanted to make though in relation to this is, and again, I say this not to give mischief or to put a break on what we are doing now, but to allow people to understand that receiving citizenship through this process, through this specific piece of legislation does not pertain automaticity.

I think that we really must be careful to allow the public to know that this speaks about what makes you eligible. This is how you qualify, but there is still a process that must be undergone for the Minister to be properly advised that citizenship should be accorded.

I think that should always be said to Barbadians. I should say it to Barbadians, but also to those persons who are trying to access citizenship because the way in which these discussions have gone in some respects, listening on from a distance before and now being involved more directly, in the public's view, there is this misguided impression that once you meet the qualification to assure that you automatically receive citizenship in Barbados, that is not true.

I think that we have to hasten to allow people to understand that this is the provision, this is the threshold, this is the pathway that allows you to get there, but there is still a process after you have met these requirements and that sometimes, depending on who you are dealing with, may incur reviews or special reviews that will have that will take time.

It is not that you meet the threshold, you apply, and in two (2) weeks' time, the Chief Immigration Office is going to send you a certificate. That is not how that process works. Having myself been involved a little bit in it I can tell you that that is not how that process works.

Our goal is to be as efficient and efficacious as possible, because one of the problems that we identified is the length of time that it has taken previously under the previous legislation and we know some people have gone to the great beyond perhaps and have not received their documentation, and we do not want that situation to occur again, but we also have to be mindful that we are operating in an entirely different environment now.

It is a much harder and hardened environment in terms of national security, in terms of the risks that exist, and so forth and so on.

While we want to be punctilious, we have to be very circumspect in how we approach this, but as far as this is concerned, I have no trouble with the timeframes. I think I indicated that to you, Chairman, you made that point.

I think these are adequate, but as a

Committee, we have to be reflective of what we have heard, ingested and to share that also because I do not think we have minority reports in here for this purpose.

As a Committee, we still have to ensure that alternate views have been given fair consideration by those who have submitted either already or in writing and as a responsible Committee reflect some of those views, even if we do not necessarily agree wholeheartedly with the submission. That was my position last week and I thank you for hearing it.

Mr. CHAIRMAN: Thank you, Senior Minister.

Any other comments from the Members? We have before us the non-CARICOM nationals. The former Committee agreed the aggregate period should increase to two (2) years, which is 730 days within the three-year period of 1 095 days and the matter of threshold for CARICOM nationals was left for further consideration.

I think, Senior Minister, you did mention as a result of the Treaty of the Chaguaramas, the free movement of people across the region, one Single Market and Economy, then this time frame is really a moot point for the Member States.

Any objections on where we are? The legislation has at least 270 days during the period of at least 1 095 days immediately preceding the date of the application. There is a request to increase the aggregate period to two years, which is 730 days of the three-year period. Senator Walters.

Senator R. O. WALTERS: I agree with the proposal.

Mr. CHAIRMAN: Do you agree with the report? Okay, and to leave the CARICOM nationals as is the Member States. There is a request to leave the Member States.

Minister Springer, you have no issues and the request increased by a year for the non-member States or what we call the non-CARICOM nationals, the aggregate period to two years. Is that the consensus?

Mr. Minister, are you fine? Okay, so we move on. We leave that as is, as per the report agreed.

Clause 3(8) and First Schedule: Entitlement to Registration.

The Committee agreed to increase the first schedule to expand to include eminent figures and these are persons set out in the First Schedule, entitled upon application to be registered as citizens of our business when they apply to the Minister.

One (1) of the things that we mentioned, I think I was in discussion, I think with you, Clerk of Parliament, and we had mentioned cultural icons.

There is a need to expand the First Schedule, but how do we expand it? Mr. Minister, we can take some guidance from you here as well, because this is in relation to persons who are set out in the First Schedule who are entitled upon application to the Minister, to be registered.

These are persons, if you look at the First Schedule, you will see them.

Clause 3 (8) of the Citizenship Bill and the First Schedule persons entitled to be registered: former Secretaries-General of CARICOM, holders of the Order of Caribbean Community, former Chancellors and former Vice Chancellors of the University of West Indies, former Heads of State of Member States, former Heads of Government of Member States, spouses and dependants of persons referred to in paragraphs A to E.

The former Committee recommended eminent figures such as former West Indian cricket captains, former presidents of the Caribbean Development Bank (CDB), former presidents of Caribbean Court of Justice (CCJ) and then there was a request to go wider for some eminent icons, cultural icons, international icons, because I heard you, Senior Minister, what our role is as a Committee -- Economic and Productive.

Senator the Hon. C. P. SINCKLER: Recommend, as is before you, this Clause here, I tell you, section 3(8) First Schedule.

Asides.

Mr. CHAIRMAN: Persons of exceptional eminence, I should say.

Senator the Hon. C. P. SINCKLER: What is that?

Mr. CHAIRMAN: Internationally

renowned, this covers dignitaries, investors, cultural figures, or other superstars, distinguished persons. Those were my notes.

Senator the Hon. C. P. SINCKLER: Your notes from where?

Mr. CHAIRMAN: My notes.

Senator the Hon. C. P. SINCKLER: They must have been taken from somewhere, Mr. Chairman. Do not let me go there.

Mr. CHAIRMAN: Do we want to widen it?

Senator the Hon. C. P. SINCKLER: Former Secretaries General of CARICOM. Holders of the Order of the Caribbean Community, former Chancellors and Vice Chancellors of University of the West Indies, former Heads of State of Member States, former Heads of Government of Member States. Spouses and dependants and persons . . .

Mr. CHAIRMAN: For instance, if a superstar wants to come to this country. Committee, say for instance, a superstar like Michael Jordan, I am a basketball fan, who wants to become a citizen of this country, would we refuse him? Just an example. That is why the superstars or the exceptionally eminent or internationally renowned.

Senator the Hon. C. P. SINCKLER: You know that may be one in the extreme as I presume, this is how that goes. One of the things I said earlier, that I would like to reiterate, is a category, I will not call it a fast-track category, but a category of persons who are of such renown, or substance.

Those are very subjective words, yes? Who has made a contribution to Barbados; who have been around, they have not sought residency or immigrant status or anything of that nature, but who have been here and we have seen and felt their contribution.

Now, I will give you a classic example. I met a couple of people on a recent visit with the Prime Minister to Ireland, where we officially opened our Chancery there, our mission. There are some people who are there, they are Irish citizens, but they have spent a considerable amount of time in Barbados investing and building stuff and doing stuff.

In fact, so much so that a lot of people in Barbados believe that these are really British citizens, but they are not British, they are really Irish, and they have invested in not just economic stuff, that is obvious, but they have invested very heavily in social causes in Barbados as well, some very well-known and some not as well known.

I make a supposition. Suppose one of those persons were to say, I would like to become a citizen of Barbados. I feel that we should have a special category for people of that nature.

I honestly feel so. I honestly feel that we should have a special category for people of that ilk, that you can see, and you can feel how they have contributed to society. Never mind the fact that they themselves have not proffered to be.

I met a lady right in this Parliament actually, I would not call her a name, but she is an honorary consul for one of the European States here in Barbados. She has held that portfolio for nearly 30 years. She has contributed significantly to the tourism sector in Barbados. That is just one example.

Now, I am not saying she wants or she is not or whatever, but she has been here, was educated at UWI, and had some of her children who went there as well. She is committed, but she is still a citizen of another country.

What if somebody like that, you know, in their later years, a person of means, decided, you know, 'I have been around this society for a pretty long time, made a substantial contribution, known in circles, up and down, and I think I want to commit to become a citizen of Barbados'.

I would hate to think that they would have to go through all of the stuff that we prescribe here, in terms of getting points and things, even though those could be ascribed, because you can look and see what they have done, and ascribe the points.

However, if they could be put on a fast track, that they can be given such status on the basis of what they have done, that is different from your Michael Jordan example, because we have those as well. However, that particular category of person is what I am referring to.

It may not be just somebody who is into a commercial thing, they may be somebody who is into a social enterprise, they may be somebody who is an athlete, or whatever the case may be, but

can show and we can see and feel that person's contribution to this society.

I feel they should be given the opportunity to get that which, if they had applied many years ago, by reason of the fact that they have been around here and have done things and so forth and so on, would naturally have been considered, that they be given the, not the offer, but the opportunity to be able to avail themselves of that status. That is how I feel about it.

I mean, I look at this list here, you know, I was just discussing with Senator Walters. I was discussing with Senator Walters just a while ago, about, I mean, this First Schedule, this is very generous.

I have seen in one Caribbean territory where the former Head of State cannot even get a diplomatic passport, he is not even entitled to a diplomatic passport, it is going to be taken away.

We are offering him citizenship, if he wants it. I think he should probably avail himself of the opportunity when this Bill passes.

However, we are being quite generous in this, as well we ought to be as good Community Members, in this First Schedule. However, I think there are persons, back to my original point, that have made and continue to make, and will make, substantial contributions to this country, that I feel ought to be given some grace when it comes to this particular Schedule.

I do not know how it will be framed, where it will be put, that kind of thing, leave that for the technical experts, the Minister and his team. It would be my submission that that is something that is worth considering.

Mr. CHAIRMAN: Thank you, Senior Minister. I heard you, but I still think, despite what people go through in their countries, there is always a political motive to push some further away from the pie, or the apple, or the centre, or the nucleus, for political reasons.

I do not think, as we aspire to be one Caribbean, and most of this Bill speaks to Member States, and if we are really incorporating Member States into this sojourn, this transition, then we have to recognise that Member States do not run themselves, but they have Heads and esteemed institutions that educate people like Chancellors and Vice Chancellors.

I strongly believe that a former Secretary General of CARICOM, these are posts that I believe are worth being recognised as, if not exceptional eminence, but eminent and renowned posts. You do not take the average "Joe Blow" to become a Head of State or Head of Government of Member States. So, that is my view.

I think their families because, very often, and I know you will support this Senior Minister. We bring it down to us. Our children and families suffer immensely from us taking up certain posts. We are targeted.

I can speak of a situation during COVID-19, where a colleague Minister's child was, indeed, told some very unkind things, "*Your parents can come and collect you from the school during COVID-19. You sit down out there and wait.*"

They were treated in a way. That class goes through the hornpipe sometimes in some societies. I think Barbados is one of the countries that recognise that these persons who have done the yeomen service are indeed worthy of certain recognition.

Some may not get the 'Most Honourable' because of where they live, but they will be treated as like how they treat the 'Most Honourable'. I know you want to come in CPC. I will give you a chance and then I will hear from the Minister.

I believe that there is a lot to be gained from having some superstars, as Senior Minister mentioned, go through not the rigour of the 10 points, the five points and accumulation of points, but recognise the value to our society that they have made and what they can do for our country. How do we do it? That is the thing. So over to you, CPC.

Mrs. Mechelle ELIE: Thank you, Mr. Chairman. Just a point of clarification, since our eyes are on Clause 3(8), the Committee would recognise that the word '*entitled'* is used there in contrast to cases such as Clause 3(6) where it speaks of a person applying for citizenship and being registered. So, it is a slightly different tone.

It is more in the need to have a right that is suggested there. When you look at Clause 4(a) and (b), when we speak about the right of refusal to register, Senior Minister mentioned that apart from if you are born here, so to speak, there is no outright entitlement to be registered.

But, when you look at Clause 4(a) and (b), you see 4(a) makes a distinction between persons who are entitled to be registered as a citizen under the Constitution and persons who apply to be registered. So, you would realise in 4(b) that Clause 3(8) is captured.

So, I am observing that we have a bit of a discrepancy in the draft that, once we are sure what the policy is, we can tidy up whether the list of persons were intended to be given a right, an outright entitlement to citizenship, or whether because by virtue of the office they may apply and be registered.

While I hear what you have said, Mr. Chairman, in relation to the challenges, the other side is, of course, that we do have a list of prohibited entrants. I am not talking about people who are persecuted for political reasons, but for other reasons.

If someone is convicted, let us say a former Secretary General of CARICOM, God forbid, is convicted of a serious offence, is it . . . You are with me?

Right, if the Minister could clarify, it would help us to tidy up the draft.

Mr. CHAIRMAN: Thank you very much, CPC. It is a very good intervention. Minister?

Hon. G. P. B. NICHOLLS: I understand the concern of the CPC, but the Legislation is intended to give that discretion or application to the Minister in prescribed form. The list, as suggested here, can be amended, as far as we are concerned. There are . . .

Mr. CHAIRMAN: Expanded.

Hon. G. P. B. NICHOLLS: Yes, expanded to include eminent people. The idea, the philosophy underpinning this is that there is an idea of Barbados. We are not going to say that there is something called "Barbadian exceptionalism", but there is an idea that drives the fundamental ethos of who we are as a people and what we represent. There is a certain international aspect to that.

For us, that we have the ability to confer and award citizenship to persons of eminence who have distinguished themselves internationally, is what we believe is a more liberating feature of our society as we mature, evolve and move out of what were the immediate post-Independence scaffolding that governed the ethos under the 1966 Barbados Citizenship Act which bears special allowances in the language of the Act for Commonwealth citizens that were accepted for special treatment in the Legislation and people from other countries in the world that might not necessarily Commonwealth, were not.

We adopted that framework because we were newly independent British countries.

Now, we are 60 years on of an experienced, a mature and settled democracy, espousing the views of our Republican status for the last five years. This is a statement as to who we are as a people and how we view the world.

Therefore, I am in full agreement with the suggestion that under this exceptional category, even if you wanted to, without making the language sound more flowery because one of the things we do not want is for people to associate this with a sense of elitism and social exclusion or any other category.

But this is to allow Barbados to be able for persons who have lived a life of excellence, lived a life of eminence and have been a great service to humanity and the world at-large, to be part and parcel of what we identify as Barbados. That is all this section is intended to create without much legal formality.

In the original form, it seems to me that the Schedule does not capture that, in essence. It restricts it to a very narrow class of the civil service professionals within the context of the Caribbean and that is not what this section should be intended to do, to take the highflyers who have achieved merit.

This is to go beyond CARICOM, the Caribbean institutions and so forth, alright. This is too narrow and should be expanded, but under the broad understanding that this is to give Barbados the ability to confer citizenship on persons who have achieved global excellence and who we identify as being representative of Barbadian ethos in an international context.

At the moment, it is very Cari-centric.

Senator The Hon. C. P. SINCKLER: It is very.

Mr. CHAIRMAN: It is very much so.

Hon. G. P. B. NICHOLLS: So, we will move from Commonwealth to CARICOM which

is a bit narrow. For example, if Aimé Césaire was around still, we would not be able to confer that type of citizenship on him.

We would only be able to confer that, not on a Frantz Fanon, you know, people from Martinique or something that have done great work in terms of the development of who we are as a Caribbean people and identify with maybe Francophone or other parts of the Caribbean, you know.

But this is very CARICOM-centric and it does not capture in essence what that provision really should be – liberating in my view.

Dr. the Hon R. O. SPRINGER: Mr. Chairman, are we okay with the inclusion of former West Indies cricket captains? I mean, I can understand some of the other inclusions, but in terms of West Indies captains, you could be a Captain for a series, could be captain for a match, then there are the women captains. Will just being captain of a series or a Test match or a One Day, that then automatically make that person entitled to be listed amongst this category of people?

Hon. G. P. B. NICHOLLS: An excellent point, Minister. I think you are almost tempted to get me to think that this is a false logic that we are adopting here.

The truth is that I would like the Schedule to speak to persons rather than specify office holders that we can think about at this point in time, to keep it in a broad category that we can all accept that this was a person of eminence and merit within the Caribbean and the world and what not, rather than pick the top five offices in the Caribbean.

You may get the West Indies cricket captain, then somebody might ask for the coach, you know what I mean? That kind of stuff. So not to demean it, but there is nobody who would be able to sustain an argument that Sir Richie Richardson sits on the same pecking order as Sir Clive Lloyd.

So that because Sir Clive Lloyd is deserving therefore, Richard Richardson and Courtney Walsh and Darren Sammy are also deserving. That is not the intention of the Legislation. So, I want to ask the Committee not to get into the specificity of picking those posts because they are holders in the post that may qualify.

Therefore, it means by virtue of that, every person who was before that person and succeeds them must also equally qualify. And that is not the intention of this section here.

For me, it would be to people who have served with eminence and grace and exceptional service to the Caribbean and to the world at large and leave it in that broad category. This is supposed to be a rarity.

The language itself would lend to the reading that this is supposed to be a very rare designation whenever it arises.

As such, I would not agree with the extension of categories because that is not what this is about. This is not a shopping list of people that went around the region and say, let me start making these people apply for Barbadian citizenship.

So, we could capture these, the eminent holders of these respective offices in language, the Legislation should capture them rather than trying to say we pick the office, because there will be people who are not fitting, but who by virtue of being able to satisfy that they are qualified by virtue of the holding of the office, a Minister may very well give them Barbadian citizenship, which would essentially defeat the real overriding ethos of this provision. I hope I answered.

Senator the Hon. C. P. SINCKLER: The truth is Minister, it is a very interesting thing and I agree with you 100 per cent. Once you do that, you really go on a never-ending thing and then there is always going to be somebody who pops up and says, '*oh, you chose this person and not that person for this title'*.

If I had to, and I am not an expert in this, and I say these things have to be driven by the policy of the Government and Ministers who were quite correctly advised.

You see that titling of schedule *'persons entitled to be registered'*. I would actually change that to persons eligible to be registered. That is the wording I would use. And then it gives us all the good things that Minister has just correctly pointed out, it gives you the flexibility to deal with.

That list can never be exhausted because there are so many categories, but the concept of what you are talking about in the Schedule, you can mention some, but you know that that is not

going to be all.

Then it gives you the flexibility in bringing regulations or making amendments to the Schedule to appropriately expand categories if you want to expand categories.

I can immediately tell you about two or three other categories that could be listed here before some of the ones that I have seen here. The issue of titles that should be there.

When you get into this, it really becomes so mucky. So, that would be my suggestion. But again, I am guided by the Honourable Minister with responsibility for this because, as a Committee Member, I think we should be advised.

The Minister has really been very clear in what the intent was, because the intent in terms of the policy really informs what the drafters can and cannot do, or should and should not do in that respect. That is my two cents worth.

Mr. CHAIRMAN: I heard the request and I saw CPC in acknowledgment of the change from 'entitled' to 'eligible'. Go ahead.

Ms. Mechelle ELIE: Thank you, Mr. Chairman. I acknowledge the change to 'eligible' because that is where my thinking was going.

When I first raised the point, if I understand the Honourable Minister correctly, what he is saying is that as a mature society, post-colonial society, where we have already in our constitution given entitlement to British subjects, we are now seeking to confer our own entitlement as we see fit, not as was imposed on us.

So, in that sense, I appreciate why the word entitlement rather than eligibility was used.

I think if perhaps the categories are worded differently, it might better respond to some of the concerns I raised. As an office holder, he may have been doing well, yes, but found himself involved in a crime, in which case it should not be an entitlement.

Mr. CHAIRMAN: Thank you very much. As we move on, the suggestion from this Committee is not to include, I agree with you. Thanks, Mr. Springer.

Hon. G. P. B. NICHOLLS: I understand that, but the consideration here is that if a person is of merit, we cannot legislate against everything. Somebody might pick the Leader of the Opposition of a country who won an election and lasted a year. You will not get perfection.

What I want to guard against is that if we say 'eligible', rather than 'entitled', it means that it opens up the person of eminence to an application process to be subjected to the scrutiny, which would now degrade from the supposed eminent status in the first place.

In other words, I do not know if I was a person of eminence, if I would subject myself to the discretion of a Minister where I must apply.

For example, if Nelson Mandela was still alive and it was agreed that we could ... we live in a world where in Jamaica, they cannot resolve whether Bob Marley should be a national hero because of the political tension in that society.

The Government would do it but, the Opposition want to have the opportunity to do it, so no government has ever been able to do it, so, he would never become a national hero because that dynamic is not going to change in Jamaica. So those are the realities.

Let us say if we believe that Prime Minister (Narenda) Modi, by some further extension of his vital posture to Barbados and the Government of India to Barbados, in the future we receive something else from India as a real positive indication of their continuing friendship with Barbados. Why would he have to apply?

We are either granting this based on the contribution that the person has made and their indication that they would want to identify as Barbadian or not, but this is not something that a person will have to come and get interviewed in the Immigration Department, fill out forms and then it is on somebody's desk sitting down.

Yes, they are 'eligible' but you are taking away from the whole, what is it called, the high spectacle of that grant and conferral of that citizenship is now reduced to an administrative thing where you are 'eligible'.

So, we can then put it in front of him and let him think about it. That is not what is intended.

I mean, let us say that a man like Idris Elba, open for us the gateway of a new industry in terms of movies and that kind of stuff or spawn a new sector in Barbados and he is out there like the flag bearer and bringing shows and investors to Barbados to tell the Barbadian story and that kind of stuff and that opens up a new sector and then in

five or ten years' time, we decided, well, look, we really, this man has so identified as a Barbadian. He stands for what we stand for.

Why would he have to apply? If he is qualifying under this category, he could come in another category, but this is not intended for eligibility, in my view. This is intended to confer at that level a very rare class of people who have met the exceptional criterion circumstance. That is just my view.

Mr. CHAIRMAN: So noted, Minister.

Senator R. O. WALTERS: Mr. Chairman, how does this work in a practical sense if this law is passed? You have a former Secretary General of CARICOM. How does this work? Do we send the correspondence to them? Do they express an interest in any citizenship? How does this work in practicality? Because if we find out how it works, then I would get a better understanding to agree with or disagree with the Minister.

Hon. G. P. B. NICHOLLS: I do not think the Legislation is intended to see how that will work because like, how does somebody apply for citizenship through marriage?

The Act does not set out anything other than you have got to be married, you do not have to say, well, you have been courting for three months before or...

Senator R. O. WALTERS: No, I am not trying to...

Hon. G. P. B. NICHOLLS: The working as to how that process will be conferred is not as necessary as the ability for the law to confer the entitlement.

Senator R. O. WALTERS: But in this case, it is important to understand that, so we can...

Hon. G. P. B. NICHOLLS: It can happen in different ways. The point is it can happen in different ways, and we do not want to codify the ways in which we now can sit down here today and determine how it can happen.

This is because if it happens way differently than what we codify, then the law says it cannot happen. I understand your caution, but how do you confer International Citizenship of this nature on somebody?

Asides

Hon. G. P. B. NICHOLLS: Now. Application to the Minister…

Senator the Hon. C. P. SINCKLER: I do understand what my good friend here is saying and I equally agree with the Minister.

It sounds contradictory, but I equally agree with the Minister in terms of the point relative to the reason why these are being included here in the first place is because you want to, you are separating them.

You are separating these categories of persons, these titles of persons, by these positions for special treatment.

Asides

The point he is making does not negate the fact, or the point you are making does not negate the fact that you must apply. What this is saying here is that you are automatically entitled to be registered as a citizen.

Asides

Senator the Hon. C. P. SINCKLER: Precisely. This gives automaticity. Yes. Once you have acted in any of these roles, this Schedule says people are entitled to be registered, not to apply to be registered as citizens.

Hon. G. P. B. NICHOLLS: So that observation, Senior Minister, is apt and it may have slipped me.

Asides

Hon. G. P. B. NICHOLLS: So that the intention here in the Legislation is, you have to put in an application so, to answer Senator Walters' question that application still has to go to the Minister.

I think what the CPC is saying, they will need some guidance, because the way it is written is almost as long as the person meets one of these criteria, they are entitled to be registered but that is not what the original policy was supposed to be doing.

If you want to broaden it, they cannot broaden the amount of people that are entitled to the register, because really, truly people who are

entitled to the register are Barbadians born Barbadians are people who are through descent, that is what gives them an entitlement but this is not an entitlement, this is eligibility.

I concede that Senior Minister's language is perhaps the most appropriate language to marry the section with the Schedule.

Mr. CLERK: What is the language that we are using, 'Entitled on application or . . .

Hon. G. P. B. NICHOLLS: No, the language in sub section 8 is fine, but it is the language in the Schedule. It speaks to the entitlement to be registered.

In other words, the application is not perfunctory. The application still must go through its due diligence process. The Minister still has to make a decision.

So, if you say in the Schedule that they are entitled to be registered, it means that you are foreclosing the ability of the Minister to make a determination on the application.

Asides

Hon. G. P. B. NICHOLLS: I get the sense of that it is not an entitlement. We can shape it whichever way we want.

The criteria to get there though is, I would want though that we change the language rather than saying these posts or former posts or holders of these posts to speak to the broad criteria of exceptional service to the Caribbean Community or the international community in general; or the services to international sporting or civic organisations or something of that nature; or some exceptional thing for science or, you know, I mean scientific discovery.

We can find the appropriate language to put in the Schedule, but I will just want to ask us not to take the top civil service post in the Caribbean and have it only for those persons because then we will have from A to Z by the time we are done.

Mr. CLERK: In relation to the persons, let us say there was somebody in the international community who was doing exceptional work, and Barbados wants to recognise that person by awarding citizenship. Is that person entitled on application, or must they apply?

Hon. G. P. B. NICHOLLS: We can do it in two ways. We can create that as a different category where the Minister can confer based on that person's contribution to the world at large or to Barbados or to the region or to mankind.

We can have it as a different category but have this here now as a category to confer citizenship on these specific people. We can do it in two ways, but the global reach . . .

Mr. CLERK: I seem to like that.

Hon. G. P. G. NICHOLLS: The global reach where the Government is going now, is that that itself, lots of people will go and read this Citizenship Bill when they consider investments, when they consider moving their business and other things.

It is a big deal. There is considerable interest in every multilateral arrangement that we enter into, whether it be an international financial institution, a developmental agency, because we are part of an international, under the United Nations framework.

The International Organisation of Migration is something that we cannot necessarily say we are not part of. It is a United Nations (U.N.) treaty that we are bound to. It speaks to a number of ways in which citizenship is conferred globally, how other countries treat other people's citizens, the movement of people, what are the best conditions to determine how people that are moving are treated and that sort of thing.

Barbados wants to be at the top of the pile to attract the best talent, the best investments and the best way in which we can develop the country, develop the economy and sustain it over a long period of time to make those real material changes in the welfare and lifestyle of people.

We want to be at the top of the pile. We do not want to be at the bottom bargaining basement. That is why we are not attracted to some of the other things that may have been going around that has created some concern for some members of this Committee and indeed for a number of members of the public, but we do not want to settle at the bottom.

If we can create that category of eminence and separate it out from this, then that might be, as the Clerk is suggesting, Mr. Chairman, a way to have not the best of both worlds, but to solve the problem.

We know that this category is not linked to that one and really there might be confusion between who falls into one or the other. That might be the best way to deal with it.

Mr. CLERK: Mr. Chairman, I was thinking, let us say somebody who has done eminent research in stem cells. It is not only eminence in that sense, but also in a skill that were the person certainly aligned to Barbados or recognised by Barbados could then benefit Barbados as well. I am thinking of things like that.

Hon. G. P. B. NICHOLLS: That is exactly what I mean.

In other words, a person having that skill at a research facility at a University who is a Barbadian citizen, that we confer citizenship of Barbados, not by means as set out by the Constitution, they do not qualify, but by means that we set out in this Act, that can open up the gateway for Barbados to be treated in different ways when we are dealing with getting certain financing Green Bonds, for example, debt for climate swaps, debt for health swaps or debt for innovation swaps.

The **Bridgetown Initiative** has allowed us to do certain things that we did not even contemplate ….

The United Nations, as the Chief Immigration Officer said, they have even suggested to us several different ways so we can take what the draft Bill is saying and maximise economic opportunities for the country. The consultants have already done a map out what this Bill does.

I am just saying that you might want to confer some professor in some laboratory about to make a world innovation. We are meeting the Minister of Foreign Affairs to tell you there are people who not born in Barbados who want to come here and live, work and want to launch their products from Barbados. We meet them every day. I grew up here and my parents talked about Sir Garfield Sobers, an Indian fellow, a scientist, right now, and we are like, he wants to be 'bout here'.

Why cannot we not use our ability to attract and keep that investment and then be able to anchor it as a basis for, to secure financing for a patent? Discovering that is going to revolutionise some scientific thing.

That is what we are talking about, unlocking our potential here and not necessarily keeping the citizenship within the narrow confines of what was there before.

Thank you, Mr. Chairman.

Mr. CHAIRMAN: Alright. Thank you! Are we clear?

In listening to all the parties, I do not think that we would want to change the word '*entitlement'* to '*eligibility*' based on what I heard the Minister, I heard you too Chief Parliamentary Counsel, but then the Minister was clear in his discourse that he preferred the word '*entitlement*' as opposed to *'eligible'*.

That is what I heard from his discourse and I too would tend to support him because I know you all have a vote, because when I saw the Clause, the Clause basically is trying to, and I heard Minister Sinckler carve out in his first discourse on the matter, the whole international eminence, and despite the person will have to apply, which is a normal process, so that you have some form of documentation to suggest that this person, but not that you are going to put the person through the normal process like the others, but it is just to have documentation to say, on X date, because history usually comes upon us at some point in time.

On X date, back in the year 2027, John Doe, who has been known for innovating or sending rockets into the air, was able to become a citizen of this country. That is global excellence in some form.

Eligibility would tend to, I do not want to say water down, for want of a better word, but it puts you in the same line as the person who is applying for citizenship through permanent residency.

I do not think that was the intent of this Clause and the intent of the First Schedule, even though it was focused heavily on CARICOM. I guess that is why when persons saw it, they said we needed to expand it and to include some global icons. I just used the example of a Michael Jordan. That is just like the Senior Minister who used his example, but the whole idea that Barbados would be able to attract persons with global prominence, persons of eminence, that is the word that has been

used here, eminent figures.

Mr. Minister, I agree with you because I know there was a West Indies captain that lasted .. . I think there was a problem with the players and there was a player strike.

Senior Minister, if you recall the cricket history and you had a West Indies captain who you can classify as being in this realm. I do not want to call any name, but at the end of the day, I agree with you, Minister Springer. Up to the Committee, we leave it as "entitled".

Clerk of Parliament.

Mr. CLERK: I like the special category and the Minister having the power to confer.

Dr. the Hon. R. O. SPRINGER: Just to make the point. I mean, yes, I support what the Minister said, that we want to attract these people, but in many cases, just remember these people, their best years are gone. These are people who were former this, former that. They are not necessarily...

Mr. CHAIRMAN: Not necessarily, because you may see someone with Rihanna quality who is not a Barbadian, someone like Rihanna. Would you not want to have someone of that quality?

Dr. the Hon. R. O. SPRINGER: They just have access to our passport. There is nothing here saying that person would want to come and live here.

Mr. CHAIRMAN: When you give someone that opportunity, then again, I am very mindful of our role. You give someone that opportunity, then you open up the floodgates for economic improvement, several different things, innovation.

A person may come and set up some form of centre here. They might be people who are billionaires. They might be people who have done some innovation in the world, and they may bring it to our shores that will help create jobs.

It is not just people that are retired. We still have to focus on the economic side and the productive side and what we are trying to attract. They may be people who may bring their children.

Dr. the Hon. R. O. SPRINGER: What I am also saying that maybe we are including '*former*'. We could probably extend it to include '*current*'.

Mr. CHAIRMAN: When the Minister spoke, I do not think you were focusing on '*former*'. You were looking at people who had global eminence, and they could be in the twenties or thirties. You can speak for yourself, Sir.

Hon. G. P. B. NICHOLLS: I agree, Chairman. That is what I was saying. I was talking past what was here in Clause 3(8). Clause 3(8) is very limited in the wording that is used.

However, as Senator Walters was asking, the devil is always in the details. It says, "*The persons that are on the First Schedule are entitled upon application to become citizens of Barbados".* That is it, fullstop.

Therefore, anybody on that Schedule intended to become citizens, they just have to apply to be a citizen, full stop. That is what that is intended to do.

What I am asking the Committee is to consider the economic impact of giving or conferring Barbadian citizenship on persons who have demonstrated some degree of excellence and eminence in their respective lives or avocation or what they are doing at that point in time as a separate and different category altogether, so that those persons can be conferred citizenship obviously on application, because you do not want to confer on somebody that does not want it.

Therefore, if they have applied, it is indicative of their willingness to be associated with the Barbadian concept. Hence, that is standard.

However, beyond that, a fellow from the Philippines who has, sorry, from India who, and I use the example of the Indian scientist who is in Barbados on a Welcome Stamp working on a global invention and that kind of stuff and has no connection other than that '*I grew up seeing my father talk about Vivian Richards and Desmond Haynes and I come to Barbados and I want to be here and I like what you all doing. I like being here and I want to bring all of this thing here'*.

He might not meet the eligibility criteria in terms of the three-year requirement and that kind of stuff like that. This is not intended to fast track a club of friends of the Minister to bring them in here.

This is, as I say, you can put the language in to show that these persons have demonstrated exceptional performance in whatever and that is

the way in which we do it.

However, to give you that ability to rope in that person it will evoke the concern and the very conscious and deliberate eye of the public because they are going to say that you are only opening it for the elites.

Nevertheless, at the same time the Government cannot be accused of bringing in ordinary people and elites too. I mean you are damned if you do and you damned if you do not. That is something that you have to bear as a criticism. However, I think that that is the missing edge.

One of the things coming out of the US territory if we digress, we have to change the way we deal with accreditation because people will come with different skills. And we cannot all just point to university degrees and that kind of stuff, because where the world is moving in technology, it will make every university degree irrelevant in five years.

It is what training that you have been able to upskill within five years' time will make you relevant in the digital world. Not what you did 20-30 years ago. That is not going to be relevant. I mean those are things that we have to continuously do and think on as we plan out Barbados' economic policy through attractiveness of citizenship and migration to Barbados.

I cannot say it anymore, but that section as I said in 3(8), is to put those classes of persons and make them citizens once they apply. If you want to extend that to cricket captains and that kind of stuff like that, that is fine, but that is not what I am asking the Committee to contemplate beyond.

Asides.

Senator the Hon. C. P. SINCKLER: Thank you, Minister, for your explanation. I think you are spot on.

This reminds me of a situation I was in when I was Minister of Finance, and I could not quite understand it because I was not there when the original decision was taken.

The late former Prime Minister Owen Arthur took a decision, through the Cabinet of course, that persons from Barbados who got selected to play for the West Indies cricket team should be given duty free vehicles.

I collided with that particular policy, because whenever a fellow's name got called, whether he got on the field or not as soon as the name got called, his handlers and so forth had the letter on the Minister's desk.

I could never quite understand it. It was quite amazing because the precedent had been set. Therefore, you had to accord, he was entitled based on what the policy said. It was not codified or anything like this. I think it still is not.

However, it came to my mind about why it is sometimes necessary that you be clear when you are doing this kind of thing, what specifically you want to do and who you are targeting.

This is because the other issue came up, when this vehicle gets to eight years old or nine years old, and it decides it is not working well, is that fellow entitled to change it and get a new one? That was not said. The policy did not iterate on that. However, some people felt that was it. There are some other things that also went on with it, of which I will not speak to.

However, the point that I am making is that when we are doing stuff like this, especially when you are reducing it to Legislation, you have to be very clear what it is that you are really trying to do, because opaqueness or lack of clarity, murkiness, and given what we are talking about, this is not a car, this is citizenship of Barbados. As far as you can get precision needs to be considered when you are doing stuff like this. That is why I proffer that kind of thing because the Minister is right.

There is a gentleman who is not as widely known in Barbados, as he will be soon, but that gentleman that you are talking about his only connection to Barbados is from seeing the same cricketers, but the man has ended up in Barbados and is doing some phenomenal research that is going to impact the world. Not just impact Barbados but impact the world from right here in Barbados.

The good thing about what he is doing, as well, is that he is bringing along some young scientists with him. He is not just doing it for himself. He is now being hunted down by major pharmaceutical companies to buy his intellectual

property or to obtain his intellectual property.

He said, *'No. I am doing this for Barbados because Barbados accepted me in and allowed me the opportunity to be able to do this research. Yes, we have made some potentially groundbreaking discoveries, but we want it to be a Barbados thing.*'

Now, somebody like that is the category that we are talking about, who he has not asked, but perhaps if he does, how do we treat to somebody of that ilk, of that nature?

I know there are a few others too, people who have come through the Welcome Stamp Programme who are world leaders in their field and have chosen to relocate their operations in Barbados and are doing fantastic things with Barbados and from Barbados with other countries around the world.

Suppose those people were to ask, how do we treat them? They are really global citizens. They do not necessarily need to be in any particular country specifically. They can operate from anywhere in the world, but they just happen to have chosen Barbados.

Dr. R. O. SPRINGER: Barbadian roots.

Senator The Hon. C. P. SINCKLER: I am talking about people who are on **Times'** leading scientists and technologists in the world. These are not insignificant people.

So, we really do have to find a way to capture those, but we have to do so in a way that the clarity of purpose is there, the application is certain and the reasons for doing so are sound.

I am satisfied that the Legislation gives us those things and I think we should proceed with that.

Asides

Mr. CHAIRMAN: Chief Parliamentary Counsel.

Mrs. Mechelle ELIE: Thank you, Mr. Chairman. Just a few observations.

Allow me just to descend a tiny bit into policy because we need to be clear about policy to shape the draft. Only for that reason. A few observations, one, before lunch, I believe the decision was taken that the Welcome Stampers would not have any other option but to go through the normal point system.

Now, I have just heard that there are some people on the Welcome Stamp who are doing phenomenal work. So, I will just leave that there, in the sense that they will still have to go through the normal system under the Immigration Bill.

I have heard also that there are people who are operating from Barbados and the potential is enormous. Potential, as opposed to actual contribution, proven contribution. That is something that I do think when it comes to the drafting, if all of this has to be captured, we need to be very careful.

I think the most poignant part of it is that what I am hearing is that the language we will need as a catch-all, no matter what we put, it would require subjective determination.

Yes, let me see what you have really done. Okay, I suppose this is good. This is sufficient. You, on the other hand, come back in ten years' time because we really need to see where your work is going. You have not done enough.

Once we have descriptive words, as opposed to a list of offices, and I understand the reason why one would want descriptive words, I think we should be clear that it will require the same type of scrutiny before citizenship is given, as I understand it, that we are trying to avoid. It is just a fact.

Hon. G. P. B. NICHOLLS: Thank you, CPC. That is an excellent point. I just want to respond directly to you, so that you can have some guidance.

Now, the reason why I tend towards the broad language and not the descriptive categories of the offices is because it achieves what you are suggesting that we need.

Now, a person who I am referring to, can well come to Barbados and get the Reside and Work and then, make their way up to Barbadian citizenship in a normal course, and then they become internationally renowned and win a Nobel Prize for physics and whatever, fine. But, you are already on the way to Barbadian citizenship.

But, there may be a rare, exceptional case of global excellence. That is what I am referring to. So, the category that is not here in the Legislation is not for the persons who are actually physically in Barbados that can come in under the Reside and

Work and permanent residence and that time period start to count and because they have been doing phenomenal work, but they are already on the pathway to citizenship.

Their presence here at Welcome Stamp time counts or will count. That is not what I am talking about. I am talking about the very few people who have. . . I do not want to call names of past persons because every person was a great hero. You are seeing now that they had some dark side to them.

So, I do not want to say like the Mother Teresas of the world, the Mahatma Gandhis or something like that. But, somebody like that who you can confer international citizenship on, the same way in which the Executive has that exclusive right to confer the highest national honour on anybody in the world.

I mean, Legislation gives that power, but I am talking about using that citizenship now as a bridge. It is not something that you can give out every year at independence. It is not something that is given out every day. It is a very rare and exceptional thing.

It gives that ability as part of your package of signalling that this is where we are going with citizenship in Barbados. It makes Barbados stand out as a place, well, look, this is a progressive society and I might want to start associating with here. That is what I am saying.

Hon. Mr. Justice Sherman MOORE (Retired): Yes, Mr. Chairman, briefly. I will read to you what I have been writing for the last few moments. I do not know if this captures anything that the Minister might consider appropriate.

However, what I am saying is that, *"The Minister may, upon application made to him in the prescribed form, register as a citizen of Barbados, any person who has excelled in a national or global field of endeavour approved by the Minister, whether in a CARICOM country or elsewhere."*

Hon. G. P. B NICHOLLS*:* Justice Moore, your excellence continues long, long after we have had those early battles from bench to bar. The only thing I would say here is that I would say international community and CARICOM Community as well.

So, it is the CARICOM Community and international community to capture that. That is the only slight gloss I can put on a very shiny object that you have just presented.

Hon. Mr. Justice SHERMAN MOORE (Retired): Thank you, Minister.

Mr. CHAIRMAN: Thank you, Justice. Thank you. We can have those words, that drafting, placed in the Clause, the Amendment, as one of the recommendations from the Committee, if we do agree.

The Minister agrees with the little Amendment. If we so agree, Justice, could you repeat it, please?

Hon. Justice Sherman MOORE (Retired): Yes, the Minister may, upon application to him in the prescribed form, register as a citizen of Barbados, any person who has excelled in a national or global field of endeavour approved by the Minister, whether in the CARICOM Community or the International Community.

Mr. CHAIRMAN: Recorded. Okay. I just wanted him to repeat it, so they can capture it. We can move on.

The other clauses, Clause 4, the right to refusal to register. Minister, you can jump in. Clause 5, registration of minors. Clause 6, certificate of registration. Clause 7, the effect of registration as a citizen. Clause 8, renunciation of citizenship.

These were Clauses that were accepted by the former Committee and they saw no need to amend. Minister, those clauses, clause four through eight, the right to refusal to register through the renunciation of citizenship by reason of dual citizenship or nationality. Are you fine? These are Clauses circled as 'no amendment'.

Chief Parliamentary Counsel, you had any challenges with those clauses?

Mrs. Mechelle ELIE: Nothing that requires raising at this time.

Mr. CHAIRMAN: Okay, thank you. Minister, feel free to take us back if you have any . . .

Hon. G. P. B. NICHOLLS: Those are okay. We stand by those.

Mr. CHAIRMAN: Okay, thank you**.** So, we move to Clause nine. We are getting through.

Deprivation of citizenship. This had a comment both Clause 9(1C) and Clause 9 (3): the

disloyalty or disaffection, the Committee engaged in a lengthy debate on this provision.

Clause 9 (1)(C), that speaks to the Minister may, by order, deprive of his citizenship, any citizen that, other than a person who is a citizen by virtue of the sections of the Constitution, if the Minister is satisfied.

And section C, that the person will show himself by act or speech to be disloyal or disaffected towards Barbados. There were some discussions on that.

The legal advisors explained that all these terms are intended to capture misconduct at a high level, akin to actions undermining the security of the State, such as espionage.

Several Members expressed some concern that the language is overly broad, subject and vulnerable to abuse by future administrations, potentially preventing legitimate political expression and dissent.

I am not sure whether we agreed here or disagreed. The Minister acknowledged the concern, explained that these were considered terms of art, but expressed willingness to review alternative wording proposed by the Committee.

The Committee did not reach a final conclusion with a clear division of opinion on whether to recommend the removal of a Clause or its retention with amended language.

Asides

Hon G. P. B. NICHOLLS: I want us to be careful that the criticism is only on ©, that the Minister may by order, deprive a person of their citizenship, where the person has shown himself by act or speech to be disloyal or disaffected towards Barbados. I am asked to defend it.

I think it is fair to say that this is one of the Clauses that may have attracted some of my own personal criticism at the level of the Committee. I am however constrained here to defend it now.

In defending it, I believe that if it is intended to allow for a subjective removal of deprivation of citizenship, the act or speech, which tends to be disloyal, needs to be grounded in more certain language to give effect to the legislative intention.

A person who is disaffected towards Barbados might be the most patriotic person in the world. And history has taught us that. A person who might be disloyal to a particular regime at one point in time can necessarily be a national hero.

Certainly, people felt the same way about Samuel Jackman Prescod and Clement Payne and those people. And that is what history has taught us. In modern times, we have not had that.

My concern is that this is not written in the language that comports with Section 20 of the Constitution. It does not. The exceptions in the Constitution specify the circumstances in which the State must protect free speech.

This is a specific Act, denying people of citizenship that goes outside of the Constitution. I am not even sure if this was there because I do not have the cross-reference in the previous Legislation.

There are a number of things in our Legislation that the courts have in time struck down, and we have not kept pace with even what the courts are saying.

It is difficult for me to justify why I should, as Minister, deprive somebody of a citizenship if they are disloyal or disaffected at any one point in time of their life.

Mr. CHAIRMAN: Comments? Yes, Justice, comments?

Hon. Justice Sherman MOORE (Retired): In these circumstances, Mr. Chairman, disloyalty and disaffection refer principally to a person not showing allegiance, especially in a time of national crisis, and not a person who dislikes, if I may say, as the Minister indicated, a particular political party or a particular circumstance in a country.

This refers simply to lack of allegiance, national allegiance to your country, to your flag. You will harm the country. You might try to overthrow the Government and some of us might recall after the Second World War, and it is a case, Lord Haw-Haw, I do not remember his name, who had left, he was an Irishman, but he also had British nationality.

He went to Germany where he made certain broadcasts during the Second World War back to Britain to create disaffection among the British people. After the war, he returned to Britain and the British tried him for treason and executed him.

That is the sort of disloyalty and disaffection

that this is looking at and not at the man who goes down the road cursing some government official. He would just be considered a vulgar person who should be arrested by the police and charged with using obscene language or something.

It is not that this seeks to outlaw and even the Constitution supports the idea of national allegiance.

Thank you.

Hon. G. P. B. NICHOLLS: I accept that from Justice Moore. He is tempting me into reflecting on the fact that some of the most disloyal people to the United Kingdom in World War II may have been living in Buckingham Palace too – and if I may, with the cousins, I think married to members of the Third Reich and that kind of stuff as well and the king was forced to abdicate.

The story that they told suggested that it was because he could not marry the woman of his choice. History now shows that it was not necessarily as simple as that, that he, if he had his way, the appeasement of Hitler might have been done. All of that is true.

What I am saying is that in our democracy and in our Republic today, this is not a power for this Minister alone. This is a power that would rest in our Legislation for some time until it is changed.

Anytime you have language that is going to deprive a person of that ultimate thing called citizenship, the circumstances in which that deprivation would occur should be specifically defined and limited and not subject to a language that is so broad that any circumstance that might be out of the contemplation of us as lawmakers might fit into the definition because of the broad nature of the language we have employed.

So that is my concern. We understand how it ought to be interpreted, but I feel that when we are going to deprive somebody of disloyalty or disaffection to the country, that that deprivation should be clothed in language that is so specific that there is no disagreement.

That is what the Parliamentary intention is, and it should not be open to interpretation or to use the broad language of the Statute to excuse tyranny on the part of the State. So, I agree with Justice Moore.

That is the noble intention of the legislature, but the language should reflect that where there are rights, they are given in broad terms, where there are derogations from rights, the derogation should be specific and narrow. If not, you denude the very right of its existence.

Hon. Justice Sherman MOORE (**Retired**): Yes, Mr. Chairman, I must add that this provision would not deprive a citizen by birth or descent of his citizenship.

This would refer only to those people who have obtained citizenship by naturalisation and even in the case of Citizenship by Descent.

Recently, we have had in the United Kingdom, some young ladies, unfortunately, of Muslim extraction who followed their husbands into Syria as members of ISIS and have in fact had their citizenship taken away by the Government.

When they appealed to the court, the court upheld it, the reason being that when you deprive such a person of citizenship, that person is not left stateless. In our case, a citizen by birth would not be stateless because you cannot deprive them of citizenship.

However, you can deprive a person who has acquired citizenship otherwise than by birth of citizenship of Barbados on the grounds of disloyalty or disaffection.

If it is preferred, then we would have to find language to clarify exactly what is meant by disloyalty, disaffection, or specifically indicate that this provision does not apply to a citizen by birth, because, again, that would be in breach of the Constitutional provision and would be struck down by any court.

Thank you, Mr. Chairman.

Mr. CHAIRMAN: You are fine, Minister? Okay. Clause 9(3), the Inquiry Procedure.

Hon. G. P. B. NICHOLLS: Mr. Chairman, the initial inquiry in the Report captured a concern about how the process will be done but I think that the answer given by the legal advisors, I believe it will be the same team here, Justice Moore and Mrs. Elie, was that the procedural details are set out in Regulations.

The question is, how is the form and procedure for this Deprivation Order going to be made. That is not, that cannot be perfected other than in sub section 3.

"*Before making an order under this section, a mission shall give the person against whom the order is supposed to be made, notice informing the person of the grounds on which it is proposed to be made, and notice of the person's right to an inquiry under the section, if the order is proposed to be made on any of the grounds specified in the sub section".*

I think we can safely we move on because the procedures are set up here in the Act, and the Regulations will bring further clarity to the process. Unless it is something that the drafters can perfect in this instance here.

Mr. CHAIRMAN: Justice Moore, you care to.

Hon. Justice Sherman MOORE (Retired): Before we proceed, the question has arisen here whether we are moving on, whether a decision has been taken on 9 (1) C.

Mr. CHAIRMAN: I thought your explanation was accepted that we leave it as is.

Hon. G. P. B. NICHOLLS: I would prefer that we change it and this is not because it has been the subject of several social media shows with me in caricatures that look very funny about 'disloyal' and 'disaffected'.

Again, I think we can tighten the language to point a person. I know this is a person who obtains Citizenship by naturalisation and these things. Yes, and this is not the Marcia Weekes' provision but I would be lying if I tell you that I am concerned that she is using her platforms to invoke anger and opposition to the Legislation, when it is not the intention of this Minister or the Government to deprive people of citizenship who speak against the Government.

I mean, she can speak as much as she likes. The election results are the election results. In fact, I would like her to continue speaking, but that is not the point but at the same time, I have indicated that it bothers me.

I know what this is intended to do, but I would like the language to align with what is intended a little more clearly.

Mr. CHAIRMAN: So, what I am hearing is that while the Clause is accepted, it is the explanation of the 'disloyalty' or 'disaffection' it is the detail that you would want. . .

Hon. G. P. B. NICHOLLS: In other words, if we could add another qualification, not as a third criterion, but another layer that they were either disloyal or disaffected, leading to something. There seem to be something missing there, some specific concrete thing that can hold.

The way in which disloyalty and disaffection are explained by Justice Moore is acceptable, but I think the language needs to be more specific there.

Disloyalty and disaffection are the two criteria, but they must lead to some negative impact that we are saying then justifies the removal of citizenship.

Hon. Justice Sherman MOORE (Retired): Perhaps we might speak then in terms of loss of allegiance to the State or some language of that kind. I will think about it and modify it.

Thank you!

Senator the Hon. C. P. SINCKLER: What happens now if a person swears allegiance to another sovereign country and disavows their allegiance to Barbados.

Hon. Justice Sherman MOORE (Retired): He is no longer entitled to the protection of the State of Barbados.

Mr. CHAIRMAN: Exactly. I figured as much.

Hon. G. P. B. NICHOLLS: Section 8 speaks to the renunciation of citizenship by reason of dual citizenship or nationality and it gives a person an opportunity, who is entitled to becoming a citizen of a foreign country and makes a declaration of renunciation in a manner prescribed, the Minister shall cause the declaration, to be registered.

They would have to require the State to take some action, but the mere acquisition of another citizenship does not disentitle you, but I like the suggestion by Justice Moore. That settles the argument that mere free speech does not . . . you see everything hinges on the first words "by act" and then "by speech". 'Disloyal' or 'disaffected'.

I think the Chairman has some news that he wants to tell everybody, but I am not sure why he is not telling anyone.

Mr. CHAIRMAN: The Chairman is focused on getting through his next sets of Clauses. We would refer to the drafters to amend Clause 9(1)(C).

As the Minister rightfully said, you are really not in support of having the term "disloyal" or "disaffection" being a highlight in the Legislation and Justice Moore explained at length the whole reason for this Clause in terms of disloyalty and disaffection. He said he will amend and find the language that will bring a level of comfort as per policy directive by the Minister.

Hon. Justice Sherman MOORE (Retired): Indeed, Mr. Chairman, I will endeavour to do so.

Mr. CHAIRMAN: Okay, thank you.

Are you fine as well with Clause 9(3)? Alright, fine.

Then Clause 10, 11 and 12. The Committee recommended no Amendment. Mr. Minister, do you see any issues with the three Clauses, the provision where citizenship deprive elsewhere, resumption of citizenship, certificate of citizenship in cases of doubt. Are you fine?

Hon. G. P. B. NICHOLLS: Yes, Mr. Chairman. Those are fine.

Mr. CHAIRMAN: Okay. Then to Clause 13, which is the one that created a lot of discussion. Minister's discretion not to be questioned and decisions to be final. Settled as well. This was explained by I think Justice Moore, CPC, and then yourself and the Senior Minister.

Anything from you, Senator? Great.

Hon. G. P. B. NICHOLLS: Thank you, Minister Sinckler.

Mr. CHAIRMAN: Clause 14, Regulations. The Committee noted that the Regulations on the Bill is subject to negative resolution. We understand negative resolution so are we fine with this? Evidence? Offences? No amendment?

Hon. G. P. B. NICHOLLS: Mr. Chairman, in relation to Section 13 though, …

Mr. CHAIRMAN: Clause 15 is Regulations though.

Hon. G. P. B. NICHOLLS: Sorry, just going back to Section 13. While the Report captures the discussion, there was some resolution on 13 and that is captured on page 13 of the Report.

It says that the Clause be amended to require the Minister to provide reasons for decisions except in circumstances where the Minister certifies that to do so would be prejudice to national security or the public interest.

It should also be made clear that the Clause does not oust the supervisory jurisdiction of the High Court. Although we have those recommendations, that was the concern, but the way in which this part is written, the recommendation was made there for 13.

Mr. CHAIRMAN: Okay, I saw that.

Hon. G. P. B. NICHOLLS: While I would take this opportunity to say here, this is not because the legislature was generous to the Minister to allow the Minister to do what he wants to do and I think Justice Moore explained that on the last occasion.

The exceptions to this, which we are specifying, are basically the only considerations for the declaration of any adverse determination for all the questions of citizenship in any event.

That is why no reasons were necessary. I am not sure I am making myself clear.

There could be no other consideration other than public interest or national security for adverse decision under the Citizenship Act.

In other words, it cannot be for a private concern that the Minister has or a private position or a private interest that the Minister has so the very exceptions are the only basis for the denial. That is why reasons were not required. Is that not correct, Justice Moore?

Hon. Justice Sherman MOORE: Mr. Chairman, I think what the Minister just said is exactly the case. There were other instances where the Minister is required to give reasons and in this particular section this would only apply where in the Minister's opinion, it is a matter of national security, and in which case, even if the High Court intervened, the Court itself would look at the documents and once it accepts the Minister's view that it is a matter of national security, the application would be dismissed.

Mr. CHAIRMAN: Thank you, Justice, for the clarity.

As you rightfully pointed to us, Minister, to Clause 13, that the Clause will be amended to require the Minister to provide reasons for decision except with the Minister's certification that to do so would be prejudicial to national security or the public interest.

Chief Parliamentary Counsel, I know you

would have been part of this, so, any comments before we go on?

Senior Minister, are you fine?

Asides.

Mr. CHAIRMAN: Minister Springer? Senator Walters?

Asides.

Mr. CHAIRMAN: When I looked there were a few mix-ups to the numbering in the Legislation or there was an additional entry, because Clause 15 is Regulations, but Clause 15 here is Offences.

The Committee recommended no amendment to Offences and Clause 16 is Interpretation. Clause 17 in the note is consequential amendments and repeal, which is Clause 20, repeal. Clause 18 is commencement.

The Committee noted that the Bill will come into operation on a date, but we are literally through observations and conclusions, and the Committee made certain recommendations. Lack of supporting regulation we discussed. I do not know if we need to go through it again.

We went through Ministerial discretion and procedural fairness. We went through this outdated and subjective language. Clause 9(1)(c), we discussed this.

The integration of the existing immigration products. We discussed the welcome stamp and special entry permit. Most of these we discussed.

Then we come to Clause 10, which speaks to arising from deliberation and the evidence received, the Committee recommends the following. I saw the Minister clarify Clause 13 in the Citizenship Bill. It goes first. We speak to the Immigration Bill.

Based on what we have gone through, we would have our own recommendations or you still want to go through these recommendations pertaining to the Bill. Clause 5, that the Clause be substantially revised to include clear qualifying criteria. This is the Immigration Bill.

Clause 6, that the definition of direct descendant be inserted. We discussed this already. That the phrase under a disability be clarified. We discussed that as well. Criteria for determining sufficient financial resources. We discussed this at length.

Asides:

Mr. CHAIRMAN: These are basically recommendations pertaining to both Bills and then we went into the separate Bills. Recommendations from submissions. Of course, we have Parliament in public scrutiny. That is what was being done. The quantum, I think I have gone too far. Right.

Clause six, the definition of direct descendant, we spoke to that. Under a disability, we spoke to that as well. This thing about legal disability. The criteria for determining sufficient financial resources for retired persons. We have a note on that as well. We fleshed that out in detail.

In the point system, we have the inclusion of financial clearly framed to avoid any perception of a citizen by investment scheme due to the OECD guidelines. We discussed the point system in the Fourth Schedule.

The Fifth Schedule, that the phrase conduct which offends public morality be removed and replaced with more specific language.

This one is in the Fifth Schedule in the Immigration Bill. Did we look at this one? The Fifth Schedule in the Immigration Bill. This is prohibited persons -- conduct with which offends public morality, which is Fifth Schedule, 3(a) Persons whose conduct offends public morality or who groom or sexually assault minors.

Any comments from CPC, Members, Minister? It is fine.

Clause 23, we said that we will increase the time limit to 48 hours and we leave the $3,000 non-refundable fee. That was agreed.

The effectiveness of the right of appeal be reconsidered, comes up through the provision regarding reasons for decision to ensure that the appeal can be meaningfully pursued. We looked at that as well. We discussed that only recently, Sir.

The Welcome Stamp and Special Entry Permit. We agree that we leave the Welcome Stamp separate from the permanent residents. I am not saying that they also cannot apply for

permanent residence, but we want to keep them separate.

Recommendation pertaining to the Citizenship Bill. We said we will increase the aggregate of the non-CARICOM to two years within the three-year period. That was agreed as well, and we will leave the application to citizenship, and Senior Minister made some strong points on that.

Clause 3(4), this is in the Citizenship Bill. *"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 three years shall be entitled to be registered."*

This is the acquisition of citizenship. Existing immigrant statuses, including holders of indefinite special entry permit.

Chief Parliamentary Counsel, this is on the Citizenship Bill Clause 3(4). It says that the provision we reviewed, it speaks to immigrant having the opportunity to obtain the status under the former Immigration Act, to ensure it adequately addresses the transition of an existing immigration statuses, including holders of indefinite special entry permits to the new framework.

Is this something that we would want to address?

Mrs. Mechelle ELIE: Thank you, Mr. Chairman. The recommendation merely calls for a review. So, there is no harm in looking at the provision and making a determination.

Mr. CHAIRMAN: Minister, this is under the Citizenship Bill. This is Clause 3(4) under "Acquisition of citizenship". Part II of the Citizenship Bill. Clause 3(4). Yes. Is states:

"*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 three 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 sub-section."*

They are asking that the provision be reviewed to ensure it adequately addresses the transition of all existing immigrant statuses, including holders of indefinite Special Entry Permits to the new framework.

This is the last Committee – Page 13 of the Report. As this informs the Citizenship Bill, they want us to include holders of the indefinite Special Entry Permits among those persons who have obtained this.

Hon. G. P. B. NICHOLLS: I will want to hear the Chief Immigration Officer on that. Sub-section (4) states looks at *additional grounds for citizenship and registration of persons*.

This is only speaking to persons who are under the status of an immigrant, but it does not speak to the Special Entry Permits. For me, this has to be data-driven.

I am not sure. How many people will be under Special Entry Permits? This does not include work permits, I am understanding. Right? Nor the Welcome Stampers?

Ms. Margaret INNISS: No, Mr. Chairman.

Hon. G. P. B. NICHOLLS: The request from the last Committee, Mr. Chairman, to the Chief Immigration Officer, through you, would be for us to include the special entry permits for consideration for access to citizenship? I am not sure why the Committee expressed that as a view, but that seems to me to be a largely….

Ms. Margaret INNISS: Mr. Chairman, the Special Entry Permit is basically based on a Cabinet Paper, two Cabinet Papers from 2012 and 2014. The 2014 paper has not been repealed. So, I believe, if I heard right, that the recommendation may be to sort the Special Entry Permits out.

I think that persons under a Special Entry Permit, once they have acquired the time, normally would apply for a status based on time that they have spent in Barbados which is either immigrant status, permanent residence or citizenship, but that is on its own and not….

Hon. G. P. B. NICHOLLS: Right, we have not continued Special Entry Permits under the new legislation. Are we? We have. . .

Ms. Margaret INNISS: If we have not? Sorry.

Hon. G. P. B. NICHOLLS: We have continued the special entry permits in the new

Bill?

Ms. Margaret INNISS: I do not….

Hon. G. P. B. NICHOLLS: I do not think so.

Ms. Margaret INNISS: I do not think that we have done this in the new Bill. So, I think that is why mention had been made.

Hon. G. P. B. NICHOLLS: The policy was that we simplify it. Reside and Work, permanent resident and a citizen. . .

Ms. Margaret INNISS: Minister, when you say special entry, you have high net worth people and then, you have homeowners. The high-net-worth persons are those who can demonstrate that they are in possession of $10 000 this is US dollars, of which they have invested in Barbados. So that is the special entry.

Then, you have those under the threshold – the homeowners. It is $10 million. Ten million dollars, yes.

Hon. G. P. B. NICHOLLS: I do not see that there is any urge on the part of the Immigration Department to change that as a basis to allow for pathway to citizenship. They have actual pathways to other immigration citizens which would lead to citizenship, eventually, if that is their desire.

But, to convert them on site which is what subsection four is trying to do, unless Immigration feels that there is a need to move that category into citizenship.

Ms. Margaret INNISS: Mr. Chairman, category of Special Entry Permit?

Hon. G. P. B. NICHOLLS: I know it is not a category, but I just called it a category.

Ms. Margaret INNISS: Yes, I think that we need to resolve the 2014 and 2012 Cabinet Papers to simplify it. I believe a few years ago, Invest Barbados, plus the Barbados Immigration Department, sat down and looked at a simplified way of doing that. Perhaps, we need to have that conversation.

But, I do not know that there is actually a pathway by the mere mention of special entry permit to citizenship in the same way that we did not want to have the Barbados Welcome Stamp, as discussed earlier.

Hon. G. P. B. NICHOLLS: Mr. Chairman, I think, safely we can treat the special entry permits in the same way as the Welcome Stamp, which itself is a special entry permit, but we have just had a number of people under that class.

Mr. CLERK: Mr. Chairman, just some clarity and this is to Ms. Inniss, the Chief Immigration Officer. There was a time when persons applied for immigrant status and if Immigration was not sure if they had qualified for immigrant status, they got Reside and Work. Sometimes, they got that on two or three occasions.

So, they ended up having Reside and Work for six or seven years. Are there any persons who would have been in that position because it says that those who would have been immigrants prior to this, would then go onto citizenship?

Are there any persons who would have been in that category who do not have immigrant status? They do not have citizenship and we are doing away with the status of immigrant. What is the position with those people?

Ms. Margaret INNISS: Mr. Chairman, I think, since 2018, the Barbados Immigration Department has been on a trajectory of simplifying and ensuring that status can be granted based on time spent, work permit and skill sets. It is highly unlikely, I should say, that you would find people. . .

Asides

Ms. Margaret INNISS: This was a policy decision in terms of Reside and Work for three, four or five times. That was more of a policy decision by the policymakers at that point in time.

Now, if a person spent five years in Barbados, you could qualify for immigrant status and then, it moves up the chain for permanent residence and citizenship.

Mr. CLERK: A question was asked of me, Ms. Inniss, if that meant the persons who were here five years illegally and then got the immigrant status?

Ms. Margaret INNISS: The question, again, is if persons were here illegally and then got immigrant status? I mean, it is going to vary because you have some persons who would have been in Barbados because their parents brought them here and through no fault of their own, they

did not have anything.

When they came to Immigration at an age, say 18, where they can qualify on their own, we ensured that people were treated in a humane manner.

So, persons either may get Reside and Work, as Minister would have alluded to earlier, or Immigrant status, but it is a case by case. I could not tell you that across the board.

I know for three-four, what I wanted to say here is 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 three 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.

So that is the intent.

Hon. Justice Sherman MOORE: Mr. Chairman, I think it was presented at the time, that there are a large number of people residing in Barbados who will not become immigrants because immigrant status is going to be abolished by the new Legislation.

By the time that happens, they would have been here for such a long time that it was only, I think, thought fair that instead of having to go through all the process of permanent residence and all, that they go straight to citizenship, because they were residing in Barbados for an inordinate length of time before they got any status.

Mr. CLERK: But that would also capture persons who, at the time, were not even on immigrant status then.

Hon. Justice Sherman MOORE (Retired): But because they know immigrant status is being abolished and therefore, they were not, it seems, issuing any more certificates of 'immigrant status'.

At least that is the policy as it was presented at the time when the draft was done.

Hon. G. P. B. NICHOLLS: Right. So, I think this suggestion is asking us, I just base this on what it is saying here: you have converted or allowed the conversion of all the immigrants to a pathway to citizenship. Why not do it for the special entry permits? But the special entry permits are not themselves an immigration category. That is an exception to the category.

That is the reason why we have resisted categorising the Welcome Stamp because the Welcome Stamp is just another variation of a special entry permit.

You are not here as a tourist because you can only come for six months, but you can come for a little longer and work and what not, under those special conditions.

So, the Welcome Stamp really is a special entry permit. So, if we are not going to elevate Welcome Stamp holders to immigration status, then you cannot take one example of the special entry and deny it, but then say all the other special entry permits have a pathway to immigration status. It would be an internal inconsistency that would create some challenges.

Mr. CLERK: That was not really...

Hon G. P. B. NICHOLLS: I did not say that was what you said. I just wanted to address the policy recommendations. . .

Mr. CLERK: It seems from this section that those people who have been here seven or eight years and they do not have a status. They did not have Reside and Work. They were immigrant, but they might have been here in that period eight or nine years. I am just asking if those people would then qualify for citizenship?

They are not going to be able to qualify for... there is nothing called immigrant anymore. But I am certain that there would be people who may have gone out of that loop.

Hon. G. P. B. NICHOLLS: But they will not qualify for permanent residence. They would have to apply for permanent residence.

Again, I have said this to the Immigration Department. Once we pass the law, our work is now beginning. The Immigration Department must publish guidance. The Immigration Department must go public and let the world know what is the state of the law in Barbados.

A person is not going to be expected to pick up this Legislation and be able to comply and understand what it says. We need to be able to have our public messaging in a clear, concise and consistent way, emphasising very subtly, our security measures and what are the do's and don'ts.

At the same time, we have to make it clear what is possible if you want to come to Barbados, what is possible if you are here, *et cetera*, so people will know, so there is no mystique about it, right? We get routine questions all the time, but we have to create the dashboard and do all of that.

These things will be tidied up in terms of being able to . . .

Mr. CHAIRMAN: But if I am reading this carefully, these are persons who have existing immigration statuses that we are speaking about, right?

Ms. Margaret INNISS: Yes, Mr. Chairman.

Mr. CHAIRMAN: All right. And we are asking that because there are some special entry . . .

Hon. G. P. B. NICHOLLS: Sorry, Mr. Chairman, I do not agree with the Chief Immigration Officer.

Ms. Margaret INNISS: Sorry, unless I misread your question?

Hon. G. P. B. NICHOLLS: He is asking about the special entry people.

Mr. CHAIRMAN: No, if what we are referring to in 3-4, all of these persons have existing immigration statuses, all of them?

Hon. G. P. B. NICHOLLS: Yes, 3-4 speaks to immigrants.

Mr. CHAIRMAN: Right. So, they are saying that there are some special entry permit holders who also have, who have reached this immigration status?

Hon. G. P. B. NICHOLLS: They can apply for the immigration status of permanent resident if that is where they are at. In other words, the special entry is not an immigration status that currently exists.

It is something that allows the immigration officer to grant you permission to come into Barbados now on a tourist visa.

Mr. CHAIRMAN: While I understand that, how this is reading . . .

Hon. G. P. B. NICHOLLS: How is what? The recommendation?

Mr. CHAIRMAN: The Clause ... that the provision be reviewed to ensure that it adequately addresses the transition of all existing immigration statuses, including holders of indefinite special entry permits, meaning that they too, have attained the level of . . .

Hon. G. P. B. NICHOLLS: So, what I am saying is that the special entry permit is not strictly considered to be an immigration status.

Mr. CHAIRMAN: That I understand.

Hon. G. P. B. NICHOLLS: It is an exception. So, you would not want to elevate it. The immigration statuses are permanent resident, immigrant and citizen. Those are the three.

Added to that, we have got Reside and Work. So, we brought Reside and Work into the mix. So, it will now be Reside and Work, permanent resident, citizen. We have taken out immigrant. Right?

So, a Special Entry Permit could be for any reason. You could have any reason. It could be a World Cup, and we have decided that we can grant clearance and you can be here for longer than a tourist or whatever.

It could be some special reason. That permit has no defined class. So, you cannot say everybody in that class can now become a citizen because it would defy the very reason why there was a special entry permit in the first place.

So, I do not agree with the suggestion from whence it came. I think it came from the Bar Association. Because the holders of those permits are entitled to apply for the existing statuses that are there. Is that not correct?

Ms. Margaret INNISS: Yes, Mr. Chairman.

Hon. G. P. B. NICHOLLS: So, they can eventually apply, but they will have to start.

In other words, we cannot just convert everyone who has a special entry permit into the Barbadian citizen. We do that for immigrant because we understand that that was a defined class or intermediate class before you got to citizen. And it is just the length of time, but...

Mr. CHAIRMAN: That is not how I interpreted it, but I will give way. I do not think it is that big a point because I understand what you are saying.

I also understand what they are trying to achieve, in that everybody over the three years, once they have reached that status, they can go on, just include them, and it is not only Special Entry Permit holders that you do that for.

That is how I am interpreting but only those that fall on the 3.4 in terms of exceeding three years to be entitled to register as a citizen, they are saying to utilise that category.

I give way, because, you know, I am no expert at this, but I just wanted to make sure that we review and I guess from an operations standpoint, you and the Chief Immigration Officer can address this one, because I do not think we, as the saying goes, we should split hairs about this.

Senior Minister, Senator Walters, Minister Springer. I do not think this is too critical of an issue, and I give way to you and policy guidelines.

Clause 9 (1), we discussed this one, Disloyal or disaffected. This was discussed, Clause 9 (1) C earlier, and you also brought clarity to Clause 13. That was raised earlier.

So, we have gone through the essence of the Report from the last Joint Select Committee. We have gone through it and I am going to allow you, Minister, to proceed with the Security detail.

Hon. G. P. B. NICHOLLS: Yes Chairman, there is a requirement for a security to be furnished where a person is making an application, an employer, for a work permit.

Mr. CHAIRMAN: This is which Bill?

Hon. G. P. B. NICHOLLS: This is in the Immigration Bill. That Section was omitted from the provisions under the current Bill and it is the consensus of the Immigration Department and I believe the drafting team that the section as worded, which is Section 19 in the existing law, they provide that the Minister may require the employer or proposed employer of a person in relation to whom a work permit is granted, to furnish to the Chief Immigration Officer security in such form as the minister determines, and in such amount as the Minister thinks sufficient.

This is an important part here: to meet the cost of the repatriation of the person to whom the permit relates and its dependents, if any, and in such case the permit shall be of no force or effect until the security is furnished.

We are asking for that to be reinserted in the Bill because it gives the Immigration Department the ability to effectively police. . .

Mr. CHAIRMAN: Can you include that in your submission? Is it possible to include that?

Hon. G. P. B. NICHOLLS: I thought it would be captured in the Minutes. Is it not? Okay.

If I can ask the Committee to consider reasserting section 19 into the Legislation because it gives the Immigration Department the effective ability to supervise work permit situations.

When you have an employer who is in the Immigration Department, let us make sure that there is some money paid here so that if we have to repatriate these workers out of Barbados for whatever reason, then we do not have to wait on anybody, that the employer would have paid the security as a condition for the grant of the work permit.

Mr. CHAIRMAN: This will be read in conjunction with another piece of Legislation?

Hon. G. P. B. NICHOLLS: No, this is currently the law in Barbados now under the Work Permit section.

Mr. CHAIRMAN: It is under the work permit section, but this head notes is under Security.

Hon. G. P. B. NICHOLLS: So, the Security Provision ought to have been inserted in the Bill and I want to reassert Section 19, the Security Provision in the current Legislation.

Mr. CHAIRMAN: The request that in the Immigration Bill under Work Permit, Part Three, the section of security to give the Chief Immigration Officer the authority to address that in section 19.

Hon. G. P. B. NICHOLLS: Ask Justice Moore.

Mr. CHAIRMAN: Justice Moore.

Hon. Justice Sherman MOORE (Retired): Yes.

Mr. CHAIRMAN: You have got to make it a 19(6).

Hon. Justice Sherman MOORE (Retired): Well, we will put it in an appropriate place, Mr. Chairman.

I have discussed it with the Chief Immigration Officer, and we agreed between us that it should be returned. There was a decision not to retain it, but it seems a sensible thing to have, and we had already determined that it would be returned to the existing draft.

Thank you.

Mr. CHAIRMAN: I understand this is purely a function of operations, as I can see, policy

leading to operations, a function to be executed by the Chief and team. Okay.

No objections from my end. Senior Minister, any objections from your end? Senator, Minister? Okay. So, the section on Security will be included in clause 19 on the work permit as requested, and not instructed, but requested.

We are on to the end of the Report.

Clerk of Parliament, I am mindful that we are reaching the end of the month and we have gone through a few meetings, probably roughly around seven meetings of this Committee and I think we have received a number of submissions that we have considered and the Committee has been as engaging as it ought to be and the process has been as transparent as it ought to be.

I recognise the request and some comments for some additions to both the Immigration and Citizenship Bills.

The question for me is the composition and the compilation of the Report with the recommendations would require that we meet again and while I am not the type of Chairman that will say this is how we meet, but I rather ask because of the time frame and the busy schedules, how we can meet.

I think Zoom is always a good way to meet. I recognise we do not have at least four or five Members of the Committee today.

Senator Mallalieu, Minister Weir, Minister Duguid, and Minister Reid. Minister Husbands was here with us and marked present.

So, I would say, Clerk of Parliament, the timeframe by which you can get back a Report so we can submit the compilation of the Committee's Report and I will suggest that we use the old Report as an appendix.

In all fairness, this last Report, I do not think, there is no indictment on the Members, but this did not go through to its entirety in terms of feeding into the Legislation.

So, you want us to incorporate the Governance Committee Report as an appendix while our Report becomes the primary report feeding into this Legislation. Give me a time frame. This is now over to the Clerk and team.

Mr. CLERK: Mr. Chairman, first, today we received a number of requests for additional amendments which CPC now must reduce into the amended Bill. Any timelines will be dependent on when the CPC says they can have that done.

We would have, using the technology that is available to us now, done a provisional report which did not include this meeting. We will now have to add this meeting to that Report, and we had substantive discussion today. We want to get all those issues recorded correctly. I would say maybe a week.

Mr. CHAIRMAN: We are on a tight deadline. Today is 15th July. I am not at all giving you any deadline. I am just telling you that I am making it clear, I am not imposing any timelines on you because you have worked with this Committee and you have been very sincere in your comments with respect to timelines.

You have always supported the policy advisors and the Government in terms of the fact that Parliament will rise at some point within the next two weeks or three weeks.

Asides.

Mr. CHAIRMAN: That is why I deferred to the Clerk of Parliament. You noticed I placed this in your hands, not as the Chairman, but as someone to advise about the whole gamut of Parliament and when we rise, because you will know more than me.

Mr. CLERK: The last understanding I had was sometime in August.

Mr. CHAIRMAN: Okay. Will you need a week?

Asides.

Mr. CLERK: Yesterday I got a call about an important piece of Legislation that has to be done before we rise, and that Legislation has not even gone to the Cabinet of Barbados as yet. I am saying I cannot see us rising before another three weeks.

Mr. CHAIRMAN: The last Tuesday of the month is the 28th, I do not dictate, and the last Friday is the 31st. I know Parliament's history meets either a Tuesday or Friday, either the 28th or the 31st.

I am just working with some dates and I see here. The first Monday in August is the 3rd, and

that is Kadooment. Senator Walters is that not Kadooment day? When is Kadooment day? That is when Senator Walters will be on the road, barebacked.

Mr. CLERK: Mr. Chairman, if we get an indication from the CPC as to when they can have those Amendments reduced into Bills, maybe with the new technology that we are employing now and by weekend we could start to have a draft of the Report.

Obviously, we append transcripts to the Report. We have to validate those transcripts and validate the Minutes. I will be in a better position at the end of next week to say to you …

Mr. CHAIRMAN: At the end of next week?

Mr. CLERK: Yes. To say where we are with the Report. Because we still want to get it right given the amendments that came forward today.

There is in the rules there are requirements in relation to having meetings on **ZOOM** that you cannot have an entire Committee on **ZOOM**. I mean, the Chairman and some people have to be here physically present and the others coming in on **ZOOM**.

Mr. CHAIRMAN: I am saying I am available. The others may not be and the fact that I can sit here and the others on ZOOM, I think we have the technology that we can have a meeting, but I certainly would not be away. I will be here. I am just preparing for our Members, some of whom may be travelling.

Mr. CLERK: The rules are that three Members have to be in person based on our rules, including the Chairman and the others could be **online**, but the key would be to get the amended Bills and at least to get a draft Report out to Members that they could have sight of it so that whenever we meet, the **ZOOM** members would have …

Mr. CHAIRMAN: Do you reckon that by the 24th you believe you can have the Report.

Mr. CLERK: I have indicated that, Mr. Chairman, that is when I can say to you where we are.

Mr. CHAIRMAN: Where you are, okay.

Mr. CLERK: I would prefer to use that language rather than say I will have a Report then, but like the end of next week and will be able to say to the Chairman, this is where we are and hopefully that would be substantially along the way. We could then look at a date where we can consider.

Mr. CHAIRMAN: Alright.

Mr. CLERK: I am taking the comfort that the CPC would then say to us how much time they need.

Mrs. Michelle ELIE: I think we may have to revisit the approach. There are a couple of things here.

The Report should certainly confirm for us what we need to do, although, as was stated at the very beginning, the Committee can recommend it would be up to the Government to decide whether or not ultimately the recommendations will all be taken on board.

That said, it does not mean that we cannot start some of the work, but some of the issues that I do think would require a certain amount of engagement to be settled because we have a broad policy.

I can foresee, especially with the additional information that the Minister is asking be put in the Bill, that it would take some time.

Let me confer with our consultant, but I think we should be realistic in our expectations. We are also working on the same urgent things that need to come before the recess.

Hon. G. P. B. NICHOLLS: Mr. Chairman, if I may just give some assurance to the Committee.

We very much would like this matter to be wrapped up, but I do understand that your job does not start until the Committee reports back to Parliament what the changes should be and once that Report is received by Parliament as I understand it, then that instigates the process of the changes to the Bill.

Or is it possible, I know this work is still hard for the amended draft Bill to be attached as an Appendix to the Report.

Parliament, when it gets the Report, it sees what the draft as proposed by the Committee will look like and that would legitimise the work that you are doing now so that there is not any lag between the Report being presented to the

Committee, Parliament approving the Report and then having to give formal instructions for the drafting of the Bill based on Parliament's acceptance of the Report.

Mr. CLERK: What we have done in the past is to have the Report and the amended Bill appended and debate both. If there are additional amendments, we would then allow the House of Assembly to go into Committee to consider those as additional amendments.

It is not a case where the Report goes to the House of Assembly and there is a draft amendment Bill and then they approve that and then simply go back and start the process again.

When it gets to the House of Assembly, it is really in the form substantially that these are amendments that this Committee is recommending and hopefully the House of Assembly will agree to, but the House of Assembly is also free to suggest further amendments which could then be done in the Committee of the whole House.

Hon. G. P. B. NICHOLLS: I think what I am also obligated to indicate to Mrs. Elie's comment or query.

The Executive has no role in the process between here and the legislature so that what you are expected to draft or to assist in drafting is Parliament's amendments to the Bill that is before Parliament and it is not an Executive instruction this is now a parliamentary instruction.

Therefore, you can simply take the Report and draft on that basis. The Bill is now before Parliament. It has left the Executive. It has left Cabinet and is certified by the Attorney-General; it is before Parliament. I began the second reading and suspended the debate to bring it here.

It is in a Parliamentary process, so that the Executive's warrant of the changes is irrelevant. It is Parliament's warrant through the Committee of the changes.

Hence, you are with basically here and all on the instructions of Parliament to draft amendments as this Committee is requested. Do you follow what I am saying?

The only thing the Executive could probably do is withdraw the Bill if it wanted to, but that is not the intention.

Mrs. Mechelle ELIE: I follow what you are saying, but it puts us in a little bit of a difficult position in the sense that if the Committee recommends one thing.

Asides.

Mrs. Mechelle ELIE: Sorry.

Asides.

Mrs. Mechelle ELIE: The Government does not change its position. . .

Hon. G. P. B. NICHOLLS: No, but the Government has subjected the process to parliamentary scrutiny, and it has to stand by that process, so that it has said Parliament is free to debate these Bills and make changes because the Bill has left the Executive and gone to Parliament.

The only thing the Executive can do is to withdraw it. That is the only thing that the Executive can do, and that brings up the end of the parliamentary process, right, but there is still a formality, but that is not the case.

Therefore, once having sent it to Parliament, and Parliament has begun the parliamentary process, there is no longer an Executive role in terms of the progress of the Bill.

Senator the Hon. C. P. SINCKLER: Mr. Chairman, given the lateness of the hour, I am really trying to ascertain what we are fighting about, because we are not reinventing the wheel here.

Bills have been recommended to Committees from the time this Parliament was convened. I do not mean this Session, I mean the Parliament, and so this is not new.

What we need to do is to take advice from the Clerk of Parliament who should tell us exactly what happens in the case where a Bill has been sent to a Committee by the House, a Joint Select Committee or any type of Committee, for review of a Legislation that is properly before the House of Assembly for further investigation and or adjustment by way of receiving input from both Members of the Committee, but more importantly members of the public.

This has been done before, so please, Mr. Clerk, advise us as to what the process is. Before you go, the issue of when the House rises, it is

nothing to do with us, with this Committee. This Committee has been given a charge; we are in the process of completing that charge.

We understand that there is a timetable that the Government is working with. Our thing is to ensure that as much as possible, we can meet that charge within the realm of practicality, because if there are adjustments that have to be made, those adjustments have to be made by somebody, whether it is on the floor in Committee of the whole House or it is by CPC or whoever.

Those adjustments have to be made and communicated to the authority that give rise to our existence in the first place. Then it is for them to determine what the timetable will be in relation to whether the House rises that is done before then, if it is delayed or whatever the case may be. However, I know that people are anxious to get on the Summer recess.

It has been a long session, but if the Government's programme has to be completed before that, we say then the Government's programme has to be completed before that recess is taken. There is no rocket science about that.

Therefore, Mr. Clerk, please advise us, so that we can get out of here.

Mr. CLERK: What I would say additionally, because the second reading of these Bills were not completed in the House, and once the second reading is not completed, the Committee is free to deal with policy.

When it goes by the House, the Government does not have to agree with the policy changes that were made, because as you are aware the second reading is where policy is debated and that was never completed.

Therefore, it has been sent to this Committee, and based on the instructions in terms of reference, we are free to look at policy as well. The recommendation that this Committee makes the House has to accept or reject.

If there are issues that border on what the Executive considers to be policy, the Executive could reject what the Committee has done.

Therefore, CPC is free to draft our recommendations, and it is then left to the House when the House meets, to weigh in on what the Committee has brought back to it.

Senator the Hon. C. P. SINCKLER: Therefore, it is our remit to very quickly get this process completed, get this Report done in full, contingent on whatever changes will be required by the legal drafters and so forth and so on and have this sent back to the people who … (**inaudible)** in the first place with the recommendations.

That is what has to be done. Let us get on with it.

Mr. CHAIRMAN: I am in agreement like I said earlier. I am awaiting the timelines and realistic timelines while we know it is urgent. We still want to hear from the Clerk of Parliament. I deliberately, before I wrapped up, I sent this over to the Clerk.

Mr. CLERK: Within a week we will be in a better position. I do not want to say because CPC has a lot of work to do.

Within a week we will be able to indicate how soon we can actually meet and actually discuss some more.

Mr. CHAIRMAN: Fair is fair a week from today. That is the 21st, 22nd or something like that.

Mr. CLERK: Let us go to the 24th.

Mr. CHAIRMAN: We will go to the Friday. That is fine, no problem.

Hon. G. P. B. NICHOLLS: Mr. Chairman, may I just place on record my appreciation though for the work conducted by the CPC and Justice Moore and their team.

They have been before the previous Committee and this one, and they have been with me not only in this Legislation but in another piece of associated Legislation, and I really want to commend them for being here, able to answer and give guidance to this Committee process.

It is not new as Senior Minister simply said, but it is certainly recently new part of how we are doing things. I want to commend them.

Also, the work of the Barbados Immigration Department in making sure that the best for Barbados is done by way of the advice to this Committee in its deliberations.

I want to give CPC and Justice Moore the assurance that I have not heard anything determined by this Committee that causes me to report back to Cabinet that there have been serious assaults on the policy considerations from the

House.

Yes, some things we may differ on, but you are assured that the work that you have to do in respecting the requests for amendments to the Legislation as made by this Committee are not entirely at variance.

The fact that we invited both you and Chief Immigration Officer, and I, here to give guidance and explanation and have accepted, even the very last-minute changes that we have made here today is indicative of the work as one parliamentary team to get the best for Barbados in a particular piece of Legislation of Bills that are important.

So, I just want to record the thanks of the Ministry for the invitation, to the CPC and her team, to Justice Moore and to the Immigration Department for their co-operation in this exercise. Thank you.

Mr. CHAIRMAN: Thank you, Minister. I noticed you jumped the gun but, nonetheless, well-received.

I too have endorsed those comments and will say a bit more when we are through with this process. So, Clerk of Parliament, I will just leave you to give us the final guidelines, then I will wrap up.

Mr. CLERK: Mr. Chairman, as I said, by July 24, we will be able to say to you where we are at. We hope that it will be substantially along the way that we can have that meeting and obviously dependent on how far the CPC gets as well. That is what it is dependent on.

ADJOURNMENT

Mr. CHAIRMAN: Alright, thank you. Any other business, other than what we have discussed?

Let me, as Chairman of this Committee, this has been a learning experience as well for me. I could not have done it without you to be recommended to be the Chairman.

I want to thank the Government, Members of this Committee who I know had to balance their ministerial duties, their travel, but they made sure that they were steadfast in making sure that we only had seven meetings.

I want to thank Senator Walters, not only the Government, but the Opposition Senator who showed his dedication and commitment to the cause on a weekly basis to attend these meetings.

Even if he was not here in-person, he was here through **ZOOM**. Senior Minister, thank you for holding our hands as well. The experience that you brought to this Committee did not go unnoticed. We want to thank you.

The other Members of the former Committee. Minister Nicholls, I want to thank you, Sir.

You wore two hats over the past year, when you were able to interchange those acts exceptionally well. I think you have added tremendous value to your division and Ministry.

Chief Immigration Officer, at our request, you are accepted and you are here. I want to thank you again for your commitment and dedication as a public officer.

Chief Parliamentary Counsel, as always, steadfast. Drafting is very difficult. There are not many drafters. I heard you were short-staffed. Between 2018 and when I became just a Member of Parliament, I recognised that CPC was always short-staffed because of the dearth in drafters.

I want to thank you, again, for your steadfastness and your guidance in this process.

Justice Moore, you know, we often look at Justice Moore, Sir David Simmons and these legal luminaries, and say these are retired officials. What a phrase to use, but, Justice, I think you too have been stellar in your support to this Government, to policy, drafting and on the judiciary.

It would be remiss of me not to recognise you even further as a son of the soil, a member of that wonderful community of Ellerton.

We are proud to see someone like you taking your rightful place in steering the ship, in ensuring that our Legislation is fit-for-purpose. I want to not only bow to you but thank you on behalf of the Members of this Committee.

Parliament staff, who prepared me weekly, I want to thank you, those staff who sit around the table and the ones who sit in the rooms that we cannot see them who indeed, do yeomen service to the Parliament of this country to ensure that Joint Select Committees, whether Governance Committee or Economic and Productive Sector Committees have the necessary resources and

perform the vital role not only for the Sittings of the Lower House and the Upper House, but for the Joint Select Committee.

This cannot be an easy task in preparing these Minutes and ensuring that we come here fully prepared to do the work on behalf of the citizens of our country.

To those persons who took time out to prepare submissions, both written and oral, while we are not at the end but I think the time is right to say to the country that being a Barbadian means a lot to, if not 100 per cent of the citizens, more than 95 per cent of them recognise the role and the value they have as key stakeholders in building out Barbados to make it the best place to live, do business and raise a family, like I always say.

Those people from the Democratic Labour Party (DLP), you know we had a time when we had a Committee and people refused to take part. I would like to believe that we have bridged that gap and we are all in this for the betterment of our country.

Again, I thank you, Senator Walters. You can pass on the "thank you" to your team, the Members of the DLP who came here -- disjointed, but they came and, nonetheless, presented on behalf of the Party. You know I had to get there. Nonetheless, you came. You showed up for the match and played your part. I want to thank you.

It has been a learning experience for me. You know, I am no drafter. I am an engineer, a technical person, who can analyse data, sit and understand certain rudiments of policy, having been in the Cabinet as well and a former Minister.

I understand Legislation to some extent. I have someone who, Senator Sinckler would say, *"She hasn't been in the House for a bit"*, but I have learned a bit, Senior Minister, from her.

So, thank you all. God bless you. Let us hope that we can finish next Friday and can rise to enjoy Crop Over with this Legislation back before the House.

I thank you all. Good evening.

On the motion of Senator the Hon. C. P. SINCKLER, seconded by Dr. the Hon. R. O. SPRINGER, the meeting adjourned sine die.

THE
EIGHTH MEETING
OF THE JOINT SELECT COMMITTEE (STANDING)
ON ECONOMIC AND PRODUCTIVE SECTORS
ON THE IMMIGRATION AND
BARBADOS CITIZENSHIP BILLS, 2026

HELD IN THE SENATE CHAMBER, PARLIAMENT BUILDINGS, TRAFALGAR STREET

TUESDAY, AUGUST 4, 2026

FIRST SESSION 2026-2031

PRESENT

Mr. D. G. SUTHERLAND, B.Sc. (Hons.), M.Sc., M.B.A. (Dist.) ***(Chairman)***
Dr. W. F. DUGUID, J.P., B.D.S, F.D.S., F.D.R.C.S., M. Min. ***(Deputy Chairman)***
Dr. the Hon. R. O. SPRINGER, J.P., Ph.D., (Minister of State in the Ministry of Transport and Works)
Hon. C. S. V. HUSBANDS, B. A. (Hons.), M.Sc. (Minister of Training and Tertiary Education)
Hon. I. A. WEIR, M.B.A. (Minister of Public and Private Investment) *(Online)*
Senator the Hon. J. W. D. REID, B.Sc. (Ministry of Industry, Innovation, Science and Technology) *(Online)*
Senator the Hon. C. P. SINCKLER, B.A., M.Sc. (Senior Minister) (Minister of Foreign Affairs and Trade) *(Online)*
Senator R. O. WALTERS, M.B.A. (Opposition Senator)
Senator A. W. MALLALIEU, C.P.A., F.R.I.C.S.

ALSO IN ATTENDANCE

Mr. Pedro EASTMOND, (Clerk of Parliament)
Ms. Beverly S. GIBBONS, (Deputy Clerk of Parliament)
Mr. Nigel JONES, (Deputy CLERK OF PARLIAMENT)
Miss Suzanne HAMBLIN (Journal Department of Parliament)
Mrs. Mechelle ELIE, (Chief Parliamentary Counsel) *(Online)*
Hon. Mr. Justice SHERMAN MOORE (Retired), Consultant to the Attorney General and former Chief Parliamentary Counsel) *(Online)*
Ms. Paulette ATKINS (Senior Counsel, Office of the CPC) *(Online)*
Ms. Margaret Inniss, Chief Immigration Officer

SPECIALLY-INVITED

Hon. Wilfred A. Abrahams, S.C. (Attorney General) *(Online)*
Hon. Gregory P.B. Nicholls (Minister of Home Affairs and Information) *(Online)*

The Chairman called the meeting to order at 11:15 a.m.

MR. CHAIRMAN: Good morning to those online and those who are present.

We are coming from a lovely weekend — Emancipation weekend — where we all were freed up, and we are back to the business of the day again.

The Members of Cabinet will have to leave by one o'clock, so I would like to get through most, if not all, of the proceedings by then, which is basically looking at the report and the two (2) Bills as amended.

MINUTES

MR. CHAIRMAN: Without further ado, I am going straight into the Minutes of the Sixth Meeting held on Friday, 10th July, and we will go through them quickly. I did not see anything from my end; Members may have better eyes than I have. Is there anything from the Minutes that is critical, before we ask for the adoption?

I am fine, so I will beg for the adoption of the Minutes by Members. Any proposal, and a seconder, for the Sixth Meeting?

On the motion of Dr. W. F. DUGUID, seconded by Senator A. W. MALLALIEU, the Minutes of the Sixth Meeting held on Friday, 10th July, 2026 were confirmed.

MR. CHAIRMAN: Thank you, Senator Mallalieu. Any matters arising from those?

Let us go to the Seventh Meeting, which was the long meeting, and we will go through it page by page quickly.

Welcome, Minister Springer — you are not that late; welcome, do not worry. We have gone through the Minutes of the Seventh Meeting held on Wednesday, 15th July. It is pretty long. This is where we went through the Bills.

I am just looking to make sure that we have everything. The fees — the fees remain, right? Yes. And down to the Immigration Bill.

This was probably the most extensive meeting we had in terms of going through the Bills. So did we settle on the moving from the 24 hours to 48*?* I am just looking at the Minutes — I think we did.

This is the revocation of the deportation order. Right, that is it. Right.

I am just going through clause by clause; this is critical.

All right, I am down to the Citizenship Bill. I am going through Clause 14, the residency threshold. We agreed for the non-CARICOM , there was a change: that the aggregate period of residence be increased to two (2) years within the three (3)-year period — that was agreed, right; and the threshold for the CARICOM remains as drafted.

I think these were the substantive points in the Minutes that I saw. I know some Members are now reading it for the first time; that is why I am being so cautious in moving forward. I am going to ask for the adoption.

Those who have read the Minutes — if you are still reading, I will give you a minute. Those online — have you read the Minutes?.

They are extensive; they are pretty long. That is why I am cautious in moving forward. Those online, are you following? Great.

So I am going to ask for someone to propose that these Minutes be adopted, including Members online, if you have read them. Can I get a proposal, please?

On the motion of Hon. I. A. WEIR, seconded by Dr. the Hon. R. O. SPRINGER, the Minutes of the Seventh Meeting held on Wednesday, 15th July, 2026 were confirmed.

MR. CHAIRMAN: Thanks, Minister Springer. Any matters arising? I jumped there because — it was very presumptuous.

The changes made were clarified: that we have moved the revocation order from 24 to *48* hours, and the threshold moved to two (2) years — *seven hundred and thirty (730) days within the one thousand and ninety-five (1 095) days.*

That was the only change — that was the one that was questioned — and the fee remained. Clause 23, revocation of deportation — the fee remained *$3 000*. Right.

Senator Mallalieu, were you at this meeting? I am checking to see — oh, yes, you were absent; sorry. This was a long meeting, and we dealt with the Bills, as you can see from the Minutes.

So, any other matters arising from these Minutes?

I just wanted to make sure we were fine, because these Minutes go into the report, and we do not want to publish anything that can bring shame on our Members.

With their work, CPC, as well as Immigration and Parliament, worked assiduously to make sure that we got these Minutes. Thank you, Miss Hamblin and staff — they are detailed.

I know we had a long meeting on this, and they can be referenced by Members with respect to what the discussion was based on with these two (2) Bills — all the Clauses that we went through.

Thank you very much, CPC, as well, for your diligence; and you can pass on to Justice Moore as well, for me, my thanks.

These Minutes accurately reflect what we agreed upon and discussed at our last meeting.

Thank you very much, Parliament and CPC.

MR. CHAIRMAN: All right, we are moving on to the examination of the Immigration Bill, 2026 and the Citizenship Bill, as amended.

My query — the comments that I made on the report: they referred to the Bill that was presented to me, but most of the comments in the report pertain to the old Bills — I should say the old Bills, because we have the new Bill before us.

So, you see, the clauses are different: when you see Clause 5, which reflects Clause 5 in the old Bill.

Mr. Eastmond, you wanted to say something?

MR. CLERK: Mr. Chairman, the old Bill is dated 21st of April, 2026. I just want Members to be aware of that.

Mr. CHAIRMAN: Thank you — the 21st of April, 2026.

The persons online — I am worried about the persons online having those Bills, because everything in the report — the clauses — refer to the old Bills and not the new Bill.

The clauses would have changed: for example, Clause 5 became Clause 8.

MR. CLERK: So, Mr. Chairman, those Bills will be available on the website, so those Members who are online could reference the Bills that are on our site, because the report is going to speak to the Bills so numbered.

So, when you see Clause 5, it is not Clause 5 of the amended Bill, because that clause has changed — it is Clause 5 of the Bill dated 21st of April, 2026, which is on the Parliament's website. Right.

MR. CHAIRMAN: Clear, Members online? I see a nod. Thank you, thank you, Minister Reid, Minister Weir; and CPC is fully aware. I raise that because it had me at one point in time. I had been checking Clause 5 on the new Bill, and I do not want the others to make the same mistake that I made. Right.

DR. W. F. DUGUID: Just a question on a similar matter, because of the page numbering. Does the page numbering continue from the first section to the second section, or would that then have the page numbering starting from one again?

I ask because in the second part — the actual final report part — that page number is nine. But it was thought that, if that is the part of the Bill, that would be — one, starting over again — if you understand what I am saying.

Or is that the page number?

MISS S. HAMBLIN: I think the page number is just for referencing the report as we go through. This is just a draft report, so we will try to fix that and then formulate it.

DR. W. F. DUGUID: Thank you.

MR. CLERK: MRS. ELIE, you would have sent the explanatory memorandum for the Immigration Bill?

MRS. MECHELLE ELIE: Yes, I did.

MR. CLERK: Okay.

MRS. MECHELLE ELIE: We sent it on Friday, I believe.

MR. CHAIRMAN: What we have before us to guide us are the explanatory memoranda sent by CPC on both Bills — both the Citizenship and the Immigration Bill — and I think that, once we follow those, we can get through the process pretty quickly.

Members, do you have those — both the one for the Immigration Bill and the one for the Citizenship Bill? All right. So let us get into the meat of the matter: the examination of the two (2) Bills.

We will begin with the Immigration Bill.

So let us go. We can take it by the Bill, or we can take it by the Report. I think we can take it by the report, because the Report explains — Clerk, I can stand guided — the report gives the changes in the Bill.

MR. CLERK: Mr. Chairman, to the extent that we have the consideration of the report as a separate item, you can probably do it by the explanatory memorandum and the Bill, and then do the report separately.

MR. CHAIRMAN: All right, that is no problem. Let us use the explanatory memorandum and start with the Immigration Bill.

Members, are you ready? So we are going to review the new Bill — the amended one.

All right, we are going by clauses.

Clause 1 provides for the short title.

Clause 2 defines the principal terms and expressions used throughout the Bill — that is what we call the interpretation in the Bill.

CPC, were there any changes there?

MRS. MECHELLE ELIE: Sure. The main changes related to deletions of definitions concerning advanced passenger information and passenger name records, the reason being that, since we have an entire Bill — the Advance Passenger Information Bill — dealing with these issues, it was appropriate to delete those definitions and the provisions to which they relate from the Immigration Bill.

So, we deleted definitions such as "*watch list*", "PNR", "JCC", *et cetera*. All of that information would have been taken up in the new Advance Passenger Information Bill.

MR. CHAIRMAN: Members, are there any —

DR. W. F. DUGUID: May I ask a foolish question? So what if that Bill does not go through?

MRS. MECHELLE ELIE: If it does not get through, we would have to amend the Immigration Bill. You are presuming the Immigration Bill gets through.

DR. W. F. DUGUID: The joint resolution that you are saying — that is coming in a new Bill, correct? Yes. So what if that Bill does not get through?

Let us not — you know, we have this thing that we say: that we do not assume that things get through Parliament, and we do not speak of things before they come to Parliament.

So, if we take these things out now, what happens if that other Bill that you are speaking of, that is supposed to come, does not get through, for whatever reason?

MRS. MECHELLE ELIE: Well, I am just checking to see exactly what the status of the Bill is now, because it is already before Parliament.

DR. W. F. DUGUID: But it may not be approved.

MRS. MECHELLE ELIE: But it may not be approved. If it is not approved, then we would have to amend the Immigration Bill, if the Immigration Bill is going forward first. But at the same time, you see, because, again, the law . . .

MR. CHAIRMAN: Give her a chance.

MRS. MECHELLE ELIE: It would also be inappropriate to have a Bill before Parliament that contains those provisions and then, behind it, now come back with an Immigration Bill dealing with that subject in a more piecemeal fashion.

It is a question of timing as well, but some of the timing, of course, is not within the control of our office.

So, if we go forward with the Immigration Bill with those provisions in it, you may be asking the same question too, but in a different way: why do we have a Bill before Parliament on advance passenger information — it is before the House; notice was given of the Bill — why are we now having another Bill dealing with essentially the same subject matter going to Parliament?

SENATOR THE HON. C. P. SINCKLER: If I understand, Mr. Chairman, both what Member Duguid is asking and, of course, the response from the CPC. I was just querying whether that Bill was done, but apparently it was not. Would it not be likely that all of these Bills are going to be taken together, as, in fact, in immigration, as a suite of Bills?

MR. CLERK: Given that, with the Immigration and Citizenship Bills and this Report, the intention is to debate the Report along with those two (2) Bills, it is very possible that the Advanced Passenger Bill can be dealt with on the next occasion we meet, but not as a cognate debate.

Yes, but the . . .

HON. I. A. WEIR: I have a query?

MR. CLERK: Dr. Duguid, my information is that the Advanced Passenger Bill will be debated very, very soon.

So, I mean, you cannot presume what Parliament will do, but I do not foresee that that Bill will not pass Parliament; because, if we make the change and go back to the original Immigration Bill with those definitions in, and then we pass the Advanced Passenger Bill, we may have to come back again and amend the Immigration Bill.

It really makes sense, I think. We can . . .

DR. W. F. DUGUID: But remember, this is a report. This is not the Bill.

MR. CLERK: But the report includes the amended Bills, and once the report is debated, the intention is to debate both the report and the Bill together. That is the intention.

DR. W. F. DUGUID: Yes.

HON. I. A. WEIR: I have a query, though, Chair. Is there any way in the report that we can make reference to those definitions, and make reference to the fact that they are coming in a separate Bill, so that anyone reading the report would understand that these have been removed from the original Bill?

What is before Parliament right now is the Advanced Passenger Information Bill, which will carry those definitions.

MR. CHAIRMAN: CPC?

MRS. MECHELLE ELIE: Well, I do think it would be helpful to put a statement in the report.

MR. CHAIRMAN: So, the suggestion from Minister Weir is a reference somewhere in the report to these definitions, and it must be clearly . . .

So where would we place them in the report — the definitions?

The request from the Minister was to have them mentioned somewhere in the report: that they will be defined in the advanced passenger legislation. In the report — not in the Immigration Bill.

We are asking to reference in the report that they will be mentioned in the advanced passenger legislation. So, we can find a place to — please do.

So, CPC will also provide those definitions, so that we can place them in a section of the report to highlight that. So, when we are debating, we can reference it, to say that these definitions, while they are not within the Bill, are associated with the Bill, but that is where they will be defined.

MRS. MECHELLE ELIE: Certainly. There are more than definitions, though, because the definitions were to support provisions in the Bill.

So, we will provide a list of the provisions and the definitions.

MR. CHAIRMAN: Thank you very much.

MRS. MECHELLE ELIE:

You are welcome.

MR. CHAIRMAN: Okay, any other points on the interpretation? I want to move quickly.

The report — the former, the old report; I should not say the old report, but the report that I referenced — also mentioned that, at Clause 4, the permitted entrants, the Committee agreed that the definitions be harmonised with the language of the Economic Partnership Agreement, and that the categories of entrants be settled in the body of the clause.

Is this also something that we can add to the report? I do not see, within the interpretation — I do not see any reference to — do I have the right one? Unless I am not seeing the Economic Partnership Agreement.

It is in the Bill, so that might not be necessary. But the definitions... Yes — the Bill. CPC, is there any . . .

MRS. MECHELLE ELIE: Sorry, could you repeat that, please?

MR. CHAIRMAN: I am referencing the report on definitions, and I see that the Committee agreed that the definition be harmonised with the language of the EPA, the Economic Partnership Agreement.

Is there anything that was omitted, similar to what MP Duguid raised? Are there any definitions?

MRS. MECHELLE ELIE: The definitions were not omitted.

In going through the report, I realised that there are some areas where it seems as if, from our understanding, there seemed to be an acceptance that we can leave certain provisions as they stand.

So, for example, with the EPA, that was one of those. So, we have not changed anything concerning the references, the definitions, related to the EPA.

MR. CHAIRMAN: All right. Senior Minister, you can probably, when you go through with the final eye, see if there are any definitions, because I picked up that, you know, while I was reading, in terms of definitions — it was one of the things that I said to you in my highlights. I do not know if you really understood what it was, but that was one.

Anyway, CPC, I stand to be guided. Like I said, I am not a drafter, and I am more looking at the finality of it, and the questions that would be raised, similar to what MP Duguid raised.

So, mine was more from a definition standpoint, more than anything else, with the EPA — if there were other things to be spelt out in the definition section. That is all. Minister Weir, you seem to want to come in. Okay, you are fine. All right.

And I have asked Senior Minister Sinckler — I know this is under his purview — if he sees anything. Before we go back to Parliament we have a few days, and we can always raise it; and I know CPC is also willing to make any amendments.

Senators, anything on the definitions?

All right, let us move on. Part 2 of the Bill: the Immigration Review Committee.

I am not just going through section by section — Part 2 is Entry into Barbados — or am I looking at the wrong thing? We have Part 2 as Immigration Review Committee. Is there a —

MRS. MECHELLE ELIE: Part 2, Entry into Barbados, is the old Bill — that is from the old Bill; and the new Part 2 is Immigration Review Committee.

MR. CHAIRMAN: You are absolutely correct. It is me — I actually have both before me, and I was looking at the old one as Part 2. You are absolutely correct, CPC.

Anything from Part 2? The Immigration Review Committee established — the Second Schedule, in fact, with respect to the constitution of the Committee; the functions of the Committee; the Committee need not give reasons for its decision if to do so would be prejudicial to national security or public policy — that was agreed upon. Right.

So, the Immigration Review Committee — that is Part 2. All right, Part 3 — sorry, is there anything from Members to be addressed in Part 2? All right.

Part 3, Entry into Barbados. We need to move swiftly, because it is soon one o'clock — not that we want to rush this.

Clause 6 speaks to the rights of citizens and permanent residents to enter Barbados. It has some subclauses — one, two, three; three (3) subclauses: citizens have the right to enter, as well as the permanent resident, and the Minister may prohibit the entry of any person other than the citizen or permanent resident.

Clause 7 lists the categories of persons who may be permitted to enter — the Schedule; you can read this in conjunction with the Schedule: permission to enter for a period not exceeding five (5) years, and that was agreed — that is the Third Schedule.

So you can read this section, Clause 7, in conjunction with the Third Schedule. If I recall, we were to broaden the categories.

Remember, we said we were to include others — not just the EU Member States, but others. I think someone raised this — not as an issue, but to add to the entrants.

Asides

SENATOR THE HON. C. P. SINCKLER: Yes, it is in the report. The only thing that I could think about is the fact that the EU does not remain static; it grows. They have been adding members — they have also subtracted one (1) — but they have added members since both 2019 and 2008, when the EU and the revised EPA were signed.

The clause that we have here — I am not sure; CPC will have to advise if that captures that fact: that you have listed — the list in the Fourth — it says the Schedule should be — that the list should be taken — well, the schedule should be from the — I was reading forward, so I am a little ahead of you.

For example, "EU Member State" means the member State of the European Union referred to in the Fourth Schedule that is a signatory to the Economic Partnership Agreement signed at Bridgetown, Barbados on the 15th of October, 2008. You see the point that I am making?

MR. CHAIRMAN: Yes, yes.

SENATOR THE HON. C. P. SINCKLER: I suspect there may have been one (1) or two (2) States that may have joined the — the European Partnership — I mean, the EU — but may not have been signatories in 2008, because they were not members; because the Fourth Schedule — that is the EU member States. So, I suspect that is where this thing came from in the report — because it is in the report.

Asides.

MR. CHAIRMAN: Precisely. Thank you, Senior Minister. So — have we exhausted the list in the Fourth Schedule, or do we need to include more members? CPC, I am not . . .

MRS. MECHELLE ELIE: We need to be certain, first of all, with new members — or of the status with respect to the agreement itself.

So, you remember, when the UK left the EU, we did a separate agreement with them; because they may have joined, but it does not necessarily mean that they will be bound by all prior agreements.

So, we would have to be sure, for each jurisdiction, what the exact situation is before adding them. But I am just checking to see if we have provisions to allow for amendment of the Schedule — let me just double-check that — by an Order, for example. That is something we could consider.

MR. CHAIRMAN: The Clerk of Parliament — Mr. Eastmond, can you speak on it, please?

MR. CLERK: Mr. Chairman, there is a section dealing with regulations, but there is no clause allowing the Minister to amend the schedules. Or maybe we could add in a clause that .. .

MRS. MECHELLE ELIE: Perhaps we can. But, as I was proposing as well, I was also thinking that we might have to refer to this status otherwise as well, you know, because — I am not sure if there was provision in the agreement; we would have to go back to the EPA and see if there was provision for others to accede to the agreement, so to speak.

Only then — if not, then there might be some other arrangement contemplated, in which case we would have to amend more substantively, rather than just amending the schedule. There is no harm in putting in a provision to allow for the schedule to be amended.

SENATOR THE HON. C. P. SINCKLER: I think the proposal — and I agree — I am going to get it checked right now, to verify what happens with the EU in terms of accession: if, when you accede to join the union, you are subject to the EPA — I suspect you are, but I am going to confirm that.

But, for the avoidance of doubt, we should put the clause in there that allows the Minister to make an adjustment, if required, to add; because the legislation is going to be static until it is amended, and things change, and we have to have the capacity to allow the Minister to do that without having to come back to Parliament and do an amendment each time that is required.

Okay. So I am going to confirm that part with the European Union right now — the European Commission here, I should say.

MR. CHAIRMAN: Thank you, Minister; thank you, CPC. All right, we are still here. Any issues with Clause 7?

Clause 8, quickly: it empowers the Minister to permit a person to reside, or reside and work, in Barbados — that is the reside, or reside and work, section. Straightforward, basically.

Asides

MR. CHAIRMAN: No, we are not — that is Clause 11, loss of permanent residence; this is the reside, and reside and work.

Clause 9 speaks generally to the acquisition of the status of permanent resident. This created a bit of discussion, and we have got to make sure we captured everything. We are fine? All right., Clause 9 — it is fine?

Asides

MR. CHAIRMAN: Clause 10? No, we were on Clause 9, because we had a lot of discussion on Clause 9, so I just want to make sure that we captured everything. Subclause 5 specifies — and it said: 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. That is fully defined there. All right.

Clause 10, the ten (10)-point system. There was a section of the report — I think I read it with you, Miss Hamblin; I will go to it in the notes — it is more for the reporting and not for the drafting.

I am not sure if I interpreted that section correctly, on the point system. The last sentence in the report on Clause 7 and the point system — that is on the Immigration Bill; it says Clause 7 on the point system.

From the report, the last sentence says '*the ratings and criteria are to be refined by regulation* — right, are to be refined by regulations.

Then it said, "*it being noted on the advice of CPC that the ten point threshold is fixed by the Bill and cannot be altered by regulation*".

But it started off by saying the ratings and criteria are to be refined by regulation. So it is — go ahead.. .

MR. CLERK: Mr. Chairman, my understanding of that is that the ratings could be adjusted — in terms of, if you give two (2) points, four (4) points — but the actual threshold of 10 is fixed. So you could adjust the weightings, that age can get more points than currently there, but you cannot go past 10.

That was my understanding. So 10 is the limit that is fixed.

DR. W. F. DUGUID: Those are the words in the report, right?

Asides.

MR. CLERK: So, the 10 points is fixed, and, to adjust that, you have got to go back to the policy and change it, right.

In terms of how you apportion those 10 points, you can do that by regulations: you can say that age will get two (2), you know, qualifications get seven (7) rather than six (6). But the threshold . . . —

Asides

MR. CHAIRMAN Yes. Okay. But you can alter . . .

MR. CLERK: You can alter the criteria and what the points are.

MR. CHAIRMAN: I did not want to send conflicting messages to the public. So explained — accepted, Sir. Go ahead.

MR. CLERK: I want to go back —

MRS. MECHELLE ELIE: If I may, Chair.

MR. CHAIRMAN: Go ahead, CPC; the floor is yours.

MRS. MECHELLE ELIE: If I may — let me just say we are joined by Justice Moore and Miss Atkins.

MR. CHAIRMAN:

Pleasant morning to you both.

MRS. MECHELLE ELIE: Sorry — we are all sharing one computer, Chairman.

HON. JUSTICE SHERMAN MOORE (RETIRED): Good morning.

MRS. MECHELLE ELIE: We were not expecting to be invited to this meeting, so apologies, from everyone, for Justice Moore and Miss Atkins only now joining. It took us by surprise; we thought we were finished.

Nevertheless, with respect to the point system, it is important to make our position clear. The number of points attaching to each criterion in the schedule is fixed. I do not think that the number attaching can be changed by regulations, because that would be outside the scope of the Act.

How one determines education, perhaps, and how one determines whether an individual can get all of the points attributable to a particular criterion — that, perhaps, can be prescribed by regulations.

But let us say, for example, if age carried five (5) points — an 18-to-30-year-old, for example, can get five (5) points — we cannot change that by regulations. The maximum would be five (5) points.

MR. CHAIRMAN: So, we have to reword this. I guess the transcript will pick up Mrs. Elie's comment, right? But this has to be reworded, because this was sending conflicting messages to the public, and I know this is a very sensitive area, based on the submissions we received.

Well, I am not too worried, from where I sit, but this is really — you have to satisfy the stakeholders with respect to this point system. All right, so we are clear here.

MR. CLERK: Mr. Chairman, if we are clear on that, I wanted to go back to the acquisition of the status of permanent resident — remember.

On the last occasion . . . let me indicate that there is no longer the status of immigrant, and . . .

Asides

MR. CLERK: I think we also have, in one of these Bills, that those persons who would have been granted immigrant status prior to the Bill coming into force could then proceed to citizenship. Right.

We are getting rid of the status of immigrant, and the question remains, for those persons who have been here for six, eight years, but have never applied: they no longer have the status of immigrant to aspire to.

So can we consider those persons — especially if they have not committed any crime, but have been here — can they be considered for permanent residence?

SENATOR THE HON. C. P. SINCKLER: Mr. Chairman, I am trying to find out from the Clerk if this is guidance — is that guidance, or is that a recommendation?

MR. CLERK: That would be a recommendation.

SENATOR A. W. MALLALIEU: So, Chair, let me just make sure, I am trying to understand this recommended guidance.

Asides

SENATOR A. W. MALLALIEU: I appreciate your intervention there, though, Clerk.

My understanding of it was that those persons now would be eligible because of the fact that they were here for that period of time — so that would still be recognised. Perhaps you would explain to me what is the difference.

I understand that we no longer have this immigrant status, but they would be eligible for permanent residency. Or are you saying that you want — on the day that this comes into place — it would be recommended that, since they had the status of immigrant before, they now hold the status of permanent residency on that day? Is that what we are saying?

MR. CLERK: Not that they had the status of immigrant — that would have been — they are eligible. Maybe we should "grandfather" them, to use the term —

Asides

SENATOR A. W. MALLALIEU: I think I have no objection to that. But what I am saying is: is there any need to 'grandfather' them, because they are now eligible?

SENATOR THE HON. C. P. SINCKLER: It does not. So, in other words, they are in a state of suspended animation. There is no provision in the legislation — in the draft legislation — that says to them what your status is. They have lost a status — they have lost an eligibility for status — but there is nothing that intervenes in the legislation that replaces it.

So there is uncertainty for them, and I am sure they are going to ask. In fact, I may even go further: there are some people who have been living in Barbados for an extended period of time who never necessarily sought any type of status at all — 25, 30 years — who have been contributing to the society.

They travel, back and forth. I feel — I mean, this is for the Committee, the Parliament, to determine — but I think we seriously have to consider: what if those persons want to, now, under this legislation, or feel so inspired to, try for citizenship, given all of the contributions that they would have made to this society?

I think to have them out there and not give them a pathway might be a little late — it is going to be a little difficult.

SENATOR A. W. MALLALIEU: What I am saying is that I thought there is a pathway. So they have been here for whatever period you say — let us say five (5) years; they do not have the status of landed immigrant, or whatever that previous status was, but they have been here for five (5) years, and they can demonstrate that.

Once this new legislation comes into force, if they are CARICOM nationals and they meet

the criteria, having been here for that period, then they are eligible. Right?

SENATOR THE HON. C. P. SINCKLER: ONE, THEY may not be CARICOM nationals. And, two, what this legislation does is that it eliminates that kind of transitionary category — from just a person who comes, to a person who has immigrant status, or who had eligibility for immigrant status on very good grounds, and then persons who would have gone to permanent residence. That middle category is gone.

We are saying that, if you leave them, then they are without anything at all, based on what is written here. That is a lacuna; I think that has to be filled.

The second category I am talking about, though, is people who have made substantial contributions to Barbados that, frankly, I feel should be factored in here — maybe under this, I mean, you know, additional grounds for acquisition of status — to be grandfathered in, or fast-tracked in, for that type of status, and offer them that based on the length of time that they are here.

There are two (2) different things that I am talking about here, right? The first one is the one that we were discussing, and this is the second one that I am introducing now, which I feel is something that we ought, as a Committee, to seriously look at and even recommend to do; because I have, in fact, met persons who have said, *"But, you know, looking at the legislation, it does not really — it just assumes that we will never be interested.*"

And, in fact, they very much might be interested under this new configuration that we are doing here. So that is an additional point that I am making — I just want to separate the two (2), right, from what you were talking about.

SENATOR A. W. MALLALIEU:

Right. I am not going to address the second one — as you say, let us not confuse the matter with that; and understand, I am not taking a position on it one way or the other; I am just seeking to understand.

I am still not clear who we are talking about. I understand there are people who have immigrant status, and we have addressed that in this legislation and said, at the point at which this comes into place, those people are recognised — that is clear, right.

So we are talking about another group of people — another group of people who do not have immigrant status, have nothing at all, but have been here, as you have described, over a period of time.

What I am trying to understand is: why can they not — what avenue are they prevented from? What are you trying to solve? Because they now have an avenue, whether they be CARICOM or non-CARICOM. So, what is the problem that we are seeking to solve? I am inquiring, because I do not understand.

MR. CLERK: If you look at the amended Immigration Bill, where it says acquisition of status of permanent residence —

SENATOR A. W. MALLALIEU:

Which clause is that?

MR. CLERK: This is Clause 9. Clause — Clause 5, right. I do not want to go to Clause 5 at all, because five is saying that the person is already an immigrant, right?

I am speaking of those persons who would have been here and would have been eligible to apply for immigrant status.

This Bill is doing away with the status of immigrant — eliminating it altogether — and then says, in order to qualify for permanent residence... But those persons do not fit in this — there is nothing in here at all; there is nothing in Clause 9 or 10 that speaks to that person.

MR. CHAIRMAN: Can I — go ahead, Senator; and then I want to hear CPC on this, because I have my views, but I want to hear CPC. I have my view on it.

SENATOR R. O. WALTERS: Mr. Chair, if we forget previous status and the former Act and all that, the pathway is: persons who have spent time here now have a specific pathway based on that time spent, and on whether you are a CARICOM national or non-CARICOM national. So how are they prevented, when this Act comes into place?

Once they satisfy that criteria, they should be eligible to apply for permanent residency, without any intervention or any changes to what we have here.

MR. CHAIRMAN: CPC, guidance here. I am hearing from the Clerk of Parliament: he is

speaking about persons who have not yet reached immigrant status.

We have eliminated immigrant status, and now he is asking about that category of person.

My view is that — I do not want to be an engineer and use the word "axiomatic", meaning that it is really there — part of Clause 5; because we are no longer with immigrant status, those persons, in my view, will either go to the permanent resident or citizen.

So I believe that person has been captured: they have not yet reached immigrant status; immigrant status is totally out; so we are only talking about two (2) things — permanent resident or citizen.

Over to you, CPC — that is just how I saw it. I am kind of supporting Senator Mallalieu, because we have passed immigrant status totally — we have eliminated immigrant status totally. So some explanation is needed, so we do not misinterpret, because they have a different interpretation, as the Clerk of Parliament.

Over to you, CPC.

MRS. MECHELLE ELIE: Thank you, Chair. In my view, there appear to be sufficient pathways for citizenship and permanent residency, despite doing away with the immigrant status. If the person did not achieve immigrant status before the new legislation is passed, then it is a question of time, to my mind — how long they have been here, and whether they can fit under any of the other pathways.

I am not quite sure I am understanding the difficulty, unless it has to do . . . but I am guided as well, because I am not an expert in immigration, so there might be something that I am missing.

DR. W. F. DUGUID: If I may — I come in on the side of the Clerk of Parliament, because I understand fully: if somebody has immigrant status today, and the legislation passes and there is no longer something called immigrant status, what status does that person have? Right? So, therefore, that person who has immigrant status today must then become something — must have some status — and that is not in here.

Asides

MR. CHAIRMAN: It is in there — it is at Clause 5 — what the Clerk of Parliament is speaking on.

I guess the Chief Immigration Officer can come in here, on persons who have not yet reached immigrant status — that is what he is speaking of.

For me, I thought that it was either one (1) or two (2) things, and I think that is an operational thing though; because clearly the Bill has eliminated immigrant status, so you cannot be talking about any immigrant status any more — you either have to go to permanent resident or a citizen.

I think that moves into operations moreso than legislation. So, over to you — I do not know if I am making sense, but, for me, I would not be bogged down with that aspect: those persons become something in this country — either a permanent resident or a citizen.

Asides

MR. CLERK: I am asking, under the section of the Immigration Act, where would they apply? That is all I am asking.

MR. CHAIRMAN: I am saying that becomes operational, because the years then would determine — and I think that is more operational. I am not sure if you want to put that into legislation.

Senior Minister, guide me, because this is your . . .

SENATOR THE HON. C. P. SINCKLER: I understand both sides.

I wonder if the Chief Immigration Officer might have before her — and she may not, they may not have come to her desk yet — but I am wondering aloud whether the Chief Immigration Officer's office would not have applications already in process, but not completed, for immigrant status.

In other words, somebody may have written in, under the previous legislation — understanding that there is immigrant status to be gained, and that process has not been completed — might not even have been started yet.

What happens to those persons when this Act comes into force?

DR. W. F. DUGUID: Perhaps let us hear the Chief Immigration Officer on it.

MR. CHAIRMAN: That is why I am saying this becomes operational — I am just asking; and, if we cannot settle it at operations, then we have to go back to policy.

MS. MARGARET INNISS: Margaret Inniss, Chief Immigration Officer.

As the Senior Minister made the point: yes, we have applications before us; but when this law comes into effect, we have to be guided by the law.

So, the determination that is made today, basically, will guide us in terms of whether or not that person has to now reapply for permanent residence, or it is considered that the application for immigrant status will automatically roll over into permanent residence.

The point I also wanted to add, to what the Senior Minister said, was that right now we have quite a few people who have been coming to Barbados for 25, 30 years, who brought their children just about every year of those 25 to 30 years, who now see Barbados as home away from home and would want to live in Barbados. Those are some of the queries that we are currently getting.

SENATOR A. W. MALLALIEU: Okay, thanks for that clarity. But, through you, Chair, I want to make sure we understand the principle of this.

So what we are saying is that someone under the old law is in the process of achieving their immigrant status, and the determination has not yet been made — so they are not yet an immigrant — and the law changes. I mean, from here, what do we want to do?

Do we really believe that we can list every name of everyone who is in Barbados and who is in process today, or might have been in process, or might be thinking about it? I cannot list all of those. What would happen is that we are the legislature; we have changed the law, and you did not achieve it before.

Now there are pathways available to you — and everything I have seen in this legislation has made those pathways easier. Now follow the new pathway. That would seem to me to be it, unless I am missing something — and, you know, tell me what I am missing.

Either we change the law or we are not changing the law.

Can you give me any other examples where, when we change the law, we say, *"Well, if you were thinking about this in the past — although you might not have applied, and you may not have achieved it — but, since you were here before, the old law will still apply"?*

You can think of things like examples of that, Mr. Duguid?

DR. W. F. DUGUID: Yes, I can.

The planning application legislation very clearly set a date, and any planning applications that were before a certain date were dealt with under the old legislation, and any applications after that date were dealt with under the new legislation — and we call those legacy applications.

That gave the department an opportunity to go through those people who had applied without prejudice — without negatively prejudicing those who had applied before the legislation. That is what we did: we called it legacy applications; and legacy applications, because they were put in before the legislation, were dealt with under the old legislation, and then the new legislation then dealt with — that is what we called it: there was a legacy application part.

MR. CHAIRMAN: Let us go and do it, because we have Ministers — I guess we have half an hour, Chair — and I would like to get through, with the Senior Minister here, most of the session on these Bills, especially the Immigration Bill. So let us have the final comment coming from CPC.

This speaks to the fact that we still have some grey areas — but let us hear you, CPC.

MRS. MECHELLE ELIE: Thank you, Chair. I would say that this particular area, to my mind, is very clear.

If the Members look at Clause 40, subclause (3), of the Bill, it says clearly that, if there is an application pending for the status of immigrant or permanent resident — if it has been started under the former legislation, in other words, under Cap. 190 as it now stands, and it has not been completed — then we treat it as an application for permanent residence under this Bill.

MR. CHAIRMAN: That is what I was saying — that is what he was saying.

So we go to savings and transitional.

Clause 40, subclause (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*.

Clear. And, as she said, that is where we go: first, permanent resident.

Let us proceed. Thank you.

MRS. MECHELLE ELIE: Before you go on, Chair — sorry. There was one more point with respect to the ten (10)-point system. I believe that this was discussed, but I am just putting it out there again: if there is a concern that the ten (10)-point system itself might have to be varied, then we could provide for an amendment to the schedule.

But, if memory serves me correctly, I think we had raised this before, but this suggestion — I do not think it was taken up.

MR. CHAIRMAN: The note in the report, CPC, was what prompted me to raise the matter, because I thought that we said we would amend, in the schedule, the point system, and that was clear from the meeting; but I am saying, in the report that is not clear.

So that is why I raised that point. So you were saying that we could amend in the Regulations — I mean, in the Schedule.

MRS. MECHELLE ELIE: Right — I am saying we can put in a provision to amend the schedule, yes. But we got the impression that some Members were not keen to have this done in that way — to have an amendment in that way. But it is open now for a decision to be made.

MR. CHAIRMAN: From my knowledge, I do not think the Members disagreed with that: I thought that was said, and I thought that the Members agreed.

What the Members disagreed on — or, I should not say disagreed on, we had varying views on — was the point system; but they did not disagree that we should amend the schedule.

I think we agreed that we can amend the Schedule — or the regulation; and the Schedule, I thought, was part of the Act. It is clear now that we can amend the Schedule: you can make a provision within the legislation to amend the Schedule, and I think we should proceed with that.

I do not think we should have much debate on that any more. That is the truth.

MR. JUSTICE SHERMAN MOORE (RETIRED): Yes, Sir.

MRS. MECHELLE ELIE: Thank you for that.

MR. CHAIRMAN: Let us proceed. And that should be captured by those who are transcribing this meeting, and Parliament — so that is a done deal there. Right.

And thanks for section 40 — we got there before we really got there. All right.

Asides

SENATOR THE HON. C. P. SINCKLER: I am advised that, on the previous point of the EU, only Croatia joined, in 2013, and all new EU States are bound, in law, once they have joined.

So, they are subject to the EPA.

MR. CHAIRMAN: Noted. We can amend, yes. Thank you, Senior Minister.

All right, we are at Clause 10. I do not think we have any major issues here. Let us move to the more fundamental one — a more fundamental one — Clause 11, the loss of status of permanent resident.

Is there anything that we missed there? Okay. All right.

Clause 12, categories of persons who are prohibited from entering, and the Sixth Schedule. This should be read in conjunction with the Schedule — you can probably turn quickly to the Schedule. So we are fine.

I think the Minister responsible for the Bills raised some points that were included with respect to revocation, and I do not think that we have seen anything that…

DR. THE HON. R. O. SPRINGER:

What do we consider to be offences of public morality? What would fall under that list?

I see we have separated sexual assault on minors, because that is separate and distinct, perhaps more *egregious* than any of these other public morality offences.

So, I am trying to understand in my mind what would constitute that?

MR. CHAIRMAN: CPC? Justice Moore?

Asides

MRS. MECHELLE ELIE: We can take it out. I believe that we had a discussion on this matter, and we were leaning on this side. Justice Moore did make some points concerning public morality. There was some concern that it is too nebulous a concept and it is always changing, and I believe we had agreed that this could come out.

MR. JUSTICE SHERMAN MOORE (RETIRED): Public morality is always changing, but there will always be public morality . . .

Asides

MR. CHAIRMAN: We are not hearing Justice Moore clearly.

MR. JUSTICE SHERMAN MOORE (RETIRED): Good afternoon, Chairman and Members.

Public morality is not fixed; it changes, but there are always crimes against public morality. We now have new crimes of grooming and other things — things that fall within the general ambit of paedophile offences.

They are all offences against public morality. It is like offences against the person — wounding — and they will always be there. As time goes by, public morality will change, but it will still exist.

What are considered crimes against public morality will change, but public morality will never leave the language that we speak. We will always have morals, and we have to deal with things that offend public morals.

Having said that, however, if the consensus is that it should be deleted, then that would be the policy that would have to be accepted and dealt with.

Thank you, Mr. Chairman.

DR. THE HON. R. O. SPRINGER:

Thank you. Well, yes, I agree that it should come out.

Asides.

DR. THE HON. R. O. SPRINGER: …that the consideration was made.

MR. CHAIRMAN: Thank you, Minister Springer. Clause 12 — let us move quickly along; that is the one that we were looking at.

Let us go to Clause 13. So the amendment in Clause 12 was in the Sixth Schedule, where we took out the public morality from the Schedule. Right — that is to be clear. Right. Clause 13.

SENATOR R. O. WALTERS: Clause 13 — with the ability for citizens of Guyana to move without a passport . . .

MR. CHAIRMAN: He explains why he has no passport and establishes identity and national status to the satisfaction of the immigration officer.

So, Guyana — that would be to the satisfaction of the immigration officer. So that is clear. Right. So I do not think we have any . . .

Asides

I guess you were talking about the ID card going to Guyana; that is not spelled out here. Okay. All right.

Clause 14 provides for entering Barbados only at certain ports. Anything there? I think there was a query with "guilty of an offence".— I think that was raised, but I think that was clarified: a person who contravenes the subsection is guilty of an offence, but I think we clarified all those matters.

So let us move on.

Clause 15 — a pretty substantive section of the Bill. Do you have any issues? Because this is really — you know, some things, where it is legislation, it becomes operational matters: entry, some of it the duty of persons entering, to be enforced. Yes. Okay.

MS. MARGARET INNISS: Most of these are in the old legislation — just a matter of any changes and/or updates, from the Chief Immigration Officer.

MR. CHAIRMAN: Clause 16 to me is fine — I think we can skip that — and Clause 17 as well.

We can move on to Part IV, work permits: Clause 19, Clause 20, Clause 21 — and that is work permits. So, you are fine there; no issues raised on the legislation.

Part V, the deportation — this goes down to Clause 27.

We were fine with Clause 24. Clause 24, the hours: give them 48 hours. Yes, that was made clear; it was increased from 24 hours to 48.

Asides

Yes — that is Clause 24. No, no, 72 is different. Seventy-two is *"the committee shall, within 72 hours after receipt of the application"* — right; but we have 48 hours — not we, the deportee. Yes, that is fine. Clause 24 is fine.

All right, so we are down to Clause 25: the person remains out of Barbados for at least five (5) years, and we were fine with that. And that was the — detention:

Clause 26. I know we had discussion on this — we had lengthy discussion on this section.

SENATOR A. W. MALLALIEU: If I might just ask a question on the wording — if this was CPC's intention in Clause 25.

It seems an unusual structure of a sentence, to say that when someone is removed — either voluntarily, they leave on their own, or they were put out — it is for a period of "*at least five years or such shorter period"*.

Is that just an error, or is it meant to say "*of at least five years or such longer period as the Minister may, in the Minister's discretion, determine"*?

I ask it simply because it seems a very strange way of wording something — *"of at least five years or such shorter period"*.

MR. CHAIRMAN: What I interpreted it to mean is that only the Minister can allow you back in within, under, five (5) years.

Yes, that is how I interpret it: only the Minister. Am I correct, CPC?

Asides

MRS. MECHELLE ELIE: Thank you, Chair. I think the provision would be improved by deleting *"at least*".

I do not think it was meant to suggest a longer period, but if you can bear with me, I am just going to check the original Act — the existing Act, I should say — to see what was there.

SENATOR THE HON. C. P. SINCKLER: The outer limit is five (5) years, but the Minister, in his discretion, can alter that: he can bring you in at four and a half, if he saw fit.

SENATOR A. W. MALLALIEU: I am happy with that. I am just saying the words *"at least"* — I would agree with CPC — are unnecessary.

MR. JUSTICE SHERMAN MOORE (RETIRED): Yes, no problem.

MRS. MECHELLE ELIE:

Thank you.

MR. JUSTICE SHERMAN MOORE (RETIRED): If it does not change it.

MR. CHAIRMAN: You are leaving it, CPC?

MRS. MECHELLE ELIE: We agree to take it out; to delete "*at least*".

Asides

MR. CHAIRMAN: All right. Detention — any area in Clause 26? We are moving.

Clause 27 is the recovery of the cost of the deportation — any issues there? All right.

Let us move to Part IV, administration, Clause 28 — and I know the Chief Immigration Officer . . . anything from you?

Responsibility for general management of the Department — anything from you in here?

Clause 28. Sorry, it is Part VI, administration. Thank you.

MS. MARGARET INNISS: Sure — I am satisfied with this; no major concerns.

Asides

MR. CHAIRMAN: Why? She is not a member of the committee; I still give her the privilege, because it is more operational. Thank you, Miss Inniss.

Right here — permits. And you can feel free to weigh in on this, because a lot of this is administration.

I do not see any difficulty; I did not see anything in here that really jumped out at me, but this is really, really immigration — the Immigration Act, the immigration officer, related agency.

Clause 31 speaks to failure to produce a permit when required to do so — production of permits.

Delegation — Clause 32. So, are we fine? Part five — six. Sorry, I keep saying five.

So we move to Part VII, miscellaneous. It confers powers on the immigration officers to seize and retain travel and identity documents.

ASIDES

MR. CHAIRMAN: THIRTY FIVE. THIRTY SIX was the penalty. Thirty seven, thirty eight.

Asides.

MR. CHAIRMAN: THIRTY NINE. The Minister may make regulations.

MRS. MECHELLE: If I may, Chair . . .

DR. W. F. DUGUID: Go back a bit, if I may.

In the Report you have Clause 23 coming after Clause 38 . . .

MR. CHAIRMAN: We are going to go through the Report.

Asides

DR. THE HON. R. O. SPRINGER: I will just make a note.

MR. CHAIRMAN: MP — Mr. Duguid, you will be here for the Report. The Senior Minister will leave because of Cabinet, but you will be here, and the other Members, but we still have a quorum when they leave.

So, we are going to go through the Report; but the legislation is critical, especially this immigration piece of legislation.

MRS. MECHELLE ELIE: Sorry, before you go on.

We received some instructions this morning concerning the Ministry's desire to make special provisions for persons visiting for medical reasons. The information was quite substantive, but that is it.

And because of that, and because it might require renumbering depending on how we decide to deal with it, I proposed to the Minister that we could perhaps include the provision in Clause 39 for the matter to be dealt with via regulations.

So, I am just raising it here as one of those matters that only recently came to light.

MR. CHAIRMAN: That is correct and appropriate; as the Committee sees it, these aspects or the recommendations would be very appropriate.

MRS. MECHELLE ELIE: I believe that the email sent today — I know everyone would not have had a chance to look at all their emails — but the email sent today might also have been sent to the Parliament.

MR. CHAIRMAN: I do not think the Members are privy to this information — at least some of the Members — but we received the copy, and I am not sure if this is with this section of the legislation.

MRS. MECHELLE ELIE: There was no section provided per se; it was more to do with a substantive issue of persons visiting for medical reasons.

We received the email around 9:00 this morning (to be confirmed), and yes, I believe you and the Clerk were copied in.

So, the rest of the Committee unfortunately may not yet have received the email, but perhaps it could be circulated to be looked at.

Once we have these instructions from the Ministry, we are obliged to make the changes to the Bill. That is the point.

HON. I. A. WEIR: So — a query, please: can CPC just give us a brief overview of what the email is about and what is being asked of the Committee?

MRS. MECHELLE ELIE: Chair, should I proceed?

MR. CHAIRMAN: Yes, yes — the floor is yours.

MRS. MECHELLE ELIE: Now, the purpose of the — well, let us deal first with the medical visitors.

There are two (2) issues covered in the email: a provision to amend the Citizenship Bill, and then the provision for the amendment of the Immigration Bill to deal with medical visitors.

Essentially, what the Ministry is asking is that we provide specifically for permits relating to medical visitors in a different way — well, not in a different way, but specifically, in the sense

that they would like to ensure, for example, that there is sufficient evidence that persons are indeed visiting for medical reasons.

So they intend that the regulations, or the amendment to the Bill, would cover such things as the medical practitioner involved being identified; any financial arrangements and accommodation arrangements; and post-treatment care plans should be clear, so that they can verify that this particular visitor is indeed visiting for medical reasons.

DR. W. F. DUGUID: Thank you. I must say, Chair, I could think of — I do not know if there was a piece in the newspaper, I believe, recently, about how many people came to Barbados to have in vitro fertilisation and how many babies were born.

So people have been coming to Barbados for years and getting medical treatment, and vice versa: there are hundreds of people who travel to the UK, Canada and the USA and get medical treatment without having this.

I think that this adds a hardship to people trying to come here, and I do not know if this is a forward step or a backward step.

I certainly would not support that going into this Report at this time.

MR. CHAIRMAN: Can I hear from the Chief Immigration Officer, please? And then Senator Mallalieu — I see you.

MS. MARGARET INNISS: I support the perspective, historically, that Barbadians leave and go other places and have children, and people come here and have children as well.

When you sit in our chairs, that is immigration: if you do not have a tidy arrangement, it breaks the brand that Barbados has.

There is nothing wrong with moving for the purpose of medical tourism, and we are seeing more and more persons coming in, particularly because medical tourism is really great here in Barbados; but you need to have a policy, some form of legislation, in place.

You have persons who are coming in — they do not have an appointment with a doctor — and then we have persons from the hospital calling us to say that these persons are here; they are a burden on the public purse; they do not have any money to support themselves.

These are the types of things that we are facing daily, and there is an increase.

I personally — I think my team and I — asked the Minister to address this.

We see people who have appointments, and what we have done recently is to initiate getting from those doctors the names of the persons and the appointment dates, and it makes it a lot easier for us, because the doctors would have already done their interviews, and they know that these persons are not going to be a burdenon the public purse.

For persons who are coming here, what you will find is they pay their doctors — yes — and for a place to stay.

That comes to about what — $*20 000, $25 000*

But once we know, we have the information; we have the framework in which we can work, and that makes it easier for us.

Asides

MS. MARGARET INNISS: For example, a person may have heard that we have good doctors here, and they come; but they do not have a reference point — nobody really knows about them, because we do not have protocols in place; we have no legislation in place.

Then, when we say no, we are looked at as the bad guys.

So I support the amendment. Yes, people all over the world move where they feel they can have a safe birth, and we do offer some of the best; but it is time to put legislation in place.

If you have legislation in place — what this is calling for is that you have a doctor, you have a relationship with them, they know about your case, and you are coming in for an appointment; you are coming in to get medical treatment; you are known.

For those who do not have appointments, who are not known of — these are persons about whom we are now getting reports from our medical persons — let us say, for example, the QEH: these persons have no money, and then they are likely to be a burden on the public purse.

I am not quite sure if you understand what I am saying, but there are two (2) different things.

Asides

MS. MARGARET INNISS: Okay, great.

DR. THE HON. R. O. SPRINGER:

Why I look at you with a look of concern is that I have had to travel to Eastern Europe, North America and Asia for medical treatment in the past five (5) years, and on none of those occasions was anything at all known about the doctor.

I got the information off the Net; I made the appointment; I travelled to the country and I went, and in all cases the procedure was successfully completed. I did not have to forward any information.

To go and research the doctor and build any relationship with the doctor, is sometimes impossible to do, especially if the person is a specialist — and I was able to go in and do that.

Now, a person can be here on a vacation and get sick and find themselves at the hospital; a person could be here for an extended period of time, get pregnant and find themselves at the hospital. These things happen in real life.

Now, what I am seeing here is a requirement that, before I come here for medical treatment, I have to furnish the authorities with all this information I have to acquire beforehand; and for me, I see it as an unnecessary step, or an unnecessary level of scrutiny, that I have to go through just to come here and have a procedure done.

Honestly, I do not know how often persons complain to the Immigration from the hospital that there are people here who are leaning on the State; but I am wondering if it happens that often that we have to reduce it to legislation like this, to, in essence, provide another layer of bureaucracy for persons to get treatment here in this country.

That is just my take on it, but I do not know how the others on the committee feel.

SENATOR A. W. MALLALIEU: I would react — first of all, I was initially wanting to react to Minister Duguid's point, and I have to say I agree with you completely.

I think, in fact — I hold a US visa, and I am privileged to travel there from time to time, and quite often I am asked by the immigration officer, "What is the purpose of your visit?"

It seems to me that it is an acceptable answer — which I give from time to time — to say, "I have come for a doctor's appointment."

So it is part of a regular way of travelling; it is not a special way of travelling.

I know that others do it in other parts of the world — to Canada, to other places, Colombia, wherever.

So, in general, I am not in favour of having any restriction on people who choose to come to Barbados because they are seeking medical attention and they believe that here is a place for them to do it.

Secondly, if we do have a problem — the Chief Immigration Officer is identifying that we have people who are taking advantage of our health care system, which provides free health care — at the point of need we do not discriminate and say, *"Well, sorry, let me see your money before you come."*

You may be in a car accident; we do not tell people to stay outside because you do not have the money to pay.

But at some point in time, later on, we will try and figure it out.

So I would agree with you that we do not want to be encouraging people to come here and get free medical health care when they cannot afford it — so I see that point — but I am not sure that that is the problem that this is addressing.

Then the last thing I would like to make, through you, Chair — and maybe, as the Senior Minister said, that sometimes I can give trouble, and maybe this is the part I will give trouble on — is that this seems to be at the twelfth hour of our meetings here, and I regret that it was not raised earlier.

At this point in time, I am not in favour at all of adding this to our agenda and delaying our progress in any way.

If this is needed, then it needs some thought going into it: let the Ministry, the Chief Immigration Officer and the relevant ones deal with it, and if there needs to be an amendment to the legislation, or some other legislation, to do it, there. I am not in favour, at the twelfth hour, of considering this. Sorry.

SENATOR THE HON. C. P. SINCKLER: Mr. Chairman, I must tell you that I am seeing this

for the first time. Amendments such as this have to be governed by policy, and maybe it did go to Cabinet; I do not know.

But I would err on the side of caution and just put this in abeyance for the time being until we can verify — not that we doubt the veracity of the Chief Immigration Officer, but I think, given the substantial nature of this, that we should hold this a bit.

I think we have a few more days, so that we can ask about this.

I mean, I do not know — maybe it did happen before I joined the Cabinet, but this is a pretty substantial piece of thing.

I agree — I think we should err on the side of caution and just make sure that we get the policy support.

DR. W. F. DUGUID: I ASKED Senior Minister on that as well — and that never came to Cabinet. And further, just a cursory search…

MR. CHAIRMAN: You are not in Cabinet.

DR. W. F. DUGUID: It never came to Cabinet prior — he said prior .. . it never came to Cabinet prior.

Asides

DR. W. F. DUGUID: I was there from the beginning; it never came to Cabinet prior to when he joined.

Further to that, a cursory search of which countries of the world actually require this: it is Korea and Saudi Arabia. Korea and Saudi Arabia are the countries that require it; and of the 190 of the world, Barbados then wants to join Korea and Saudi Arabia as the third? The Schengen area also requires it, but they only require insurance.

So I do not think that is something that we really want to get into at this time.

HON. I. A. WEIR: Chair, I must lend my voice to this, and I asked specifically for CPC to read what was in the email, because I thought we ought to be aware — and I support you 100 per cent.

At this eleventh hour, you are asking us now to add something to the work that has been completed, and I do not think it is fair to the Committee.

Equally, I agree with Senior Minister Sinckler: I have not seen this come to Cabinet, and I think this states a policy directive; and therefore, if it is the wish of the Minister to have it, I certainly believe it should come to the Cabinet first.

What I am hearing in this recommendation I personally have a little concern about, because it seems to be pointing in one particular direction, and I do not like the tone of it.

I would strongly suggest that we err on the side of caution and have this brought to Cabinet, in order for it to be discussed and, if necessary, agreed upon or not.

More importantly, the regulation gives the Minister the discretion to frame those regulations to suit what the Ministry requires; and therefore I do not think, at this eleventh hour, we should really burden ourselves with having to undertake those suggestions in regulations.

MR. CHAIRMAN: Members — other Members? Minister Reid? Senator Walters? Senator Husbands — welcome. Minister Husbands.

HON. MS. C. S. V. HUSBANDS: I quite agree with what Senator Mallalieu shared; and the fact that, I think, Minister Weir said that in the regulations you can always attend to anything that needs attending to.

Asides

MR. CHAIRMAN: You know, I am not going to go too deep into it.

But what is the mischief we are trying to correct here? And the reality is, I strongly believe that we have what it takes at this stage to address the — I do not want to say what the mischief is, because I may be speaking out of turn.

I would want to say though that the issue with the — I do not want to call a number — but those persons who are coming to acquire citizenship by birth: whether we are trying to correct that mischief, or we are trying to prevent a drain on our taxpayers, or we are trying to prevent any issues as it relates to the doctor–patient relationship — what is the mischief we are trying to correct here?

The reality is, once we clearly outline the mischief we are trying to correct here, then I think it can be considered. But at this last hour, we are trying to lay a Bill in Parliament — before

Parliament — on Friday, and this is our last meeting — not even the penultimate meeting, the last one — to present the memo and — I am speaking as Chairman now — to present Members with this document. Something would have to go into the Bill as a section, and then Regulations.

I agree with what I heard from Minister Weir: this can be dealt with in Regulations, because — you have here — we just looked at the last section, the role of the Minister, which empowers the Minister to make Regulations, and I think he or she can do whatever he or she wants at this stage with regulations.

But to ask us to place a section in the Bill at this stage — and I know the Ministers have to go, and I want to thank them for going through this Immigration Bill, which I think is the key Bill — not saying that the Citizenship Bill is not critical as well — because we will carry on when they have gone off to Cabinet, and if they can rejoin when Cabinet finishes, then that would be nice.

But I am not in favour of just — I call it rubber-stamping — this.

This committee was formed for a reason: to go to the public, to have the public weigh in on this.

Then to come now, at the last minute, and ask us to say 'yes' — I do not think it is fair to the Members.

So I would want to note that, while we considered the late submission of the immigration amendment as it relates to the medical visitors, the timing does not permit us to amend the legislation in time for this document to be laid in Parliament on Friday.

Now, if we can ask for time — and I do not think it is my right and duty to go to the powers that be and ask for more time on this — I would want to say: place this in regulation at some point in time.

Thank you, Minister Weir.

I am not sitting here — and someone will have to say otherwise — I am not sitting here to consider this at this late stage.

Those are my words. Any objections from the Members? No objection.

We have looked at the Immigration Bill, and I want to thank — I am not sure what you are saying, Chief Immigration Officer.

I am just supporting the Members and being as candid as it ought to be, and respectfully so; because, at the end of the day, Cabinet can approve these, and then they can come — a Cabinet meeting is going on now — and if Cabinet approves this, then, you know, it is the will of Cabinet, and then the Committee will be asked to amend. But at this stage, for us to do this now, without this document being seen by the Cabinet of Barbados, is not the right thing to do, even though we report to Parliament on this matter.

This is a policy issue here now.

This is not just going to the public, listening to the public and amending legislation; this is substantive, and I do not think that any of those matters were raised by the public members — if I am correct.

I am not saying that those are the only things we respond to. I support you, Minister Springer, wholeheartedly; Senator Mallalieu, wholeheartedly. Right. What mischief are we trying to correct — or are we trying to create a problem for ourselves as a country? So…

MRS. MECHELLE ELIE: Chair, if I may, before you close off on the Immigration Bill — if I could just make a couple of observations.

On a previous occasion I had, as a sidebar, raised the issue of the role of our office in relation to the drafting aspect, in terms of how we serve the committee.

The reason is that you would have seen, throughout the process, the committee commented on the Bill before it in accordance with its terms of reference; but the Ministry also made certain proposals.

They felt it best to come before the committee with the proposals, because the committee is already looking at the Bill — to show what other areas, as a matter of policy, they would want to have included in the Bill, with a view to improving the legislation.

I am not here to defend the Ministry, but to seek clarity. I agree that these latest amendments have also surprised us as well.

My proposal was that we put at least some clarifying paragraph in the regulation-making

provision, should the need arise to make regulations on the subject. This, I thought, would be the tidiest way to deal with the situation, given that, if we do have to put in a section, we would have to renumber the Bill, *et cetera* — and time is of the essence.

Now, the thing is, we are obliged to follow the instructions of the Ministry once the Cabinet has given the okay.

MR. CHAIRMAN: That is the operative word.

Asides

MRS. MECHELLE ELIE:

Agreed. And I am sure we are aware as to the procedures for getting Cabinet approval; sometimes things are done in tandem: we are drafting while, you know, in anticipation of getting the approval, *et cetera*.

Now, the challenge here is that we are obliged to put in changes — and the issue will come up with the Citizenship Bill as well — but the Bill is being annexed to the Committee's Report.

If the Bill did not have to accompany the Report, we in this office would have no challenge, because the Committee would make its recommendations, and Government, I guess, would have decided what recommendations to go with or not go with; because, at the same time, it is still within Government's discretion to withdraw the Bill, come with another Bill, do something different from what the Committee has agreed, or entirely go with the recommendations of the Committee.

But here it is: we have these fresh instructions; the Committee is not prepared to deal with it, and I understand.

Asides

MR. CHAIRMAN: Let me just clarify, CPC — Miss Elie — I do not want you to say we are not prepared to deal with it

at this time — because of two (2) things: we have not yet endorsed the written submission as a Committee; and, number two (2), I heard from the Senior Minister that it has not reached the level of Cabinet.

I am not sure if the Cabinet meeting was called to address this today, but we wait on instructions as well. We are no autonomous body; this is to enhance Government's agenda.

So the timing is one, and also the policy instruction: a policy instruction comes not just from a Ministry but from Cabinet. So that is why we are here taking the decision not to include it at this time.

We may — tomorrow we may be told to have a Zoom meeting, or a request may come for a Zoom meeting, and we may have it; it depends on the availability of the Members.

But I — while I support Government's mandate, as part of Government, I am a Chairman, and I have to be very centred and central in terms of how we address matters, because we have Members here who have different views; they may not agree with the perspective being shared, and then we may have to come to a vote.

So there are rules of the Committee that I have to adhere to, and that is why I am taking this course — because most of the Members disagree at this stage with including it.

And if it had to go to a vote, I do not think any of the Members would agree at this stage — listening to MP Duguid, Minister Springer, Senator Mallalieu, Minister Husbands; I did not hear from Senator Walters on it; and, as Chairman, I voiced my opinion as well — I gave my opinion.

So, we are not diffident, and we are not just throwing it out the window. I do not want the record to reflect that. We are being as cautious and as transparent as possible, and carrying out the duties of a Committee at this stage.

That is what we want to be placed on record: that we are not just throwing out the recommendation from the Minister — or the Ministry — but we are very cautious: the timing, and the policy directive coming to this Committee — or, I should say, a policy recommendation coming to this Committee. Right.

As I was always told, that a Minister cannot just announce policy; policy has to be approved. I cannot announce policy (Unclear) .. . when the Cabinet of Barbados is the authority on approving and announcing policy.

With those few words, I hand back over to you, CPC.

MRS. MECHELLE ELIE: Thank you, Chair. I did not mean to suggest that I felt the committee was in any way shirking an opportunity to look at the provision — nothing of that sort — because, as I said, I do understand it is coming, as one Member mentioned, at the twelfth hour.

My issue — the reason I interjected — is to raise a concern generally as to our role.

So, as I mentioned, we are obliged, once the necessary procedures have been followed, to make changes to the Bill.

The Committee may agree or disagree with the changes; but, because the Bill is appended to the Committee's Report, it comes across as if the Bill is now the product of the Committee's deliberations alone, which really may not always be the case.

Perhaps the Clerk can provide some guidance in that respect; or perhaps the Report can acknowledge that some of the Committee's recommendations have been included in the Bill, but the Bill also represents some other changes made — something of that sort.

The Bill is a combination: almost in every case, when there is a Report and a Bill is revised, the Bill is a combination of the deliberations of the Committee as well as fresh instructions, or more detailed instructions, coming from the ministry.

MR. CLERK: Mr. Chairman, what I can say now, in relation to the Regulations that we are discussing: there is a clause there which speaks about making regulations, and we could have a header dealing with medical visitors — and the regulations obviously come later.

I mean, as CPC suggested, Cabinet may decide later today to approve the Regulations. If Cabinet decides that — once we have that provision in, that the Minister may make regulations in relation to medical visitors — that just gives him the power to do it.

If the committee wants it to be even more stringent — because the Regulations there in the Bill are subject to negative resolution — the Committee can say, well, they would accept that, and have those Regulations in relation to the medical visitors be subject to affirmative resolution, which then means that Parliament has to approve them: even if the Cabinet decided, it would still have to come to Parliament, and Parliament would have to approve that.

That is an option that we have.

MR. CHAIRMAN: Thank you, Clerk. Before we move on — sorry — we still have Minister Weir, Minister Reid and Minister Husbands here. You heard from the Clerk.

The Minister has the right — of course, it is his Bill — and in no way do we think that the Bill is ours solely; and we are here to play our role, which is to *take this Bill to the public* for recommendation. . .

MR. CLERK: One further point, Chair: because, even when the Report goes back to Parliament, there is nothing to prevent the House from going back into Committee and adding, amending, rejecting — that is still open to Parliament, because this Bill has come to this Committee.

You know, if there are no more changes at this stage, the Bill goes back to the House; we complete second reading, do third reading and passing. But if there are further amendments, the House can go into committee and make those amendments.

So all those pathways — since we are using "pathways" — are open to this process.

So, if the Ministry wants that done, then, when the Bill and Report go back to the House, the House could resolve itself into committee of the whole House and make those changes, if they so desire.

MR. CHAIRMAN: And Parliament did that some weeks ago with a Bill — so you make changes at Parliament.

I agree with you; and it also gives us the opportunity to read. ..well, this is the last meeting, though some Members here — most, all the Members here — would either be in the Senate or in Parliament when the third reading of this Bill comes, to support the recommendations; once they have been approved as policy, then we can support them.

We know that the Bill is the Minister's Bill — that is known. But the Report that will be laid on Friday — there will be no debate unless the Report is laid, and my aim as Chairman is to make sure that the Report is laid: you cannot

have a debate in Parliament or the Senate without this Report.

That is why we are having this meeting — not to finalise the Bill; we know clearly that is not our mandate. Our mandate is to review the Bill in its entirety, get recommendations from the public, and then to submit a report based on our deliberations, which then informs Parliament that the Bill will be read, and the Senate that the Bill will be read a third time. So that is our mandate.

We know we do not have the powers to recommend to amend Bills other than what was before us — and I am versed in that area. I cannot make policy as a Chairman, and I know Ministers cannot make policy on their own.

That is all I am saying. CPC, and thank you. We had gone through most of the Schedules while we were — yes, we looked at Clauses 40 and 41: repeal of the Act.

I mentioned 40 and 41 — the transcript will show that we did mention 40 and 41, savings and transition; I did mention both of them — and 41 and 42.

Then we go to the Schedules. Most of the Schedules we looked at when we were going through the Clauses; and we know the First Schedule looked at the domestic space; and the Second Schedule — the committee, we spoke on the Second Schedule; and the Third Schedule, permitted entrants.

The Fourth — we looked at the Fourth Schedule before, the EU Member States, and I think the Senior Minister mentioned that the Republic of Croatia was the new addition to the Schedule; and it is listed here, in part, in the Fourth Schedule, at number four (4), the Republic of Croatia.

The Fifth Schedule was the points system; and the Sixth Schedule — these two (2) we looked at, and we said we will remove — we call that Clause 3 of the Sixth Schedule — *"whose conduct offends public morality";* that was discussed.

So that was — and that is the Bill. Clerk of Parliament, you wanted to come in at this stage?

MR. CLERK: While we are doing these Schedules: are we agreed — because we had discussed it earlier — that we would put in a provision that the Minister may, by Order, amend the Schedule? We agree that we are still going with that — and this is any Schedule — but that provision is not currently in the Bill.

So, there was discussion about amending the one with the ten (10) points.

MR. CHAIRMAN: Yes — CPC had mentioned it, and we said yes, we agree to that. Yeah, we agree to that; when CPC raised it, we agreed to that.

MR. CLERK: So that will come in — if there is a further amendment to the Bill.

MRS. MECHELLE ELIE: Yes, there is — based on today's deliberations, yes.

MR. CHAIRMAN:I certainly agree to that. Yes, we agreed to that earlier. Thank you.

HON. I. A. WEIR: Chair, sorry to cross, but it is 1:32 p.m. now, and I have to join Cabinet; so please excuse me — I do apologise.

HON. MS. C. S. V. HUSBANDS:

I just alerted the Cabinet Secretary that we might be another ten (10) minutes.

SENATOR THE HON. J. W. D. REID: Same for me as well.

BARBADOS CITIZENSHIP BILL, 2026

MR. CHAIRMAN: Okay. All right.

So we are going to move right into the Citizenship Bill.

We have the Clauses; the Explanatory Memorandum — sorry — that we will follow as well. Just make sure we have the Bill as amended.

What is the date on the amended Bill, please? *The 28th — 04/07/28.* That is the amended Citizenship Bill.

All right, we are going to follow the same method; we got through seamlessly with the Immigration Bill, I think.

Clause 1, which is the title. Any — I refer to my notes as well, because I think I made some notes on this. Titles are fine.

HON. MS. C. S. V. HUSBANDS:

Excuse me, Chair — the P.M. has joined the Cabinet meeting, so…

MR. CHAIRMAN: I thank you very much for your support, Ministers. I know, we still have a quorum, so we will carry on. Thank you.

Within the titles — I am not sure if this — "newborn" was something that was raised. What

is "newborn"? Is it something that we should put into the title?

It says here *"the abandoned newborn infants"*, and the committee accepted that "*newborn*" is a question of fact to be determined on medical evidence, and that a fixed statutory time frame would be impractical. This was in one of the Clauses.

So is there any merit in having it in the title? And the interpretation — sorry, I go on to interpretation, the definition section. Right — this is Clause 2, and not Clause 1. CPC, is there any…

MRS. MECHELLE ELIE: Chair, I believe we had agreed that whether a child is newborn is indeed a question of fact, and it is supported by medical evidence, so that we did not need to put in a definition.

MR. CHAIRMAN: Okay. All right — because I saw it in the note; that is why. No — it is in the Report as a note, coming from the discussion, the deliberation. So, no problem. It did not say that we should not put it as a title, but no problem.

Thank you.

DR. W. F. DUGUID: CPC, the medical definition is "neonate", and it is *28 days*; but that is the medical definition — I do not know what the legal one is. The medical definition is called a neonate, and it is 28 days, but I do not know what the legal definition is.

MR. CHAIRMAN: We heard from the good doctor that there is a definition for newborn — neonate.

Let us move on to Part II, Acquisition of Citizenship. Clause 3 — and this was the — this is Clause 3, sub-clauses down to nine (9).

Changes were indeed made: Member States stayed the same in terms of the threshold, the qualifying period for Member States, but it changed for non-Member States, and that is seen at sub-clause (6) of Clause 3 — sub-clause, or section, (6). And we are fine — we are fine there.

Any other matters relating to — because this was a substantive, substantive topic: additional grounds of citizenship and registration of certain persons.

Any other…

SENATOR A. W. MALLALIEU: I sent an email on it this morning, and I think we are under the section here that I sent it on, which is Clause 3, sub-clause (5).

I had made an intervention, and Justice Moore at the time had explained to me quite eloquently that the citizenship by investment programmes that I was worried about in Member States were not included in the pathway, because in Clause 3 of our legislation it refers to nationals by birth, descent or naturalisation.

What was explained was that citizenship by investment is not any form of that: it is neither birth nor descent nor naturalisation. And I accepted that at the time and withdrew my comment on the matter.

I have since thought about it a bit more; and while I accept Justice Moore's explanation as to the interpretation of what naturalisation means, and what the policy of Government he understood it to be, and what our reading of it is, I sought counsel on this from a number of other immigration experts, who are of the opinion that naturalisation is subject to interpretation, and one may be willing to make an argument — or one may make a successful argument — that a country that implements a citizenship by investment programme has expanded its naturalisation to now include CBI programmes as a form of naturalisation within its jurisdiction.

Since that is not our interpretation, and that is not our understanding, and that is not our desire, I am suggesting that we simply clarify that — because we have all agreed to it — by simply adding the words that I suggested in my email from this morning, which, if necessary, I am happy to read here.

I would like to hear from CPC whether they would agree that, since this was their recommendation — that this is, in fact, their interpretation of what naturalisation means — they would have no problem in adding those words in that section to this Bill.

Asides.

MR. CHAIRMAN: Senator Mallalieu presented the Committee with his recommendation — and thank you, Senator Mallalieu.

So it is clear to the Committee what is his intention and the request. I am not sure if you saw it, CPC.

I am not a drafter, but Senator Mallalieu made a recommendation, and I guess you have some drafting skills, Senator.

So it is over to you, CPC; his recommendation is clearly before the Committee.

MRS. MECHELLE ELIE: Thank you, Chair. I will just read out what Senator Mallalieu proposed, for those who may not have it in front of them; but, before that, I will then ask a question, because, before we make a change, we want to be clear that the Committee is in agreement.

The principle is clear — I believe the Committee is in agreement with the principle; it is just a question of putting in the additional words.

So the provision reads: *"A person who acquired nationality of a Member State through a citizenship by investment, economic citizenship, investment migration, direct citizenship or substantially similar programme shall not qualify under subsection (5) unless that person satisfies such enhanced residence, due diligence, tax compliance and national interest requirements as may be prescribed."*

So that is the suggestion — to make it clear that citizenship by investment is excluded. There is a bit more to the provision than the agreed principle, and that part comes from the *"unless that person satisfies such enhanced residence"*.

So I would just want to ask the Senator, through you, Chair: when reference is made to "enhanced residence", is there a suggestion then that, if a person is a citizen by investment of a Member State, there might be a requirement for the person to have a longer period of residence in Barbados to become a citizen?

Is that what is required when you say "enhanced residence"?

And then the other issue that concerns me is the fact that we have added elements to citizenship here that we have not expressly spoken to in other areas — for example, tax compliance, due diligence.

Now, due diligence — we do have provisions that might speak to due diligence in one way or the other, and we do have general laws that speak to due diligence outside of the Citizenship and Immigration Bills; but I feel as if we have added so much — which I am not saying, in principle, is necessarily a bad thing — but it does put into question what we have done with respect to citizenship generally.

am not sure if I am making myself fully clear, but I am just saying, then, that we might have added more than we need to add for the citizens by investment to qualify for citizenship.

SENATOR A. W. MALLALIEU: Let me respond to you.

Asides

SENATOR A. W. MALLALIEU:

Yes. I think I understand the questions clearly, so let me answer them.

Your first question: yes, my suggestion is that, if you are a citizen by investment of a CARICOM country, the shortened window is not available for you; I will treat you in the same way that I would treat a non-CARICOM citizen.

Okay — so that is the longer window, I am saying, because that window is available to you as a non-CARICOM person; but in this case you happen to be a CARICOM person, but you got that CARICOM citizenship through the CBI programme.

So, since you got it through the CBI programme, I want to have a longer time period for you to reside in Barbados before you have the right to citizenship here. Very straightforward — easy.

The second question that you asked is why I have introduced these other things; and the reason is that, you see, people who are CARICOM nationals by birth or by descent or by traditional naturalisation — we accept them clearly as CARICOM brothers and sisters of ours.

But CBI people — we do not have any of that information, and I think that it is incumbent upon us to make sure that, if you have that citizenship by investment through another CARICOM country, it is clear to you that that passport alone is not a trigger to allow you to live, reside, be a permanent resident and pass to citizenship alone.

We are going to maintain all of these other things, which are the due diligence, the tax compliance and the national interest requirements. That is my suggestion.

So those are the answers to your two (2) questions: one (1), the longer period is the period for people who are not CARICOM; and two (2), yes, I think you should have enhanced due diligence for someone who has purchased a citizenship and you have not had the opportunity to do that yourself.

DR. W. F. DUGUID: In all fairness to CPC, though, I think you answered your own question; because, by definition, you are saying anybody who has it by investment we treat as a non-CARICOM, and then, once it is treated as non-CARICOM, all those other things apply. So you have essentially answered it.

So all you really need is a set of words saying somebody by investment will be treated as non-CARICOM.

SENATOR A. W. MALLALIEU: I would not disagree with you, Minister — and that is why I am not a drafter.

The only thing I was trying to achieve — let me just say it again — is: I appreciated Justice Moore's answer, and I accepted it, and I withdrew my objection. But I see no problem, therefore, in having the right words put in to codify what Justice Moore actually told us, which is that CBI people will not be treated in that way; and once that is in there, to the satisfaction of CPC, I will agree to it.

MR. CHAIRMAN: CPC.

MRS. MECHELLE ELIE: Thank you, Chair. I am just thinking it through. I would like to do what the Committee did — just to say, well, I will not want to say yea or nay to a set of words at the moment.

Given that we do have a position; I take the point that the Senator is making — that he wants to make it abundantly clear that citizenship by investment will not be captured.

I am also wondering if we will not end up in a situation where we actually end up saying when we will consider giving citizenship to a person who acquired their citizenship from another jurisdiction through investment — which puts now a bit of a positive slant on it, or maybe makes clear the pathway for a person who has citizenship by investment to become a citizen of Barbados; which, I am not sure, should be the signal that we are sending as well.

MR. CHAIRMAN: But can I ask a question here? I have not heard — what you said just now: citizenship by investment through a member country — the person becomes a citizen in the Member country.

Do we go into the details as to how that person becomes, or became, a citizen? Or do we accept that that person is a citizen from a Member country?

I am going there because you are telling us now that the mandate is for us to determine how that person became a citizen of the Member country; and if that person becomes, or became, a citizen by investment in a Member country, then we have, as a country — this is what you are telling me now, based on this input — we then have a right not to give that person — that is the point.

It is already in there, because the person becomes a citizen of a Member country; but we do not get into determining how they became a citizen.

So you are now getting into . . .

SENATOR A. W. MALLALIEU:

Chair — let me, if I might, try. This was exactly the question that I asked this morning. So you have to look at Part II, Acquisition of Citizenship, Clause 3, paragraph (5).

Paragraph (5) says: *"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 naturalisation."*

When I asked the question, "What is a CBI?", Justice Moore pointed me to it and said that a CBI person does not qualify at all under (a): they are not a national of a Member State by birth — they were not there by birth; they did not get it by descent; and the CBI programme does not qualify, in his opinion, for naturalisation.

So CBI is another way of getting citizenship — so, in fact, he is excluded altogether. And what I was saying was: under that section, just simply point that out, since it seems to be up for

interpretation whether or not CBI could be considered naturalisation.

Okay? So — whatever words CPC would like, with whatever time they need to do it — and I do appreciate you need to think about it — to make it absolutely clear that that is the intent, not only of the legislation as it was drafted originally and came to us, but it is also the understanding of this . . .

Asides

HON. MS. C. S. V. HUSBANDS:

Excuse me, Chair.

At the meeting of Cabinet, the Prime Minister has asked for the Attorney-General and the substantive Minister to join in — and for us to join back. They will indicate what is needed in relation to the issue of the medical question.

She accepted the thing about the Regulation, and what CPC was saying in terms of empowering the Bill with the regulatory statements that would be needed, that would allow for the Minister to address matters.

The Attorney-General will be able to fill us in properly. Then there is another matter she wants addressed.

So, if the Committee could hold tight — continue discussing, but do not terminate until they get here.

Is that okay with you, Chair? Okay.

MR. CHAIRMAN: That is the will of the Cabinet.

Thank you very much.

HON. MS. C. S. V. HUSBANDS:

Okay. Good.

MR. CHAIRMAN: Proceed, Senator Mallalieu and CPC. I think Justice Moore wants to come in.

MRS. MECHELLE ELIE: Yes — yes, please. We were trying to adjust the camera — the computer — because we are sharing, but . . .

MR. JUSTICE SHERMAN MOORE (RETIRED): Yes, Mr. Chairman, thank you.

All I would wish to say is simply this: that, in the law of Barbados, naturalisation is interpreted to mean a period of residency; and the person who has not been resident in the country — in my opinion — where it says, in paragraph (a), "*a person who is a national of a Member State by birth, descent or naturalisation",* that word we interpret to mean a period of residency in particular.

It can also be stretched to a person who needs to be able to speak the language of the country in which he — at least he would have to have the language, the English language, as well.

But he must, of necessity, have lived there in order to attain citizenship by naturalisation; and then he would also have to live in Barbados, after his application, for *180 days out of 730 days (to be confirmed).*

That is as far as I understand the law to go. I thank you for the opportunity just to make that brief statement.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Justice. Senator Mallalieu wants to come in.

SENATOR A. W. MALLALIEU:

Thank you. So, Justice, do you have any objection, given that, to us inserting the appropriate words — not my draft, because I am not a drafter, but the appropriate words — that confirm that, within this law, a person who acquired nationality of a Member State through a citizenship by investment programme is not eligible for the — let me call it the "CARICOM fast route".

I do not have another way of saying it — the shorter route, which is available to all of the naturalised citizens, the citizens by birth or the citizens by descent, the CARICOM national.

So it is not available to him; he has got to follow the same route as anyone else in the world.

Any objection to us making that clarification statement in there?

MR. JUSTICE SHERMAN MOORE (RETIRED): Mr. Chairman, I never have objection to policy, unless it leads to some other disruption in the law.

My only point is that naturalisation, in its ordinary meaning — and the Oxford English Dictionary — requires a period of residence; and, of course, there is nothing in our draft Bill that would — that could, in my opinion, remotely be interpreted as allowing citizenship by investment.

If we want to go outside that — well, when we — if the policy requires, or determines, that

it should adopt the words as expressed, then, by all means, I cannot possibly object to that.

I was just trying to clarify what, in my opinion, is a legal point on the interpretation of the word "naturalisation".

Thank you very much, Mr. Chairman.

SENATOR A. W. MALLALIEU: Mr. Chairman, my point rests. I appreciate what Justice Moore has said; I thought he has given us good counsel on the matter.

And, as I expressed, I sought other interpretations of it, and it seems that there are learned people who are willing to argue that naturalisation — if, in other jurisdictions, they might consider CBI as being…

HON. MS. C. S. V. HUSBANDS:

I want to join the Joint Select Committee.

MR. CHAIRMAN: Minister Husbands, your mic — your mic. Sorry, that is Minister Husbands. Thank you.

SENATOR A. W. MALLALIEU: So, having had that answer — what Justice Moore has said, I accept his answer, and therefore I have no problem in putting this, just for clarity, within our regulations.

I would say, within this very confidential forum, that probably one of the largest advisers on the citizenship by investment programme is a company called *Henley and Partners,* and it came to my attention that this piece of legislation is being looked at very carefully, and many of their clients are being advised of exactly what I had feared, which is that, you know, there may well be a route through CBI programmes within CARICOM that gets you into arrangements within Barbados.

I think — again, within this confidential forum — I have not heard that directly from them, but I do know that they have many, many people looking at this, and we have to be very aware of that.

I think there is nothing wrong with us saying exactly what we have said: CBI programmes are not available for the enhanced route to come into Barbados — end of story — because that is what Justice Moore is telling us.

MR. CHAIRMAN: Dr. Duguid.

DR. W. F. DUGUID: I would go back to what I was saying just now: rather than write the legislation in any negative way, put it in the positive and say that those who benefited from citizenship by investment will be considered as non-CARICOM. That is it.

But it does not stop you; it just adds the *one (1) year* or whatever it is.

MRS. MECHELLE ELIE: Thank you, Chair. A couple of things. I listened to all the discussion, but I am a bit concerned that, where there is this concern about citizenship by investment, we would end up crafting the legislation in such a way that we suggest a pathway for persons who have attained their citizenship of another country — whether it is a CARICOM Member State or another country outside of CARICOM — to become a citizen.

It is about the signal. I am not saying it can happen — and I know Senator Mallalieu had asked a question earlier on -- do we look behind persons' passports?

I am wondering if, from an operational perspective, we can look behind citizens' passports in the first place; that question still remains.

But certainly, if you are in front of the immigration officer, you are not there with your registration documents; you are only there with your passport. So it might be very difficult to tell, no matter what we put in the legislation — perhaps the Chief Immigration Officer can speak to this — but I am thinking that, in trying to exclude citizens by investment from the shorter pathway for Member States, we might inadvertently make the provision in such a way that we make it clear we are inviting citizens by investment to take the longer pathway; in which case, can it be justified?

Are you comfortable, as a Committee, with putting that positive slant on it? Because that is what it will end up being — unless we say, for example — we just make a blank statement, and we leave it for persons to figure out — that a national of a Member State who attained citizenship by investment does not qualify, or that that particular subsection does not apply to such a person, and we leave it like that.

Then we put neither a positive — well, we put a negative slant on it, yes, but we do not take it further to say how citizens by investment can apply.

Sometimes — this is my experience as a drafter, both dealing with matters concerning the OECD and concerning the Financial Action Task Force — sometimes the things we do not say we might be able to justify, and make good justification for, without having it in the legislation; or sometimes, if we do not go too far, then we might actually be safer, so to speak, as a jurisdiction, than trying to make things so abundantly clear that we land ourselves in some trouble.

So that is my concern there.

SENATOR A. W. MALLALIEU: Let me respond to you. Okay.

First of all, I am not saying that, when the person arrives with a passport at the immigration officer, the immigration officer at any point in time has to ask how you got this passport.

That is not the point; that is not what we are discussing.

Of course, they have a valid passport from a CARICOM country; they are welcome in Barbados — that is our law; we do not look at that.

What we are asking is: what is your route to citizenship in Barbados?

That is what we are looking at. That can come through — and we have heard many times in this Committee that we are going to do our own due diligence anyhow: no matter what passport you hold, if you apply to be a permanent resident in Barbados, or you apply to be a citizen, we are going to do our own investigation.

I am suggesting that the pathway for someone who has received a CARICOM passport through a citizenship by investment programme — which have all various types of hurdles to get through; some have zero residency, as in Dominica,s case, and other places — we do not get to set those rules; those CARICOM places set those rules.

We need to make sure that, in Barbados, when you are here, you follow what our rules are — and we get to set our rules. That is what I am looking at.

I am not asking to refuse someone at our border — I never suggested that — so let me be clear. If there is a way to do it — if there is a better way, and I will take your point — that we say little and then have it within the regulations, within the Immigration Department, I have no problem with that.

But be aware that people are looking at this. Barbados is an attractive jurisdiction, and we need to be very careful what loopholes we create.

MRS. MECHELLE ELIE: If I may, through the Chair: then perhaps my suggestion would be that, if we are to put in something, we leave it at the non-application of the provision to citizens by investment, and do not take it any further, to put a positive slant on it; because I think that is more in line with the international take on it, in terms of the various global agencies.

We just leave it like that, if we are to put in something. Right — Justice also wants to come in here again.

MR. JUSTICE SHERMAN MOORE (RETIRED): Mr. Chairman, on that sub-clause (5): the Minister, under Clause 4, has a right of refusal to register.

And, in relation to Clause 4, the Minister may, in the interest of national security and public policy — national security or public policy — refuse to register as a citizen of Barbados a person who, pursuant to *subsection (2), (3), (4), (5), (6) or (8) of section 3 (to be confirmed)*, applies to be registered as a citizen of Barbados, where it would be contrary to the public policy of Barbados.

If we take the position that citizenship by investment is inappropriate for a person seeking to become a citizen of Barbados — and public policy refers to a citizen's system of laws, regulatory measures and other social and economic circumstances that we do not subscribe to — without actually saying that we do not want people who have acquired citizenship by investment of a CARICOM country, we can look at public policy considerations in order not to have such a situation arise in Barbados.

Otherwise, we will have specifically to spell those words out in the Bill. But that is a matter, again, of policy — and not for us to determine as draftspersons of laws.

Thank you, Mr. Chairman.

MR. CHAIRMAN:

All right — thank you. And I recognise, at this point, the Attorney-General and also the Minister of Home Affairs.

I see the Attorney-General has his hand up, and I guess he wants to weigh in on this matter.

HON. W. A. ABRAHAMS: Thank you for entertaining me, Chair.

Look, we are in no doubt as to our position with respect to citizenship by investment.

Anybody who has citizenship by investment who wants to become a resident or citizen of Barbados would have to go the long route: they would have to go the route of a non-CARICOM national. It is as simple as that.

I have no difficulty putting it straight and plain in the legislation. We are saying, if you qualify otherwise, fine, we will have you; but you will not do it by virtue of your citizenship, which we do not necessarily facilitate for this purpose.

Your citizenship should have been attained in accordance with the accepted provisions in Barbados. We do not do citizenship by investment, and we are not recognising it for the purpose of becoming a citizen of Barbados. We can just simply direct them.

We are not saying they cannot do it; we are saying, whereas it would take you two (2) years, it is going to take you three (3). Thank you. I think that just puts it straight.

MR. CHAIRMAN: That is as clear as crystal; that is very clear. Basically, AG and Minister Nicholls, what Senator Mallalieu was trying to point out — he was trying to close a loophole to make sure that we do not have citizens by investment, because he recognised, based on his profession and his wide scope across the region, that persons are seeking to find a loophole because Barbados has become so attractive.

So he was just trying to safeguard, and you made it clear, Attorney-General. They have to go through the same route as any non-national who is trying to become a citizen of this country, and that was made clear. So there is no need to amend.

In my view, Senator Mallalieu, I support what you are trying to achieve; but, as made clear by the Attorney-General — and I guess Justice Moore and CPC were trying to point it out as well — there is no need for any amendment: they will go through the same route as a non-national to become a citizen, which is an extra year. Right. So we are clear.

Are you clear, Senator Mallalieu?

SENATOR A. W. MALLALIEU:

I am absolutely clear that the Attorney-General has said exactly what I think is the way that this should be interpreted.

I am not clear that CPC would agree that under this law, a person who has a passport issued under the CBI programme — and I will use Dominica specifically, because that is where we have the free movement today — having lived here for the reduced period, and who applies for that citizenship: under what regulation are you going to deny them? It is not clear to me.

I understand clearly what the policy will be; and as long as this is the Attorney-General we have, and as long as this is the covenant that we have, that is what they will do.

But the law does not say that. I think the law should have said what we intended to do, which is to say: if you have a citizenship from a CARICOM country which you attained through CBI, the short route is not available to you; the long route is available to you.

Why is it not in the legislation, if that is what we intended to do? That is all my point is.

But I think we have flogged a horse at this point in time, to be quite honest.

MR. CHAIRMAN: Thank you. Any further comment before we go back to — I guess that is why the Attorney-General and the Minister of Home Affairs are here, to address this.

HON. G. P. B. NICHOLLS: Mr. Chairman, I think the...

MR. CHAIRMAN: We are not going there yet. Hold on.

MR. CLERK: Right, Mr. Chair. I just want to be clear for the purpose of the report: are we leaving the clause as is now, or are we amending?

MR. CHAIRMAN: From what I am hearing, the clause is there as is.

HON. W. A. ABRAHAMS: Wait one second; just one second. Chair, I will be honest: I do not have a document in front of me.

CPC, can you just ensure that it is pellucidly clear that you cannot use citizenship by

investment as a means of getting the reduced time by virtue of being a CARICOM national?

Right. If it is not clear, let us just make it clear.

MRS. MECHELLE ELIE: Yes, we spoke about the interpretation of the word "naturalisation"...

Asides

MRS. MECHELLE ELIE: As I was suggesting, for the avoidance of all doubt we can say that that particular provision does not apply in relation to persons who acquire citizenship by investment. I will leave it there.

HON. W. A. ABRAHAMS:

Let us do that. Good.

HON. MS. C. S. V. HUSBANDS: ". . .who acquires citizenship by investment", or "who acquired citizenship by investment"? And is it CARICOM citizenship?

HON. G. P. B. NICHOLLS: They will have to acquire the citizenship of a CARICOM country by investment. So, the language is correct.

CARICOM

HON. MS. C. S. V. HUSBANDS: Right. No, I understand. I was just asking if you needed "CARICOM " in front there.

Asides

MRS. MECHELLE ELIE: If I may, Chair, I was not suggesting the exact language, because we would reference accordingly when we go to put in the words.

Because we have used "Member State", we may not need to use "CARICOM " before it.

DR. W. F. DUGUID: I must say, though, having heard Minister Husbands, I have to agree with what she is saying, because Canada has citizenship by investment; and what you are saying is that that would apply as a non-resident person.

So does that then go through the long way?

HON. G. P. B. NICHOLLS: I think what this is saying, Dr. Duguid, is that this reference is to Member States. Canada would not be a Member State, so there is a distinction here.

DR. W. F. DUGUID: They go through the long way.

HON. G. P. B. NICHOLLS: Yes. So this is in relation to the Member States of CARICOM — limiting the citizens by investment from those member states to becoming citizens of Barbados by the specific route by which Member States' citizens can become citizens of Barbados.

MRS. MECHELLE ELIE: If I may, just to confirm, that is what I was saying — what Mr. Nicholls has said. And so my understanding, in terms of drafting instructions, is that all persons who acquire citizenship by investment, whether they acquire citizenship of a Member State or another country, go through the long route.

MR. CHAIRMAN: Pellucidly clear. Thank you. All right; and Senator Mallalieu is happy, so, great. Thanks for raising the point, Senator Mallalieu; it was well ventilated, and I appreciate your concern in closing the loopholes.

Thank you very much; that is what the diverse nature of this Committee is about. Thank you again.

All right, we go back to — we are currently in the process of the Citizenship Bill, going through the Explanatory Memorandum Clause by Clause; but we take this time — we thank the AG and the Minister of Home Affairs for joining us, and we know why you are here.

We want to take the time, then, to go back to something we received today from the Ministry: the Immigration Act, this amendment to make provision for medical visitors, as indicated in the document.

I would pause at this time to allow — I am not sure who will lead, whether the AG or the Minister of Home Affairs, whom this Bill belongs to. It looks like the AG is ready to lead.

So, Minister, lead.

HON. W. A. ABRAHAMS: I have not seen it. I am listening.

MR. CHAIRMAN: Sorry. So I am going to give it to the Minister — the Minister of Home Affairs, who has responsibility for it.

HON. G. P. B. NICHOLLS: Thank you, Mr. Chairman. Is it possible that I can share my screen? Because I would, for those of you who are not all online...

MR. CHAIRMAN: We have the document.

HON. G. P. B. NICHOLLS:

Well, you have it — right; but I also wanted to share. Okay, fine; thank you.

I will first begin by apologising for coming to the Committee at this late stage with another amendment to the Bill; but the dynamics which we face, managing our borders and dealing with situations as they arise, do not allow us the luxury of seeing a problem at this stage and doing nothing about it.

This is a destination for which medical services are sought by people who are not citizens or permanent residents of Barbados. They routinely arrive at our ports of entry and indicate that they are here for medical care. It puts them in a class of persons that is not necessarily, at present, identified by the Immigration Act as a basis for entry, so that they are either a visitor or a resident or one of the other specifications that you would see on the immigration form.

Medical reasons are not specified in detail. However, the volume of persons that are coming is not necessarily of a concern.

What is of concern is that when you have persons who would not ordinarily meet the requirements to allow them entry — so that they can satisfy that they are not going to be a drain on the public purse after a period of time — when they indicate that they have medical reasons to come to Barbados, it places the immigration officer at the borders in a precarious position, where the financial resources may not be sufficient. The humanitarian considerations start to come into play and may or may not override or balance out.

So, there is no clear policy; and what Immigration has asked for was a clear policy — let me see if I can find something more specific; yes, sorry — a clearer policy as it relates to how visitors are treated who come to Barbados for medical reasons.

The Ministry has designed a set of regulations called the Immigration Medical Visitor Permit Regulations, and it is our view that these regulations will, in a large measure, give some policy guidance to the immigration officers as it relates to how persons are treated at the border.

It would require a person coming in to apply, before they enter Barbados, for a medical visitor permit; and the applications for those permits are accompanied by information and documentation supplied by the applicant as well as by the physician who will be giving the medical treatment. It is detailed.

So they will be applying for an advanced medical travel permit, and that medical verification would require health facility verification, verification of the practitioner, the practitioner certifications and so forth.

You would also have to establish what is the treatment, where you are being treated, the extent of the treatment, requirements for where you are staying post-operation or post-treatment, and having the sufficient resources to be able to comply with all of our immigration rules and regulations, and also all your expenses in Barbados.

Where there is a medical emergency, a person will not be required to have that prior authorisation done; but you would have to show that there is a medical emergency, and a physician would have to confirm that that is so.

So that is the only case in which a person will be allowed in for medical reasons without it.

We believe that this is important, and we are not saying that this is a knee-jerk reaction to anything. I know that in recent weeks there has been a lot of concern about birth tourism in Barbados. This is not something new. We have an established fertility clinic in Barbados, which is a world-class facility that has been in existence for over 20 years, I believe.

Why is this attractive? Because of our infant and maternal mortality rate being half of what it is in the region, and perhaps many countries in Latin America, and certainly way, way lower than in some countries in Western Europe and indeed in Asia and in Africa.

That has been a reason, I believe, for us to celebrate; but we know that this is also a reason that makes Barbados attractive for the purposes of persons coming to give birth.

As to what you saw in the Press, where there were concerns about social media postings: the Immigration Department does not and cannot give Barbadian citizenship or permanent residence to mothers delivering children in Barbados, because they do not qualify; and that is not the case.

So even although persons might be advertising on social media that you can come to Barbados, give birth to a child and get a passport before you leave — that is absolute nonsense. (Inaudible) Certainly I would assure the Committee that it is not the case that the Immigration Department is giving citizenship on the delivery of a child.

Of course, the Constitution of Barbados at present gives birthright citizenship, so persons who are born in Barbados are Barbadian citizens by birth; and there is no consideration for changing that as we speak.

But these regulations are important. The reason why I asked the CPC to look at ways we can amend this Bill — and am now asking the Committee to approve it — is that the regulations can contain some coercive provisions where there are breaches in the application process, or breaches in terms of the reporting process, and/or breaches in relation to the information provided; and therefore, as a result of that, we believe that there needs to be some formal anchor within the substantive legislation to allow for the Minister to make these regulations, and not just put them in by way of a statutory instrument with regulations under the Bill.

So that is why today we are asking the Committee to approve it: that will be the provision in the substantive Act which will speak to the requirement for an entry permit for medical visitors, and the process that is governed there will be dealt with by way of the regulations.

I hope I have been clear enough. I can answer any questions.

DR. W. F. DUGUID: If I may — so are you saying that you are going to repeal the *Second Schedule* for persons entering Barbados — was it for medical reasons? That is going to be out, then?

HON. G. P. B. NICHOLLS: I am not seeing the Second Schedule. (inaudible). Let me just...

DR. W. F. DUGUID:

The Second...

HON. G. P. B. NICHOLLS:

That would — yes; that would of necessity have to change.

DR. W. F. DUGUID:

Part II — *". . .persons entering Barbados for medical treatment"*.

You are taking that out of the Bill?

HON. G. P. B. NICHOLLS: I would take guidance from the CPC. There would still be permitted entrants, but we are requiring you to have a permit to enter.

So I would take guidance from the CPC as to whether that would require a change there.

SENATOR A. W. MALLALIEU: Through you, Chair, might I ask the Minister a question, then? As it stands right now, I understand there might be some mischief that I do not know about that you are seeking to solve; but we are aware that there are a number of sophisticated medical treatments available in Barbados, and there seems to be no problem with them.

Are we adding some burden of paperwork or something where there is no mischief? Let us go specifically to the fertility clinic, which was called in here by another Member earlier, which has been operated for quite some time — an international record — has done quite well, and employs various people.

There is a lot of medical tourism. This is going to add a burden to them. What problem are we seeking to solve with them? Or are we going to exempt certain providers from it?

I am a little bit confused as to what we need it for. And then the second question I would put to the Minister...

HON. G. P. B. NICHOLLS:

Senator, could you allow me to answer the question first, because I am not writing, so if you hold the second question, I will be able to answer the first one.

And if you do not mind repeating what your concerns are, so that I can make sure I capture everything that you have asked about.

SENATOR A. W. MALLALIEU: Okay. My concern is simply this: it is that I do not understand the mischief today. That may be because I am ignorant of the mischief that is being faced at our borders by people who are coming here for medical treatment without declaring it, and perhaps not having the funds or whatever, and becoming a burden on the public purse.

If that is, in fact, the mischief that we are looking at, I would accept it.

What I am concerned about is that we have legitimate medical operators today with whom

we do not think there has been any problem at all, and it seems to me that we are adding a burden of paperwork, *et cetera*, upon them; and I do not know for what reason.

And the example I gave was the fertility clinic on the south coast, which has operated, as far as I am aware, very successfully — medical tourism — and is world renowned for what they do.

That is my question.

HON. G. P. B. NICHOLLS: Okay. My answer to that, Senator Mallalieu — let me thank you for the question, because that is a legitimate question, and that is the balance that Government has to make sure it achieves when we are putting these things in place.

This is not an administrative burden, because none of the information that we are requiring to come beforehand is obtrusive, or would put persons out of the way to have to give that information to an immigration or border official.

One of the Bills on the Order Paper before Parliament is the Advanced Passenger Information and Passenger Name Record Act. The only way we can guarantee that we can protect our borders is by having advanced passenger information.

When it comes to a medical case, a lot of this information will be required by law and international treaties anywhere you go, to be pre-loaded.

In any event, this is not something that is burdensome in other countries which do it; and you certainly cannot just pick up and go to the United States or any other country in the world for medical reasons, unless it is an emergency, by arriving at the border stating that you are coming there for that particular purpose.

So we do not see it as an administrative burden, because all of the information that is required is information that would be well within the scope of the applicant, and it is not inviting the applicant to do anything that is going to make it difficult for them to enter; nor would it require the medical practitioner to do so either.

We need to be able to protect our borders from persons who are dealing in human trafficking; because persons who want to do harm, persons who want to get involved with terrorism, will find ways to look at the loopholes in your system and to manipulate them.

So therefore, if somebody wants to move drugs from Colombia into Barbados by bringing some women in and claiming that they were pregnant and that they were coming to see Doctor Brown, we would want to make sure that Doctor Brown has a record that these persons have consulted him or her before, and that they have made arrangements to come to their clinic, and that they have made adequate arrangements and so forth.

So the point here is about a broader security, and this gives us another layer to ensure that the persons who are coming to Barbados for a specific reason are not using that as a pretence or pretext for other reasons. . . (inaudible)

We want to make sure that when someone says that they are here for medical reasons — for example, if Immigration has to make a determination that you do not have the means to satisfy your expenses while in Barbados and you will be a drain on the public purse, and they refuse to board the aircraft leaving Barbados from whence they came, the captain, under the ICAO Convention, is well within his rights not to allow that person to board against his own will. That person becomes a charge...

MR. CHAIRMAN: Your voice, a bit — we are losing you at times. Sorry. I think — Parliament, can we turn it up here?

I know it is not your voice, but we will try to turn it up here as well.

HON. G. P. B. NICHOLLS: Yes — sorry; sorry about that. I may be moving away from the closest point to the computer; but I was making the point that where you have a person who refuses to board the aircraft, and the pilot or the captain of that aircraft decides that they are not going to board that person against their will, in keeping with their rights under the Convention as the person in charge of that aircraft, that person then remains in Barbados and then becomes a charge on the State.

Now, what we believe these requirements will do is allow us to have additional information when the visit is designated to be for a medical purpose.

It closes any gap or any loophole, because you have to also have the registered

arrangements with your healthcare professional beforehand; so these are not administrative burdens — these are not, so to speak — because, as I said before, all of the information would be in the system between the healthcare provider and the patient, and it is just a question of loading that information on our system before you travel.

Of course, where there is a medical emergency, the regulations provide for those cases to be covered in medical emergency situations; but we cannot be too careful in relation to the protection of our borders and closing loopholes, because we do believe that if we do not do that, persons will come to Barbados under the pretext of medical treatment which they might very well obtain in their own country.

But just saying that you are coming to see a doctor in Barbados — "*I do not know who the doctor is; I have not made any reference; but I am here to see a doctor*" — then places the immigration officer in a precarious position.

The persons who are legitimately coming for the fertility clinics and so forth plan their trips long in advance, and it is not a situation where the requirement to satisfy these arrangements under the regulations will be an administrative burden.

It would be another form that you would have to fill out, but it is necessary in the circumstances; and the information, as I said, is not obtrusive. It is not information that requires you to go and declare anything that is ordinary or out of the ordinary.

So that is the answer to the question.

SENATOR A. W. MALLALIEU:

Thank you. As I said, there were two (2) questions. I appreciate your opinion on that; I do not share it in all matters.

During your response you did talk about the case that people are not allowed to travel to other countries for medical treatment without special permission.

I am not sure if you misspoke; but in my general knowledge — and in my specific knowledge, in fact — when you arrive in the United States of America, or in Canada, or in the United Kingdom, if you are asked by the border person what you are there for, it is a valid answer to say, *"I am here for medical treatment."*

I have myself flown to the United States on a number of occasions — unfortunately — for medical treatment, and there is no enhanced visa or anything else that is required. And that perhaps is — the second question I was going to ask is: Are we prepared for reciprocal treatment in this manner? Because, as I say, right now I am aware that we have Barbadians who seek medical treatment abroad; and, as far as I am aware, even if they have visa-free travel to that area — for example, Colombia: I am aware of a young lady from my own firm who was very ill, who travelled to Colombia within the last few months specifically for medical treatment.

There is no additional visa requirement or anything like that. So are we prepared — is what I am asking you — for the reciprocal treatment for our own citizens when travelling to other places, with this?

HON. G. P. B. NICHOLLS: The answer to that question will be similar to the first question. The information that we are requiring under these regulations is not information that anyone would find difficulty in providing, so that if there was a reciprocal — on Form 1, which we are contemplating — let me see if I can pull up my system here. Give me a second here.

DR. W. F. DUGUID: While you look for that, I can beg to differ with you with respect to...

HON. G. P. B. NICHOLLS:

No, no. Well — sorry, sorry; hold on. The Form 1 requires you to put out your full name, date of birth, nationality, passport number, passport expiry date, residential address, telephone number, email address, date of arrival, flight number, airline, intended address in Barbados, nature of medical condition, proposed treatment or procedure, expected duration of treatment, expected period of recovery, and the supporting documents that you have: it will be your passport data page, the practitioner certification, healthcare facility confirmation, medical insurance certificate if you have it, financial evidence, post-treatment care plan, sponsor.

These are not questions that we believe, if Barbadians were leaving Barbados to go and get medical treatment, Barbadians would object — or should object — to being asked. It verifies the basis of your travel.

And if no other country is doing so, I believe that we in Barbados take the view that sometimes we have to be a leader. It is not a burden to answer any of these questions, and then to declare that the information provided in the application is true and correct. All right? There are persons who are using these as loopholes — that is the intelligence that we have — and that is what we are trying to safeguard, to make sure that we close this gap, to protect the interests of the country and to protect the borders. This is the information...

In fact, the Chief Immigration Officer will confirm, if she is there, that when the people come, these are the questions that are asked; and once the practitioner is able to confirm and verify that the information supplied by the traveller is in fact true, then you allow them in for medical reasons.

So we are actually only formalising the background process, where that person comes to the border and presents as an immediate challenge to the immigration officer, and then the immigration officer has to ask the follow-up questions — who is your doctor, how are you paying, *et cetera, et cetera*.

So this is only requiring that information in advance; and where there is an emergency, there are exceptions that allow people to come in without having to provide this information in advance.

We do not see it as an administrative burden; we see it as making sure that we are closing any gap, and making sure that that is done as it relates to people who are coming to Barbados for medical reasons — and that is because no other country may be doing it.

Sorry — those countries that you identified: I know somebody who has — I would probably be thinking of the same person that you are referring to . . . That was an emergency case that was expedited to get her out of Barbados two (2) weeks ago. Right — in Colombia? No...

Asides.

MR. CHAIRMAN: This is very important; I just want, as Chairman, to repeat something he said. And we have the Chief Immigration Officer here — and I am so sorry we never got to introduce the other member who joined; it is very unmannerly and inappropriate to do that. You are...

MS. CHERONE BURROWES: Good afternoon. I am Sheron Burrowes, Assistant Chief Immigration Officer.

MR. CHAIRMAN: Thank you, and welcome to the discourse.

Minister, you just mentioned to us — and that is why I pause here — that these are the questions that are normally asked by the immigration officer when persons come to this country to have medical treatment; and I just want you to repeat that these are the questions highlighted here. You just went through a list of them.

HON. G. P. B. NICHOLLS: Yes, some of them. Yes — those are some of the questions that will be asked. But...

Asides.

MR. CHAIRMAN: You see, we have to be clear; because I do not want us to say something here, and then we go to the public, and then — we — MP Duguid and Senator Mallalieu raised the concern.

While I do not have a difficulty with the process of what we are trying to do here — the mischief we are trying to solve — are these the standard questions that we ask? And we have the Chief Immigration Officer here.

HON. G. P. B. NICHOLLS: Yes. Before she answers, let me just finish by saying this: it is not only the asking of the questions, but having the information in advance and having the doctor verify that this is indeed the case.

It reduces any chance that this might not be the real reason why the person is travelling, and the loophole is secured.

So it is not only the requirement of the information in advance, but the verification by the medical practitioner; because the person could come and say, *"Doctor Sutherland is my doctor"*, and the doctor says, *"I have not had any dealings with her — but she is coming to me? Fine."*

What does the immigration officer do at that point? We want to close those loopholes, because the information that we have and the experiences that we have shown that there is a gap there, and we need to close the gap.

Thank you.

HON. I. A. WEIR: Chair, can I make a suggestion?

MR. CHAIRMAN: Give the Chief Immigration Officer a chance, and then — and then, Minister — thank you for rejoining.

HON. I. A. WEIR: Well, the Attorney-General has his hand up, so I will give in.

MR. CHAIRMAN: But let us hear the Chief Immigration Officer, the AG, and then you — and then the Minister. We are in that order.

MS. MARGARET INNISS: Thank you, Chair. The Minister made mention of the information that we require. Your full name and date of birth — that is in your bio page; this is something that we get through our system.

The airline, flight number — all that information that is required — they are not necessarily questions that you ask every passenger, but it is information that we have access to.

What we have found to be an untidy arrangement is that the doctor is dealing with some of these patients; they have all this information, and they will tell you when you call them: *"Yes, I have the patient; this is one of my patients; I have been dealing with them for X amount of time";* and they have all the information that they have collected. And we have that kind of trust base with the practitioner.

This is the information: if you have that, it is as good as having the information, so I do not need to go through all of this.

What these persons will do is to say: *"I have interviewed them; I know that they have already made a down payment and that they can cover themselves here, and that they are not going to be a lien on the public purse."*

What I can tell you that we are seeing, as the Minister alluded to, is that you are having some persons who are coming and saying, *"I am not pregnant; I am not pregnant",* even though it may look that way.

There is no way of us verifying that; but then we will get information a few weeks after that they are turning up at clinics, and they are a burden — likely to be a burden — on the public purse.

Some of the other things that you are seeing: you have to align it to human trafficking.

You will find that there are persons who are travelling as a family, and some might say, *"We are here for medical reasons."*

We cannot really confirm whether or not that is the case; but then you hear the storyline later in terms of what it is. Or they might use Barbados as a transit point and look to get elsewhere, and then we get feedback that Barbados is encouraging, or being used as, a transit point to encourage X, Y or Z.

So these are things that, even though it might seem unbelievable, I can tell you we see every month; and it is alarming.

Hence the reason why we had conversation with the Minister to say: listen, if we do not fill this gap now, we are going to have problems later.

I can accept that it might be challenging for you to understand that, but we can only share our experiences with you.

Thank you, Chair.

MR. CHAIRMAN: I am going to let the AG come in; but I think I am qualified to say this.

I do not want it to appear as though it is only now, because black people are coming into this country to have children, that we are trying to enforce these regulations.

I am just being candid here and being the devil's advocate; I think I am qualified to say this. Do not let us now wait until these things are occurring in a minority, then, for us to appear as though we are now trying to clamp down with these regulations; because persons have been coming to this country for eons to have children, and I am hearing now about the drain on the taxpayers, and I am hearing about all the challenges that can occur as a result.

I am just saying that — and without any racial slant or anything, but just what might be out there to the public, and the perception of some people. So, over to you, AG.

HON. W. A. ABRAHAMS: Okay; thank you very much, Chair.

Now, first of all — CPC, is this something that we can address in regs? Can we just have a

section that effectively empowers us to do it through regulations?

MRS. MECHELLE ELIE:

That was our proposal.

HON. W. A. ABRAHAMS: Yes; because that is — that is a bit clumsy, to insert all of that now.

And not just that, but...

HON. G. P. B. NICHOLLS: Sorry — the regulations have been drafted, and I have to go through them with CPC; but we just want the empowering provision in the law to make sure that we can enforce these regulations by way of having an anchor in the substantive legislation.

So we are not going to try to overburden the legislation with all these provisions.

HON. W. A. ABRAHAMS: All right; so that is good. And, Chair, just to answer your concern...

MRS. MECHELLE ELIE: Yes — if I may, before you go on from that point, I just wanted to point out that *clause 7(1)(b)* of the Bill speaks to conditions as well.

So, for persons who fall under Part II of the *Third Schedule* — where the persons who enter for medical reasons fall — there is also the option of dealing with some of the issues administratively, even now.

HON. W. A. ABRAHAMS: Right. Chair, just to address two (2) things that might come up.

This only is an issue, as Senator Mallalieu said: if you do not require a visa to come to Barbados, then you can actually just come in for your medical treatment; this only really touches on and concerns persons who need permission to enter Barbados.

The other thing is: I know your concern about the optics of it with respect to the birth tourism now; but, quite frankly, we are at the point where we are overhauling the entire framework.

So if you do not address it now, where would you address it? So I am not on the political aspect of it, in relation to its appearing that we are now trying to close the gap now that we are having this issue.

The fact is, we are drafting new immigration legislation and citizenship legislation, so everything that is on the table has to be taken into consideration.

So I do not think we are going to suffer politically from this.

Thank you.

MR. CHAIRMAN: We will clarify after, because I know Minister Weir wants to say something.

Minister, the floor is yours.

HON. I. A. WEIR: Yes — thanks, Chair. I think the substantive point that I wanted to make was raised by the AG.

Truthfully, I said already this morning that the Regulations give the Minister the opportunity to frame it the way he wants it, and it is less cumbersome than trying to fit it within the Bill.

We did agree this morning that there was a place in the Bill where it can be anchored; the CPC just confirmed that again.

I think that the Committee should really make a decision on going forward: that it can be anchored in the Bill, and that the framework should come in the Regulations.

SENATOR THE HON. C. P. SINCKLER: Chairman — Chairman, Chris Sinckler here.

MR. CHAIRMAN: Come in — and, Senior Minister, welcome back.

SENATOR THE HON. C. P. SINCKLER: Yes; thanks. There are just two (2) things — let me put on my camera; sorry. There are just two (2) things, and I agree — I agree with what the AG has said, and of course the Minister; so we need to really move on from this, because I think this could be covered in the Regulations, and of course with the empowering provision.

But I want the Minister and the Chief Immigration Officer not to believe — and I hope you do not; I suspect you do not; but I do not want others to believe — that this is really a catch-all; because it does not really affect people who do not declare that that is what they are coming for.

We have provision for several people to come into Barbados under this new Immigration Act, as under the old one as well, from all over the world, who can turn up as regular entrants for the purposes of medical treatment without declaring such. This really speaks to people who are in the structured programme.

I heard the Chief Immigration Officer speak about people who come and then become a burden on the State.

It is my suggestion that we will be very lucky if we get somebody who will purvey of themselves that type of information.

So, while this does give us some additional scope and some additional tools, to both the Department and the Minister, I am not necessarily entirely convinced that, for those particular people that we want to target, who may end up doing this, this is going to be sufficient to dissuade them; because they are going to fly under the radar, so to speak.

The other point is that, since the provision of medical care to persons who are, you know, in a position to access such sophisticated medical care, as we have seen in the last 20 years or so or more from these clinics and otherwise — since those persons have the wherewithal to come and to pay and to declare, I want to caution — I hope — that this does not become a restraint on the willingness of persons to come.

In other words, that these people who may see — because, in the same way, we are dealing with medical information; it becomes very, very sensitive.

MR. CHAIRMAN: That is the point that was raised in your absence, Senior Minister.

SENATOR THE HON. C. P. SINCKLER: Oh, okay. Okay. So I am just putting out that caution — because that is what jumped out at me. I do not have a problem with it, and I will support it for sure; but just so that we are mindful that it does not become a constraint on those persons who otherwise would want to follow all of the rules and avail themselves of whatever good services we have medically to provide.

Those are just my concerns.

SENATOR A. W. MALLALIEU: I think the other thing that Minister Sinckler has raised — I think it is a very valid point — is that the last thing we would want to do is to criminalise, frankly, the people who have been travelling here for medical tourism legitimately for a long time, and, just through, you know, the fact that this now changes — that they do not know — they will now actually be breaking the law.

So what I want to say is that I heard from the Chief Immigration Officer, in whom I have a lot of faith and trust and so on, and I recognise that this is a problem, and we have got to find a way to address this problem; and if regulations are going to address it, and they are going to be thought about and dealt with — I also trust very highly in the Attorney-General to find, and through the other Minister to define, what those regulations are.

But so — let us just make sure that we do not end up causing more of a problem than we actually solve through it; and I just caution to that.

So I have no more to say on the matter. I support them — meaning the regulations. Thank you.

HON. G. P. B. NICHOLLS:

Chair, if you may just permit me one (1) rejoinder.

I would just like to say that I have taken his comments, as I always do, in earnest; and I really feel that we are trying to ensure — for want of a better metaphor — that we do not throw out the baby with the bathwater. It might be a bad metaphor in these circumstances.

He is right: one of the things that we are looking at — or what we have done so far in the draft — is to ensure that there are no criminal penalties or sanctions imposed on anyone for breach of these regulations; that these regulations will now conform with the Government's policy that, where there is civil wrongdoing, the administrative penalties on a wide scale be used to deal with these things — and so, anything from a withdrawal of the entry permit or things of that nature; but certainly we are not going to try to criminalise people for breaches of not filling out information accurately or timely or things of that nature.

So Senator Mallalieu's comments are taken on board. Thanks.

MR. CHAIRMAN I am back to you, Minister. We will cater to this medical visitor in the legislation — I mean, in the Regulations; sorry.

This is *Clause 39: "the Minister may make Regulations"*; Is that where we will cater to it?

HON. G. P. B. NICHOLLS: Chair, I tried to express to CPC this morning my concern that there should be some anchor, because of the fact that we are imposing a specific penalty, or you

can face a significant liability for being in breach of a regulation.

My concern is that wherever there is a penalty or any coercion on the part of the State, it should have some specific grounding and mention in the substantive legislation to anchor it, and not just revert to the general power of the Minister to make regulations — that it might not be more coercive in the regulations than in the body of the substantive Act.

There are a number — and I gave her an example of a case that I did; I do not want to go through that with the Committee now. That was my concern.

If the CPC, from a drafting perspective, is comfortable with us bringing these Regulations into force — of course, I forgot to say that we will have to discuss this with the Barbados Association of Medical practitioners; it is not something that Government is going to force down the throats of anybody — but if you are comfortable that we can do what we want to do within the regulations without having to trouble the current text of the substantive Act, I am fine.

But I am just raising that question.

MR. CHAIRMAN: You just raised something — because we are about to hear the report on Friday.

You said this is something you have to discuss with the board of medical practitioners. So, for me...

Asides

MR. CLERK: The Minister is to make Regulations.

The actual text of the Regulations you will probably discuss with the medical association; but that does not stop us from empowering him to do it.

HON. MS. C. S. V. HUSBANDS:

I just have a quick question: how long would it take for us to put in that empowerment section in this Bill here? Is that something that we could achieve between today and tomorrow, so that the report could go up?

MRS. MECHELLE ELIE:

Through you — and to answer: yes, we should be able to do it between today and tomorrow.

Wwe are also suggesting, since the Minister raised the point that they would want to go with administrative penalties, that the proposal would also be to include specifically a provision dealing with breach of the regulations attracting an administrative penalty.

We made some changes — I think the Minister raised these issues with the Committee — in relation to the work permits, having breaches of those provisions attract administrative penalties.

So we just want to ensure that we do the same thing in relation to the regulations for medical visitors.

HON. MS. C. S. V. HUSBANDS:

I do not know if we are finished with this matter; but, AG, I believe that there was another element that was raised, about people living here over ten (10) years and being grandfathered.

HON. W. A. ABRAHAMS: Yes, Minister. There are a couple of things the Prime Minister suggested, and Cabinet agreed, that we should incorporate into the legislation: that the President has a right to issue an amnesty, on the advice of the Cabinet; and it allows us to periodically sweep up.

The position is: persons who have been here for ten (10) years, who have not regularised themselves, who have not run afoul of the law, who are employed here — we should just grandfather them into citizenship or residency. I will tell you: if they are CARICOM nationals, I would go straight to citizenship.

The other suggestion was: we tend to speak about a period of time immediately preceding the application; but there are persons who have, for example, lived in Barbados for ten (10) years, and they have left and they have come back, but their ten (10) years does not count because of the delay between the accumulating of the ten (10) years and the making of the application.

There should be some consideration for persons who have an identifiable and real bond with Barbados to be able to apply their time outside of the immediate application.

If you understand where I am coming from, CPC...

MRS. MECHELLE ELIE: I do understand the policy objective. I think the wording might get a little bit tricky. It sounds as if — at first I

thought we were dealing with a ten-year period before the commencement of this legislation, as opposed to an ongoing ten-year period, which you seem to be alluding to, AG.

That might be a little bit...

HON. W. A. ABRAHAMS: There are a number of people who — there might be people who have lived here and grew up here, went to school in Barbados, right, and then left the country for ten (10) years.

Now I want to play with floating the idea that, if you had a real connection to Barbados — the fact that your parents did not apply for you — then, if you have spent a period of in excess of ten (10) years in Barbados, is there a way to include that?

MRS. MECHELLE ELIE: There would be a way to include it; but I do think that there is a possibility the application in individual cases might get a little bit difficult.

Asides

Also — unless the intention, the policy intention, is for it to be very wide — because what is a real connection with Barbados?

Then we leave it to the individual officer's discretion, so to speak, as opposed to the other grounds, which were relatively very, very clear.

HON. MS. C. S. V. HUSBANDS:

But would you not ask the person, for example, to prove that they have been working here? They have an employer who says, *"Oh yes, they were working with me";* a landlord that says, "*Oh yes, he was renting from me"*; a school that says, "*Yes, the child came to school here."*

Can they not submit that type of evidence to you to show, yes, they have been here at least ten (10) years?

MRS. MECHELLE ELIE: Okay; just to be sure that I understand. Thank you.

So it does not matter the time that has passed? In other words, if, as you were saying, you went to school here for ten (10) years — primary school, secondary school — you left, you spent ten (10) years away and you come back, you can apply for citizenship.

Is that the policy...

ASIDES

MRS. MECHELLE ELIE: Because then there is the interval when you were not here — especially if it is a child versus an adult.

You know, if you were an adult, then character is fully formed, *et cetera*; that is one thing.

If you were here as a child, then you have left, you spent quite some time away and you came back. I am just trying to understand if the policy is as wide as that, to capture those people as well, to make them eligible for citizenship.

HON. W. A. ABRAHAMS: Yes.

MRS. MECHELLE ELIE: Okay. We will look at the provision.

Asides

SENATOR THE HON. C. P. SINCKLER: AG, if I may help you with this.

One (1) example — for one case, for example — is for persons who have served here in the diplomatic service and have had children here who have gone to school here, right up to sixth form some of them, and their parents were reassigned to agencies outside of Barbados; but they have continued to come to Barbados.

We have had quite a few of those in the Ministry of Foreign Affairs.

And if those children wanted to return and to contribute to Barbados, and wanted to become eligible for citizenship, we currently have no provision to treat them.

And we do have — it is more than one (1) or two (2), let me put it that way. Some have been successful; I think the Chief Immigration Officer may know of one (1) or two (2), but there are others as well. So it is not a totally unknown situation to occur.

That is just one (1) example in which it currently happens.

There are others as well, but that is one situation that I know of for sure, that I have seen coming here in our consular section.

HON. W. A. ABRAHAMS: I think we can put it in as a discretionary position for the Minister.

Any Minister can abridge the time if the person is working in the Government, or working in Government service, or whatever; we

can perhaps work in a discretionary provision for the Minister, but the person would have had to have been here for a cumulative period of time.

DR. W. F. DUGUID: If I may — I also like the idea of the amnesty for those people who will be caught, who will essentially be grandfathered in. I think that that is the critical piece that we were missing in the previous iteration.

Definitely and the opportunity to be grandfathered in, so they do not have that position where they have essentially minimal to no status.

And you are saying that that amnesty will come from the President?

HON. W. A. ABRAHAMS: Yes. For political reasons, for the optics and policy reasons, you want it to come from the Head of State — but on the advice of...

DR. W. F. DUGUID: Cabinet. That would be a tremendous benefit to the legislation. But then again — can you put amnesty in legislation?

HON. W. A. ABRAHAMS:

Of course you can.

DR. W. F. DUGUID: Well, there you are.

HON. W. A. ABRAHAMS: He has the right — or the power — to do it; right — to the amnesty, but on the advice of the Cabinet. You can put that in. It does not have to be specific as to what the amnesty is, but he can issue an immigration amnesty on the advice of the Cabinet.

HON. MS. C. S. V. HUSBANDS:

And CPC — through you, Chair — CPC, is that something that you all could do expeditiously? That part about the grandfathering and so on?

MRS. MECHELLE ELIE: At least by tomorrow, perhaps; but we need to work out the details, and we might have some further questions.

Now — I was trying to find the written text that we received this morning, to see if it is any different; because if what is being proposed now is different from what is there, then we would just like some confirmation in writing.

HON. G. P. B. NICHOLLS: Yes — I can confirm that what you have in writing does not specify the criteria that the AG spoke to, and there are two (2) instances there.

And I had a discussion with the Prime Minister after I sent out the email, which everyone got — so you would have got it; and so that is not so. I believe it is the persons who have — I think it is 300 days within the ten-year period, which covers the three (3) to seven (7) years period within a ten-year period.

MRS. MECHELLE ELIE: Okay. Well, I do think if we get the full package in writing, then we can really study it and be sure as to how it is going to work, especially in relation to the other provisions as well.

HON. G. P. B. NICHOLLS:

Well, what was stated — sorry — as the AG said, is that the power to give that amnesty would be with the President, on the advice of the Cabinet, so that it would not be seen to be the sole discretion of the Minister in this instance.

I am confirming the wording, and I will get that to you.

MRS. MECHELLE ELIE: Thank you.

MR. CHAIRMAN: Can I request, on behalf of the Committee, that the Minister — yourself — and CPC work on these details? Because we are mindful of the time schedule, and we too have to get in our report; and it has been agreed by the Cabinet that these things should go into the report — I mean, should go into the legislation.

So there is no difficulty and no challenge from the Committee; but we will want that you work on it, because there is a deadline — because the transcript has to be done as well, and also the information coming from today has to feed into the report.

So we will not want to tie up the meeting with the technical details that the Minister and CPC can flesh out.

It has been agreed by us and by the Cabinet — by yourself; you form part of the Cabinet — that these things should go into the legislation, and that is accepted.

And we really want to carry on with the business — with the other business — because we have not gone through the Report, and it is 3:15 p.m.

We want to thank you all for bringing the clarity, and we certainly support what has been said and what has been discussed, to get this

Report, you know, in a wholesome and more detailed manner to Parliament on Friday.

So time is against us, right? So I do not want to be going too much into the details; we leave that to the competent authority — CPC and the Minister and the AG's office — to have that done.

The Committee just spoke: the other Members, whom you cannot hear — they agreed wholeheartedly, that we support the amendment.

SUSPENSION

So, with that being said, we want to break for lunch.

I know it is a long day; we still have to finish the Citizenship Bill and then the Report, and it is now *3:16 p.m.*

We are going to break for forty (40) minutes — a short lunch — and return and wrap up in an hour, no more than an hour; so by *5:00 p.m.* we expect to be finished, and we await the transcript and the drafting so we can attach the Bill — that is, the Immigration Bill — to the final Report and submit it to Parliament on Friday.

All right. So, at this stage, we suspend until 3:50. Thank you, gentlemen — ladies.

The sitting was suspended until 3:50 p.m.

RESUMPTION

The Sitting of the Committee resumed at 4 p.m.

MR. CHAIRMAN: All right, we will resume now. Thank you all.

When we went to lunch we were reviewing the addition to the Immigration Bill - the medical visitors section - and we concluded on that; and so we go back to the Citizenship Bill.

That will be in Regulations - but no, there is a section of the main Bill that they will do some drafting to, to include it; so I leave them with that.

We were at Part II of the Explanatory Memorandum - following the Explanatory Memorandum - Chief Parliamentary Counsel (CPC) and Minister Husbands.

Thank you, Mrs. Elie.

MRS. MECHELLE ELIE: Good afternoon. We are here.

MR. CHAIRMAN: We will resume on the Citizenship Bill, Part II, and, following the Explanatory Memorandum, the acquisition of citizenship.

We went through sections of that; it took a lot of time in terms of discussion and what we should move to.

We were looking at Clause 3, subsection - or section - 6, before we broke to go back to the Immigration Bill, the medical visitor section.

So, Clause 3 - I do not see any challenge with Clause 3 of the Citizenship Bill.

If you follow the Explanatory Memorandum you will see where we are. We are looking at the citizenship threshold - this section speaks to the threshold - and we have increased the days for non-Member countries to a period of at least *two (2) years* during the period of the three (3) years immediately preceding the date of application.

All right - so there are no challenges there. From CPC - you were saying something?

MRS. MECHELLE ELIE: No, no; we are fine. Thank you.

MR. CHAIRMAN: Great. All right - Clause 4, the right of refusal to register. It says here that this provides for the right of the Minister, in the interest of national security, to refuse to register a person as a citizen of Barbados. Any challenge there?

Clause 5, the registration of minor children of persons who acquire citizenship.

Clause 6 is straightforward - a certificate of registration.

Clause 7, the effect of registration as a citizen. We move to Part *II*, loss of citizenship - we had a lot of discussion on this.

Clause 8, the section on the renunciation of citizenship by reason of dual citizenship or nationality. Clause 8?

DR. W. F. DUGUID: So, the procedure for renunciation of citizenship of Barbados by a person who was a citizen - it does not state...

MR. CHAIRMAN: Well, that is not - no, no; but the Bill speaks to it.

That is just - I did not read from the note; but the Bill - as I call each clause, I go to the Bill.

But you are correct: it speaks to several things. Clause 9.

SENATOR A. W. MALLALIEU:

Chair, may I just ask a question, through the Chief Immigration Officer?

I am pretty certain this is not a big thing - we do not get a lot of renouncing of Barbados citizenship; I would imagine we do not get a whole lot of that.

But when we do, is there any reason that you would refuse someone their right to renounce the citizenship?

MS. MARGARET INNISS: We have never had a case to refuse a person.

SENATOR A. W. MALLALIEU: The reason I ask - and it may be something you want to think about - is that the United States of America has a lot of renunciations going on right now, and has done for the *last five (5), eight (8) years*, and it is to do with taxation.

One of the only reasons that you can be refused - or, in fact, your renunciation invalidated - is if, in fact, you have not paid your tax.

So - as I say, I do not want to delay us, but it may be something you want to think about for the future. I do not think we get a lot of renunciations, but you may want to think about it.

Is there someone who might, in order to avoid prosecution or avoid something or the other in the future - would they try to renounce citizenship .. .

So, just as an aside - nothing to change, but think about it.

MR. CHAIRMAN: You know, there is one thing I can say: I enjoy having you here, because you bring a perspective sometimes that we do not even think about - I guess from your experience.

So I just wanted to say, too, that you are a valuable member of this team. I have enjoyed this course, because I do learn a lot from some of the questions you raise, and it has been wonderful having you in here, Sir - a fellow Rotarian.

All right, we are at Clause 9, the deprivation of citizenship. Anything here?

It clearly states that the Minister will not deprive unless he is satisfied that it is not conducive to the public good that the person should continue. So there are certain things in here; it is a pretty long section on the deprivation of citizenship.

Clause 10, Clause 11, the resumption of citizenship.

All right - Part IV, miscellaneous: it speaks to the certificate of citizenship in cases of doubt; Clause 13; the Minister's discretion - not to be questioned; in respect of an application for registration of citizenship of Barbados it is final - Clause 14.

Then we move to Clause 15, which speaks to regulations, giving the Minister the power to make regulations; it is fine.

There is Clause 16, offences: it is self-explanatory.

Then Clause 17 speaks to the oath of allegiance; Clause 18, *repeal (to be confirmed)*; and Clauses 19 and 20.

All right - we have looked at both Bills as a committee, and, as to the next item on the agenda, we know there is some work to be done, and I guess CPC will finalise and then get back to us.

Asides

MR. CHAIRMAN: The request is that there be a motion before the Committee for the amended draft Bills - the amendments made - to approve them; we spent a whole day on them.

So, a motion for the approval of the amended Bills. So moved by...

Motion by MP Duguid, seconded by Minister Springer the question was put and agreed to, and the amended draft Bills were approved by the Committee accordingly.

MR. CHAIRMAN: The amendments have been approved by the Committee - of course, subject to those changes that were discussed today, and those changes will come back: we approve them in principle, and they will be drafted and then forwarded to the Committee again.

CPC, we are not yet finished, but I want to thank you and your team again for the work that you have done in a short space of time to turn around these two (2) Bills, and I want to thank

you for your cooperation - Justice Moore as well - and the dedication.

MRS. MECHELLE ELIE:
You are welcome.

Asides.

MR. CHAIRMAN: Thank you very much. And Miss *Atkins,* I have not seen you in a while, but thank you.

MRS. MECHELLE ELIE: Miss Atkins, unfortunately, had another meeting.

MR. CHAIRMAN: Okay; you can pass on the Committee's thank you to Miss Atkins as well.

All right, so we now go to the Report. The report - basically, we went through most of the clauses in both reports. But let me make sure you have the right one, because I worked from two (2): the one that came to me prior - I marked up that one - and then there was a final one that came to me, a draft.

Okay, great - the executive... that is the one dated the *3rd of August*; that is the final one.

Asides.

MR. CHAIRMAN: Do we want to go through the sections of the Bill, Clerk - the sections of the Bill that speak to the positions of the Committee?

I think, for both of hose, we just went through the Bill; I do not think we need to go through those sections again at all.

We just amend accordingly, as we go to the report.

MR. CLERK: Mr. Chairman, I just wanted to put it on the record that this is the first time that we have included an executive summary in our report.

What the executive summary seeks to do is to capture, for those persons who will definitely not read the entire report - it is a synopsis of all the positions that the Committee and the report have indicated. We know how busy our members are; so, at a glance, they could read the executive summary and get an idea of what exactly is in the report.

MR. CHAIRMAN: Thank you very much, Mr. Eastmond, and your team - the team at Parliament is very detailed.

MR. CLERK: Mr. Chairman, the other thing to note, which you referenced earlier, is that the clauses that are in the report refer to the old Bill.

MR. CHAIRMAN:
Yes.

MR. CLERK: The Bill of the *21st of April*.

MR. CHAIRMAN:
Number 9 is self-explanatory - the immigrant status; I particularly know that that was right in the... This Report will be made public, right?

DR. W. F. DUGUID: Yes.

MR. CHAIRMAN: Right, right.

MR. CLERK: As soon as it is available, it will be on our website and available.

MR. CHAIRMAN: There is a section of the report that I would want to - sorry, I made a note, and the whole report is... I am going to get to it.

The section, I think, is section 12, Observations and Conclusions, where it says "citizenship integrity" - You are all with me? Section 12.

Well, I am not sure it appears in the - I made a note when it said Observations and Conclusions, section 12, which says "citizenship integrity": the Committee is satisfied that the integrity of Barbadian citizenship is protected by the confinement of clause *3(5)* to nationals of a Member State by birth, descent, *et cetera*.

I am asking if we can include, in this, the passport: the Committee is satisfied that the integrity of the Barbadian passport and citizenship are protected. Because persons with...

Asides.

MR. CHAIRMAN: It is implied - well, it is true - but thank you, sir. Remember, though, we had a submission from two (2) members of the Democratic Labour Party in separate meetings here, where they questioned the integrity of the passport, and I happened to sort of shut down the member who presented.

I do not think you were here, Senior Minister, when he questioned the integrity of the Barbadian passport, and I think CPC and Justice Moore spoke to these clauses.

But I know this is our report; I do not know if we would want to say to the public that we maintain the integrity of our passport - and this has nothing to do with, you know, the detriment of our passport.

Over to you; I think you want to say something.

MR. CLERK: Only that, up until when that comment was made, especially in relation to the economic citizenship, persons were suggesting that, by the ease with which a person can become a citizen, we were sort of depriving - not depriving, really, but not giving the passport the importance that it deserves; and that, with a lot of persons so easily becoming citizens, we were taking away from the quality of the passport as it is recognised worldwide.

I think that was the point that they were trying to make.

Asides.

MR. CHAIRMAN: Of course. You made it clear, to close the loophole for citizenship by investment; so we will be sending the message that it is a process, and it is indeed one of integrity.

So, I would support that. That is my request - it is the Committee's will, as you say - but that was my request.

Asides

DR. W. F. DUGUID: And I again come back to - I am sorry, but when numbers are not right it offends my eyes. Page *21,* clause 38 is out of order.

ASIDES

DR. W. F. DUGUID: You have *19 and then 38, then 23.*

MR. CHAIRMAN: Yes.

DR. W. F. DUGUID: So 38 needs to come further down, because, if we are going to own this report - it will look sloppy.

MR. CHAIRMAN: Otherwise - 38 should come after 35. I agree. So the amendment... Thank you.

Okay. So we are on to the Recommendations, then, because the clauses are as per discussion; so I do not think we should really go back through all these clauses, except to correct the numerical order identified by MP Duguid - and if there are any others.

Section 12 was the Observations and Conclusions, and section 13 the Recommendations; we can go through those.

Like I said, I read the report on the previous day, but it is the same report, so those were my changes - or change; nothing major.

I think we clarified the one that I made earlier, with the changes in Regulations, and CPC said that she would redraft that. Right - thanks.

MRS. MECHELLE ELIE: Chair, if I may - I know you do not want to go through all the settled positions of the Committee, but there are one (1) or two (2) where we might just need a little bit of clarity, because there was a lot of discussion on some of the points, and, from our perspective, we thought that in some cases the leaning was X, whereas we see in the report Y.

So, we just want to ensure that the agreed position is being reflected, either in the Bill or in the report.

May I point out the one (1) or two (2)?

MR. CHAIRMAN: That is in section 13, under the recommendations?

MRS. MECHELLE ELIE: No - this is in the settled positions for the Immigration Bill, for example.

At the risk of opening up something that had a lot of debate - "reside", or "reside and work" - we did not change anything on the provision after all the discussion; but we see here that the report reflects that the existing administrative practice should be codified into three (3) defined categories.

We are wondering, after all the explanation that the Chief Immigration Officer of the Immigration Department and her colleagues had

given us, was this the final recommendation of the Committee?

Asides

MRS. MECHELLE ELIE: I am on the settled positions of the Committee - the Immigration Bill; not the recommendations now - the settled positions on the Immigration Bill, point 2.

MR. CHAIRMAN: Well, okay - that is the executive summary. Thanks. Okay.

Asides.

MR. CHAIRMAN: This must be read in conjunction with the Bills, because we want to make sure that they are... right.

DR. W. F. DUGUID: I do not know - forgive me: I thought that we had brought it to an end, "reside" and "work", because you still have it here, referenced in the report.

MR. CLERK: In the new Bill.

DR. W. F. DUGUID: So we still have "reside and work"?

MR. CLERK: This is just an explanation of what it captures.

Asides

MR. CLERK: The "reside and work" was a concern of the old Committee; but when the Minister met with CPC, in relation to that report, that is the position that they came to.

So it is in the new Bill; but we have not discussed any...

Asides

DR. W. F. DUGUID: "Reside and work". So where is the "reside and work" coming from now?

MR. CLERK: It is in the amended...

Asides

MR. CLERK: If you look at the categories in which...

MR. CHAIRMAN: It is a clause of the Bill - yes, of the Immigration Bill.

It was Clause *5* in the old Bill - and I think I raised that as a change - it was Clause 5 in the old Bill, and it is Clause *8* in the new Bill: the Minister may, upon application made to the Minister in the prescribed form, grant to any person a permit.. .

What CPC is saying is that there are three (3) defined categories in the report, but yet there are two (2) here in the Bill.

MRS. MECHELLE ELIE: Well - if I may - I am just saying that the recommendation in the report is not reflected in the Bill.

We had thought, after the discussion, that the leaning was towards leaving "reside and work" alone; otherwise we might have gotten more specific instructions.

So we are just trying to clarify exactly whether we have it wrong, or whether the Report has captured something that should not be captured - because, when we sent the Bill forward to the Ministry, it was approved with the "reside and work" in, as is.

Asides.

DR. W. F. DUGUID: Sorry - I missed that meeting.

Drawing from my experience as a permanent resident of Canada: they do not have a "reside", they do not have "work"; it is either you are a permanent resident or you are a citizen.

For instance, spouses - where is it? - spouses of citizens: they get permanent residence; permanent residence or Community nationals residing during the qualified period of cohabitation.

So everybody who is a cohabitant of another gets permanent residence. So we are adding in - and I remember, from the previous Cabinet, the idea was to remove this "reside and work" category, and it would be permanent resident or citizen; that was the idea.

I am now surprised - I am sorry I missed that meeting - that that has come back in.

SENATOR A. W. MALLALIEU:

If I might - sorry. Minister, are you suggesting that the very successful SERP - the Special Entry and Reside Permit - is also removed? Because it is not my understanding

that that was being removed at all. That is basically the one that says you can reside without working.

DR. W. F. DUGUID: The special entry is a special category; that is a small percentage of people. No - I am talking about this "reside", or "reside and work".

HON. MS. C. S. V. HUSBANDS: Chair.

MR. CHAIRMAN: Minister Husbands, and then let the Chief Immigration Officer speak.

HON. MS. C. S. V. HUSBANDS: I just wanted to concur with MP Duguid.

If I remember correctly, there was a notion that the "reside and work" would drop, and they would just have the permanent residence or citizenship.

So we might need to get some clarity on that; I do not know if the Attorney-General can provide that for us, but I think that is what I would have heard.

MR. CHAIRMAN: Let us hear from the Chief Immigration Officer; Miss Inniss may bring some clarity to it.

MS. MARGARET INNISS: Over the years we have used "reside" and "reside and work", against the backdrop that the cohabitation period is three (3) years: if you have not met the three-year period, "reside" and "reside and work" give you the opportunity then to meet that cohabitation period.

"Reside" is if you just want to reside here - not everybody wants to reside and work; and then there are people who want to reside and work. So that category, for us, basically facilitated those persons.

This also gave opportunity to persons who may not meet the prescribed period for, say, immigrant status: as we had it then, we might only have had three (3) years rather than a five-year period, and "reside and work" gives you the opportunity to live and work until such time as you have met that time period where you can get immigrant status.

And that basically was how it was used, really and truly, to facilitate persons to acquire the time so that you can get a status.

HON. MS. C. S. V. HUSBANDS:

But I thought that, with the reduction of the period required, it would make that unnecessary.

DR. W. F. DUGUID: To follow on from what Minister Husbands is saying: as I heard the Clerk say, there are now several pathways to permanent residence, and they are not onerous - which would make "reside and work"... well, hopefully the idea was designed so that we would not have to have "reside and work", because there are so many other pathways and opportunities for people to gain permanent residence.

I take the point that it is a halfway house, and I understand that you need that flexibility - but maybe that is the flexibility...

Asides

DR. W. F. DUGUID: All right - but I really thought, certainly in the early iterations, that the concept of this was to get rid of this ambiguous "reside", or "reside and work", status.

MR. CLERK: Mr. Chair, that was the view of the previous Committee; but when the new Minister met with Immigration, as well as considering that report, they came to the decision, one, that it was a necessary practice, and, secondly, that they needed that status - quote, unquote, "status" - to work out situations where, if a person is married to a Barbadian, you do not get it straight away: there is a cohabitation period that you have to fulfil, and that allowed Immigration to give to the spouse that period of three (3) years or four (4) years, whatever it is, and not permanent residence.

But I think they took away the discrimination that was in the law, so that, whereas a woman marrying a Barbadian man would get citizenship, the man would would not.

So it allows for that period, because there is really no status to give them; so it allows the Minister - as well as, in humanitarian cases, it allows the Minister to give "reside and work".

I think those were the explanations that were given.

DR. W. F. DUGUID: But the status that you give them is permanent resident; that is a status that you would give them.

MR. CLERK: Until you get to the qualifying period, you do not get it - you have to satisfy the qualifying period.

So, in order to be here legally, the Immigration Department and the Minister came up with this "reside and work".

DR. W. F. DUGUID: It is very different to what we had at first.

MR. CLERK: But that is what I am saying: you may have been reading the report of the first Committee.

Remember that one of the terms of reference was to consider that report; and very early on in our discussions it was made known to this Committee that the Minister, along with CPC, had met and they had come up with this.

We were outlining the three (3) or four (4) categories that the Minister will be able to use. And I think she wants to...

MS. MARGARET INNISS: "Reside and work" is a temporary status; so it allows us to facilitate, rather than giving a permanent status.

For example, a person may have a court matter, and you want to know the outcome of the court matter; but if you move ahead then to give a permanent status, it is a lot more difficult to rescind that.

So "reside and work" really is something - a tool that we have used to be fair and to facilitate all categories across the board.

That is all it is.

MR. CHAIRMAN: But what I am hearing from CPC is the note in the report - whether it accurately reflects what was agreed, or what was the genesis, or the final decision made.

CPC, that is what you are saying - the accuracy of the note?

MRS. MECHELLE ELIE: Yes - the accuracy of the note; and, when compared to the Bill, just to ensure either that the Bill is correct or that the Report is correct, because they do not line up at the moment, when the report seeks a codification of the categories but we have not codified the categories.

So we are just trying to verify what the final position was - whether we were indeed to retain "reside and work" in its broad terms, or whether a codification was supposed to go in the legislation.

We are seeing this against the backdrop of the Bill having been revised, and the Bill having been sent to the Ministry as well. Of course, you know, everybody is busy, and we are all doing our best to do everything as quickly as possible, so some things can be missed; but we just want to ensure that what is in the Bill is what we should indeed have reflected.

MR. CHAIRMAN: So this is one of the things, CPC, we will check overnight as well; but we proceed with it - we will check with the Minister. You can proceed with the other areas you identified as different to, or misinterpreted from, our report - proceed.

MRS. MECHELLE ELIE: Thank you. I would not say "different" - it is not so much different.

With respect to the conduct which offends public morality: I believe, based on everything that had been said, that we are just deleting that provision, and not changing it or coming up with more precise language.

This is point 6 on the settled positions of the Committee. We discussed that before lunch.

MR. CHAIRMAN: Clause 9 is number...

MRS. MECHELLE ELIE: Six - in relation to Clause 9; so what we have done so far is that we have deleted the provision.

MR. CHAIRMAN: The conduct which offends public morality.

MRS. MECHELLE ELIE: Right. And at point 8 we see a suggestion that the seven (7) offences should be broken out and individually captioned; so we may just need to tidy up for that purpose. But we will check.

MR. CHAIRMAN: The next one?

MRS. MECHELLE ELIE: We need...

MR. CHAIRMAN:...to just delete the "public morality", I believe.

MRS. MECHELLE ELIE: I believe those might be all.

MR. CHAIRMAN: Okay - all right; thank you very much. Just make sure that ten is correct: the Welcome Stamp should not be codified as a distinct immigration status in the Bill, being itself in the nature of a special entry permit; the holder should access permanent residence through the points system in the same manner as other applicants, in accordance with the Committee's settled position on the integration of the Welcome Stamp.

MRS. MECHELLE ELIE: That was our understanding as well, right?

MR. CHAIRMAN: Agreed.

Asides.

DR. W. F. DUGUID:

Just for my own clarity...

MR. CLERK: Seeing that we are trying to make sure that what is in the report is also in the Bills: I know we had decided very early on, in relation to the children of diplomats, that we were just going to delete a particular part of the clause; but my reading of the Bills indicates that the entire clause was deleted.

Could CPC confirm that for us?

MRS. MECHELLE ELIE: Just one second, please. Mr. Eastmond if you could point me to the exact provision, please. I am looking at - you were speaking of...

Asides

MR. CLERK: It is in the old Bill. . ."*and for the purposes of this Act, a person born outside Barbados to a citizen of Barbados serving in (inaudible) 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."*

In our discussions we had determined that we were just going to delete *"that refuses to grant a certificate"*; but in the new draft, I think, that clause is taken out altogether.

MRS. MECHELLE: Yes - Justice Moore. Justice Moore to speak to this.

MR. JUSTICE SHERMAN MOORE (RETIRED): Yes, Mr. Chairman. It was agreed at the first meeting that that clause would be removed, because the difficulty that the Immigration Department had with the registration office was settled; and that was agreed upon that day, and it was actually removed from the subsequent draft. Thank you, Mr. Chairman.

MR. CLERK: This means that we have to adjust the Report; because, in the Report, from my memory - we had it recorded in the Minutes - it was the limiting words that would be removed, and not the clause.

So we just have to amend the Report to say, to the effect, that it was removed altogether.

I just wanted to clarify, Mr. Chairman.

MR. CHAIRMAN: Thank you - noted.

So we are going through, just to make sure that we are singing from the same hymn sheet.

The Immigration Bill - I think it was the section - I just missed it - on the right of appeal, not work permits; I will proceed until I see it, do not worry.

So we were moving to 13 - we were moving to the Recommendations, because we are fine with the clauses, right - the amendments, for both Bills; the fact that we went through the Bills - I said we looked at the detailed deliberations on both Bills; that was in section 12 of the report.

Then we move to the Recommendations arising from the deliberations and the evidence.

Again, the clause 6 one should be taken out - conduct which offends public morality; that is under section 13, number 6, Clause 9, right - that will be taken out. . . (inaudible)

Asides

Mr. CHAIRMAN: … I do not see anything. We said - sorry - number 4 is Clause 7; we said we would reword that.

I think our report captured it incorrectly - or, I should not say incorrectly, but the essence of what was being said: the ratings and criteria of the points system should be refined by Regulations, it being noted that the ten (10) point threshold is fixed by the Bill and cannot be altered by Regulations.

Right - so that has to be amended as well in the Report.

So we made those changes; I think CPC gave the language with respect to that, and that should be captured in the transcript. Well, I think my point was the right of appeal - the right to the right of appeal.

We made sure - this came up many times from submitters - that the clause should be recast to provide a meaningful two-tier review, comprising an interim review by the decision maker, on written request, within 21 days; and then you have, as the second option, recourse to the courts once these areas have been exhausted. I think that is it, right?

I just want to make sure - that is number 9 of the Immigration Bill; this is clause 35, right of appeal. Okay.

MRS. MECHELLE ELIE: If I may, Chair.

MR. CHAIRMAN: Sure.

MRS. MECHELLE ELIE:

I am wondering if this - the Minister had proposed a two-tier review - well, a review - but I was thinking that what is written here might have been before the Minister went back to the original, in terms of the right of appeal.

Asides

MRS. MECHELLE ELIE: What is in recommendation 9 - it does not mean that the Bill cannot stay as is, or that the recommendation cannot stay as is; it is just that, I think, after this the Minister proposed to go back to the Immigration Review Committee provisions, so there will be no internal review, *per se*, by the decision maker.

MR. CLERK: So can we put a note that we have reverted to the original position, along with it?

MRS. MECHELLE ELIE: Well - well, I do not see why not.

MR. CHAIRMAN: I am sorry - I distinctly recall the Minister sitting right here and giving us - and talking us through - this exact one. Yes... reverting to the original report. Okay.

MRS. MECHELE ELIE:

I think - if I may, Chair - after the Minister spoke about it, I believe even before he left Parliament, on reflection, he said, you know - and, reflecting on it some more, he realised that there were some challenges with what they were thinking, and they might have to depart from it; and hence the reversion to the Immigration Review Committee.

MR. CHAIRMAN: We need to get the language on this correct. This, too, should be reviewed, to make sure that the Report reflects accurately what we agreed on.

MR. CLERK: This was agreed at the time, and just now they reverted to the original position within...

MR. CHAIRMAN: ...the Immigration Review Committee. That is not an internal review; we should really spell it out, because you have here "comprising an internal review by the decision maker on written request".

So that was the first there; but now we are hearing that, on reflection, the Minister, when he left, made a decision for reverting altogether.

MR. CLERK: Oh, you won't...

MR. CHAIRMAN: You are going to have to, because this goes to the public; and we are going to have to make sure - you do not want to be in Parliament debating something and the Minister is saying something...

MR. CLERK: Yes; but, I mean, the report obviously has this position, but then, since then, the Minister has reverted to the original position.

So is that to capture what was actually - or do you want to change it altogether?

MR. CHAIRMAN: Guidance - guidance, team; guidance.

MR. CLERK: They can indicate that. . .

MR. CHAIRMAN: Because we can leave it - because bills, again - I mean, well, I do not want to say - they are fluid; but changes would have been made after the Report, and we will have to reflect that while the Minister is on the floor, or myself on the floor.

MR. CLERK: We can also put in the report that, since then, we have reverted to the original position...

Asides

Mr. CLERK: … Certainly, that was part of the discussion and a determination was made; but, on reflection, the Minister decided that it is probably better to go back to the...

Asides

Mr. CLERK: ... we could change it altogether.

MRS. MECHELLE ELIE: The thing is this...

MR. CHAIRMAN: This is on the immigration appeal - the right to appeal it.

Remember, someone would have challenged the powers of the Minister, when they said the Minister's decision was final, and we had a lot of discussion on it; and we said that, for national security reasons, we would not want to interfere with the powers of the Minister.

But then, within various sections - I think within both Bills, but this Bill - we had a long discussion on it, and the Minister sat here, and the Minister did say that there is a recourse - of course there will be a recourse - which will be the law courts.

But we did not want to...

Asides

Mr. CHAIRMAN: And that is clearly articulated in the report: the recourse to this court shall follow the exhaustion of these remedies, the supervisory jurisdiction of the High Court being confined to the question of legality.

But the...

MR. CLERK: I think it was also compounded because, as you are aware, under immigration there is no right to give any reasons for a decision.

But then, I think in *1983*, sometime around that period, Immigration came up with this view that the applicants who had applied for status and were refused had a chance to review the decision.

Now, the challenge with that is that you are asking someone to review a decision that was made in the absence of any reason why the decision was made in the first place.

So you would have applied for status, it would be refused, and you would tell the person, "well, you can apply for a review" - but obviously it is a person in the same application.

So I think what the Minister was trying to explain was how you can get around that by having the first person who made the decision have that process reviewed - either you look at it again, and then have someone else, who did not make the decision, review it with you. But obviously he had a change of heart.

But this has always been a problem for me - I mean, as a former immigration officer - where, on the one hand, under the Administrative Justice Act, Immigration does not have to give you any reasons for any decision; and you have applied for status, and then they tell you, "well, you can review the decision", but never told you why it was refused in the first place.

So many times, I am telling you, persons are putting back in the same application.

And they still have this Review Committee. So I think the Minister described it as - it is really a false review, a false appeal too; because, if you are saying to me that you have refused my application, and then let us say that I can appeal it - to me, I think it is fair to the applicant to say, "well, we refused you on this basis", and be subject to the national security considerations.

I do not think the Immigration Review Committee solves it. . . I thought, when the Minister came up with this process, this was the way of dealing with that; but obviously he ran into...

MR. CHAIRMAN: No - but while I agree, we need to get the wording correct. So I would want that we take this and we get it correct.

I do not want a "two-tier system", because it may not be a two-tier system; but we want to get the correct words in Clause 35.

MR. CLERK: Based on what CPC is saying, we have reverted to the original position.

MRS. MECHELLE ELIE: If I may, Chair - just to respond to the Clerk: there is a reversion to the original position only in part.

So, the aspect where there is a provision to give reasons - well, it is within a negative, really: reasons need not be given where to do so would prejudice national security or public policy.

So that is one aspect; but then the implication is that, outside of that, you can give reasons. So it is not a full return to what obtained before.

What I was speaking of was mainly the two-tier review process. But, if we remember - yes, the Minister did sit and propose the two-tier review, and the Committee agreed.

The question is, now that the Minister is saying - you know, now that it reflects a departure from it - will the Committee adhere to a recommendation it made based on the Minister's own proposal? Because the Committee has not finished.

So, in other words, this is a meeting of the Committee: if, at this meeting, the Committee decides just to discount that - well, then it is discounted.

I mean, when I say "discounted" - the Minister's proposals - it is for the mere fact that he has changed his position; because the only

reason it came up was because the Minister made a proposal.

MR. CLERK: Mr. Chairman, it is also true that the Committee can make a recommendation that is not accepted by the Parliament.

Asides.

MR. CLERK: We will make the adjustment, and just keep part of what is written here and take out the other part.

Asides.

MR. CHAIRMAN: Enough time on that one; but I agree - we will amend this.

Asides.

MR. CHAIRMAN: All right, anything else on the Immigration Bill?

We will move to *32*, the Citizenship Bill: the clause *3(8)* number 15, of the Citizenship Bill, where we spoke on the person of eminence. We want to make sure we are fine: *The Minister may, upon application made to him in the prescribed form, register as a citizen of Barbados any person who has excelled in a national or global field of endeavour approved by the Minister, of the CARICOM Community or the international community.*

This is the clause *3(8)* - that is the First Schedule; clause *3(8)* and the First Schedule.

Asides

MR. CHAIRMAN: So this was placed in the legislation? Yes.

MR. CLERK: Exactly.

MR. CHAIRMAN: Great. I know it is in the legislation; that is okay.

MR. CLERK: Rather than "the international community", it has "internationally".

That is the only difference.

MR. CHAIRMAN: I know there was a change there.

The next one — the "disloyal or disaffected".

Make sure, if we go there — that is Clause 9(1). See — "disloyal or disaffected" is still there: C*lause 9(1)(c).*

Our note is saying that, under deprivation of citizenship, the words "*disloyal or disaffected*" should be drafted in more specific terms (inaudible).

It may be noted that he provision cannot apply to decisions about birth. So was this...? But it is still in. I am not sure whether... CPC?

MRS. MECHELLE ELIE: We will revisit this, Chair, and speak with the Minister about it.

MR. CHAIRMAN: Yes; thank you. Because this one . . .

Asides.

MR. CHAIRMAN: He said we would draft it, but it is still in there, remember?

Asides.

MR. CHAIRMAN: We would not want to pass this one either — the Minister's discretion.

The note said the clause should be amended to require the Minister to give reasons for a decision, except where the Minister certifies that to do so would prejudice national security or the public interest, and to make clear that the clause does not *oust the supervisory* jurisdiction of the High Court.

So this is where . . .

Asides.

MR. CHAIRMAN: No, it just said national security. Remember, they said public . . .

MR. CLERK: I think that literally covers the whole public interest.

MR. CHAIRMAN: Okay, we are fine with that then; our note reflects the drafting. I just want to make sure, because these are the ones that raised a number of concerns in the public; I just want to make sure that we have made the correct amendment.

CPC, are we fine? Clause 13 of the Citizenship Bill — our note on the right. . .

MRS. MECHELLE ELIE: So we do have in the national security aspect, as you mentioned,

but not the public interest or public policy; so we could include the public policy.

I am just noting it.

MR. CHAIRMAN: Okay; thank you. Clause 14 — matters pending. The last one caught my eye: the completion of the immigration work permit regulations, providing for administrative penalties in respect of breaches concerning work permits, to be made on the application and submitted to the Cabinet for approval.

That one caught my eye. CPC?

MRS. MECHELLE ELIE: We are not quite there, Chair; we are focusing on the Bills.

MR. CHAIRMAN: No problem. So we can leave it in there, because this is something that we can leave; it just caught my eye. It is regulations, right?

Very good comment, CPC.

Matters Pending.

The guidance of the Minister of Foreign Affairs on the expansion of the list of countries in clause 4(1)(c) of the Immigration Bill — I think we discussed this.

Senator the Hon. C.P. SINCKLER: Yes; that list is going to remain the same.

The only country that has joined is Croatia. Croatia? Yes, it is in that list. It should not be, to be honest; but anyway, that is the list they have provided. Because Croatia joined in 2013; but I have subsequently been able to confirm that Croatia has not acceded to the services part of the agreement as yet, so we should take it out.

Croatia should not be offered things that they themselves are not prepared to offer us, because it is a reciprocal agreement. They put in their instruments for goods, but they have not put in their instruments yet for services; and several CARICOM countries — CARIFORUM countries, I should say, because it is CARICOM plus the Dominican Republic, which is CARIFORUM — up to the last time we met, have apparently themselves refused to allow them to accede to that instrument.

Now, the immigration part falls into the services mode, for movement of services. So if we do so, we will be granting them something that they have not been prepared to grant us — reciprocity.

So they should really be taken out; but I will say "provisionally", and by tomorrow I will give you a firm answer.

That is the advice I am getting from the Director of Foreign Trade, which came in half an hour ago.

Asides.

SENATOR THE HON. C. P. SINCKLER: The most contentious is obviously services, because it means movement of people — professionals — in other ways.

So that one tends to be the one where people are a little bit more guarded; but that is the one in which we have a comparative advantage in some areas.

So if there is anything that we want to get, we want to get entry into your market for our professionals; but if you are not granting access for our professionals to get into your market, you cannot hide behind the agreement and get into ours.

So now, all you people who would have been there before, they would get in — that is the catch.

All the new folks, though — you know, the proof in the pudding is in the eating, and they still got the thing in the oven; they have not taken it out.

So my thing is that is the advice I just got — the current advice I just got — but I will definitely confirm that between tonight and tomorrow morning and advise the Committee accordingly.

Asides

MR. CHAIRMAN: Exactly. But this is a pretty full technical write-up that I got, that I just read from Miss Paula Byer, who is the Director of Foreign Trade — and if anybody would know, she would know.

So, on the face of it, we would say yes, Croatia is part, so give them; but her advice is specific — as she says here, let me pull it back up — she says: *"My advice, in my opinion, is that Croatia should not be included at this time."* That is her specific technical advice.

"It does not appear that commitments in respect of services exist as yet between CARIFORUM and Croatia."

Mr. CHAIRMAN: Thank you, Minister; thank you. So we are still on 14. Any other areas?

MRS. ECHELLE ELIE: If I may, Chair — in terms of the other areas, we do have some proposals for the Immigration Bill, based on the discussions and decisions before lunch; so perhaps sharing and explaining what we are suggesting to do will assist the Committee when they receive the draft.

In the Regulations section — Clause 39 of the Immigration Bill, which speaks to the making of regulations — we are replacing paragraphs (l) and (m) of clause 39(1) with the following.

The chapeau is *"The Minister may make regulations"*, and now we have an (l): *"providing for the entry of persons into Barbados for medical treatment"*.

hat is a general provision which would allow for the forms, the procedures, *et cetera*. Then (m)—

MR. CHAIRMAN: Can you repeat, CPC? We do not want you to lose us there. Thirty-nine?

MRS. MECHELLE ELIE: Yes. I am at (l) — a new (l): *"providing for the entry of persons into Barbados for medical treatment"*.

MR. CHAIRMAN: *"Providing for the entry of persons into Barbados for medical treatment."* Right.

MRS. MECHELLE ELIE:

So that is to deal with the medical visitors.

MR. CHAIRMAN: Yes. (m)?

MRS. MECHELLE ELIE: (m) remains the same: *"prescribing the conditions of entry into Barbados of persons generally"*.

Then we have (n): *"providing for the imposition of administrative penalties"* — for contravention, yes.

MR. CHAIRMAN: *"Providing for the imposition of administrative penalties*."

MRS. MECHELLE ELIE: Yes; and we might say *"in accordance with subsection (3)"*. I will read that out shortly.

MR. CHAIRMAN: Sure — *"in accordance with...*". Okay. So you remove the current (l), and you replace it with what we just discussed — the whole medical provision?

MRS. MECHELLE ELIE: Yes. And then the old one — which is actually currently (l) — would be *"generally for carrying out the objects and purposes of this Act";* so we kept that.

And a new subsection (3) would read "*Without prejudice to section 38(2)"* — which speaks to creating offences in subsidiary legislation and attaching a fine of $50 000 or imprisonment for one (1) year to such an offence — so we are saying, without prejudice to the ability to do that, *"regulations made under subsection (1) may provide for a person who contravenes a provision of the regulations..."*

MR. CHAIRMAN: Will you send us that? Because you are moving swiftly. I understand; but will you send us these, please?

MRS. MECHELLE ELIE: Yes; yes, we will send them once they have been approved by the Ministry. But the reason I am seeking to explain it is so that it is a little bit easier; so I will go a little bit more slowly.

Clause 38(2) currently will allow the Minister to make regulations, or any subsidiary legislation, and provide for an offence — create offences in that subsidiary legislation.

Such offences will attract a fine of $50 000 or imprisonment for one (1) year, or both.

Now, in the regulation-making provision, what we are seeking to do, in accordance with what the Minister articulated as Government's policy, is to provide for the imposition of administrative penalties for breach of regulations or, where we have it, breach of the Act.

Now, if you look at Clause 19(4) and (5), I believe, which deal with the work permits and the imposition of administrative penalties for the work permits, we have that provision there.

Are you seeing it?

MR. CHAIRMAN:

Clause 19.

MRS. MECHELLE ELIE: CLAUSE 19(4). We provided for an administrative penalty in accordance with Government's policy; and then we spoke in clause 19(5) to providing for subsidiary legislation to prescribe for contravention of that legislation also to attract an administrative penalty not exceeding $50 000.

But that provision at that time was limited to work permits — subsidiary legislation on work permits.

Now that the Minister has mentioned that Government is looking more broadly at the administrative penalty framework, in relation even to contravention of provisions related to entry for medical treatment.

We decided to delete Clause 19(5) in favour of a general provision related to administrative penalties in the regulation-making provision.

So the provisions that I quoted are proposals for Clause 39 — dealing with the regulations. That is why we put in that provision for the imposition of administrative penalties, and that is also the reason we defined there as well the quantum of the penalty.

So this is likely to come to the Committee once — if — the Minister approves the proposal.

So, essentially, to summarise: the Bill before you only speaks to administrative penalties in relation to contravention of work permit conditions, et cetera — matters related to work permits; but the Minister, just before lunch, articulated a general position with respect to administrative penalties, to take in not only work permits but regulations dealing with persons entering Barbados for medical treatment as well.

So, because of that, we thought it better to remove clause 19(5) and put general provisions for administrative penalties in the regulation-making provision. Simply that.

MR. CHAIRMAN: Clause 39 — so that becomes what? Which one does that become?

Asides.

MRS. MECHELLE ELIE: 39(1)(n): "*providing for the imposition of administrative penalties in accordance with subsection (3)";* as well as 39(3): *"Without prejudice to section 38(2), regulations made under subsection (1) may provide for a person who contravenes a provision of the regulations to be liable to pay an administrative penalty not exceeding $50 000."*

Simply that.

MR. CHAIRMAN: So we understand. So clause 19(5) goes, and you have made some amendments in Clause 39: you have a new (l), you have a new (n), and you have amended 39(3) as well.

MRS. MECHELLE ELIE:

We have put in a new 39(3) and renumbered the old 39(3) as 39(4).

MR. CHAIRMAN:

Okay. So a new 39(3), and 39(3) becomes 39(4).

MRS. MECHELLE ELIE:

Right. We realised as well, in going over everything, that, with respect to the amendment of the Schedules, the Committee had asked for a provision for the Minister to amend the Schedules — the Fourth Schedule, as well as, I believe, the Fifth Schedule dealing with the ten-point system; so we were proposing two (2) provisions to deal with those.

But when we looked at the recommendation of the Committee with respect to permitted entrants in, I think, Clause 4, there was a recommendation that everything from the old permitted entrants — all categories — should be in the body of the Bill, and it should get parliamentary approval.

I remember when I said that I did not get the impression that the permitted entrants Schedule could be amended just by the Minister on his own. That said, we accept that. We have not done it that way still, but we can achieve the same objective of ensuring that there is parliamentary approval by not having that Schedule capable of being amended by the Minister on his own.

The Clerk mentioned having the Schedule amended subject to affirmative or negative resolution; those are also options.

But again, if it is subject to negative resolution, then it is not very different from taking an amendment Bill forward, in my view. So those are some of the decisions that perhaps might need reconsideration.

But we are proposing that the First, Second and Fourth Schedules can perhaps be amended by the Minister by Order, without being subject to any resolution: The First, which deals with the domestic space; the Second, which deals with the constitution of the Immigration Review Committee; — and the Fourth, which deals with the list of EU countries.

The reason we are suggesting especially the Fourth and the First Schedules is because the issues relate to fact — decisions can be made without reference to... treaties.

And so, for example, on the point made about Croatia, we may have to come back within the next few months or so to include Croatia; hence the reason we are suggesting that perhaps — because that is based on whether or not they have actually agreed fully to the EPA — it is not something that necessarily needs to have parliamentary scrutiny.

And then, with respect to the Third, Fifth and Sixth Schedules — the Third Schedule being the permitted entrants, the Fifth Schedule being the point system, and the Sixth Schedule prohibited persons — so far we have amendment by Order subject to negative resolution; but, considering what it is, it might be better either to leave those Schedules for full parliamentary scrutiny — in which case I am not sure if it makes a difference whether we say by Order subject to affirmative resolution — or whether we just do it with the amendment. But please advise.

MR. CHAIRMAN: You are confident you will be ready with these changes? Because I think Friday we are not only laying this report and the Bills, but we are debating them.

So you will be ready?

MRS. MECHELLE ELIE:

These changes for the Immigration Bill — the ones I am referencing — we made at lunchtime.

But the thing is — which is why we are saying what we have done — they are just proposals still; they still have to be scrutinised by the Ministry.

MR. CHAIRMAN: Okay.

MRS. MECHELLE ELIE: The changes for the Citizenship Bill, on the other hand — because we do not have the full picture yet, full written instructions as to what is required of us, and there are some concepts there that might need fleshing out — I would not want to express the same level of confidence for the Citizenship Bill.

MR. CHAIRMAN: If I may intervene: if I get a sense of how this is going, this Bill has to be ready to be debated on Friday — laid and debated. So, unless... I think we had better get the Minister here. You had better get the Minister on the line; tell the Minister to come online urgently, because we need to know exactly where we are going with this.

MRS. MECHELLE ELIE: If I may, Chair, while we are waiting on the Minister: the only change we have not made yet relates to Croatia, because it does not make sense taking it out unless we are absolutely certain, because it would require renumbering manually.

Apart from that, I think we have made all the changes required of us. Well — except... oh, except the one for public policy, clause 13; I will put that in now as we wait.

HON. G. P. B. NICHOLLS: Good afternoon. I have re-joined.

MR. CHAIRMAN: Thank you for joining us. We are here trying to finalise the latest changes to both the Immigration and Citizenship Bills, and CPC has proposed a number of amendments that require your signature, whether it is a verbal or a digital signature.

We want these Bills — and also to debate them — in Parliament on Friday; so we do not want to come back tomorrow.

So it is critical that you join us, as the Minister who has responsibility for these Bills.

I will hand over to CPC to take us through the next half an hour, because I do not think we should be more than half an hour.

MRS. MECHELLE ELIE: Oh, thank you, Chair. I hope not; I hope not myself, since today's work is still to be done.

All right, Minister: just to give some context, all we have done is try to accomplish, during our lunch break, the changes decided upon by the Committee.

Some of the changes we made to the Bill are as a consequence of changes decided by the Committee as well, especially given your intervention about the persons visiting Barbados for medical purposes.

HON. G. P. B. NICHOLLS: Yes.

MRS. MECHELLE ELIE: So, just to give some context: you would recall that Clause 19 of the Bill was the only provision in the Bill where we had provided for administrative penalties; and we also provided in clause 19 for regulations surrounding work permits — I should say, for contravention of regulations made on work permits — to attract an administrative penalty as …

HON. G. P. B. NICHOLLS: —well, in 19(4) and (5).

MRS. MECHELLE ELIE: But then, when you came and you articulated a position on persons visiting for medical treatment, you also mentioned that any regulations done for that purpose would also not attract criminal liability, but administrative penalties as well, in keeping with Government's general policy.

HON. G. P. B. NICHOLLS: Yes.

MRS. MECHELLE ELIE: That being the case, I mentioned that we should then put something in the Regulations generally, dealing with administrative penalties, because now we are broadening the framework for administrative penalties — not just dealing with it under Clause 19.

So what we did during our lunch break was to delete Clause 19(5), which dealt with the regulation-making including administrative penalties, and revise Clause 39, which deals with the regulation-making power, to include not only provision for conditions dealing with entry into Barbados for medical purposes, but also to include provisions on administrative penalties.

HON. G. P. B. NICHOLLS:

Yes.

MRS. MECHELLE ELIE: Right. So we have included, rather than the existing clause 39(1)(l) and (m) alone, four (4) paragraphs — (l), (m), (n) and (o).

The first, (l), provides for *"providing for the entry of persons into Barbados for medical treatment"*; that is empowering the Minister, as you had suggested.

HON. G. P. B. NICHOLLS: Yes.

MRS. MECHELLE ELIE: Right. (m) repeats a provision that is already there in the Bill, concerning prescribing conditions of entry into Barbados of persons generally, and (n) provides for the imposition of administrative penalties in accordance with subsection (3) — I will get to subsection (3) just now. And (o) — sorry — repeats what used to be the last provision, I believe: *"generally for carrying out the objects and purposes of this Act"*.

So, we have renumbered the existing 39(3) as (4), and we have put in a new (3). This (3) will say *"without prejudice to section 38(2)"* — 38(2) allows for the Minister to make subsidiary legislation and create offences which will attract a certain term of imprisonment and fine — so, without prejudice to the ability to do that, *"regulations made under subsection (1) may provide for a person who contravenes a provision of the regulations to be liable to pay an administrative penalty not exceeding $50 000"*.

So what it does mean, however, is that any regulations made under subsection (1), in keeping with what you have articulated as Government's policy, can attract an administrative penalty, or can attract a fine, depending on the decision taken at the time.

HON. G. P. B. NICHOLLS:

Okay; understood.

MRS. MECHELLE ELIE:

Now, there was also a discussion on amending the Schedules.

I believe the discussion arose especially in relation to the Fourth Schedule, where we list the EU member countries; and the discussion arose on the basis of the fact that countries might join — it becomes a question of fact, no discretion really, if they accede to the EPA.

So we suggested — we are putting in another provision to deal with the amendment of the Schedules.

Now, what also arose is the question of whether the Minister should be allowed to amend the Fifth Schedule, dealing with the point system; and I believe the answer was in the affirmative, so we also put in provisions for that.

But we have separated the amendment of Schedules into two (2) categories: one in which the Minister may amend without parliamentary scrutiny, and the other in which the Minister amends subject to parliamentary scrutiny.

And I believe that originally — and I saw it in the report — with the permitted entrants, you might have made a proposal for all permitted entrants to be in the body of the Bill.

HON. G. P. B. NICHOLLS: Yes.

MRS. MECHELLE ELIE:

Unfortunately, that did not occur; so the permitted entrants have remained in the Schedule. They are subject to the regular parliamentary process as it stands now.

HON. G. P. B. NICHOLLS:

Okay; I can live with that, CPC.

MRS. MECHELLE ELIE: Right. Because the other thing is, it would have made it rather cumbersome if we had put the entire list — that is the truth — in the body, right? So the question is how we amend those provisions?

The First Schedule, dealing with domestic space — a question of fact again: which lists of countries are in there.

The Second Schedule, dealing with the constitution of the Immigration Review Committee, and the Fourth Schedule, dealing with the EPA — the EU countries — we are proposing to amend without parliamentary scrutiny: simply, the Minister may amend by Order.

HON. G. P. B. NICHOLLS: Yes.

MRS. MECHELLE ELIE: The Third, Fifth and Sixth Schedules we are proposing may be amended subject to some form of resolution; at the moment we have negative resolution.

Remember, the Third Schedule deals with the permitted entrants, the Fifth Schedule with the point system, and the Sixth Schedule with prohibited persons.

Now, it is a question of policy as to what resolution one would want to impose in the cases of amending those; but if we get to this stage, my suggestion is this: if we are going to get to the stage of amendment by affirmative resolution, then it is not very different from doing a Bill, so we may as well just omit an amendment by Order and retain those as subject to parliamentary scrutiny.

In the draft report of the Committee there was a suggestion — and I believe it might have come from you — that the permitted entrants list should be subject to parliamentary approval in any event.

HON. G. P. B. NICHOLLS: Yes; yes, I did make that point.

MRS. MECHELLE ELIE: But I believe, for the point system, the Committee had some discussion about that being amended outside of the regular parliamentary process — outside of a Bill; hence the reason we put in a provision. But I think, at this stage, we just need to be certain as to what the final instructions are.

Should we just leave the Third, Fifth and Sixth Schedules without a provision for amendment by the Minister, or should we have those Schedules subject to amendment by Order with some sort of resolution attached, whether negative or affirmative?

To me — this is a matter of policy — but, in my view, they are important enough that one can just go back and amend the Bill.

HON. G. P. B. NICHOLLS: I am following you, CPC.

I understand why the part dealing with the point system is more administrative, and therefore the Executive will want to retain the ability to amend those based on policy considerations that are apparent at the time, rather than having to come back to Parliament for approval for that.

So, yes, that is one consideration there.

MRS. MECHELLE ELIE: But if we are to change it — I believe we actually do refer... I would have to go back: does the body of the Bill refer to the ten-point system?

In other words, I think in the discussions it was whether or not we could change the number of points, and I had suggested that we cannot change the number of points by regulations, because that is set out in the Act; and that is where the discussion about amending the Schedule came in.

But when you speak about the administrative oversight, are you thinking in terms of the number of points attaching, or just how you weight it — what weight?

In other words, how you decide whether this person meets the criteria?

HON. G. P. B. NICHOLLS: No, no; that is in the execution phase.

I was speaking about the ability of the Executive, which is Cabinet, to change the configuration for points.

But, CPC, I am happy either way, because I agree with you that, if we amend the Schedule by affirmative resolution, that is the same thing as amending the substantive legislation by way of an amendment Bill.

MRS. MECHELLE ELIE: Indeed. So then, perhaps, what we can do — if the Committee is minded, because I am mindful that we are still in the Committee space — the proposal then can be for the Minister to amend by Order the First, Second and Fourth Schedules.

So, I leave it to the Chair now to decide if that reflects sufficiently the discussions of the Committee.

HON. G. P. B. NICHOLLS:

Yes. I think I am happy with that.

MR. CHAIRMAN: The First, Second and Fourth Schedules — yes.

The First, that is domestic space; the Second, the constitution of the Immigration Review Committee; and the Fourth deals with the EU member states.

We discussed those; I do not think the Members have any difficulty with that.

MRS. MECHELLE ELIE: Thank you for that.

So then that means, I believe, that in terms of the queries we might have finished essentially everything that we were asked to do for this Bill; we will just double-check before sending it out.

So it would just be the Citizenship Bill.

We are awaiting, Minister — if you recall — the additional information in writing; so we cannot give an undertaking until we see what is required, in terms of the delivery times.

HON. G. P. B. NICHOLLS: YES, I will speak to the Attorney-General. I went on to some other things — sorry about that — but I will speak to him.

MR. CHAIRMAN: I did not get the note on the comment on the Citizenship Bill.

MRS. MECHELLE ELIE: We are awaiting written instructions — further written instructions — because we understand, when the Minister spoke before lunch, that we had not yet received full instructions.

We received some, but he mentioned other areas that were discussed, I guess, after we received the information.

So we still need to get that before we can, say, produce the Bill — produce a revised Bill.

MR. CHAIRMAN: Bearing in mind the Minister knows he leads the debate on Friday — so I guess it is in his interest to have the amendments as soon as possible. He leads the debate.

HON. G. P. B. NICHOLLS:

Yes. Mr. Chairman, just for the sake of clarity: I will give some indication as to what the policy is, in writing, and not commit myself to the draft of what we produced before, because we did produce a draft of what the section could look like, and the Prime Minister indicated that that was not really what she had intimated in her discussions with us.

In her earlier meeting today she clarified that, as well as speaking with me this morning. So I have made some notes, and I just want to clarify with the Attorney-General that that is his understanding of what it is.

Basically, it is to grandfather in persons who are in Barbados right now who are not eligible for an application, by reason that they may have come here and they have not regularised themselves; but, apart from that, persons who are ordinarily resident in Barbados, whether lawful or otherwise, but have not committed any crime or any fraud or anything of that nature, that would entitle them for citizenship, may be entitled to apply.

That is what the change being suggested is. And it was somewhere about persons no less than — between *three (3) and seven (7)* years, and the same time periods that people will have to qualify for the various statuses, as well as residence or citizenship.

That is my understanding of what the Prime Minister was suggesting, or what we have agreed; but it is just to put that in writing.

MRS. MECHELLE ELIE: Okay. Thank you, Chair; thank you, Minister. Justice Moore is here as well — do you have any questions, Justice Moore, in terms of the change?

Asides

MRS. MECHELLE ELIE: Right. So he is taking note of the change. . .

HON. G. P. B. NICHOLLS: I will send that to you later — probably in another hour and a half, because I am on the road right now, and the traffic is kind of heavy.

MRS. MECHELLE ELIE: Right. Just to wrap up the discussion on the Immigration Bill — sorry, I forgot to mention: Senator Mallalieu mentioned the deletion of *"at least"* so we have done all those things; we have done those changes already as well, just to assure the Committee about that.

MR. CHAIRMAN: Okay. We were down to the *matters pending.* We said we would leave

those out, because we are focusing on getting our legislation and the report to Parliament.

So we are at the end. I do not think there are any other changes to the Report that we discussed, and the changes to the Bills we have just discussed.

Agreed, Members?

Asides

MR. CHAIRMAN: Again, this is probably our last meeting; our next meeting will be in Parliament. And, yes — thank you, Minister — who by his authority would lead the debate.

MR. CLERK: Mr. Chairman, before you say this is our last meeting: we have to, you know, get the Minutes of this meeting, the transcript of this meeting; and you also have to approve any amendments. Those come in at least one (1) more meeting.

MR. CHAIRMAN: We cannot do this via Zoom and .. .

MR. CLERK: ***C****irculate? A meeting is still a meeting*, and the requirements remain that you still have to have the physical presence of at least the Chairman.

So there is still another meeting — agreed. But bear in mind also that the Senate is meeting tomorrow, and the same persons . . .

MR. CHAIRMAN: It will just be a case of finalising the report.

MR. CLERK: YES.

MR. CHAIRMAN: The same way the Cabinet was able to be flexible today, I guess the other Chamber should be flexible too, because — how many Members from the Senate do we have here?

Asides

HON. G. P. B. NICHOLLS: But if everything is agreed, as they suggest, and it is only formal things to be done—

MR. CHAIRMAN: Yes.

HON. G. P. B. NICHOLLS: Those things can be done prior to the Sitting of Parliament as a formal meeting, because you just formalise the Minutes.

MR. CHAIRMAN: No — we have a transcript; we want to do it before Friday, though. We want to do it before Friday.

MR. CLERK: Minister Nicholls, the reason for doing it before Friday is because there are other Members of Parliament who do not constitute the Executive, and we still need to give them sight of the report before then.

That is the reason.

HON. G. P. B. NICHOLLS: I was just saying that you should exclude those Members of the Executive — that is what I was saying — and that you can do it on Friday morning before Parliament.

MR. CLERK: YES**,** but we cannot send the report out until the Committee has signed off on the report.

HON. MS. C. S. V. HUSBANDS: How soon you all will be able to get the Minutes and the final Report done. Will you be able to get that done by tomorrow?

MR. CLERK: Well, the persons who will do that are around this table; so we are hoping that we can.

HON. MS. C. S. V. HUSBANDS:

Right. So, once you get that done and you send it out and everybody does the reading, can you not just do a quick **Zoom** for people to say "yea" on Wednesday?

MR. CLERK: It still has to be a physical meeting, because the rules do not allow a full **Zoom** meeting.

ASIDES

MR. CLERK: The Chairman has to be here.

SENATOR THE HON. C. P. SINCKLER: Okay.

MR. CHAIRMAN: Three (3) other Members.

HON. MS. C. S. V. HUSBANDS:

And the rest of us could be **online**?

MR. CLERK: And the others could be online.

HON. MS. C. S. V. HUSBANDS:

I could live with that.

Asides.

SENATOR THE HON. C. P. SINCKLER: The hardest part is to get the thing finished; the meeting is no problem.

DR. W. F. DUGUID: In actual fact, I think you could use the fact that there are four (4) Senators on the Committee, and it could be sometime during the time of the Senate meeting that we can get that done.

MR. CHAIRMAN: An excellent point.

DR. W. F. DUGUID: YES, because we would use the opportunity of having the four (4) people; I assume the four (4) Senators will be here anyway.

MR. CLERK: And tomorrow is going to be a long day for the Senate.

Asides

MR. CLERK: We have senior Ministers who will be here.

ASIDES

HON. MS. C. S. V. HUSBANDS: But you may still have a quorum if four (4) of you step out into the Committee Room, you know; because, I mean, it is just a matter of saying "yes".

MR. CLERK: The quorum is *nine (9)* for the Senate.

HON. MS. C. S. V. HUSBANDS:

For the Senate; right.

MR. CLERK: But then the other challenge, obviously — no, not that one — is the one of having the technicians recording both at the same time, because the Senate will be meeting; and remember, we have to record — we have to . . .

Asides

HON. MS. C. S. V. HUSBANDS:

So could you do it any time tomorrow?

MR. CHAIRMAN: Members, we are looking at sometime tomorrow, and we will play it by ear for the evening; but I assume communication will go in the morning as to what time we can meet on Wednesday, which is tomorrow.

MR. CLERK: It will certainly go over to the afternoon.

ADJOURNMENT

MR. CHAIRMAN: Thank you; thank you again. So we meet again tomorrow, and hopefully in the evening.

I want to thank you all again — I was going to thank you prematurely, but tomorrow we will do that for the team and to those who have been associated with this process.

So this meeting now stands adjourned.

AMENDED BILLS

IMMIGRATION BILL, 2026

Dated (2026-08-11)

WITH EXPLANATORY MEMORANDUM

2026-08-11

OBJECTS AND REASONS

This Bill would revise the law regulating the entry of persons into Barbados and would provide for related matters.

Arrangement of Sections

PART I

Preliminary

1. Short title

2. Interpretation

PART II

Immigration Review Committee

3. Review Committee established

4. Functions of Committee

5. Committee need not give reasons

PART III

Entry into Barbados

6. Right to enter Barbados

7. Permitted entrants

8. Reside or reside and work

9. Acquisition of status of permanent resident

10. Additional grounds for acquisition of status of permanent resident

11. Loss of status of permanent resident

12. Prohibited persons

13. Entry without passport

14. Entry into Barbados only at port of entry

15. Duty of person entering Barbados

16. Duty of master of vessel

17. Special provisions as to seamen

18. Charging of crew, stowaway or extra hand

PART IV

Work permits

19. Work permits

20. Application for work permits

21. Security

PART V

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

22. Persons not permitted to enter Barbados

23. Deportation orders

24. Revocation of deportation order

25. Effect of revocation of permission to remain in Barbados

26. Detention

27. Recovery of costs of deportation

PART VI

Administration

28. Responsibility for general management of department

29. Permits

30. Evidence of administrative matters

31. Production of permits

32. Delegation

PART VII

Miscellaneous

33. Seizure and retention of documents

34. Offences

35. Offences re smuggling of persons

36. Penalty for smuggling

37. Forfeiture

38. General penalties

39. Regulations

40. Amendment of Schedules

41. General saving and transitional provision

42. Repeal of Cap. 190

43. Commencement

FIRST SCHEDULE

Domestic Space

SECOND SCHEDULE

Constitution of Immigration Review Committee

THIRD SCHEDULE

Permitted Entrants

FOURTH SCHEDULE

EU Member States

FIFTH SCHEDULE

Maximum Points to be Awarded

SIXTH SCHEDULE

Prohibited Persons

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, 2026*.

Interpretation

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

"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;

"former Act" means the *Immigration Act*, Cap. 190;

"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;

"international organisation" means an organisation certified as such by the Minister;

"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 7;

"permanent resident" means a person granted the status of permanent resident under section 9;

"port of entry" means any place in Barbados designated as a port of entry by regulations made under section 39;

"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;

"work permit" means a permit granted by the Minister under section 19.

(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 other than marriage.

PART II

Immigration Review Committee

Review Committee established

3.(1) There is established a committee to be known as the "Immigration Review Committee".

(2) The *Second Schedule* has effect with respect to the constitution of the Committee and otherwise in relation thereto.

(3) The Committee is a body corporate and section 21 of the *Interpretation Act*, Cap. 1 applies thereto.

Functions of Committee

4.(1) The Committee shall hear and determine appeals made to the Committee

(a) by any person who has been refused the status of permanent resident; and

(b) by any person against whom a deportation order has been made.

(2) An appeal to the Committee against a deportation order stays the execution of the order pending the determination of the appeal.

Committee need not give reasons

5. The Committee need not give reasons for its decision if to do so would be prejudicial to national security or public policy.

PART III

Entry into Barbados

Right to enter Barbados

6.(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

7.(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 *Third 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 *Third 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 *Third 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 subsection (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 *Third 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 and in such circumstances, as the Minister thinks fit, including in cases of emergency or on humanitarian grounds.

(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 *Fourth 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

8.(1) The Minister may, on application made to the Minister in the prescribed form, grant to a person who meets any of the conditions set out in subsection (2), 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.

(2) The conditions referred to in subsection (1) are that

(a) the person has applied to be registered as a citizen of Barbados or for the status of permanent resident, and the application has not yet been determined;

(b) the person has not yet applied to be registered as a citizen of Barbados or for the status of permanent resident but is eligible to apply; or

(c) the person satisfies such other criteria as the Minister may specify by Order subject to negative resolution.

Acquisition of status of permanent resident

9.(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) a minor if he establishes parenthood of that minor to the satisfaction of the Minister; or

(b) a dependant who is under a disability,

to be registered as a permanent resident, if he is willing and able to provide for that minor's or that dependent's care and maintenance.

(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.

(6) A person who

(a) has been granted a Barbados Welcome Stamp within the meaning of section 2 of the *Remote Employment Act, 2020* (Act 2020-23); and

(b) meets such conditions as the Minister may specify by Order subject to negative resolution,

may, upon application to the Minister in the prescribed form, and on payment of the prescribed fee, be registered as a permanent resident of Barbados.

Additional grounds for acquisition of status of permanent resident

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

(a) by reason of age, Barbadian descent, education, skill, experience and financial resources;

(b) has served

(i) in Barbados as a member of staff of a diplomatic mission;

(ii) in any country as a member of staff of an international organisation; or

(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 a period of at least 5 years,

and who is awarded at least 10 points, as set out in the second column of the *Fifth 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 9 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

11.(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

12.(1) Subject to subsection (2), entry into Barbados of the persons described in the *Sixth 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 *Sixth 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 of the *Sixth 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 *Sixth Schedule*;

(d) a person described in paragraph 7 of the *Sixth 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

13. 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

14.(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.

(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

15.(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 referred to 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 other than a citizen, a national of a Member State, or, subject to section 13, 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.

(5) 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.

(6) A person detained under subsection (5) 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.

(7) Removal under subsection (6) 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 22.

(8) 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.

(9) Where a person referred to in subsection (1) is accompanied by a minor whose name does not appear on the same passport of that person or whose surname is different from that person's surname that person shall produce to the immigration officer

(a) the minor's birth certificate;

(b) a certified copy of a Court Order confirming guardianship or custody of the minor; or

(c) such other document as may be prescribed.

(10) If the person referred to in subsection (9) is a parent of the minor, that person shall produce to the immigration officer a notarized letter of consent from the other parent or such other document as may be prescribed.

(11) A person referred to in subsection (10) shall sign a declaration verifying his relationship to the minor.

(12) A person who contravenes subsections (3), (9), (10) or (11) 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.

Duty of master of vessel

16. 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.

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 IV

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 liable to pay an administrative penalty not exceeding $50 000.

(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.

Security

21. The Minister may require the employer or proposed employer of a person in relation to whom a work permit is granted to furnish to the Chief Immigration Officer security in such form as the Minister determines and in such amount as the Minister thinks sufficient to meet the cost of the repatriation of the person to whom the permit relates and his dependants, if any, and in such case the permit shall be of no force or effect until the security is furnished.

PART V

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

Persons not permitted to enter Barbados

22.(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

23.(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

24.(1) Notwithstanding any other provision of this Act, a deportee may, within 48 hours after he is served with the order, appeal to the Immigration Review Committee.

(2) Where a deportee appeals under 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

25. 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 5 years or such shorter period as the Minister may in the Minister's discretion determine.

Detention

26.(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 the relationship between the person and the minor referred to in section 15 (9) cannot be immediately verified, the immigration officer may detain the person and the minor for a period not exceeding 72 hours for the purpose,

and shall inform the Social Empowerment Agency and the Commissioner of Police.

(4) 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.

(5) 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.

(6) 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

27.(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 VI

Administration

Responsibility for general management of department

28.(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 12;

(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

29.(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

30.(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

31.(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

32. 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 VII

Miscellaneous

Seizure and retention of documents

33.(1) For the purposes of this Act, an immigration officer may seize a travel or identity document or any other document produced by a passenger to establish the authenticity of that document.

(2) Any document seized under subsection (1) may be retained so long as is necessary

(a) for use as evidence at a trial for an offence;

(b) for examination;

(c) for investigation in connection with an offence; and

(d) in order to establish its authenticity.

Offences

34. 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 15(3); or

(ii) wilfully makes a false statement in a declaration referred to in paragraph *(a)* of section 15(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 7(5) or section 8, 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

35.(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

36.(1) A person who is convicted under section 35(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 35(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.

Forfeiture

37.(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

38.(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 $50 000 or to imprisonment for a term of one year 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 $50 000 or imprisonment for a term of one year or both.

Regulations

39.(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) providing for the entry of persons into Barbados for medical treatment;

(m) prescribing the conditions of entry into Barbados of persons generally;

(n) providing for the imposition of administrative penalties in accordance with subsection (3); and

(o) generally for carrying out the objects and purposes of this Act.

(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) Without prejudice to section 38(2), regulations made under subsection (1) may provide for a person who contravenes a provision of the Regulations to be liable to pay an administrative penalty not exceeding $50 000.

(4) All regulations made under subsection (1) shall be subject to negative resolution.

Amendment of Schedules

40.(1) The Minister may by Order amend the *First*, *Second*, *Fourth* and *Fifth Schedules*.

(2) The Minister may by Order subject to negative Resolution amend the *Third* and *Sixth Schedules*.

General saving and transitional provision

41.(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

42. The *Immigration Act*, Cap. 190, referred to in this Act as the former Act, is repealed.

Commencement

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

FIRST SCHEDULE

(Sections 2 and 40)

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

(Sections 3 and 40)

Constitution of Immigration Review Committee

1.(1) The Committee comprises

(a) a Minister who shall be the chairperson, other than the Minister responsible for Immigration, appointed by the Minister responsible for Immigration;

(b) the Solicitor General, *ex officio*, or his nominee; and

(c) 2 other persons appointed by the Minister.

(2) The Chief Immigration Officer shall designate a public officer from the Immigration Department to be the Secretary to the Committee.

2.(1) Members of the Committee hold office for 3 years and are eligible for re-appointment.

(2) A member of the Committee who is absent for 3 consecutive meetings of the Committee without the Minister's permission ceases to be a member.

(3) The chairperson may at any time resign his office by instrument in writing addressed to the Minister and upon the date of receipt by the Minister of the instrument the chairperson ceases to be a member.

(4) A member of the Committee other than the chairperson, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairperson to the Minister and upon the date of the receipt by the Minister of the instrument the member ceases to be a member.

3. The Committee shall meet at least once every 3 months

(a) at such times; and

(b) at such places,

as the Committee considers necessary or expedient for the transaction of its business.

4. In the absence of a member or in case of his inability to act, the Minister may appoint any person to act temporarily in the place of the member.

5. The quorum of the Committee at any meeting is the majority of the total membership of the Committee.

THIRD SCHEDULE

(Sections 7(1) and (5) and 40)

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.

FOURTH SCHEDULE

(Sections 7(14) and 40)

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

FIFTH SCHEDULE

(Sections 10 and 40)

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	10
	(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

Fifth 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

SIXTH SCHEDULE

(Sections 12(1) and (2) and 40)

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 sub-paragraphs *(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.

IMMIGRATION BILL, 2026

EXPLANATORY MEMORANDUM

The Bill would revise the law relating to the acquisition, deprivation and renunciation of citizenship of Barbados.

PART I

Preliminary

Clause 1: provides for the short title.

Clause 2: defines the principal terms and expressions used throughout the Bill.

PART II

Immigration Review Committee

Clause 3: establishes the Immigration Review Committee and provides for its constitution.

Clause 4: sets out the functions of the Committee which are to hear and determine appeals from certain immigration decisions.

Clause 5: provides that the Committee is not required to give reasons for its decisions in certain cases.

PART III

Entry into Barbados

Clause 6: recognises the right of citizens and permanent residents to enter Barbados.

Clause 7: lists the categories of other persons who may be permitted to enter Barbados.

Clause 8: empowers the Minister to permit a person to reside, or reside and work, in Barbados.

Clause 9: speaks generally to the acquisition of the status of permanent resident.

Clause 10: provides, as an additional ground, for the status of permanent resident to be acquired on the basis of a 10-point system related, among other things, to age, education and financial resources.

Clause 11: explains how the status of permanent resident may be lost.

Clause 12: specifies the categories of persons who are prohibited from entering Barbados.

Clause 13: sets out the circumstances in which a person may be permitted to enter Barbados without a passport.

Clause 14: provides for entering Barbados only at certain ports.

Clause 15: sets out the obligations of persons entering Barbados.

Clause 16: obliges the master of a vessel to answer questions relating to passengers and crew.

Clause 17: provides for the discharging of seamen from a vessel.

Clause 18: provides for dealing with stowaways.

PART IV

Work Permits

Clause 19: imposes a requirement to have a work permit to work in Barbados in certain cases.

Clause 20: establishes the procedure for applying for a work permit.

Clause 21: provides for security to be required of an employer seeking a work permit.

PART V

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

Clause 22: provides for the removal of persons who are unlawfully in Barbados or whose permission to remain has expired or been revoked.

Clause 23: sets out the procedure for making and executing deportation orders.

Clause 24: provides for appealing against a deportation order with a view to having it revoked.

Clause 25: speaks to the effect of a deportation order.

Clause 26: provides for the detention of persons pending removal or deportation.

Clause 27: provides for recovery of the cost of deportation.

PART VI

Administration

Clause 28: provides for the Chief Immigration Officer to be responsible for the general administration of the Immigration Department.

Clause 29: speaks to the form of permits granted under the Act.

Clause 30: provides for administrative and evidentiary matters necessary for the implementation and operation of the Act.

Clause 31: makes failure to produce a permit where required to do so an offence.

Clause 32: empowers the Minister to delegate functions to the Chief Immigration Officer.

PART VII

Miscellaneous

Clause 33: confers powers on immigration officers to seize and retain travel and identity documents.

Clause 34: creates several offences including those relating to falsifying passports and providing false or misleading information.

Clause 35: provides for the offence of smuggling persons.

Clause 36: prescribes the penalty for smuggling persons.

Clause 37: provides for forfeiture of proceeds from smuggling persons.

Clause 38: prescribes a general penalty for certain offences committed under the Act.

Clause 39: empowers the Minister to make regulations for giving effect to the Act.

Clause 40: empowers the Minister to amend certain Schedules.

Clause 41: contains savings and transitional provisions to facilitate the transition from the *Immigration Act*, Cap. 190 to the new legislative regime.

Clause 42: repeals the *Immigration Act*, Cap. 190.

Clause 43: provides for the commencement of the Act on a date to be fixed by proclamation.

BARBADOS CITIZENSHIP BILL, 2026

Dated (2026-08-11)

WITH EXPLANATORY MEMORANDUM

2026-08-11

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.

Arrangement of Sections

PART I

PRELIMINARY

1. Short title

2. Interpretation

3. Alteration of *Constitution*

PART II

ACQUISITION OF CITIZENSHIP

4. Additional grounds of citizenship and registration of certain persons as citizens

5. Right of refusal to register

6. Registration of minors

7. Certificate of registration and 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. Offences

17. Oath of allegiance

18. General saving and transitional provision

19. Repeal of Cap. 186

20. Commencement

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 in accordance with section 49 of the *Constitution* as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Barbados Citizenship Act, 2026*.

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**;**

"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;

"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;

"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 on which 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 of

(a) any period during which a person was not lawfully resident in Barbados; or

(b) 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 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.

Alteration of *Constitution*

3. This Act alters the *Constitution*.

PART II

ACQUISITION OF CITIZENSHIP

Additional grounds of citizenship and registration of certain persons as citizens

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

(4) Subject to section 5, any person who, on the day immediately preceding the commencement of this Act was 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 5, 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)*; or

(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 270 days during the period of at least 1095 days immediately preceding the date of application.

(6) For the avoidance of doubt, subsection (5) does not apply to a person who becomes a national of a Member State by virtue of a programme or law in respect of the acquisition of citizenship of the Member State through investment or another financial arrangement.

(7) Subject to section 5, 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 360 days during the period of at least 1 460 days immediately preceding the date of application.

(8) 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 the 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.

(9) Notwithstanding section 4 of the *Constitution*, where a person is born in Barbados after the commencement of this Act and no parent of the person

(a) is a citizen or permanent resident of Barbados;

(b) is entitled or eligible to registered as a citizen of Barbados; or

(c) is lawfully residing in Barbados,

the person shall not be registered as a citizen of Barbados unless a parent of the person has been lawfully in Barbados for an aggregate period of at least 120 days during the period of at least 180 days immediately preceding the birth of the person.

(10) The President may, on the advice of the Minister, upon application in the prescribed form, register as a citizen of Barbados, any person who has excelled nationally, regionally or internationally in an endeavour approved by the Minister.

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

(12) The Minister shall, within 3 months of the end of a year, lay in Parliament a report on the number of persons registered as citizens of Barbados pursuant to subsection (10) for the year.

Right of refusal to register

5. 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), (7) or (9) of section 4 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 *Sixth Schedule* of the *Immigration Act, 2026* (Act 2026-) applies.

Registration of minors

6.(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 and effect of registration as a citizen

7.(1) 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.

(2) A person registered under section 4 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 lack allegiance to 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(6) and (7).

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 5.

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 if to do so would prejudice national security or public policy.

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.

Offences

16.(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

17. 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 *Schedule*.

General saving and transitional provision

18.(1) 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.

(2) Regulations made under *Citizenship Act*, Cap. 186 shall continue in force under this Act and shall apply with such adaptations and modifications as circumstances require for the purpose of giving effect to this Act.

(3) The regulations referred to in subsection (2) shall remain in force until revoked by regulations made under this Act.

Repeal of Cap. 186

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

Commencement

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

SCHEDULE

(Section 17)

Barbados Citizenship Act, 2026
(Act 2026-)

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

BARBADOS CITIZENSHIP BILL, 2026

EXPLANATORY MEMORANDUM

The Bill would revise the law relating to the acquisition, deprivation and renunciation of citizenship of Barbados.

Clause 1: provides the short title.

PART I
PRELIMINARY

Clause 2: provides definitions for certain terms used in the Bill and the method for calculating "any period of residence in Barbados", the citizenship of a person born aboard a ship.

PART II
ACQUISITION OF CITIZENSHIP

Clause 3: provides for the legislation to alter the Constitution. This is necessary since clause 4(9) limits the constitutional right of a person to be registered as a citizen upon birth in Barbados.

Clause 4: sets out the categories of persons who will acquire citizenship by virtue of this legislation.

Clause 5: provides for right of the Minister in the interest of national security to refuse to register a person as a citizen Barbados.

Clause 6: provides for the registration of minor children of persons who acquire citizenship.

Clause 7: sets out the procedure for the issue of a certificate of registration and explains the effect of registration as a citizen.

PART III
LOSS OF CITIZENSHIP

Clause 8: sets out the procedure for the renunciation of citizenship of Barbados who was a citizen.

Clause 9: sets out the procedure by which the Minister may deprive a naturalized citizen of his citizenship.

Clause 10: sets out the procedure by which the Minister may deprive a citizen of Barbados of his citizenship where he was deprived of citizenship of another country.

Clause 11: provides for the resumption of citizenship of Barbados where a citizen by birth or descent renounced his citizenship.

PART IV
MISCELLANEOUS

Clause 12: provides for the Minister to issue a certificate of citizenship in respect of a person whose citizenship of Barbados is in doubt.

Clause 13: provides that the Minister's decision in respect of an application for registration of citizenship of Barbados is final.

Clause 14: provides for the evidentiary status of a notice, certificate order or declaration granted under the legislation or the *Constitution*.

Clause 15: provides for the Minister to make regulations.

Clause 16: makes it a criminal offence to supply false information t obtain citizenship and to fail to surrender citizenship certificate as required by the regulations. Offences.

Clause 17:	mandates that an applicant for citizenship must take the oath of allegiance prior to their registration as a citizen.
Clause 18:	provides for the savings of regulations and transitional provisions in relation to pending applications for citizenship.
Clause 19:	provides for the repeal of the existing Act.
Clause 20:	provides for the commencement of the Act by Proclamation.

REPORT OF THE JOINT SELECT COMMITTEE (STANDING) ON GOVERNANCE AND POLICY MATTERS

THE JOINT SELECT COMMITTEE (STANDING) ON GOVERNANCE AND POLICY MATTERS

(OFFICIAL REPORT)

REPORT

OF THE

JOINT SELECT COMMITTEE (STANDING) ON GOVERNANCE AND POLICY MATTERS

ON THE

IMMIGRATION BILL, 2025

AND THE

BARBADOS CITIZENSHIP BILL, 2025

HELD IN THE SENATE CHAMBERS,

PARLIAMENT BUILDINGS, TRAFALGAR STREET, BRIDGETOWN

1.0 BACKGROUND AND ESTABLISHMENT

1.1 The Joint Select Committee (Standing) on Governance and Policy Matters was established pursuant to the Standing Orders of the Houses of Parliament. The Committee is mandated to examine and report on matters relating to governance and policy, including legislation referred to it by the Houses.

1.2 On the committal of the Immigration Bill, 2025, and the Barbados Citizenship Bill, 2025, to the Committee, it commenced its detailed examination and scrutiny of both pieces of legislation on Monday, September 1, 2025. The Committee was tasked with reviewing the Bills, considering public submissions and expert evidence, and reporting its findings and recommendations to the Houses of Parliament.

2.0 MEMBERSHIP

2.1 The Committee was constituted with the following Members:

Member	Role	Attendance Notes
Ms. Marsha K.-A. Caddle, M.P.	**Chairman**	Present at all meetings
Dr. Romel O. Springer, J.P., M.P.	**Deputy Chairman (elected Meeting 2)**	Present at all meetings
Mr. Peter R. Phillips, J.P., M.P.	**Member**	Present at Meetings 1, 2, 3, 4; Absent from Meeting 5
Hon. Chad J. Blackman, J.P., M.P.	**Member**	Present at Meetings 1, 2, 3, 4; Absent from Meeting 5
Senator Andwele A. O. Boyce	**Member**	Present at all meetings
Senator Gregory P. B. Nicholls	**Member**	Present at Meetings 1, 2, 4, 5; Absent from Meeting 3
Senator Ryan O. Walters	**Member**	Present at Meetings 1, 2, 3; Absent from Meetings 4 and 5
Senator the Hon. Lindell E. Nurse	**Member**	Present at Meetings 1, 2, 3, 4, 5
Mr. Ralph A. Thorne, K.C., M.P.	**Member (Leader of the Opposition)**	Absent from all meetings

2.2 The Committee regrets to note the absence of the Leader of the Opposition, Mr. Ralph A. Thorne, K.C., M.P., from all proceedings.

3.0 PROCEDURAL FRAMEWORK

3.1 At its first meeting held on September 1, 2025, the Committee established its procedural framework. It was agreed that the Chairman and the Clerk's office would prepare a draft Terms of Reference to guide the public call for evidence, based on the objects of the two Bills.

3.2 The Committee determined to engage broadly with the public, including the Barbadian diaspora in North America and the United Kingdom, through the networks of Barbados' diplomatic missions. It was agreed that submissions could be accepted in various formats, including written representations and oral presentations, the latter of which could be conducted via online platforms to facilitate wider participation.

3.3 The Committee was informed of the timeline prescribed by Standing Order 62(5), requiring a report within three months of committal, excluding recess periods.

4.0 TERMS OF REFERENCE

4.1 The Committee adopted the following Terms of Reference to guide its inquiry:

(a) To examine the Immigration Bill, 2025, and the Barbados Citizenship Bill, 2025, with a view to assessing their compliance with the principles of good governance, fundamental rights, and international obligations of Barbados;

(b) To invite and consider written submissions from interested organisations, groups, and individuals on the provisions of the said Bills;

(c) To hear oral presentations from stakeholders, including the Minister responsible for the Bills, the Barbados Bar Association, and other interested parties;

(d) To conduct a clause-by-clause examination of the Bills, informed by the technical advice of the Office of the Chief Parliamentary Counsel and the evidence received;

(e) To formulate recommendations for amendments to the Bills, where appropriate, and to report its findings and recommendations to the Houses of Parliament.

5.0 SUMMARY OF PROCEEDINGS

The Committee held five meetings between September 1, 2025, and November 14, 2025. The proceedings are summarised as follows:

Meeting	Date	Principal Business
First Meeting	September 1, 2025	Election of Chairman; establishment of Terms of Reference; identification of stakeholders; procedural planning.
Second Meeting	November 5, 2025	Election of Deputy Chairman; technical briefing from the Office of the Chief Parliamentary Counsel on both Bills; initial clause-by-clause review.

Meeting	Date	Principal Business
Third Meeting	November 7, 2025	Oral presentation from Mr. Kemar Stuart (New National Party); consideration of ten Written submissions; oral presentation from the Minister of Home Affairs and Information, Hon. W. A. Abrahams, S.C.
Fourth Meeting	November 11, 2025	Oral presentation from the Barbados Bar Association; detailed clause-by-clause deliberation on the Immigration Bill, 2025
Fifth Meeting	November 14, 2025	Detailed clause-by-clause deliberation on the Barbados Citizenship Bill, 2025; agreement on process for drafting final recommendations

6.0 EVIDENCE RECEIVED

6.1 Written Submissions

The Committee received and considered written submissions from the following individuals and organisations:

1. Ms. Annabel Pemberton
2. Ms. Tricia Watson
3. Ms. Lucy McHale
4. Mr. Akil Murray
5. Mr. Peter Thompson
6. Dr. Antonio and Cheryl Joyette
7. Ms. Stephanie Holder
8. Mr. Edmund Hinkson, S.C.
9. Ms. Michelle Carter
10. Barbados Bar Association (supplemental written submission following oral presentation)

6.2 Oral Presentations

The Committee heard oral evidence from the following:

1. **Mr. Kemar Stuart** (Political Leader, New National Party) November 7, 2025
2. **Hon. W. A. Abrahams, M.P., S.C.** (Minister of Home Affairs and Information) November 7, 2025
3. **Mrs. Kaye Williams** (President, Barbados Bar Association) and **Ms. Lynne-Marie Simmons** (Convener, Law Reform and Legislation Committee, Barbados Bar Association) November 11, 2025.

6.3 Technical Assistance

The Committee received technical guidance throughout its proceedings from:

- Mrs. Mechelle Elie, Chief Parliamentary Counsel
- Hon. Sherman Moore, CHB (Retired Justice of Appeal and Former Chief Parliamentary Counsel)

7.0 DETAILED DELIBERATIONS ON THE IMMIGRATION BILL, 2025

The Committee conducted a thorough clause-by-clause examination of the Immigration Bill, 2025, at its Second and Fourth Meetings, informed by the technical briefing and public evidence received.

Clause 3 – Right to enter Barbados

The Committee discussed a recommendation from the Bar Association regarding clarifying language on a permanent resident's right to enter. The Chief Parliamentary Counsel (CPC) advised that the proposed words were outdated and that permanent resident status inherently confers the right to enter. The Committee accepted this advice.

Clause 4 – Permitted entrants

The Committee discussed cross-references to CARICOM legislation and definitions related to Economic Partnership Agreements (EPAs). The CPC agreed to harmonise definitions with the language in the EPAs. A recommendation to expand the list of countries in Clause 4(1)(c)(ii) was discussed and not considered a current priority.

Clause 5 – Reside or Reside and Work Status

The Committee expressed significant concern that this provision, as drafted, lacked clarity, qualifying criteria, and a defined application process. It was noted that the clause risked replicating the arbitrary nature of the former "immigrant status." The Committee insisted that the clause must define the rights and responsibilities attached to this status and establish clear timelines to prevent indefinite delays. The Minister, in his evidence, explained that the provision codified an existing administrative practice and indicated openness to revisiting it based on the Committee's report.

Clause 6 – Acquisition of status as permanent residents

- *Clause 6(1)(b) – Sufficient Financial Resources:* Members queried how a retired person's "sufficient financial resources" would be determined. The Committee agreed that for the sake of transparency, the criteria should be published, either in regulations or through departmental guidance.
- *Clause 6(3) – Under a Disability:* The Committee agreed that the phrase should be clarified to specify a "legal disability," with a definition or examples provided. Senator Boyce urged that any definition be informed by the Rights of Persons with Disabilities Act and the Convention on the Rights of Persons with Disabilities to avoid an ableist approach.
- *Clause 6(4) – Direct Descendant:* The Committee noted the absence of a definition for "direct descendant" and agreed that one should be provided in the Bill, to be read in conjunction with the Citizenship Bill.

Clause 7 and Fourth Schedule – Points System

The Committee engaged in an extended discussion on the points system. Concerns were raised about:

- The low total of 10 points, creating an overly simplified system.

The lack of detail on how attributes like "education, skill and experience" are weighted and verified.

- The provision allowing excess points to be awarded to dependants over 18, which was seen as overly complex and potentially open to misinterpretation

The Chairman objected to awarding points solely for personal wealth, emphasising the need to shift focus toward productive investment. The Minister confirmed that the points schedule is not fixed and can be adjusted via regulations to meet Barbados's evolving developmental needs. The Committee agreed that the system requires significant refinement, with weighting and criteria to be clearly set out, likely in regulations, to ensure it is a transparent and effective tool.

Clause 8 Loss of Status Permanent Resident

Concern was raised regarding the vague wording "activities detrimental to security of Barbados." The Committee acknowledged the need for flexibility in matters of national security but stressed the importance of balancing this with procedural fairness, particularly the right of appeal.

Clause 9 and Fifth Schedule – Prohibited persons

The Committee strongly objected to the criterion in paragraph 3(a) of the Fifth Schedule: "conduct which offends public morality." Senator Nicholls expressed strong concern, noting that similarly vague language in colonial-era statutes had been struck down by the Caribbean Court of Justice for unconstitutional vagueness. Members argued the phrase was highly subjective. The CPC was requested to explore clearer, more precise language describing the specific behaviour or conduct to be proscribed. The Minister acknowledged the concern and expressed willingness to review alternative wording proposed by the Committee.

Clause 23 – Revocation of Deportation Order Fee

The Committee scrutinised Clause 23(2), which imposes a non-refundable fee of $3,000 for an application to revoke a deportation order, payable within 24 hours. The Chairman argued that the fee was excessive, potentially prohibitive for vulnerable individuals, and disproportionate to the administrative cost. The Deputy Chairman suggested that while a fee might be justifiable to cover costs, the timing should be extended. The Minister explained the fee was intended to discourage frivolous applications but acknowledged the point. The Committee determined to recommend a downward revision of the fee and an extension of the payment timeline.

Clause 35 – Right of appeal

The Committee noted that this clause provides for appeals against decisions of the Chief Immigration Officer. However, a significant concern was raised regarding the practical utility of this right if, as per other provisions, no reasons for the initial decision are given. The Committee emphasised that without reasons, affected persons cannot meaningfully exercise appeal rights and resolved that the effectiveness of this clause must be carefully reconsidered.

Clause 39 – Savings and Transitional

The Committee expressed concern that deeming existing regulations to apply to the new Act could create significant gaps and leave administrators without proper guidance. The Committee strongly recommended that the new Act not be brought into force until the requisite supporting regulations have been drafted and are available.

Welcome Stamp and Special Entry Permit

The Committee discussed the absence of clear provisions for these existing immigration products. The Bar Association raised concerns about the absence of legislative underpinning for the Special Entry Permit and the lack of a transition pathway for Welcome Stamp holders. It was agreed that the legislation must provide a visible and defined pathway for holders of these statuses to transition to permanent residence or citizenship, and that a savings clause should be included to protect the rights of those with existing indefinite permits. The Minister indicated openness to considering how this cohort might be addressed.

8.0 DETAILED DELIBERATIONS ON THE BARBADOS CITIZENSHIP BILL, 2025

The Committee conducted a thorough clause-by-clause examination of the Barbados Citizenship Bill, 2025, at its Second, Third, and Fifth Meetings.

Clause 2 – Interpretation

The Committee recommended no amendments.

Clause 3 – Additional grounds of citizenship

- *Clause 3(1) – Abandoned Newborn Infants:* The Committee discussed the definition of "newborn." Legal advisors clarified that the term is a question of fact to be determined by medical evidence and the circumstances of each case. The Committee accepted that prescribing a fixed timeframe in the legislation would be impractical and could create uncertainty.
- *Clause 3(2) – Citizenship by Descent:* The Committee considered whether the right to transmit citizenship to grandchildren and great-grandchildren should be limited to citizens by birth. Members expressed a unanimous view that there should be no distinction between classes of citizens. The Committee agreed that any citizen of Barbados, regardless of how citizenship was acquired, should be able to pass on citizenship to their descendants under this clause.
- *Clause 3(4) – Transition of Immigrant Status:* The Committee discussed the transition of persons holding "immigrant status" under the former Act. It was noted that the legislation was silent on other statuses, such as the Special Entry Permit and Welcome Stamp. The Committee agreed that this provision should be reviewed to ensure a comprehensive savings and transition framework.
- *Clause 3(5) and 3(6) – Residency Thresholds:* The Committee considered submissions recommending higher residency thresholds for citizenship applications. A divergence of views was expressed. Some Members argued the proposed thresholds were too low to demonstrate genuine commitment to Barbados, while others felt they were sufficient. For non-CARICOM nationals, the majority of the Committee agreed that the aggregate period should be increased to two (2) years out of the three (3) year period (730 days within 1095 days). The matter of thresholds for CARICOM nationals was left for further consideration.
- *Clause 3(8) and First Schedule – Entitlement to Registration:* The Committee discussed proposals to expand the First Schedule to include eminent figures such as former West Indies cricket captains, former Presidents of the Caribbean Development Bank, and former Presidents of the Caribbean Court of Justice. Concerns were raised regarding the lack of a clear policy rationale for selecting specific offices and the risks associated with granting entitlement to Politically Exposed Persons (PEPs). The Committee agreed to recommend that any future amendment to the First Schedule be subject to the affirmative resolution of Parliament.

Clause 4 – Right of refusal to register

The Committee recommended no amendments.

Clause 5 – Registration of minors

The Committee recommended no amendments.

Clause 6 – Certificate of registration

The Committee recommended no amendments.

Clause 7 – Effect of registration as a citizen

The Committee recommended no amendments.

Clause 8 – Renunciation of citizenship

The Committee recommended no amendments.

Clause 9 – Deprivation of citizenship

- *Clause 9(1)(c) – Disloyalty or Disaffection:* The Committee engaged in a lengthy debate on this provision. Legal advisors explained that in law, these terms are intended to capture conduct at a high level, akin to actions undermining the security of the State, such as espionage. Several Members expressed strong concern that the language was overly broad, subjective, and vulnerable to abuse by future administrations, potentially chilling legitimate political expression and dissent. The Minister acknowledged the concern, explaining that these were considered "terms of art" but expressed willingness to review alternative wording proposed by the Committee. The Committee did not reach a final conclusion, with a clear division of opinion on whether to recommend the removal of the clause or its retention with amended language.
- *Clause 9(3) – Enquiry Procedure:* The Committee sought clarity on the form and procedure for an enquiry before a deprivation order can be made. Legal advisors confirmed that procedural details would be a matter for Regulations to be made under the Act. The Committee stressed the importance of these regulations providing a fair and robust process.

Clause 10 – Deprivation where citizenship deprived elsewhere

The Committee recommended no amendments.

Clause 11 – Resumption of citizenship

The Committee recommended no amendments.

Clause 12 – Certificate of citizenship in cases of doubt

The Committee recommended no amendments.

Clause 13 – Minister's discretion

The Committee engaged in a robust discussion on Clause 13, which states that the Minister is not required to assign reasons for a decision and that the Minister's decision shall be final. Senator Nicholls argued that this constituted an "untrammelled, unfettered" discretion, which, combined with the exclusion of citizenship and immigration matters from the Administrative Justice Act, could remove any effective check on ministerial power. Mr. Stuart, in his oral presentation, expressed concern that this could be interpreted as an attempt to oust the jurisdiction of the courts.

Legal advisors clarified that, notwithstanding such clauses, the courts have historically found ways to review executive action where constitutional rights or illegality are in question. While acknowledging the need for confidentiality in national security matters, a proposal was made to amend the clause to allow the Minister to withhold reasons only in such circumstances. The Committee agreed that the clause merited further consideration.

Clause 14 – Evidence

The Committee recommended no amendments.

Clause 15 – Regulations

The Committee noted that Regulations under the Bill would be subject to Negative Resolution.

Clause 17 – Offences

The Committee recommended no amendments.

Clause 20 – Consequential amendments and repeals

The Committee recommended no amendments.

Clause 21 – Commencement

The Committee noted that the Bill would come into operation on a date to be fixed by Proclamation.

9.0 OBSERVATIONS AND CONCLUSIONS

Based on the evidence received and its deliberations, the Committee makes the following observations:

9.1 Lack of Supporting Regulations

A recurring and fundamental concern raised by witnesses and the Committee itself was the absence of accompanying draft regulations. The Bar Association argued that immigration and citizenship law is given effect through regulations, and without them, a full and complete analysis of the Bills' impact is impossible. The Committee observes that critical details regarding fees, application procedures, criteria for the points system, and the nature of enquiries are left to regulations. The Committee concludes that the new legislative framework should not be brought into force until the requisite supporting regulations have been drafted and made available for scrutiny.

9.2 Need for Clarity and Certainty

The Committee observes that several provisions in both Bills lack sufficient clarity, creating uncertainty for potential applicants and risking the perpetuation of arbitrary administrative practices. Provisions such as Clause 5 of the Immigration Bill ("reside and work" status) and definitions such as "direct descendant" and "under a disability" require substantial clarification to ensure a predictable and fair immigration and citizenship regime.

9.3 Ministerial Discretion and Procedural Fairness

The Committee observes a consistent theme in the evidence regarding the breadth of ministerial discretion and the potential erosion of procedural fairness. Provisions that grant the Minister the power to make decisions without providing reasons, and which are expressed to be "final," raise significant concerns regarding transparency and the practical ability of individuals to exercise rights of appeal, even where such rights are nominally provided for.

9.4 Outdated and Subjective Language

The Committee observes that both Bills retain language that is outdated, subjective, and potentially unconstitutional. Phrases such as "conduct which offends public morality" (Fifth Schedule, Immigration Bill) and "disloyal or disaffected" (Clause 9(1)(c), Citizenship Bill) are considered by the Committee to be vague and open to abuse. Senator Nicholls noted that similarly vague language in colonial-era statutes had been struck down by the Caribbean Court of Justice for unconstitutional vagueness. The Committee concludes that such provisions should be replaced with more precise and objectively verifiable language.

9.5 Integration of Existing Immigration Products

The Committee observes that popular and successful immigration products, such as the Barbados Welcome Stamp and the Special Entry Permit, are not adequately integrated into the legislative framework of the Bills. The Bar Association raised concerns about the absence of legislative underpinning for the Special Entry Permit, which is currently governed by Cabinet decisions, and the lack of a transition pathway for long-term Welcome Stamp holders. This creates uncertainty for holders of these statuses regarding their pathway to permanent residence and citizenship.

9.6 Citizenship by Descent and Documentation

The Committee notes the Bar Association's concern regarding the practical difficulty applicants would face in obtaining the necessary original documentation (birth and marriage certificates) to prove lineage across multiple generations for great-grandchildren seeking citizenship by descent. The Committee acknowledges that while the policy intent is sound, the implementation must be workable.

9.7 Balancing Competitiveness with Safeguards

The Committee acknowledges the policy imperative, as articulated by the Minister, to attract persons to Barbados to address a declining and aging population and to sustain the National Insurance and Social Security (NISS). However, the Committee concludes that this objective must be carefully balanced with robust safeguards to protect the integrity of Barbadian citizenship and the country's international reputation. The Bar Association's caution regarding the framing of "financial resources" in the points system to avoid any perception of a citizenship-by-investment scheme, with reference to OECD guidelines, is well-founded.

9.8 Appeals Mechanism

The Committee notes the divergence of views regarding the appropriate appeals mechanism. While the Minister noted the practical and security challenges of empowering a tribunal to review decisions based

on confidential national security information, multiple witnesses, including the Bar Association and individual submitters, called for an independent appeals tribunal. The Committee observes that the current Bill retains a right of appeal against decisions of the Chief Immigration Officer, which is heard by a committee including the Minister, but questions the practical utility of this right in the absence of reasons for decisions.

10.0 RECOMMENDATIONS

Arising from its deliberations and the evidence received, the Committee recommends as follows:

10.1 Recommendations Pertaining to Both Bills

No.	Recommendation	Source/Reference
1	That the relevant Ministry prioritise the drafting of all necessary regulations under both Bills and make them available for public and parliamentary scrutiny before the Bills are passed and brought into force. The Committee strongly recommends that the new Act not be brought into force until the requisite supporting regulations have been drafted and are available.	Minutes 2, 3, 4; Bar Association submission; Edmund Hinkson, S.C. submission
2	That any future amendments to the First Schedule of the Citizenship Bill, which lists persons entitled to be registered as citizens, be subject to the affirmative resolution of Parliament to ensure full oversight.	Minutes 5
3	That the Government give further consideration to establishing an independent Immigration and Citizenship Appeals Board or Tribunal, with appropriate expertise and resources, to hear appeals against administrative decisions, with narrow and clearly defined exceptions for matters of national security.	Minutes 3, 4; Bar Association submission; Dr. Antonio and Cheryl Joyette submission

10.2 Recommendations Pertaining to the Immigration Bill, 2025

No.	Recommendation	Source/Reference
1	**Clause 5:** That the clause be substantially revised to include clear qualifying criteria, a defined maximum duration tied to the processing of a substantive application for permanent residence, and a statement of the rights and responsibilities attached to this status.	Minutes 2, 4
2	**Clause 6:**	
	(a) That a definition of "direct descendant" be inserted into the Bill.	Minutes 2, 4
	(b) That the phrase "under a disability" in Clause 6(3) be clarified to specify a "legal disability," with a definition or examples provided, and that any definition be informed by the Rights of Persons with Disabilities Act.	Minutes 2, 4
	(c) That the criteria for determining "sufficient financial resources" for retired persons be published, either in regulations or through departmental guidance, to ensure transparency and predictability.	Minutes 2, 4
3	**Clause 7 and Fourth Schedule:** That the points system be refined to ensure it is a transparent and effective tool. The weighting of attributes such as education, skills, and experience should be clearly set out, and the mechanism for dealing with dependants should be simplified to avoid the transfer of points. The inclusion of "financial resources" must be carefully framed to avoid any perception of a citizenship-by-investment scheme, with due regard to OECD guidelines.	Minutes 2, 4; Bar Association submission
4	**Fifth Schedule:** That the phrase "conduct which offends public morality" be removed and replaced with more specific language describing the behaviour or conduct to be proscribed, or that the provision be deleted entirely.	Minutes 2, 4

5	**Clause 23:** That the quantum of the $3,000 non-refundable fee be revised downward to an amount that is reasonable and proportionate to the administrative cost, and that the 24-hour timeline for payment be extended to allow a person a reasonable opportunity to source the funds.	Minutes 2, 3, 4
6	**Clause 35:** That the effectiveness of the right of appeal be reconsidered in conjunction with the provision regarding reasons for decisions, to ensure that an appeal can be meaningfully pursued.	Minutes 4
7	**Welcome Stamp and Special Entry Permit:** That the legislation include provisions to create a visible and defined pathway for holders of the Barbados Welcome Stamp and indefinite Special Entry Permits to apply for permanent residence, and that a savings clause be included to protect the rights of existing holders.	Minutes 4; Bar Association submission; Lucy McHale submission; Peter Thompson submission

10.3 Recommendations Pertaining to the Barbados Citizenship Bill, 2025

No.	Recommendation	Source/Reference
1	**Clause 3(5) and 3(6):** That the residency requirement for non-CARICOM nationals applying for citizenship be increased to an aggregate period of two (2) years within the three (3) years immediately preceding the date of application (730 days within 1095 days), to ensure a more substantial connection to Barbados. The Committee recommends that the thresholds for CARICOM nationals be the subject of further consultation with the Ministry.	Minutes 5; Edmund Hinkson, S.C. submission; Michelle Carter submission
2	**Clause 3(4):** That the provision be reviewed to ensure it adequately addresses the transition of all existing immigration statuses, including holders of indefinite Special Entry Permits, to the new framework.	Minutes 5
3	**Clause 9(1)(c):** That the language in Clause 9(1)(c) ("disloyal or disaffected") be reviewed with a view to replacing it with more precise, objectively verifiable grounds for deprivation, such as those related to national security, terrorism, or serious criminality.	Minutes 3, 5; Mr. Kemar Stuart submission; Mr. Akil Murray submission

No.	Recommendation	Source/Reference
4	**Clause 13:** That the clause be amended to require the Minister to provide reasons for decisions, except in circumstances where the Minister certifies that to do so would be prejudicial to national security or the public interest. It should also be made clear that the clause does not oust the supervisory jurisdiction of the High Court.	Minutes 2, 3, 5

11.0 CONSIDERATION OF THE DRAFT REPORT

11.1 The Committee agreed at its fifth meeting held on Friday, November 14, 2025, that the Chairman and Senator Andwele A. O. Boyce would prepare an initial draft of the Committee's recommendations based on the deliberations on both Bills.

11.2 This draft was to be circulated to all Members for comment, and a subsequent meeting was to be scheduled to review, amend, and formally adopt the final report. The formal adoption of this report will be recorded in the minutes of that subsequent meeting.

12.0 CONCLUSION AND THANKS

12.1 The Committee wishes to record its appreciation to all individuals and organisations who contributed to its work by submitting written representations and making oral presentations. Their insights were invaluable to the Committee's deliberations. The Committee particularly acknowledges the contributions of:

- Ms. Annabel Pemberton
- Ms. Tricia Watson
- Ms. Lucy McHale
- Mr. Akil Murray
- Mr. Peter Thompson
- Dr. Antonio and Cheryl Joyette
- Ms. Stephanie Holder
- Mr. Edmund Hinkson, S.C.
- Ms. Michelle Carter
- Mr. Kemar Stuart, Political Leader of the New National Party
- The Barbados Bar Association, represented by Mrs. Kaye Williams and Ms. Lynne-Marie Simmons
- The Minister of Home Affairs and Information, Hon. W. A. Abrahams, S.C.

12.2 The Committee also extends its sincere thanks to the Office of the Chief Parliamentary Counsel, particularly Mrs. Mechelle Elie and Hon. Sherman Moore, C.H.B., for their expert technical guidance throughout the inquiry.

12.3 Finally, the Committee acknowledges with gratitude the diligent support of the Clerk of Parliament, Mr. Pedro E. Eastmond, the Deputy Clerks, Mr. Nigel R. Jones and Ms. Beverley S. Gibbons, Miss Suzanne Hamblin and the Journal Department, who facilitated the smooth conduct of the Committee's proceedings.

13.0 APPENDICES

The following documents form part of this Report:

Appendix 1: Minutes of Proceedings

- Minutes of the First Meeting held on September 1, 2025
- Minutes of the Second Meeting held on November 5, 2025
- Minutes of the Third Meeting held on November 7, 2025
- Minutes of the Fourth Meeting held on November 11, 2025
- Minutes of the Fifth Meeting held on November 14, 2025

Appendix 2: Written Submissions Received

1. Submission from Ms. Annabel Pemberton (September 1, 2025)
2. Submission from Ms. Tricia Watson (November 7, 2025)
3. Submission from Ms. Lucy McHale (November 7, 2025)
4. Submission from Mr. Akil Murray (November 7, 2025)
5. Submission from Mr. Peter Thompson (November 7, 2025)
6. Submission from Dr. Antonio and Cheryl Joyette (November 7, 2025)
7. Submission from Ms. Stephanie Holder (November 7, 2025)
8. Submission from Mr. Edmund Hinkson, S.C. (November 7, 2025)
9. Submission from Ms. Michelle Carter (November 7, 2025)
10. Written Submission from the Barbados Bar Association (November 11, 2025, with supplemental submission)

Appendix 3: Record of Oral Presentations

- Transcript of Oral Presentation by Mr. Kemar Stuart (New National Party) – November 7, 2025
- Transcript of Oral Presentation by Hon. W. A. Abrahams, S.C. (Minister of Home Affairs and Information) – November 7, 2025
- Transcript of Oral Presentation by the Barbados Bar Association – November 11, 2025

Appendix 4: Correspondence and Other Documents

- Public Advertisement calling for submissions
- Correspondence with witnesses and stakeholders
- Terms of Reference (as agreed by the Committee)

MINUTES OF PROCEEDINGS

PARLIAMENT OF BARBADOS
(FIRST SESSION OF 2022 - 2027)

JOINT SELECT COMMITTEE (STANDING)
ON GOVERNANCE AND POLICY MATTERS

Minutes of the First Meeting of the Joint Select Committee (Standing) on Governance and Policy Matters to review and examine the Barbados Citizenship Bill, 2025 and the Immigration Bill, 2025 held in the Senate Chamber, Parliament Buildings, Trafalgar Street, Bridgetown, St. Michael on Monday, 1st September, 2025 at 3:00 p.m.

PRESENT WERE:

Ms. Marsha K.-A. Caddle, M.P. (Chairman)
Mr. Peter R. Phillips, J.P., M.P.
Hon. Chad J. Blackman, J.P., M.P
Senator Andwele A. O. Boyce
Senator Gregory P. B. Nicholls
Senator Ryan O. Walters
Senator the Hon. Lindell E. Nurse
Dr. Romel O. Springer, J.P., M.P.

ABSENT:

Mr. Ralph A. Thorne, K.C., M.P.

IN ATTENDANCE WERE:

Ms. Beverley S. Gibbons, *Deputy Clerk of Parliament*
Miss J'anne C. Greenidge, *Typist (Journal Department)*
Hon. Sherman Moore, CHB *Retired Justice of Appeal and former Chief Parliamentary Counsel*
Ms. Gabrielle Whitehall, *Parliamentary Counsel (Ag.)(Parliamentary Counsel's Office)*

Item 1: Call to order

The Deputy Clerk of Parliament called the Meeting to order at 3:15 p.m. and welcomed the members in attendance.

Item 2: Election of Chairman and Deputy Chairman

On the motion of Mr. P. R. Phillips seconded by Hon. C. J. Blackman, Ms. M. K.-A. Caddle was appointed Chairman of the Committee. The election of Deputy Chairman was deferred until the next meeting.

Item 3: Execution of the Terms of Reference

There being no Terms of Reference presented to the Committee, the members were asked to review the Immigration Bill, 2025 and the Barbados Citizenship Bill, 2025 so that recommendations could be made to assist in the drafting of the said Terms of Reference. It was agreed that the draft recommendations would be circulated *via* email for feedback.

Item 4: Determination of which organisations, interest groups and individuals who would be invited by the Clerk's office to make written submissions and or oral presentations, *etc.*

It was agreed that notwithstanding the Barbados Bar Association's participation, there would be other groups and organisations that would have a specific interest in both pieces of legislations. It was suggested that consideration should be given to those persons in the diaspora – North America and the United Kingdom. The members of the Committee agreed to make recommendations relative to the list of interest groups *etc.* which would be circulated *via* email for consideration.

Item 5: Advertisement by the Clerk's Office to the public; timelines to submit written submissions and to make oral presentations; methods and timeline for the Committee to finish deliberations on the Bills and to complete the Report to be laid in the House of Assembly

Having noted that there were no Terms of Reference presented to the Committee, it was estimated that the Advertisement would be completed for distribution within a month's time. No decision was made with regard to the timelines to submit written submissions and to make oral presentations. In relation to the timeline for the Committee to finish deliberations on the Bills and to complete the Report to be laid in the House of Assembly the Deputy Clerk of Parliament referenced Standing Order 62.5 which basically states that any period during which the House of Assembly is in recess should not be counted. Therefore, that period up until 16th September 2025 would be excluded from within the three (3) months' timeline for the Committee to report back to the House.

Item 6: Any other Business

Madam Chair indicated to the Committee that there was one written submission received from a Ms. Annabel Pemberton with regards to the Barbados Citizenship Bill, 2025. It was decided that submissions would be examined after the Committee had approved the Terms of Reference.

ADJOURNMENT

There being no other business, the Chairman adjourned the meeting *sine die.*

Deputy Clerk of Parliament

Confirmed this day of 2025.

Chairman

PARLIAMENT OF BARBADOS
(FIRST SESSION OF 2022 - 2027)

JOINT SELECT COMMITTEE (STANDING)
ON GOVERNANCE AND POLICY MATTERS

Minutes of the Second Meeting of the Joint Select Committee (Standing) on Governance and Policy Matters to review and examine the Barbados Citizenship Bill, 2025 and the Immigration Bill, 2025 held in the Senate Chamber, Parliament Buildings, Trafalgar Street, Bridgetown, St. Michael on Wednesday, 5th November, 2025 at 10:00 a.m.

PRESENT WERE:

Ms. Marsha K.-A. Caddle, M.P. (Chairman)
Mr. Peter R. Phillips, J.P., M.P.
Hon. Chad J. Blackman, J.P., M.P
Senator Andwele A. O. Boyce
Senator Gregory P. B. Nicholls
Senator Ryan O. Walters
Senator the Hon. Lindell E. Nurse
Dr. Romel O. Springer, J.P., M.P.

ABSENT:

Mr. Ralph A. Thorne, K.C., M.P.

IN ATTENDANCE WERE:

Mr. Pedro Eastmond, *Clerk of Parliament*
Ms. Beverley S. Gibbons, *Deputy Clerk of Parliament*
Mr. Nigel Jones, *Deputy Clerk of Parliament*
Miss Suzanne Hamblin, *Library Assistant (Journal Department)*
Hon. Sherman Moore, CHB, *Retired Justice of Appeal and former Chief Parliamentary Counsel*
Mrs. Mechelle Elie, *Chief Parliamentary Counsel (Parliamentary Counsel's Office)*

Item 1: Call to order

Madam Chairman called the Meeting to order at 10:34 a.m. and welcomed everyone.

Item 2: Minutes of the First Meeting held on Monday, 1st September, 2025

The Minutes of the Meeting held on Monday, 1st September, 2025 were taken as read and were confirmed on the motion of Senator Gregory P. B. Nicholls seconded by Hon. Chad J. Blackman.

Item 3: Matters Arising

The deferral of the election of the Deputy Chairman was raised by the Clerk of Parliament. He noted that Dr. Romel O. Springer was the previous Deputy Chairman to the Committee.

Item 4: Consideration of the Bills

Mrs. Mechelle Elie, Chief Parliamentary Counsel (CPC) presented a brief overview of the following Bills and also gave consideration to certain questions posed by the members of the Committee:

1) ***Immigration Bill, 2025:***

She highlighted that the major proposed changes to the Immigration Bill, 2025 was to:

a) Expand the list of permitted entrants under the legislation to include persons based on the Economic Partnership Agreements with the United Kingdom and the European Union pursuant to Clause 4;
b) Allow for a codification of the work and residence status that the Immigration Department currently grants; and

c) Create a point system to enable a person to acquire points in securing the status of permanent resident.

She emphasised that many of the provisions in the existing Immigration Act, CAP. 190 still remained. Additionally, in relation to existing special entry permits, those were grandfathered as per Clause 4(12).

She stated that Clause 5, "Reside or reside and work", puts into law what was administrative practice. However, Madam Chairman queried the basis for this provision as it appeared to fall outside the criteria on how a person acquires permanent residency status within the Bill. She further queried what was the difference between 'reside and work' and 'permanent residency'.

Hon. Sherman Moore resolved the concerns by outlining some of the circumstances under which an individual may be granted or qualified for 'reside and work' status as per a recent Cabinet Paper. He explained that these permitted entrants and visitors resided for a number of years even after the expiration of the time granted to them on entry by the Immigration Department. However, if merited by the circumstances, they were granted the status of 'reside and work' initially for a three-year period.

Madam Chairman suggested that the circumstances under which an applicant is eligible for 'reside and work' should be made clearer under this provision so as not to take away the discretionary powers of the Minister.

"Acquisition of status of permanent resident".

Clause 6(1)(b), *"a retired person and his dependants if they have sufficient financial resources to maintain themselves"*. Madam Chairman queried whether this was determinant on Regulations or it was discretionary upon the Minister. It was pointed out that this was a policy issue and certain Regulations could assist in clarification but there had to be some amount of discretion.

A concern was raised as to what was meant by the word "disability" in Clause 6(3). It was explained that in this context, it was a legal disability. However, it was suggested that it should be defined within the Bill and such a definition should be sought from the Rights of Persons with Disabilities Bill, 2025; Barbados' National Policy on Disability; and the Convention on the Rights of Persons with Disabilities.

In relation to the words ‘direct descendant’ within Clause 6(4) it was noted that there would have to be a definition which could be read in conjunction with the Citizenship Bill, 2025.

The point system as per Clause 7, “Additional grounds for acquisition of status of permanent resident” and pursuant to the Fourth Schedule was explained. However, with regards to the method by which the points and excess points would be awarded, the Committee believed that they were at a disadvantage because they were without sight of the Regulations. In addition, the words, “the excess may be awarded to the dependant if the dependant is eligible for award of less than 10 points” in Clause 7(2) was discussed. The Chairman believed that there should be a more defined system of granting status to dependants.

“Revocation of deportation order.”

Clause 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 the Minister shall act in accordance with the provisions of section 35.”*

Clause 23(2), *“Where a deportee makes an application referred to in subsection (1), the deportee shall pay a fee of $3,000.00 which is not refundable.”*

Madam Chairman queried whether the fee was reasonable and also it’s rationale in conjunction with the stipulated 24 hours’ timeline after a deportee is served with the order within Clause 23(1).

In response, Mrs. Eli stated that fees are always commensurate with the service provided. She recommended that the 24 hours’ timeline would be adjusted so that the person may not be at a disadvantage in sourcing the funds.

Mrs. Elie continued her presentation with the explanation of the remaining Clauses and concluded with the First to Sixth Schedules to the Bill. Madam Chairman referred to the Fifth Schedule, paragraph 3 and asked what was meant by the words, “conduct offends public morality”? It was explained that though subjective, it was a person’s conduct which offends our values and norms that would be deem unacceptable. Madam Chairman suggested that though this was a provision that was kept, it was an issue that should be discussed further in the Committee’s deliberations.

SUSPENSION

The Chairman suspended the meeting at 12:30 p.m. until 12:45 p.m.

RESUMPTION

On resumption, Mrs. Elie continued with her presentation.

2) **Citizenship Bill, 2025:**

Mrs. Elie summarised the provisions of the Bill for the benefit of the Committee and stated the following:

i) The grounds for the acquisition of citizenship have increased, that is, citizenship by descent have been extended to great-grandchildren and citizenship by descent have been extended by either parent;

ii) There is a provision for the application for citizenship after a certain amount of time as a permanent resident;

iii) It aligns the Oath of Allegiance with the Oath in the Constitution of Barbados; and

iv) It provides for the reclamation of citizenship after citizenship is renounced.

She explained Clauses 1 through 9.

"Deprivation of Citizenship".

Madam Chairman asked what was meant by "Deprivation of Citizenship" appearing in Clause 9. The response was that a person, if a citizen of another country, had been granted citizenship and had committed an offence could be deprived of their citizenship. However, a Barbadian citizen could not be deprived of his or her citizenship no matter the offence.

She concluded her presentation by explaining Clauses 10 through 21 and the First and Second Schedules the Bill.

Clause 13, "Minister's discretion not to be questioned and decisions to be final" was an issue raised by Senator G. P. B. Nicholls. His view was that though it was not an outright ouster Clause, it gave the Minister an unfettered power notwithstanding national security interests. He believed that that power should be delegated to be administered by Parliament to the Minister. He added that he "did not understand the legal or jurisprudential basis for an untrammelled, unfettered, ministerial discretion in law".

A discussion ensued with regards to the Minister's decision being final whereby he does not have to provide any reason and as such was not subject to judicial review. It was pointed out that currently under the Administrative Justice Act, Cap. 109B these issues are not subject to judicial review. It was opined that this provision may contribute to potential abuse by the Minister. It was agreed that Clause 13 should be reviewed by CPC.

Item 5: Consideration of Written Submissions

It was agreed by the Committee to defer the consideration of written submissions until the next meeting.

Item 6: Scheduling of Oral Presentations

The Clerk of Parliament indicated to the Committee that there were four (4) requests for oral presentations – the Barbados BAR Association, the New National Party and two (2) other individuals. It was agreed that the Clerk should finalise the schedule for the oral presentations so that at the next meeting, the Committee would examine the oral presentations along with the written submissions received.

Item 7: Any other Business

There was none.

ADJOURNMENT

On the motion of Senator G. P. B. Nicholls seconded by Senator A. A. O. Boyce, the meeting was adjourned until Friday, 7th November, 2025 at 10:00 a.m.

At 2:05 p.m. the Chairman adjourned the meeting.

Deputy Clerk of Parliament

Confirmed this day of 2025.

Chairman

PARLIAMENT OF BARBADOS
(FIRST SESSION OF 2022 - 2027)

JOINT SELECT COMMITTEE (STANDING)
ON GOVERNANCE AND POLICY MATTERS

Minutes of the Third Meeting of the Joint Select Committee (Standing) on Governance and Policy Matters to review and examine the Barbados Citizenship Bill, 2025 and the Immigration Bill, 2025 held in the Senate Chamber, Parliament Buildings, Trafalgar Street, Bridgetown, St. Michael on Friday, 7th November, 2025 at 10:00 a.m.

PRESENT WERE:

Ms. Marsha K.-A. Caddle, M.P. (Chairman)
Dr. Romel O Springer, JP, MP (Deputy Chairman)
Mr. Peter R. Phillips, J.P., M.P.
Hon. Chad J. Blackman, J.P., M.P
Senator Andwele A. O. Boyce
Senator Ryan O. Walters
Senator the Hon. Lindell E. Nurse

ABSENT:

Mr. Ralph A. Thorne, K.C., M.P.
Senator Gregory P. B. Nicholls

IN ATTENDANCE WERE:

Mr. Pedro Eastmond, *Clerk of Parliament*
Ms. Beverley S. Gibbons, *Deputy Clerk of Parliament*
Mr. Nigel Jones, *Deputy Clerk of Parliament*
Miss J'anne C. Greenidge, *Typist (Journal Department)*
Mr. Sherman Moore, *Retired Justice of Appeal and former Chief Parliamentary Counsel*
Mrs. Mechelle Elie, *Chief Parliamentary Counsel (Parliamentary Counsel's Office)*

PRESENT BY INVITATION

Hon W. A. Abrahams, S C, (Minister of Home Affairs and Information)

Item 1: Call to order

Madam Chairman called the meeting to order at 10:00 a.m.

The Chairman proposed that Item 4 on the agenda Oral Presentation be taken as the third agenda item and that Agenda Item 3 be taken as Item 4.

Item 2: Minutes of the Second Meeting held on Wednesday, 5st November, 2025.

The Minutes of the Meeting held on Monday, 1st September, 2025 were deferred on the motion of Mr. P. R. Phillips, seconded by Senator A. A. O. Boyce.

Item 4: Oral Presentations

Mr. Kemar Stuart (Political Leader of the New National Party) (NNP)

Mr. Stuart thanked the Committee for the opportunity to appear before the Committee and make his presentation. He began his presentation on the Barbados Citizenship Bill, 2026. (See transcript)

1) ***Barbados Citizenship Bill, 2025:***

Mr Stuart referred to the Constitution of Barbados and the power of the Parliament of Barbados to amend the Constitution and make Regulations regarding citizenship of Barbados as in the present case the Bill was seeking to facilitate CARICOM National into to the Barbados domestic space. He expressed his concerns that in the Bill no reference was made to Parliament but that power was being given to the Minister to act at his discretion without giving reasons, without the right to appeal; and his decisions were final. He opined

that could lead to an abuse of power especially in the cases the Minister was being given the right to deprive persons of citizenship. He was particularly concerned about the lack of the definition of the words disloyal to Barbados appearing in clause 9 of the Bill and on which the Minister could act arbitrarily. He was also of the opinion that the bar was being dropped too low on the conferment of citizenship of Barbados even though he appreciated the need to increase the working population of Barbados and the investing class of citizenship.

2) ***Immigration Bill, 2025***

Mr Stuart took some issues with the Bill, particularly with the point system and the grounds for the acquisition of status of permanent resident.eg. financial resources. In this regard the qualification for citizenship by investment. He suggested that the Minister should include in the Bill a list of all the International Organisations domiciled in Barbados. He referred to the specific mention of Contractual services suppliers being a member of the of the E U and cautioned against the possibility of money launders utilising any possible loopholes in terms of the financial aspects. Amongst his other concerns were the rumours of persons entering Barbados to have children and the possibility for human trafficking. He quired whether there were provisions in the Bill to counter the former and whether the Bill had "open space for Barbados to flex its arm as it relates to tackling and possibility for" the latter.

The Committee responded to the major issues raised by Mr Stuart. It was pointed out inter alia that the regulations to be made under the Bill s would be subject to negative resolution; the Government's anti -money laundering regime has been strengthened
And the committee would be seeking the Ministry's input into it practices regarding the point system and that clearer definition will be provided for certain words, clause and phrases appearing in the Bills.

Item 3 Consideration of written presentations. (see transcript)

Hon W. A. Abrahams explained to the Committee the current situation or status as currently in existence. He said that until the new legislation was passed that Barbados has three

categories of permanent immigration status which is the entry level into permanence that allow one to live, work, reside, and conduct business in Barbados. Thereafter one has to get permanent residence status to which other things were attached and then finally citizenship. He explained that the purposes of the new legislation was to get rid of some of the layers in the structure. In effect immigrant status was being done way and all immigrants would be grandfathered automatically to permanent resident. When queried whether immigrant status was being replaced with permission to reside and work, he countered that reside and work presently existed.

The Committee called for the modernisation of the language of the Bills and the doing away with what appears to the public to be offensive. The Minister agreed but pointed out that certain terms were what is called "term of art' and if there was an attempt to pigeonhole or put a bracket or a box on everything that would result in a greater risk. The ultimate concerns were that there was no compromise of the strength of Barbadian citizenship or its passport. The aim was not to be scrutinized or blacklisted in the same way that some other Caribbean have been. He added that some of the points raised by the Committee were in contention in the drafting of the Bills and the benefit of the submissions would be codified.

The Chairman thanked the Minister for his input and look forward to receiving the modifications to the Bills shortly.

Item 5: Any other Business

There was none.

ADJOURNMENT

There being no other business, on the motion of Dr. R O Springer, seconded by seconded by Mr P. R. Phillips, the meeting was adjourned to Tuesday 11th November 2025 at 10:00 a.m.

Deputy Clerk of Parliament

Confirmed this day of 2025.

Chairman

PARLIAMENT OF BARBADOS
(FIRST SESSION OF 2022 - 2027)

JOINT SELECT COMMITTEE (STANDING)
ON GOVERNANCE AND POLICY MATTERS

Minutes of the Fourth Meeting of the Joint Select Committee (Standing) on Governance and Policy Matters to review and examine the Barbados Citizenship Bill, 2025 and the Immigration Bill, 2025 held in the Senate Chamber, Parliament Buildings, Trafalgar Street, Bridgetown, St. Michael on Tuesday, 11th November, 2025 at 10:00 a.m.

PRESENT WERE:

Ms. Marsha K.-A. Caddle, M.P. (Chairman)
Mr. Peter R. Phillips, J.P., M.P.
Hon. Chad J. Blackman, J.P., M.P
Dr. Romel O. Springer, J.P., M.P.
Senator Andwele A. O. Boyce
Senator the Hon. Lindell E. Nurse

ABSENT:

Mr. Ralph A. Thorne, K.C., M.P.
Senator Gregory P. B. Nicholls
Senator Ryan O. Walters

IN ATTENDANCE WERE:

Mr Pedro Eastmond, Clerk of Parliament
Ms. Beverley S. Gibbons, *Deputy Clerk of Parliament*
Miss Suzanne Hamblin, *Library Assistant (Journal Department)*
Mrs. Mechelle Elie, *Chief Parliamentary Counsel (Parliamentary Counsel's Office)*

Item 1: Call to order

Madam Chair called the Meeting to order at 10:30 a.m. and welcomed the Members in attendance.

On the motion of Dr. R. O. Springer, J.P., M.P. seconded by Senator A. A. O. Boyce, the Agenda was adopted.

Item 2: Minutes of the Third Meeting held on Friday, 7th November, 2025.

On the motion of Senator A. A. O. Boyce seconded by Dr. R. O. Springer, J.P., M.P., the Minutes of the Third Meeting held on Friday, 7th November, 2025 were deferred.

Item 3: Oral Presentations

The Barbados Bar Association (BBA) [noted in the Minutes as the (BAR)] were represented by.
Mrs Kaye Williams, President
Ms Lynne-Marie Simmons, Convenor of the BBA's Law Reform and Legislation Committee

Madam Chair welcomed the Representatives.

The BAR began its presentation by seeking clarification on whether the Bill that it was commenting on was that same as that before the Committee, indicating that there was another Immigration Bill in circulation which has a significant difference. Madam Chair deferred to the Clerk of Parliament, Mr Pedro Eastmond to informed that the Immigration Bill that was before the Committee is the Bill that was before Parliament and published on the Parliament's Website. The Clerk of Parliament clarified to the BAR why the Bill which representation was being made was the relevant Bill.

Mrs Kaye Williams indicated that the BAR was representing the view of a team of attorneys-at-law that studied the Bill from distinct perspectives. She also indicated to the Committee that while the BAR is supportive of reform, it was concerned about the absence of a clear, updated guiding policy document and the disjunction between past policy papers and the current Bills. There was also expressed concerns about the lack of draft Regulations to accompany the Bills. It was further queried whether there was a specific updated government policy paper which guided the principles of the Bill.

Madam Chair informed the BAR that the Committee will pass on the query to the relevant Ministry. She pointed out that it is not in all instances that legislation is initiated from a specific policy document bearing the same name but could also be derived from Governments' overall development strategies and policies to guide legislation which in the instant matter was Population Policy. Mrs Williams indicated that being aware, that it was not the focus of the BAR as such.

The discussion was then focused on the population policy and its connection to citizenship with the BAR noting its awareness of the 2009 Green Paper on Immigration Reform; and the 2019 White Paper and concerns that both Papers predated Barbados' transition to a Republic and the envisaged Republican Constitution, from which citizenship rights will flow and the enhanced CARICOM protocol on freedom of movement which appeared to be at variance with the two subject Bills. Comparison was made with a number of other jurisdictions. (See transcript)

The BAR also queried the reduction on the years for qualification for citizenship two (2) years, in the new legislation making reference to international practice and the current legislation. In response to the question from the Chair as to what are the views of the BAR on what harm can be done with the reduction, she responded that they believe there should be a deeper connection with the country which, they deemed, require a longer period. Mrs Williams further expanded her response by stating that they believe Barbados has a lot to offer and that citizenship and immigration needs to be looked at holistically with the new Republican Constitution and the protocols of the CARICOM free movement. She reiterated the need for a policy paper and noted the lack of Regulations (See transcript)

Specific reference was made to the BAR's comments in its submission indicating the connectivity of the Caribbean Community (Movement of Skilled Nationals) Act. CAP 186A, the Caribbean Community (Free Movement of Nationals) Bill, the Immigration Bill and the Barbados Citizenship Bill and the qualifying words as it relates to the rights of permanent residents to enter Barbados.

Additionally, the BAR's representatives indicated that they wanted to sound a note of caution on the fact that both Bills do not have provisions with respect to the 'rights of appeal' and therefore places a lot of power in the Minister. They suggested that the Bill should establish a functioning Appeals Board/Tribunal, comprising persons with expertise in immigration law, as well as business persons and should be properly constituted, adequately funded, and meet regularly, not infrequently to preserve a general right of appeal from Ministerial decisions, but with carve-outs only for genuinely sensitive national security matters;

Attention was also drawn to the policy on the "Welcome Stamp" and the question was raised as to where it fits in the framework of the Bills and refraining from "any form of citizenship or status by investment."

The BAR's representatives also made additional comments which they indicated were not included in the written submission. They indicated that they are willing to provide a supplemental submission.

The BAR's representatives highlighted the absence of Regulations. They indicated that for example Regulations would have specified Special Entry Permits and things such as student visas in particular Ph.D. Students who cannot reside and work. They suggested that Regulations particularly could be one way to expand the categories and or reduce the prohibitions relating to student visas. Additionally,

they noted that the schedule of fees and the categories should appear in the regulations and further reiterated that the absence thereof does not afford them clarity.

The Chairman confirmed that the Committee itself had requested sight of the draft Regulations and agreed that consideration of the Bills in the absence of Regulations was problematic.

Ms. Simmons pointed out the practical difficulty of proving lineage as far back as a great-grandparents and argued the need for a holistic discussion on all categories of citizenship; how Barbadians wish to redefine and expand citizenship while ensuring that the Constitution first reflects these expanded categories, with the Citizenship Bill then giving them detailed effect.

The BAR's representatives further observed that the current and draft Regulations govern important operational details including the categories of visas and work permits; fee structures (differentiated by CARICOM/non-CARICOM and type of work); prescribed forms and documentary requirements. They noted that schedules of fees have not been revised in over a decade and it is unclear whether there would be significant changes and without draft Regulations, the BAR cannot meaningfully comment on the adequacy and fairness of fees, the sufficiency of application forms and the criteria and evidentiary standards for new categories (e.g. permanent residence under a points system).

The BAR's representatives requested that Regulations and draft prescribed forms be developed and made available in tandem with the passage of the Bills, rather than ex post facto.

The Chair thanked the Barbados BAR Association for attending and sharing their perspectives on the Legislation.

SUSPENSION

At 12:17 pm the Meeting was suspended for 15 minutes.

RESUMPTION

Item 4. Deliberation on the Bills by the Committee

The Chair indicated that the particular emphasis would be to go through the Bills Clause by Clause with a view, based on the evidence submitted to submitting any amendments to the provisions of the Bills.

The Chair then invited Members to comment on the evidence heard or any general points before reviewing the clauses of the Bills.

The Committee considered the Immigration Bill, 2025. The following considerations were discussed:

- The Chair deferred discussion on the 'definitions' of the Bills in the Interpretation Section to be revisited at a later stage.

- **Clause 3. Right to enter Barbados** – Permanent Residents

Discussion centered on the language relating to a permanent resident's right to enter Barbados and the BAR recommendation to adding clarifying words from the existing Immigration Act. CPC however advised the removal of those words, considering them to be outdated "comfort words," and confirmed that permanent resident status inherently confers the right to enter.

- **Clause 4. Permitted entrants** – Cross-References in the Bill to *Caribbean Community (Movement of Skilled Nationals)* Act Cap. 186A and whether the Bill should reference the *CARICOM Free Movement of Nationals* legislation.

CPC noted that this can be handled through consequential amendments once both pieces of legislation were passed.

- **Clause 4.**(1)*(c)*(ii) The BAR's recommendation to expand the countries to those which carry on business in an EU member state or the UK .

After discussion the Committee determined that this was not a current consideration.

- **Clause 4.**(2) There were questions regarding the definitions as raised by the BAR

CPC agreed to revisit those provisions and harmonize the definitions with the language in the Economic Partnership Agreements (EPAs).

- **Clause 5. Reside or Reside and Work** - Status

The Chair highlighted that the provision lacks clarity, a qualifying criteria, and the application process. She further queried whether this provision should not indicate what are the benefits and responsibilities of occupying this status. She emphasized long periods (5–15 years) under "reside & work" status are unacceptable.

CPC acknowledged the need for clarification but required Policy input from the Ministry to indicate categories.

The Committee insisted that the clause must define rights, establish timelines, and prevent indefinite delays and that the Immigration Department must commit to timelines.

CPC indicated that the Committee to CPC that Office will still require instruction from the Ministry.

- **Clause 6.**(1) **Acquisition of status as permanent residents**

The Chair sought clarification whether spouses of all categories of citizens qualify. She voiced concern about vague reference to "sufficient financial resources."

CPC indicated that for the sake of transparency that determination would be better obtained if there is guidance in the Regulations but can also be developed in the administrative practice of the Immigration Department. (See Transcript)

CPC also explained that the option of to apply for permanent residence should be implied and gave an example.

- **Clause 6.**(3) - Child or dependent who is under a disability

CPC recommended inserting the word "legal" and also suggested clarifying it by inserting a definition of "legal disabilities'" or by giving examples of a legal disabilities.

- **Clause 6.**(4) – Direct Descendants

The Committee queried what is a "direct descendent"?

CPC indicated it is the intention to allow descendants at any generational level once lineage is proven.

The Committee agreed that there should be a definition and that the concerns of the BAR about "Leapfrogging" be deemed irrelevant but that the requirements in the Regulations be critical in providing proof of qualification.

- **Clause 7. Additional grounds for acquisition of status of permanent** resident – Points System

Senator Boyce voiced concerns regarding structure, and sought clarity as to a person who on their own, brings a dependent without ascribing points. The Committee had an extended discussion on the ambiguity in the definition of "dependent" and its use in clause 7 and concluded that there needed to be a clear definition of education, skills, experience, and accreditation in the award of the points system. (See Transcript)

CPC indicated that the points system is a Policy decision and requested the Committee's guidance by meeting its recommendation.

- **FOURTH SCHEDULE** ***Maximum points to be awarded*** – Financial Resources

The Chair indicated to the Committee her objection to awarding points solely for personal wealth and emphasized the need to shift focus toward productive investment.

The Chair concluded that there may be the need for the Committee to further consult the Ministry in addition to a comparative analysis of other jurisdictions.

- **Clause 8. Loss of Status Permanent Resident**
  Sub Clause (1)

A concern was raised regarding the vague wording ("activities detrimental to security of Barbados") while understanding that a full list of the activities was not always possible and it was queried whether this is the standard language and the common practice in such legislation.

The Chair opined that there should be a right of appeal but noted that appeal rights may be meaningless without reasons being given for the revocation of one's.

CPC indicated that the language is standard and generally broad and explained that it was better to rely on the practice that has developed around the issues of national security and thus it must be flexible enough to address unforeseen events.

The Committee was concerned that there should be a balance between national security, confidentially and procedural fairness and that consideration should be given to a limitation of reasons for major status revocations.

- **Clause 9 Prohibited persons and FIFTH SCHEDULE**

Paragraph 3(a) Fifth Schedule

The Committee objected to the vague criterion: "offends public morality" and urged CPC to use clearer language indicating that the phrase was highly subjective.

CPC agreed to the Committee's request to explore clearer, more precise and specific language describing the nature of the behaviour or conduct harmful to public order. The Chair felt that there should be a codifying of everything that may be harmful to individuals or society.

- **Clauses 10 through 18** of the Bill were not fully discussed.

- The Chair noted the submission relating to data protection but concluded that there was Data Protection Legislation specifically designed for this.

- **PART III** ***Work Permits***
- **Clauses 19. and 20.**

The Committee discussed the BAR's submission as to whether the Bill should expand the range of persons who have grounds for a work permit, that the provision allows for self-sponsored work permit applications or merely retains existing practice (e.g. individuals vs companies) and noted the need for clarity on work permit eligibility and the transition for Welcome Stamp holders. (See Transcript)

The Committee also noted that the Bill is also silent on Special Entry Permits (SEPs)

The Committee also discussed the Student Visa framework which it was noted was absent from the Bill.

The Committee requested CPC to work with the Ministry to make SEPs and the Welcome Stamp visible in the legislative framework, providing a savings or conversion provisions for existing SEP holders and to establish a clear ceiling or transition route for long-term Welcome Stamp holders (e.g. after two years, conversion to another status with defined contributions and rights).

- **PART IV** ***Removal of persons not permitted to enter Barbados, deportation and detention***
- **Clauses 21. to 26.**

There was no submission in particular.

- **Clause 23.(2)** Fee

The Committee questioned whether the BDS $3,000 figure was reasonable and signaled a likely recommendation to revise this downward, subject to further analysis.

- **PART V** ***Administration***
- **Clauses 27. to 31.**

There were no particular submissions therein.

- **Clause 32. Offences**

The Chair drew to the attention of CPC that the offences at Clause 32 do not prescribe a fine.

CPC responded that there is a general penalty clause at Clause 37. which applies to those cases where no specific penalty is prescribed.

- **PART VI *Miscellaneous***
- **Clauses 32. to 41.**

- **Clause 35 – Right of appeals**

The Chair noted that this clause provides for appeals against decisions of the Chief Immigration Officer to the Minister, who should constitute a Committee to review the matter. With reference to Clause 8, decisions by the Minister where it appears that no reasons have to be given and there is no right of appeal, the practical utility of appeal rights was queried if no reasons for decisions are given (due to statutory exemptions); and if there is no obligation to provide even limited reasoning.

The Chairman emphasized that without reasons, affected persons cannot meaningfully exercise appeal rights.

CPC indicated that this provision falls under the Administration of Justice Act and is therefore a matter of Policy being applied under the Immigration Bill**.** (see transcript)

- **Clause 39 – Savings and Transitional**

The Chair expressed concern that the existing Regulations do not adequately support the new legislative framework and advised that the Bill should not be brought into force without updated Regulations.

The Committee agreed to review the Barbados Citizenship Bill at the next meeting.

The Clerk suggested that there should be a working session scheduled to finalize formal recommendations which would form part of the report.

The Committee agreed.

Item 5: Any other Business

There was none.

ADJOURNMENT

On the motion of Dr. Romel O. Springer, J.P., M.P. seconded by Senator Andwele A. O. Boyce, the next meeting was scheduled for Friday, 14th November, 2025 at 10:00 am.

At 2:20 pm the meeting was adjourned accordingly.

There being no other business, the Chairman adjourned the meeting *sine die.*

Deputy Clerk of Parliament

Confirmed this day of 2025.

Chairman

PARLIAMENT OF BARBADOS
(FIRST SESSION OF 2022 - 2027)

JOINT SELECT COMMITTEE (STANDING)
ON GOVERNANCE AND POLICY MATTERS

Minutes of the Fifth Meeting of the Joint Select Committee (Standing) on Governance and Policy Matters to review and examine the Barbados Citizenship Bill, 2025 and the Immigration Bill, 2025 held in the Senate Chamber, Parliament Buildings, Trafalgar Street, Bridgetown, St. Michael on Friday, 14th November, 2025 at 10:00 a.m.

PRESENT WERE:

Ms. Marsha K.-A. Caddle, M.P. (Chairman)
Senator Andwele A. O. Boyce
Senator Gregory P. B. Nicholls
Senator the Hon. Lindell E. Nurse
Dr. Romel O. Springer, J.P., M.P.

ABSENT:

Mr. Ralph A. Thorne, K.C., M.P.
Mr. Peter R. Phillips, J.P., M.P.
Hon. Chad J. Blackman, J.P., M.P
Senator Ryan O. Walters

IN ATTENDANCE WERE:

Mr. Pedro Eastmond, *Clerk of Parliament*
Ms. Beverley S. Gibbons, *Deputy Clerk of Parliament*
Mr. Nigel Jones, *Deputy Clerk of Parliament*
Miss Suzanne Hamblin, *Library Assistant (Journal Department)*
Hon. Sherman Moore, CHB *Retired Justice of Appeal and former Chief Parliamentary Counsel*
Mrs. Mechelle Elie, *Chief Parliamentary Counsel (Parliamentary Counsel's Office)*

Item 1: Call to order and Welcome

Madam Chair called the Meeting to order at 10:49 a.m. and welcomed everyone.

On the motion of Senator A. A. O. Boyce seconded by Senator G. P. B. Nicholls Item 2 of the Agenda was amended to include the Minutes of the Second Meeting held on Wednesday 5th November, 2025.

Item 2: Minutes of the Second Meeting held on Wednesday, 5th November, 2025 and Minutes of the Fourth Meeting held on Tuesday, 11th November, 2025

The Minutes of the Meeting held on Wednesday, 5th November, 2025 were taken as read and were confirmed on the motion of Senator G. P. B. Nicholls seconded by Senator A. A. O. Boyce.

The Minutes of the Meeting held on Tuesday, 11th November, 2025 were deferred on the motion of Senator A. A. O. Boyce seconded by Senator G. P. B. Nicholls.

Item 3: Deliberation by the Committee on the Barbados Citizenship Bill, 2025

The deliberation by the Committee began with the consideration of the Barbados Citizenship Bill, 2025 Clause by Clause whilst referencing the submissions received which assisted the members in their recommendations for amendments.

"Part I – Preliminary".

"Interpretation".

Clause 2:

The Committee recommended no amendments.

"Part II – Acquisition of Citizenship".

"Additional grounds of citizenship and registration of certain persons as citizens".

Clause 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."

The issue of the origins of Clause 3(1) was raised because of the language used. It was explained by CPC that the Clause guarded against any suggestion that the new born infant was not born in Barbados and therefore protected its citizenship.

A discussion ensued regarding the word *"newborn"*. Madam Chair queried what age was considered "*newborn"* and believed that it should be qualified. It was suggested that it be qualified as the medical definition of twenty-eight (28) days. However, it was explained that if it was not being prescribed in law, the Courts in its justification should refer to the medical definition.

Clause 3(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."*

Madam Chair pointed out that there was a suggestion that this policy should only be applicable to birthright citizens. Senator Gregory P. B. Nicholls disagreed with the proposed concept of first and second class citizens. He explained that though there were different processes by which a person became a citizen of Barbados, once the criteria were met, that person should be deemed a citizen. Madam Chair agreed with his view that those concepts were based on restrictive criteria and were discriminatory.

Clause 3(3):

CPC clarified that there was a typographical error within this Clause. It should be "section 5(2)(c)" and not "section 5(2C)".

Clause 3(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…"*

This was an important area of discussion for the Committee as it underpinned who could qualify for citizenship under the legislation. Notwithstanding "immigrant status", the main concern was that there were other various statuses of which the legislation was silent on, namely: 1) the special entry permit, 2) the welcome stamp, and 3) reside and work regime. The issue was how to resolve these other statuses in law. After some discussion, the Committee agreed that they would revisit this Clause at which time a recommendation should be made.

Clause 3(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:

...

(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."

The Committee referred to a written submission which recommended an extension of time. "… *that the period of lawful residence be at least 365 days out of the 730 days period instead of 180 days.*" The Committee decided to consider this recommendation since they wanted to avoid any mischief with regard to the acquisition of citizenship under the legislation.

Clause 3(6):

"Subject to section 4, the following persons may, upon application to the Minister in the prescribed from, and upon payment of the prescribed fee, be registered as citizens of Barbados:…

"if they satisfy the Minister that they have lawfully resided in Barbados as permanent residents in Barbados for an aggregate period of at least 270 days during the period of at least 1095 days immediately preceding the date of application."

The Committee referred to a written submission where it recommended that a person, *"…who is a Permanent Resident ought to lawfully reside in Barbados for at least 548 days during the last 1095 days to be eligible to be registered as a citizen, rather than 270 days."*

Madam Chair pointed out that Clause 3(6) spoke to persons who were not CARICOM nationals and believed that the bar to citizenship should remain high and should not be easily obtained. She therefore recommended that the aggregate period should be 730 days (2 years) out of the 1095 days (3 years) or 913 days (2.5 years) out of 1461 days (4 years). The majority of the Committee agreed with the aggregate period of 2 years out of 3 years.

Clause 3(7):

The Committee recommended no amendments.

Clause 3(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."

Madam Chair queried the rationale for the persons who were entitled to be registered under the *First Schedule* as this was a direct path to acquiring citizenship. Senator G. P. B. Nicholls' view was that those were a special class of persons who were exempted from the criteria to become a citizen of Barbados. He suggested that if the list is to be expanded it should be done by way of parliamentary action and not by ministerial order.

"Right of refusal to register"

Clause 4:

The Committee recommended no amendments.

"Registration of minors"

Clause 5:

The Committee recommended no amendments.

"Certificate of registration"

Clause 6:

The Committee recommended no amendments.

"Effect of registration as a citizen"

Clause 7:

The Committee recommended no amendments.

"Part III – Loss of Citizenship".

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

Clause 8:

The Committee recommended no amendments.

"Deprivation of citizenship"

Clause 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 …

"(c) that the person has shown himself by act or speech to be disloyal or disaffected towards Barbados;…"

A discussion ensued regarding whether the Committee wanted to remove the provision altogether or amend the language with regard to the terms "*disloyal or disaffected towards Barbados"*. Hon. Sherman Moore emphasised that a person's disloyalty and disaffection was proved by existing circumstances. He explained that the act was a higher level of criminal conduct and in law, meant that it was an act that would upend Barbados' national security, for *e.g.*, espionage. The Committee decided to revisit Clause 9(1)(c) as there was no specific recommendation.

Clause 9(2):

The Committee recommended no amendments.

Clause 9(3):

"Before making an order under this section, the Minister shall give the person against whom the order is proposed to be made …

"(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)."

Madam Chair opined that the language used in this provision was vague and asked what was meant by the word *"enquiry"*. CPC noted that the word "enquiry" meant a hearing. Madam Chair suggested that a person should know what form the enquiry would take and how it would be prescribed, whether in the Regulations or in the legislation.

Clause 9(4) to (10):

The Committee recommended no amendments.

"Deprivation of citizenship of Barbados where person deprived of citizenship elsewhere".

Clause 10:

The Committee recommended no amendments.

"Resumption of citizenship"

Clause 11:

The Committee recommended no amendments.

"PART IV – Miscellaneous"

"Certificate of citizenship in cases of doubt"

Clause 12:

The Committee recommended no amendments.

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

Clause 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."*

This policy generated robust discussion amongst the Committee and it was established that the Minister's power and determination under this Clause was subject to judicial review because it did not fall under the exemptions provided by the Administrative Justice Act, CAP. 109B. However, Senator Gregory P. B. Nicholls believed that notwithstanding national security interests, the Minister should provide reasons for his decision to deny an application for citizenship and recommended that Clause 13 should be redrafted because of the vague nature of the language used.

Clauses 14 to 21:

Madam Chair requested the members of the Committee to review Clauses 14 to 21 and proposed that they indicate whether there were any specific issues to be addressed for future discussions.

Item 4: Documentation of the recommendations of the Committee

It was agreed that Madam Chair and Senator Senator A. A. O. Boyce would work together on the first draft of the proposed recommendations. They would also meet with the Chief Immigration Officer to assist with the drafting of the proposed recommendations and once completed would be circulated to the Committee members. Subsequently, the Committee would meet to consider the said draft and to make any further amendments.

Item 5: Any other business

There was none.

ADJOURNMENT

There being no other business, Madam Chair adjourned the meeting *sine die.*

Deputy Clerk of Parliament

Confirmed this day of 2026.

Chairman

Appendix 2

Written Submissions Received

The following written submissions were received by the Joint Select Committee (Standing) on Governance and Policy Matters on the Immigration Bill, 2025 and the Barbados Citizenship Bill, 2025:

Written Submissions

1. Annabelle Pemberton
2. Tricia Watson
3. Lucy McHale
4. Akil Murray – ProConsulting Solution Services Inc
5. Peter Thompson
6. Dr Antonio Joyette PhD
7. Stephanie Holder
8. Edmund Hinkson, SC
9. Barbados Bar Association
10. Michelle Carter

Oral Presentation

1. The New National Party (Barbados)

1. SUBMISSION FROM MS. ANNABELLE PEMBERTON

From: Annabelle Pemberton <annabellelnpemberton@gmail.com>

To: parliamentbarbados@caribsurf.com

Date: 08/21/2025 5:13 PM AST

Subject: Feedback on the Barbados Citizenship Bill, 2025 – Citizenship by Descent

Dear Sir/Madam,

I am writing to share my feedback on the proposed Barbados Citizenship Bill, 2025, particularly the expansion of citizenship by descent to include grandchildren and great-grandchildren of Barbadian citizens.

My grandparents were born in Barbados, as were most of my aunts and uncles. My mother, the youngest child, was born in the UK after my grandparents migrated as part of the Windrush generation. Although they built their lives abroad, they remained deeply tied to Barbados, returning whenever possible, investing in the island's economy, and maintaining close connections with family and community.

For me, Barbados has always been home in spirit. I visit as often as I can (I'm here as I write this and have been for the past 5 weeks) and it is my sincere hope to return permanently to honour my grandparents' and mother's legacy. I wish to raise my own children in Barbados, so they may grow up connected to their roots, their culture, and their values. I am deeply proud of my Barbadian heritage, and I am grateful for the ties that continue to bind me to the island.

Professionally, I am a history teacher whose work is directly tied to Barbados and the wider Caribbean. At university, my dissertation shed new light on the experiences of enslaved people in Barbados and was subsequently published by the University of Bristol. In my teaching, I consistently place Bajan and Caribbean narratives and agency at the forefront of historical enquiries, ensuring students engage critically and respectfully with the region's history.

I have also been awarded a Teacher Fellowship with the Historical Association, which I will begin shortly. My project will focus on Caribbean history, with a particular emphasis on Barbados, so that its story is taught with accuracy, dignity, and pride to wider audiences.

I strongly support the proposed expansion of citizenship by descent. Families like mine, with deep roots in Barbados, are eager to contribute to the island's future not only economically, but culturally and academically. This reform would allow me to live, work, and raise my future children in Barbados, bringing my skills and passion back to the land my grandparents called home.

Thank you for considering my feedback. I remain deeply proud of my heritage and thankful for the ties that connect me to Barbados, and I hope to honour them by contributing meaningfully to the nation's growth and future.

Yours faithfully,

Annabelle Pemberton

2. SUBMISSION FROM MS. TRICIA WATSON

Subject: Joint Select Committee – Immigration Bill 2025 and Citizenship Bill 2025

From: Tricia Watson <tdw@westcoastlegal.bb>

Date: 10/16/2025 4:02 PM

To: Parliament of Barbados, Pedro Eastmond and 10 others

Dear Mr. Eastmond

I hope that this email finds you well.

I refer to the notice published on the Barbados Government Information Service website October 13, 2025, titled "Joint Select Committee to Review Immigration & Citizenship Bills 2025" in which the arrangements and requirements for "Public Consultation and Submissions" and "Public Hearings" are detailed.

The government itself describes the bills as "**two major pieces of legislation**". I write to recommend the following amendments to the Joint Select Committee's process and notice to the public:

1. It is noted that the intention is to conduct the Committee's proceedings in public and to stream the proceedings live. Considering the subject matter and scope of the two Bills under consideration, the Committee should facilitate remote audio-visual presentations by electronic means to ensure that Barbados citizens in the diaspora, or those who are otherwise challenged to visit the Parliament location, can "appear in person" if they so desire. The Press Release should also indicate clearly that remote in person appearances will be facilitated, and that anyone wishing to appear by this medium should indicate that to you/the Committee. I suggest that a deadline for indicating that one wishes to make an in person presentation should also be stated.
2. Notice of the dates when the Committee will sit should be published by public notice in the print, broadcast and social media, including via the Government Information Service publication media, and not just on the Parliament's website.
3. It is my view that the two-week time frame given for sending comments to the Committee is not reasonable in the circumstances. It is obvious that these Bills are extremely important to Barbadians. The response time frame should be no less than 21 days, and should perhaps be longer for matters of such profound national import.

Thank you for your attention to these matters. Your usual courtesies are appreciated.

Kind regards

ELIN LAW

Tricia D. Watson

Attorney-at-Law

First Floor, One Welches

Welches, St. Thomas

Barbados

Tel: +1 246 537 4055

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3. SUBMISSION FROM MS. LUCY McHALE

From: LUCY M <thelucymchale@gmail.com>

Date: Tue 21/10, 09:14

To: parliamentbarbados@caribsurf.com

By 31 October

parliamentbarbados@caribsurf.com

Dear Sir/Madam,

I am writing in response to the opportunity to share feedback on the proposed Immigration Bill. My family and I are currently in our fifth year under the Barbados Welcome Stamp programme, and we would love the opportunity to make Barbados our long-term home. However, our ability to do so sustainably depends on a few key factors that we hope the Bill might address.

1. Pathway to Long-Term Residency or Immigrant Status

We would appreciate the creation of a clear pathway to transition from the Welcome Stamp to a more permanent immigration status. This would allow long-term residents like us to invest more confidently in the community and economy.

2. Access to Quality and Affordable Education

Education has been one of the most significant challenges we have faced. Our child has attended four private schools in Barbados, and unfortunately, the standards have been disappointing - with limited experience and professionalism, weak curriculum delivery, and inconsistency in educational quality. There appears to be a lack of oversight or regulation to ensure schools meet appropriate standards.

We are now enrolled in a school following the Barbados national curriculum, but the approach is very traditional and the qualifications are not internationally recognised, which would make progression to universities in the UK or US difficult. Options for internationally accredited education are extremely limited - with one school (Codrington) being prohibitively expensive, and another (Lockerbie) facing serious issues with management and quality.

We would encourage the establishment of a regulatory body to conduct regular quality checks on schools, and policies that incentivise or facilitate the recruitment of qualified teachers from abroad. Expanding access to UK curriculum and International Baccalaureate programmes would make Barbados far more attractive for families seeking to settle long-term.

3. Housing and Financing Options

With rental prices high and housing availability limited, access to preferential mortgage rates for long-term residents would make home ownership more attainable. This would also encourage greater financial and personal investment in Barbados.

4. Support for Business Incorporation

We are also interested in establishing a business locally. However, the process and associated costs for incorporation are currently unclear. We recommend greater transparency and the publication of fixed or tiered rates for different business sizes (solo entrepreneurs, SMEs, larger entities). Additionally, allowing

individuals to seek and secure business opportunities prior to incorporation would reduce the financial risk for those looking to contribute to the local economy.

We hope these suggestions are helpful in shaping a framework that attracts and retains talent, fosters entrepreneurship, and strengthens Barbados' international appeal as a place to live and work long term.

Thank you for the opportunity to share our thoughts.

Kind regards,

Lucy McHale

4. SUBMISSION FROM MR. AKIL MURRAY – PROCONSULTING SOLUTION SERVICES INC

Subject: Citizenship Bill 2025 & Immigration Bill 2025

From: Akil Murray <akilpssbarbados@gmail.com>

Date: 10/21/2025 11:23 AM

To: parliamentbarbados@caribsurf.com

Attachments: 1 attachment

Dear Clerk of Parliament,

On behalf of ProConsulting Solution Services Inc., I wish to formally submit our written observations and recommendations regarding both the Citizenship Bill, 2025 and the Immigration Bill, 2025, presently before Parliament.

As an immigration consulting firm that works closely with employers, migrant workers, and regional applicants across CARICOM, we welcome these legislative reforms as a timely effort to modernize Barbados's immigration and citizenship frameworks. However, our review of both Bills has identified a number of areas requiring clarification, transparency, and procedural safeguards to ensure that the legislation aligns with the principles of fairness, accountability, and good governance.

Accordingly, please find attached our written extract outlining these concerns and our proposed amendments. We respectfully request the opportunity to make an oral presentation before the relevant Committee to further discuss our recommendations, particularly those related to ministerial discretion, appeal mechanisms, and the treatment of long-term residents and regional migrants.

We remain committed to supporting a balanced, transparent, and rights-based approach to Barbados's immigration and citizenship policies.

N.B - I will be overseas from November 2nd till about November 10th.

Thank you for your kind consideration.

Yours sincerely,

Akil Murray

Managing Director

ProConsulting Solution Services Inc.

Email: akilpssbarbados@gmail.com

Tel: (246) 822-0385

Website: www.pssbarbados.com

PROCONSULTING SOLUTION SERVICES INC

No.10 Johnson Land, Whitehall, St. Michael

Tel: 822-0385 or 624-9159 | Email: akilpssbarbados@gmail.com

2025-10-21

The Clerk of Parliament

Parliament of Barbados

Parliament Building

Trafalgar Street

Bridgetown

Dear Sir/Madam

Citizenship Bill, 2025 & Immigration Bill, 2025

Introduction

ProConsulting Solution Services Inc. welcomes the opportunity to contribute to Parliament's review of the Citizenship Bill, 2025 and the Immigration Bill, 2025.

As a leading immigration consultancy in Barbados, we represent a wide range of clients — including employers, migrant workers, and regional applicants — who rely on clear, consistent, and transparent administrative processes.

We commend the Government for taking decisive steps to modernize Barbados's legal framework on immigration and citizenship. However, our analysis identifies several areas where the current drafting could benefit from clearer definitions, procedural safeguards, and transparent oversight.

Key Concerns and Recommendations

A. Citizenship Bill 2025

(1) Ministerial Discretion and Finality of Decisions

The Bill states that the Minister's decision shall be final and that no reasons need be given. This eliminates transparency and the applicant's right to understand or appeal decisions.

Recommendation: Require that refusals and deprivations be accompanied by written reasons and subject to limited appeal before an independent review committee or the High Court.

(2) Vague Grounds for Deprivation ("Not Conducive to the Public Good")

The phrase is undefined and open to subjective interpretation.

Recommendation: Define clear, objective criteria for revocation to prevent arbitrary or political misuse.

(3) Disloyalty and Enemy Allegiance

Broad terms such as "disloyalty" could encompass legitimate political expression.

Recommendation: Limit deprivation to acts proven to endanger national security or constitute serious criminal offences.

(4) Economic and Security Screening

Excluding applicants "likely to become a public charge" risks economic discrimination.

Recommendation: Replace with an objective, evidence-based financial assessment process.

B. Immigration Bill 2025

(1) Ministerial Control Over Entry and Residency

The Minister retains wide powers to refuse or revoke residency on national-security or public-policy grounds.

Recommendation: Require written reasons and establish an appeal tribunal to review such decisions.

(2) Points System for Permanent Residency

The new system is promising but lacks clarity on weighting, documentation, and thresholds.

Recommendation: Publish the full scoring rubric and criteria to ensure fairness and transparency.

(3) Enforcement Powers and Detention

Officers may arrest and search without warrant; detention periods are not clearly limited.

Recommendation: Set clear procedural timelines and judicial oversight for all detentions.

(4) Deportation and Right to Review

Deportation orders may take effect quickly, with limited opportunity to appeal.

Recommendation: Extend the appeal window and allow independent legal representation before removal.

Conclusion

The **Citizenship Bill 2025** and the **Immigration Bill 2025** are important milestones in national development. However, their long-term legitimacy depends on how well they balance **security, fairness, and accountability.**

ProConsulting Solution Services Inc. respectfully urges Parliament to incorporate the above recommendations to ensure that both Bills:

- Uphold the rule of law.
- Reflect regional and international best practice.
- Promote public trust in Barbados's immigration and citizenship systems.

We further request the opportunity to **make an oral presentation** before the Committee to elaborate on these points.

Sincerely

A. Murray
Akil Murray
Managing Director

5. SUBMISSION FROM MR. PETER THOMPSON

Subject: Integrate the Welcome Stamp & the Immigration Act

From: Peter Thompson <peterlawrencethompson@gmail.com>

Date: Sun 26/10, 10:52

To: parliamentbarbados@caribsurf.com; Marsha Caddle, MP; Peter Phillips

Dear Joint Select Committee,

Integrate the Welcome Stamp & the Immigration Act.

In mid 2020 Barbados launched the world's first visa for remote workers, the 12 Month Barbados Welcome Stamp. Estonia followed suit about a month later, and then the floodgates opened; there are now over 50 countries around the world that offer some sort of visa for remote work visitors. Imitation is the sincerest form of flattery.

The brilliance of Prime Minister Mottley's initiative was not simply that this replaced a significant fraction of lost tourism income during the COVID-19 pandemic, but that it was a pioneering innovation in immigration policy with the potential to help the country address its long term demographic deficits.

It is therefore astonishing to me that our draft Immigration Act 2025, which has been referred to the Joint Select Committee (Standing) on Governance and Policy Matters for detailed examination, has failed to integrate the Mottley Government's groundbreaking Welcome Stamp innovation.

The objective of the new Immigration Act is to support Barbados' long-term goals of sustainable population growth, national development, and global competitiveness; therefore it makes no sense that the Act ignores the most widely imitated immigration policy of the 21st century, an innovation that had its origin right here in Barbados.

The fundamental difficulty in designing a good Barbados immigration policy is that when we attract people to move here we need to simultaneously engineer an economy which provides the jobs that they will work at to sustain themselves and their families. The entire economic balance of our social safety network depends on achieving this growth in jobs at a rate commensurate with the growth in population.

PM Mottley's insight in creating the Welcome Stamp was to integrate the arrival of jobs with the arrival of people. Welcome Stampers bring their jobs with them. Not only do they bring their jobs, but the 5 years of experience with the programme has proven that they are tailor made to fill the deficits in our demographic structure: they are young, they are highly educated, they are experienced in exactly the digital domains that we know our 21st century workforce needs to acquire. This makes the Welcome Stamp contribute directly towards the immigration goals of national development and global competitiveness.

The Prime Minister also understood that she was inviting digital neighbours, not digital nomads: people who would want to adapt to Barbados and make it their home for the rest of their lives, not just be long term tourists.

Currently, there is no explicit route towards permanent resident status in Barbados for Welcome Stampers in the proposed Immigration Act 2025, no matter how long they have been in Barbados on the

Welcome Stamp, how well they have integrated themselves into Bajan society, or how much they are contributing to our communities through their volunteer activities.

The route to permanent resident status is in the Fourth Schedule of the Immigration Act 2025 beginning on page 48. It is a points based system which takes into account:

1. age,
2. Bajan descent,
3. diplomatic service,
4. real estate in Barbados,
5. other assets in Barbados.

It is obvious that the Welcome Stamp needs to be integrated into the new Immigration Act. The entire corpus of the Remote Employment Act and its amendments needs to be written directly into the Immigration Act, 2025. The Welcome Stamp Visa also needs to be acknowledged in the Fourth Schedule by a clause which stipulates that:

- 3 consecutive years on the Welcome Stamp visa will be worth up to 3 points.
- 5 consecutive years on the Welcome Stamp visa will be worth up to 5 points.

The annual renewal process makes the 12 Month Barbados Welcome Stamp an effective internship for permanent residency status; Welcome Stampers can decide if Barbados is indeed the right place for them to live for the rest of their lives, and the Barbados Immigration Department has years of interaction and experience to make a decision of their application for permanent residency.

Best regards,

Peter Thompson MBA, CFRE (Ret.)

Management Consultant

"...the function of freedom is to free somebody else"

---Toni Morrison

6. SUBMISSION FROM DR. ANTONIO JOYETTE, PhD AND MS. CHERYL JOYETTE, LLM, MSc. BSc (Hon.)

Subject: Review Suggestions on the Immigration Bill, 2025 and the Citizenship Bill 2025

From: Dr. Joyette, Antonio R.T. <antoniojoyette@gmail.com>

Date: Mon 27/10, 09:50

To: Parliament

Attachments: 2 attachments (401KB)

Dear Clerk of Parliament,

We hope this message finds you well.

Please find attached a document containing suggested amendments and policy recommendations aimed at strengthening the Immigration Bill 2025 and the Citizenship Bill 2025.

We trust that these suggestions will be of use to Parliament in its ongoing review of the Bills and in ensuring that they effectively meet the country's legal, social, and economic needs.

Thank you for considering this submission. Please do not hesitate to contact me should any clarification be required.

Yours sincerely,

Antonio Joyette, PhD.

Cheryl Joyette, LLM, MSc. BSc (Hon.)

FEEDBACK SUMMARY

Suggestions for Strengthening the Barbados Citizenship Bill, 2025

To: Members of Parliament and Cabinet Ministers

Subject: Feedback - Legislative and Policy Amendments to the *Barbados Citizenship Bill, 2025*

1. BACKGROUND AND CONTEXT

The Citizenship Bill of 2025 is a significant legislative effort to modernise Barbados' nationality framework. It seeks to ensure alignment with the Constitution and consistency with the new Immigration Bill of 2025. Together, these laws aim to manage migration effectively, enhance border integrity, and promote fair and transparent access to citizenship.

However, a review of the bill reveals several legal, procedural, and governance weaknesses that could lead to political discord, expose the State to potential lawsuits, and undermine public trust. Currently, the bill grants undue discretion to the Minister, provides limited procedural safeguards, and lacks adequate mechanisms for accountability and appeal.

It is crucial to address these issues now—before the bill is enacted—to ensure that the law reflects Barbados' commitments to good governance, the rule of law, and international best practices. Additionally, strengthening the citizenship policy can catalyse diaspora engagement and enhance global competitiveness.

2. POLITICALLY AND LEGALLY URGENT AMENDMENTS

I. Limit Ministerial Finality and Require Written Reasons

Issue: The Bill currently states that the Minister "shall not be required to assign any reason" for granting or refusing citizenship, and that the decision "shall be final."

Risk: This ousts judicial oversight and violates administrative fairness principles under Barbados' Constitution and Commonwealth norms. It invites accusations of arbitrariness or political favouritism.

Recommendation:

- Require the Minister to provide written reasons for refusals, revocations, or deprivations.
- Introduce a statutory right of appeal to an independent tribunal or the High Court.

Rationale: Reinforces fairness, reduces risk of legal challenge, and improves transparency.

Outcome: Prevents reputational damage and public distrust in the integrity of the citizenship process.

II. Narrow the Grounds for Deprivation of Citizenship

Issue: The Bill allows deprivation on broad and vague grounds such as "activities prejudicial to the safety of Barbados."

Risk: May be interpreted too widely, potentially violating international norms and human rights obligations.

Recommendation:

- Define "activities prejudicial to national security" narrowly.
- Add explicit protection against statelessness in all deprivation cases.

- Require an independent inquiry or tribunal before deprivation decisions take effect.

Rationale: Aligns with the 1961 UN Convention on the Reduction of Statelessness and upholds due process.

Outcome: Avoids constitutional challenge and international criticism.

III. Introduce Objective Criteria and Timelines for Registration

Issue: The Minister has broad discretion to refuse registration applications "in the interest of national security or public policy" without defined criteria or timelines.

Risk: Creates uncertainty for diaspora applicants, investors, and long-term residents; encourages perceptions of bias.

Recommendation:

- Publish clear eligibility criteria and documentation requirements for each registration category (e.g., grandchildren, permanent residents).
- Set statutory processing timelines (e.g., 90 days).
- Require applicants to receive a written decision.

Rationale: Improves efficiency, investor confidence, and public trust.

Outcome: Demonstrates commitment to transparent governance and fair treatment of Barbadians abroad.

IV. Establish an Independent Oversight and Appeals Mechanism

Issue: No independent review process exists for citizenship refusals or deprivations.

Risk: Concentrates authority within a single ministry, thereby eliminating checks and balances.

Recommendation:

- Establish an independent Citizenship Appeals Tribunal (CAT) appointed by the President on the advice of an independent panel.
- Decisions of the Tribunal to be binding, subject to judicial review on points of law.

Rationale: Strengthens accountability and confidence in the system.

Outcome: Ensures compliance with constitutional principles of natural justice.

V. Strengthen Due Diligence and Anti-Corruption Safeguards

Issue: Special registration categories, including those for distinguished persons or investors, lack transparent vetting or source-of-funds requirements.

Risk: Potential reputational harm if citizenship is granted to persons with criminal or politically exposed backgrounds.

Recommendation:

- Mandate enhanced due diligence for all economic or special-category registrations.
- Require written inter-agency verification (e.g., Anti-Money Laundering Authority, Police, Financial Intelligence Unit).

- Introduce annual reporting to Parliament on the number of registrations and the results of due diligence screening.

Rationale: Maintains Barbados' reputational integrity and international standing, aligns with governance and accountability, enhances transparency, public trust, and risk management.

Outcome: Protects national integrity and avoids reputational fallout like failed "citizenship by investment" models elsewhere.

VI. Enhance Parliamentary Oversight and Transparency

Issue: Regulations under the Bill are made by **negative resolution**, limiting Parliament's scrutiny.

Recommendation:

- Require affirmative parliamentary approval for key regulations—especially those governing registration categories, fees, and deprivation procedures.
- Mandate an Annual Citizenship Report to Parliament on approvals, refusals, deprivations, and diaspora applications.

Rationale: Improves transparency and public accountability.

Political urgency: Reinforces confidence among citizens, diaspora, and development partners.

3. STRATEGIC POLICY ADJUSTMENTS FOR DEVELOPMENT AND COMPETITIVENESS

Beyond legal amendments, three policy adjustments are recommended to integrate citizenship governance into the national development strategy:

i. **Managed Migration and Skills Strategy** – Develop a coordinated 5-year plan that aligns citizenship, immigration, and labour-market needs, prioritising citizenship for skilled diaspora members, innovators, and investors who contribute to national productivity.

ii. **Diaspora Engagement and Registry** – Establish a digital Barbados Global Citizen Registry to catalogue diaspora skills, investment interests, and potential for mentorship and collaboration. Offer expedited citizenship for diaspora who contribute through innovation or investment financing.

iii. **Citizenship Integrity and Communications Plan** – Launch a public campaign highlighting fairness, transparency, and due process in citizenship decisions. Emphasise the economic, cultural, and reputational value of a trusted citizenship regime.

4. IMPLEMENTATION AND OVERSIGHT

To ensure orderly reform:

- Form a Citizenship Governance Implementation Committee (Home Affairs, Labour, Finance, Foreign Affairs, Data Protection).
- Require annual parliamentary reporting on implementation and measurable key performance indicators (KPIs) [processing time, approval rates, diaspora engagement metrics].

5. CONCLUSION

The Citizenship Bill, 2025, presents Barbados with an opportunity to modernise nationality law and build a globally competitive citizenship regime rooted in fairness, transparency, and national development.

Implementing the proposed amendments will:

- Protect constitutional rights and uphold the rule of law.
- Strengthen integrity, public trust, and investor confidence.
- Position Barbados as a regional leader in managed migration and diaspora partnership.
- Safeguard the country's international reputation for good governance.

Submitted: 27 October 2025

By: Antonio Joyette, PhD. and Cheryl Joyette, LLM, MSc. BSc. (Hons)

FEEDBACK SUMMARY

Suggestions for strengthening the Immigration Bill, 2025

To: Members of Parliament and Cabinet Ministers

Subject: Feedback - Legislative and Policy Amendments to the Immigration Bill, 2025

1. BACKGROUND AND CONTEXT

The Immigration Bill of 2025 signifies a substantial reform of Barbados' migration framework, with the goals of modernising border management, enhancing national security, and aligning citizenship provisions with global best practices. However, a legal and technical review of the Bill has identified several inadequacies and risks that could potentially compromise their intended objectives and expose Barbados to reputational, legal, and administrative challenges. These include:

- Too much ministerial discretion without sufficient safeguards.
- Lack of an independent appeals process.
- Limited protection for immigrants, asylum seekers, and vulnerable individuals.
- Inadequate privacy and data protection concerning passenger information systems.
- Weak connections between immigration policy, national development, and diaspora engagement strategies.

To ensure the Bill fulfils its purpose of establishing secure, transparent, and development-driven migration governance, the following amendments and policy actions are recommended before its enactment.

2. POLITICAL AND LEGAL URGENT AMENDMENTS

I. Establish an Independent Immigration Appeals Tribunal

Issue: The current appeal process permits final decisions by a ministerial committee, which raises significant concerns about procedural fairness and natural justice.

Recommendations:

- Create an Independent Immigration Appeals Tribunal (IIAT) with apparent statutory authority, appointed by the President on the advice of both the ruling Administration and the Opposition.
- The decisions made by the IIAT should be binding, allowing only judicial reviews concerning points of law.
- **Rationale:** This approach strengthens the rule of law, enhances public confidence, and promotes transparency while reducing the perception of government interference.
- **Outcome:** Disregarding an impartial appeal process could lead to national discord and international criticism regarding due process, potentially resulting in legal challenges and harm to Barbados' reputation.

II. Limit and Define Ministerial Discretion

Issue: Multiple provisions grant the Minister significant discretion to deny entry, revoke permits, and grant exemptions without clear statutory criteria or written justifications.

Recommendation:

- Include a clause that requires the Minister to provide written, reasoned decisions based on published criteria, which should be updated annually.
- Legislate the publication of these decision-making guidelines.

Rationale: Introduces accountability, consistency, and certainty, reducing exposure to legal challenge.

Outcome: Reinforces sound governance principles - transparency and accountability - and public confidence.

III. Introduce Explicit Data Protection and Oversight Provisions

Issue: The Bill permits the collection and sharing of Advance Passenger Information (API) and Passenger Name Record (PNR) data through the JRCC's established retention, privacy, and supervision controls.

Recommendation:

- Insert a new clause outlining lawful use, retention limits, access controls, oversight mechanisms, and remediation processes.
- Require parliamentary announcements for any new data-sharing agreements.

Rationale: This helps prevent misuse, ensures compliance with new data protection standards, and protects Barbados' international reputation.

Urgency: Complies with international border and aviation security standards while protecting citizens' rights.

IV. Incorporate Humanitarian and Non-Refoulement Safeguards

Issue: The Bill fails to provide explicit protections for vulnerable immigrants, refugees, and asylum seekers, contrary to international norms.

Recommendation:

- Include a non-refoulement clause and establish summary screening procedures for asylum claims before removal.
- Ensure access to essential legal assistance and judicial oversight for detained individuals, as necessary.

Rationale: Reinforces Barbados' demonstrated commitment to CARICOM principles and international humanitarian standards.

Urgency: Weakens human rights criticism and strengthens Barbados' regional moral leadership.

V. Rationalise Penalties and Distinguish Victims from Offenders

Issue: Extremely high penalties for smuggling and irregular entry do not differentiate between coerced immigrants and traffickers.

Recommendation:

- Establish protocols to identify and protect victims; impose appropriate penalties on organisers and facilitators.

Rationale: This approach balances human rights obligations with deterrence, minimising the risk of excessive punishment.

Outcomes: Ensures that national enforcement practices align with globally accepted frameworks for combating trafficking.

VI. Enhance Transparency and Parliamentary Oversight

Issue: The Bill grants broad regulatory powers under negative resolution, without requiring parliamentary or public reporting.

Recommendation:

- Require annual immigration and citizenship reports to be submitted to Parliament, including statistics on permits issued, deportations, appeals filed and their outcomes, as well as data-sharing practices.
- Establish essential regulations that require approval through an affirmative resolution.

Rationale: Enhances democratic accountability and supports evidence-based policymaking.

Outcomes: Ensures wider political support and strengthens institutional credibility.

3. POLICY AND STRATEGIC ADJUSTMENTS

To transform immigration governance into a key driver of national development and competitiveness, three policy initiatives are required in addition to legislative amendments:

I. A Managed Migration and Skills Strategy

- Develop a 10-year National Labour Immigration Strategy (NLIS {plays on "enlist"}) aligned with national economic diversification goals.
- Mandate the Barbados Accreditation Council to advise on work permits issuance and credential recognition.

II. Diaspora Engagement and Investment Framework

- Establish a Barbados Diaspora Registry and engagement platform to link global Barbadians to skills, mentorship, and investment opportunities.
- Consider introducing diaspora bonds or co-investment funds specifically for housing and resilience projects.

III. Immigration–Development Integration

- Introduce specific visa categories such as "cultural Heritage Resource Specialist," "Blue-Green Economy Expert," "Digital and Cyber Security Specialists," and "Public Health Care Professionals," with expedited pathways linked to national skills/ talent transfer.
- Dedicate a portion of work permit fees to national training and innovation programmes.
- Integrate migration data analytics into national competitiveness indicators.

4. IMPLEMENTATION AND OVERSIGHT MECHANISMS

To ensure the reforms are credible and sustainable:

- Establish a Migration Governance Implementation Committee chaired by the Ministry of Home Affairs, responsible for overseeing the implementation of the Bill, with representation from

Labour, Foreign Affairs, Economic Affairs, and the Ministry of Industry, Innovation, Science & Technology, especially the Data Protection Commission.

- Mandate annual reporting to Parliament on implementation progress and impact.

5. CONCLUSION

The Immigration Bill of 2025 presents Barbados with an opportunity to become a regional leader in managed migration and skills mobility, provides transparent governance, strong procedural safeguards, and alignment with national development goals to support it.

Implementing these essential revisions and policy measures will:

- Strengthen the rule of law and promote fairness.
- Enhance Barbados' international reputation.
- Foster confidence among investors and the public.
- Utilise immigration and diaspora engagement as key drivers of national competitiveness.

Submitted: 27 October 2025

By: Antonio Joyette, PhD and Cheryl Joyette, LLM, MSc. BSc. (Hon)

7. SUBMISSION FROM MS. STEPHANIE HOLDER

Subject: Urgent Consideration for Generational Citizenship Reform: Support for G3 Descent and Investment in Barbados

From: Stephanie H <stephanie_holder@hotmail.com>

Date: Tue 28/10, 14:11

To: parliamentbarbados@caribsurf.com

To Whom It May Concern,

I am writing to you today as a dedicated member of the Barbadian diaspora and a recently naturalized citizen, to respectfully request your support and consideration for an extension of the laws governing **citizenship by descent** to include the grandchildren of Barbadian citizens who were citizens from birth.

I am a 35-year-old professional successfully working in the **technology sector**. I was incredibly proud to obtain my Barbadian citizenship by descent in 2023. This step was taken with the long-term goal of deepening my family's connection and investment in Barbados. However, that vision is currently limited, as I would love for my daughter to have the same citizenship rights so that my family can truly **build and invest in Barbados generationally**.

My commitment to the island is substantial and long-term. We have purchased **land on the island** and are eager to start building a family home. Beyond this, we are keen to set up our long-term **banking, savings, and investment accounts** in Barbados. I maintain a good, high-earning job in the global technology sector and am actively planning to spend significantly more time on the island in the coming years. For these plans to be fully realized, the inclusion of my daughter via citizenship is a critical, foundational step.

I am aware of the ongoing work regarding the **Barbados Citizenship Bill 2025** and believe this presents a perfect opportunity to incorporate this crucial policy update. Extending citizenship to the third generation (G3) is not merely a sentimental request; it offers tangible benefits for Barbados:

1. **Repatriation of Capital and Investment:** It encourages successful diaspora members to repatriate their wealth, skills, and business networks, fostering economic growth and stability.
2. **Skills Transfer:** Professionals like myself, particularly in high-demand fields such as technology, are eager to contribute our expertise and knowledge to the local economy.
3. **Generational Loyalty:** Formalizing G3 citizenship ensures that future generations maintain deep, active ties to Barbados, securing a long-term economic and cultural pipeline.

To demonstrate the widespread support for this reform, I have initiated a petition that has already gathered **more than 500 signatures** from individuals across the diaspora who share this generational commitment to Barbados. The petition can be viewed here: https://c.org/VMrbTnFYDV

I am keen to invest in Barbados for the long term and stand ready to contribute significantly to the country's future. **I respectfully urge the passing of the Barbados Citizenship Bill 2025 as soon as legislatively possible to realize the full economic and social benefits detailed above. I stand ready to provide any further support or information on this policy if you require it. On a personal note,**

I would be overjoyed for my daughter to submit the very first application under the provisions of this new law!

Thank you for your tireless service and consideration of this important issue.

Sincerely,

Stephanie Holder

+447800 865185

8. SUBMISSION FROM MR. EDMUND G. HINKSON, S.C.

Edmund G. Hinkson, S.C.

LL.B., (HONS) U.W.I., LL.M. (OTTAWA)

ATTORNEY-AT-LAW

Charlton Chambers, Charlton House, Whitepark Road, BB11137, Bridgetown, Barbados

Tel: (246) 430-8953 | Cell: (246) 231-2579 | Home: (246) 432-9661 | E-Mail: edmundghinkson@gmail.com

28th October, 2025

The Clerk of Parliament

Parliament of Barbados,

Parliament Buildings,

Trafalgar Street,

BRIDGETOWN

Dear Sir,

Re: Memoranda Submitted to the Joint Select Committee of Parliament on Governance and Policy Matters on the Immigration Bill, 2025 and on the Barbados Citizenship Bill, 2025

I thank the Parliament for this opportunity to submit these memoranda in support in principle for the two above-captioned Bills in my capacity as a private citizen, but also in my capacity as the former Home Affairs Minister during whose tenure in office the idea and concept for this legislative reform were formulated.

POLICY BACKGROUND:

The Policy background to these two proposed legislative initiatives is rooted in the undisputable fact that the overall population of Barbados has been declining in recent times (a decline of approximately 10,000 persons fewer in 2021 than in 2010) and that annual death rates over the recent past far outweigh annual birth rates in the country. This has serious adverse implications over many aspects of Barbados' socio-economic affairs, not the least in terms of our nation's social security system particularly for our senior citizens, who are generally living longer now than at any previous time in our history. This is although Barbados is rated as the 15th most densely populated nation globally.

Secondly, there is the undoubted interest by Barbadians residing in our diaspora, and by their descendants who were born in and who reside in countries and regions especially in North America and the United Kingdom, for these descendants to be eligible for citizenship of Barbados. I have on many occasions during my recent past travels on government business to New York and through the United Kingdom been asked by such individuals when such eligibility will come into effect, particularly since I first announced this policy initiative as then Minister in 2019.

Thirdly, **the Barbados Population Study 2024,** compiled by a Commission comprising persons of high integrity and intellect, speaks to three main ways through which Barbados can achieve growth in its population size. Two of these means are "through managed migration", which the study describes as "an approach likely to increase the population of working age persons in the short and medium term" and "through policies that promote repatriation of Barbadians or their continuous engagement with social and economic life though resident elsewhere" (page 7).

THE BARBADOS CITIZENSHIP BILL, 2025:

The Constitution of Barbados presently provides that any person who has been ordinarily resident in Barbados throughout **at least ten years** immediately preceding that person's application shall have the right to be registered as a citizen of Barbados (**section 3A (1) (a)**).

The Barbados Citizenship Act, Cap. 186 presently provides, in apparent contradiction to the constitutional provision which of course has supremacy, that an adult citizen of any country mentioned in its First Schedule (comprising mainly Commonwealth member states), or of Ireland, may be registered as a citizen of Barbados if he has been ordinarily resident in Barbados for a period of **at least seven years**, of which at least five years in the aggregate must have been spent in Barbados (**section 4(3)**).

The fact however is that before 2018 when the present political administration came into office, our Immigration Department adopted a general policy, particularly in relation to citizens from other Caricom nations, that citizenship be not granted to many of them until many years beyond their ten years residence in Barbados through their having to go through all the stages for a period of time of reside and work, then of immigrant status, then of permanent residence and then finally being able to obtain citizenship. This general policy had the effect of many persons who were residing in Barbados for upwards of twenty years not being granted citizenship, even although they wished to be granted such status.

This policy was changed in 2018 since it was clearly a breach of the constitutional rights of those eligible people who wished to become citizens after ten years residence and who were not disqualified from such status due to any national security or public policy issues.

I am informed that the present policy of the Immigration Department is to follow the seven-year provision rather than the ten-year provision.

I am in agreement with **clause 3(3)** which proposes that anyone who is now a permanent resident is entitled to be registered as a citizen.

I also agree, as proposed by **clause 3(4)** of the Bill, that any person who has been an immigrant for at least three years shall be entitled to be registered as a citizen.

Based on the facts outlined in my earlier Policy Background section, I agree with **clause 3(2)** of this Bill which proposes to provide that any person who was born outside of Barbados and who is a grandchild or great grandchild of a Barbadian citizen may become a citizen of Barbados.

I am aware that the precedent basis of **clauses 3(5) and 3(6)** of this Bill, as well as of **clause 7 of the Immigration Bill**, is the Canadian Citizenship legislation by virtue of which you must be first a Permanent Resident to be eligible to apply for citizenship, having resided there for at least three years in the past five years. This liberal citizenship legislative framework of managed migration based on education, skills and financial wherewithal has resulted in approximately a 35 percent increase in Canada's population in the last 25 years from around 30 million in 1999 to over 41 million in 2024.

The Cabinet of Barbados in its wisdom proposes a similar policy in its attempt to increase the population of Barbados.

I however propose an amendment to the present **clause 3(5)** of the Bill which provides that a Caricom National by birth, descent or naturalization (not being a citizen by investment), their spouse and dependents who have been residing lawfully in Barbados as Permanent Residents for at least 180 days during the last 730 days may be registered as a citizen.

I believe that a longer period of commitment to Barbados ought to be demonstrated in this regard in terms of lawful residence in the country. I therefore recommend that the period of lawful residence be at least 365 days out of the 730 days period instead of 180 days.

Similarly, I suggest that in **clause 3(6)**, a person who is not a Caricom National, spouse or dependent thereof who is a Permanent Resident ought to lawfully reside in Barbados for at least 548 days during the last 1095 days to be eligible to be registered as a citizen, rather than 270 days as is presently proposed.

All the applications made under these proposals should of course be subject to national security scrutiny.

Furthermore, I propose that **the First Schedule** to the Bill be expanded to include the following categories of persons for entitlement to be registered as citizens, viz.: -

. Former West Indies Cricket Captains in all formats of the game, their spouses and dependents (cricket being so fundamental historically to the persona of a Barbadian),

. Former Presidents of the Caribbean Development Bank, their spouses and dependents (an institution which has been integral over the last 50 years approximately to our socio-economic development and which is physically located in Barbados), and

. Former Presidents of the Caribbean Court of Justice (our apex Court).

Finally, I recommend that all necessary Regulations to be made under **clause 15**, including those relating to the respective fees to be paid, be drafted and be available for public knowledge when the second reading of this Bill is undertaken in Parliament.

This includes a Regulation prescribing the period by virtue of which a spouse of a Barbadian citizen is eligible for citizenship. I propose that this period be two years, rather than the present policy of three years. Two years is long enough, in my submission, for the Immigration Department to discern whether a marriage is a genuine union or a sham.

THE IMMIGRATION BILL, 2025:

I support the proposal outlined in **clause 6(4)** of this Bill that any direct descendent of a citizen of Barbados may be registered as a Permanent Resident. This will enable persons who reside in Panama or Cuba, for example, who are beyond great grandchildren of Barbadians who emigrated to those countries over a century ago to become Permanent Residents of Barbados if they so desire and can prove their ancestry.

Clause 7(1) of this Bill is the provision which will predictably attract the greatest debate in this legislative initiative. By outlining means whereby persons on accumulation of ten points can become Permanent Residents of Barbados by virtue of some combination of age, Barbadian descent, education, skills, experience and financial resources, the Cabinet has proposed a transformational initiative to attract persons to reside and invest their human capital and/or financial resources in our nation. This is the alternative to citizenship by investment which, it is rightly agreed on all political sides, ought not to be a policy of our government.

I agree in principle with this points system.

I note that **clause 7(3)** of this Bill proposes that the Immigration Minister may make regulations respecting **the method** by which points are to be awarded. It should be made clear, in my submission, that the Minister's Regulations on this issue relate to the allocation of points based on the education qualifications and skills experience only and not to any variation in the allocation of points under any of the heads. Any variation in the allocation of points ought to be the purview of Parliament alone.

Similar to my proposal under the Barbados Citizenship Bill, I recommend that all necessary Regulations to be made under **clause 38**, including those relating to the respective fees to be paid, be drafted and be available for public knowledge when the second reading of this Bill is undertaken in Parliament.

CONCLUSION:

I identify with the view of the Population Study Commissioners as expressed on page 38 of the document that "the implementation of the migration policies, based on assessment of whether the needed skills to grow sectors such as heritage tourism, renewable ICT, electricity, energy, graphic design and animation, software development, specialty rum, pharmaceuticals and biotech products, should be closely monitored to ensure that migrants are integrated in a fair manner and that bajans are not displaced from the labour market or otherwise disadvantaged."

I again thank Parliament for the opportunity to submit these memoranda and make myself available to appear before the Committee in person to present my views orally.

Yours Faithfully,

EDMUND G. HINKSON, S.C.

9. SUBMISSION FROM THE BARBADOS BAR ASSOCIATION

The Barbados Bar Association

"The Beverley J. Walrond Building", Perry Gap, Roebuck Street, Bridgetown, Barbados W.I.

Tel: (246) 437-7316 | Fax No: (246) 538-1739 | Email: admin@barbadosbarassociation.com | www.barbadosbarassociation.com

President: KAYE A. WILLIAMS Secretary: RAQUEL GILKES Asst. Secretary: AKEEM ROWE

31st October 2025

The Clerk of Parliament

Parliament of Barbados

Parliament Buildings

Trafalgar Street

Bridgetown

Dear Sirs,

RE: COMMENTS ON THE BARBADOS CITIZENSHIP BILL 2025 AND THE IMMIGRATION BILL 2025

Kindly see attached the written submissions of The Barbados Bar Association in respect of the Citizenship Bill 2025 and The Immigration Bill 2025.

We are grateful for the opportunity to present our oral submissions.

Yours faithfully,

Yours respectfully,

BARBADOS BAR ASSOCIATION

Kaye A. Williams (Mrs.)

PRESIDENT

COMMENTS ON THE CITIZENSHIP BILL 2025 AND THE IMMIGRATION BILL 2025 BY THE BARBADOS BAR ASSOCIATION

Introduction

As Barbados navigates the complexities of redefining its citizenship and immigration landscape, the Barbados Bar Association welcomes the fact that the proposed citizenship and immigration reforms have been widely circulated for public and stakeholder review.

DISCLAIMER:

***The Barbados Bar Association ('BBA') has been invited to submit comments on two Bills – the Citizenship Bill 2025 and the Immigration Bill 2025. However, it has come to the BBA's attention that there are two (2) versions of the Citizenship Bill in circulation. A comparison of the two versions of the Citizenship Bills reveals that there are significant differences. The BBA has requested clarification on which version was tabled before Parliament so its review team can critique that version. In the circumstances, this critique is limited to the BBA's limited observations on the Citizenship Bill pending confirmation of that query.**

CITIZENSHIP BILL 2025

Legislative Provision	*Comments*
Need to first establish the modern Republican Constitution	**Need to first establish the modern Republican Constitution** Citizenship represents the highest civic status that may be conferred upon an individual within our constitutional democracy; it is an honour grounded in the enduring principles of allegiance and loyalty to our nation, from which the full spectrum of constitutional rights, duties, privileges and protections flow. It is therefore essential that the Constitution continue to recognise and provide for distinct classes of citizenship. In Barbados and across the Commonwealth, citizenship rights are conferred and derived from fundamental constitutional rights. It is the view of the BBA that it is only logical to first examine the proposed constitutional provisions which frame citizenship in a republican Barbados. This is because all public authorities, and in this case, the Immigration Department, must act within the four corners of the instrument that is the source of its power. The Constitution is the supreme law of Barbados. If any other law is inconsistent with the Constitution, it shall be void to the extent of that inconsistency. The current Bill proposes to repeal the existing *Citizenship Act* Cap 186. This Bill is one of significance that speaks to the very heart of our identity as Barbadians. Citizenship is not a mere legislative construct. A discussion on the Citizenship Bill is a discussion on whether the Constitution continues to recognise and protect classes of citizenship as an expression of the nation's sovereignty.

Legislative Provision	*Comments*
Need to reflect the views of Barbadian society and that of the Barbadian diaspora	**Need to reflect the views of Barbadian society and that of the Barbadian diaspora** This stakeholder discussion must be held in tandem with the proposed constitutional changes and the views of the citizens of this nation. The Constitution confers rights of citizenship, so the provisions of the Constitution should inform the Citizenship and Immigration Bills, and further, the BBA is of the view that these Bills should be considered step in step with public views as expressed in the Report of the Constitutional Reform Commission. Barbados is a small island state, proud of its regional and international standing. Reforms on matters of citizenship and immigration must both reflect the aspirations of the Barbadian people and align squarely with the supreme law of the land: the Constitution.
	Given the foregoing, this Honourable Joint Select Committee is invited to recognise that: 1. The Constitution is the Supreme law. 2. Citizenship is the highest civil and constitutional status an individual may hold under the law. 3. The rights, duties, protections and privileges flowing from citizenship derive their force from the Constitution itself. 4. The Constitution provides, and ought to continue to provide, for classes of citizenship consistent with its history, structure, and principles of allegiance and loyalty. 5. The exercise of reform of the Constitution of Barbados, and the reform of Citizenship and Immigration must take into account the views of Barbadian public. 6. The exercise of repealing and replacing the existing Citizenship Act ought not to occur before there is a full and proper discourse on constitutional reform, and the new republican Constitution of Barbados is established.
Importance of a guiding Policy Paper to provide context for the legislative framework	In recognising classes or forms of citizenship, we must acknowledge the evolution of this nation — its history, its territorial and cultural dimensions, and its commitment to inclusion within a constitutional framework of rights and responsibilities. In this regard, a policy paper is a best practice in international legislative drafting and good governance. The policy paper forms the bridge between political intent and legislative text. The BBA is aware that there are previous policy papers – a Green Paper and a White Paper - which were produced. However, to the best of our knowledge, these policy papers pre-dated

Legislative Provision	*Comments*
	two very significant occurrences: first, the country's new republican status in 2021 and second, the very recent enhanced protocol that has led to the freedom of movement among the CARICOM community. The most recent policy paper is critical to this discussion, and the BBA respectfully asks for sight of the policy paper that guided this legislative process. Further oral submissions will be made under this point.
Citizenship and Population to encourage national development	**Citizenship and Population to encourage national development** The BBA questions the claim that simply increasing the population pool and number of citizens guarantees a greater contribution to a country's resources. Each citizen of this nation has automatic rights and entitlements, to healthcare, education and certain protections all of which come at a cost. What is the guiding policy on expansion of citizenship rights from the policy paper? Upon what are the legislative provisions based? : • Expansion of citizenship can expand economic potential, but without complementary conditions—such as productive employment —it can just as easily dilute national resources rather than enhance them. • More citizens mean greater demands for education, healthcare, infrastructure, and social protection. There should be a focus on not just workers, but skilled, healthy, and employed workers in the areas of greatest potential and demand to take this nation forward. • From an immigration and demographic policy viewpoint, are the provisions supportive of the guiding policy? The recent allows for dependants, those under 18 years, as well as those who by age and infirmity, are dependants. In the Commonwealth nation of Australia, for example, the applicant must prove that they can financially support their dependents fully while they are residing in Australia • Increasing the number of citizens does not inherently expand a country's resources. Without proportional increases in productivity, investment, and fiscal capacity, pushing to expand a citizenship base often redistributes existing resources more thinly, rather than creating new ones. More examples will be provided in the oral submissions. Conditions for citizenship through naturalization vary across EU countries. Some countries allow persons to apply for citizenship directly after acquiring permanent residence, others have applicants to

Legislative Provision	*Comments*
	go through a rigid process of integration test years after acquiring permanent residence. Further examples will be provided.
A pathway to citizenship that provides for national development and contributions to the economy: General considerations	**Comparison: Europe** In Europe one must contribute through naturalistion before acquiring Citizenship. An EU citizen may legally reside in another EU country for an extended amount of time, and acquire rights. Most common reason for an extended stay in a foreign country is employment or retirement. The stay is initially backed by a temporary residence permit, combined with a work permit when applicable. After a certain amount of time they are able to convert the temporary residence to a permanent residence status. Subsequently citizenship becomes available**.** (Reference: https://www.apply.eu/passport/) Further examples will be provided.
Grandparents and Great-Grandparents	**Acquisition through Grandparents and Great-grandparents** Several countries, primarily in Europe, allow citizenship through Great-grandparents, including Bulgaria, Italy, Poland, Hungary, Ireland, and Slovakia, though each has specific and often stringent requirements. Eligibility typically depends on an unbroken chain of citizenship, where the ancestor was a citizen at the time of their parent's birth, who was, in turn, also a citizen. In other words, if the right is truly based on descent, an applicant cannot "leapfrog" over parents who are not citizens and seek to acquire citizenship rights from either a grandparent or great grandparent.
Section 4(d)	**Section 4(d)** — vests extraordinary power to exercise decision which may be deemed subjectively based and arbitrary in character. It potentially opens the State to legal challenge on that basis.
Section 9 (c)	**Section 9 (c)** — as above.
Section 13	**Section 13** — There is an absence of a right of appeal or review. The Minister is not obligated to provide a reason for refusing any application under this Act. This seems against principles natural justice, as the Applicant should know why their application is rejected so they can remedy the situation by clarifying any misunderstanding or providing any required additional information. It potentially opens the State to legal challenge on that basis.
General comment: mechanisms for oversight	General comment – aspects of the Bill appear to oust the jurisdiction of the Courts and grants excessive authority to the Minister, absenting any mechanism for oversight.

Legislative Provision	*Comments*
5th Schedule, section 6(a)	5th Schedule, section 6(a) reads "6. Persons who are or have been at any time advocates of (a) overthrow by force or violence of the Government of Barbados or any other country or of all forms **or** law;" It appears to be typographical and should perhaps read "all forms **of** law"

THE IMMIGRATION BILL 2025	
OBSERVATIONS: **Section 2 – Interpretation:**	
- ***The term citizen is defined to mean "a citizen of Barbados by virtue of the Constitution or the Barbados Citizenship Act."***	***SUBMISSION:*** *Whereas the BBA has been furnished with a copy of the Citizenship Bill, we are unaware of what amendments are being proposed to the Constitution. That said, the BBA notes the recommendations contained in the Report of the Constitutional Reform Commission as they relate to Chapter II of the Constitution of Barbados.*
- ***The term "step-child" is not defined in the Act.*** *In Barbados, a "step-child" is not defined uniformly across all laws, but its meaning is set within specific acts. The term has been defined within the context of the Family Law Act and the Prevention of Cruelty to Children Act.*	**SUBMISSION**: Because the definition of "step-child" can and does vary, it is desirable that it be defined within the context of this Act. For example, a possible definition could read: *"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"*
- **Right to enter Barbados**	**SUBMISSION:** Currently, section 4(2) contains qualifying words as it relates to the right of permanent residents to enter Barbados. It stipulates that a permanent resident, *so long as he continues to be a permanent resident*, shall be permitted to enter Barbados. Insofar as the Bill makes provisions for the loss of status of permanent residents (see section 8(1)), we are of the view that those words be added to section 3(3).
- **Permitted entrants**	**SUBMISSION: Section 4** references the *Caribbean Community (Movement of Skilled Nationals) Act. CAP 186A*, however, regard should also be given to the interconnectivity and interplay between the

	provisions of that Act, the proposed provisions of the Immigration Bill as well as the proposed provisions of the Caribbean Community (Free Movement of Nationals) Bill. These Bills are all interconnected, therefore, harmonization of the provisions is to be desired to avoid variations and inconsistencies which would need to be rectified by legislative intervention. Legislation by amendment is to be avoided.
- **Section 4**	**Section 4** – only refers to EU Member States or the UK. Our main business partners are Canada and the US, why are they not included? **Section 4(5)** – when is the permit issued by the Immigration Officer? Upon entry into Barbados? **Section 4(12)** – what obtains upon the expiration of a special entry permit, which is otherwise renewable for periods of five years until the holder reaches age 60. **Section 4(14**) – "graduate trainee" – what does *"transferred to a commercial presence"* mean? Should "to the parent company of the company located in Barbados" correctly be to the "subsidiary company located in Barbados"? "intra-corporate transferee" – what is a "manager" or "specialist". What is the documentary evidence required to prove the holding of such a position? What does *"transferred to a commercial presence"* mean? "key personnel" – how does one prove that one is responsible for "setting up" or "proper control, administration and operation"? What is a "commercial presence"?
- **Reside or reside and work** - **Section 5**	**SUBMISSION: Section 5 -** The BBA is aware that this status is currently granted by the Minister pursuant to section 13 (7) of the Immigration Act in instances, for example, where an individual has applied for citizenship pursuant to section 3 A (1) (b) of the Constitution. This is a policy decision. Although section 5 now provides specific legislative footing for this type of status, it is noted that the criteria to be met and the grounds upon which an application can be submitted, are not defined or spelt out in the Bill. The policy behind the decision to give this status a legislative underpinning is also unknown.
- **Section 5**	**Section 5** – what are the qualifications/requirements for a permit to reside, or reside and work? Is this determined by the Minister on a case by case basis? There will be no transparency and the Minister may be suspected of personal bias in decision making. Would this be the section applied to a spouse whose partner is on a work permit or to their dependents?

- **Section 6**	**Section 6** – only a spouse of a Barbados citizen and retired with sufficient financial resources to support themselves and their dependents can apply for permanent residency. An adult dependent, or someone that has been on a work permit, even for several years, cannot access this status.
- **Permanent Residents** - **Section 7**	**SUBMISSION: Section 7** provides additional grounds for the acquisition of the status of a permanent resident and states that a person *"by reason of age, Barbadian descent, education and **financial resources**",* and who is awarded at least 10 points, may apply to be registered as a permanent resident. It is noted that a points system is introduced which is to be applied in respect of certain defined criteria listed in the Fourth Schedule of the Bill. Any expansion or redaction of the criteria will require a legislative amendment. It is submitted that more flexibility should be given to the Minister to be able to amend the schedule by Order as this may need to be revised and/or expanded over time. In a report issued in November 2018 by the OECD on Residence/Citizenship by investment schemes, the following observation was made: *"While residence and citizenship by investment (CBI/RBI) schemes allow individuals to obtain citizenship or residence rights through local investments or against a flat fee for perfectly legitimate reasons, they can also be potentially misused to hide their assets offshore by escaping reporting under the OECD/G20 Common Reporting Standard (CRS). In particular, Identity Cards and other documentation obtained through CBI/RBI schemes can potentially be misused … to misrepresent an individual's jurisdiction(s) of tax residence and to endanger the proper operation of the CRS due diligence procedures.* *Potentially high-risk CBI/RBI schemes are those that give access to a low personal income tax rate on offshore financial assets and do not require an individual to spend a significant amount of time in the location offering the scheme."* With the exception of persons who serve in diplomatic missions/international organizations (who are awarded 10 points), of the remaining criteria, the second highest number of points (i.e. 5 points) are awarded to persons who invest over $5 million dollars. In 2018, Barbados' Special Entry Permit was previously identified by the OECD as a product which potentially posed a high risk to the integrity of CRS. It is submitted that the inclusion and composition of part 5 of the Fourth Schedule headed "*financial resources*" could be computed to allow for residency to be acquired based on a person's "financial resources" alone. This could result in Barbados being

	dragged into the OECD's net of non-compliant jurisdictions and possibly being blacklisted by the OECD and/or the EU.
- **Section 7**	Section 7 – Is this intended to replace the former "immigrant status" and the special entry permit? (1) 10 points based on the fourth schedule which shows the points: The older you are the less points you get. Education/skill/experience is vague and leaves a lot of discretion, categories should be provided i.e. secondary school, certificate bachelor, masters, Doctorate, number of years etc. Difficult to meet 10 points for persons who do not have Barbadian descent or service in diplomatic missions/organisations Uncertainty for persons with years of skills/experience but no formal education No consideration of assets outside of Barbados notice of which is currently taken under the Special Entry Permit regime, thus depriving High Net Worth Individuals who have a second home in Barbados, of the equivalent of permanent residency status, which they often wish to obtain. (2) dependents over 18 years require their own 10 points? It is unlikely that the dependents will have high education /skill/experience and assets in their own name for financial resources. These dependents often grew up in Barbados on a student visa and went overseas to study at University. Often, they would stay overseas during the summer to get a summer job and gain experience, especially since it is unlikely that the Immigration Department would give a work permit to a student for a summer job. There is no section to allow them to return to Barbados after their studies to live in the place which they consider their home. No provisions which assure a High Net Worth Individual that he can remain in Barbados on any permanent basis, as was the case with a special entry permit. This means that we are asking people to buy a home and hope that their application to remain in Barbados is accepted after the fact. For non-retirees, this means relying on the point system which includes some discretion in particular with the education/skill/experience criterion. This will dissuade many people, especially as the Minister can reject any application without explanation or recourse. The Special Entry Permit cannot be replaced by a Welcome Stamp or other tourist status because the tax implications are different, and these persons relocate to Barbados to benefit from our tax regime. In brief, anecdotally, we estimate that under that new point system and the permanent resident section, at least 80% of the current holders of special entry permits will no longer qualify. For example, a 50-year-

	old entrepreneur with no formal education, not yet retired, who owns a US$20M home in Barbados, and a US$100M business overseas, would no longer qualify (age: 3 points, asset: 5 points: total 8). The main issue: assets outside Barbados are no longer considered. Also, a person on a work permit cannot become a citizen. He cannot become a permanent resident until he retires or meets the criteria under the point system, which most people will not meet.
- **Work permits**	**SUBMITTED:** Section 19 of the current Immigration Act, CAP 190 gives flexibility to the Minister to require a proposed employer to furnish the Chief Immigration Officer with security in such form as the Minister determines and in such amounts as the Minister thinks sufficient to meet the cost of the repatriation of the person to whom the permit relates and his dependants (if any). It is noted that the corresponding section in the Bill relating to work permits does not include a similar provision. This is a useful tool, especially in instances where bulk permits are sought (e.g. in the construction sector) and it is submitted that consideration ought to have been given as to its current purpose and use and encapsulating its desired useful components in the Bill, especially against the backdrop of a construction boom.

General observations

1. The implementation of the suite of legislation will require a change management team who will oversee the process. It is noted that at the time of writing, no draft regulations or application forms have been provided for perusal and/or comment.
2. The overriding policy document should also have been shared with a view to providing some context and/or rationale behind the Bills.
3. Apart from these Bills, an immigration matter that has not been resolved is the Welcome Stamp. At the moment, a Welcome Stamp can be renewed indefinitely. This allows persons to live in Barbados permanently without ever paying any income tax in Barbados (they are considered non-resident for tax purposes under this Act) or anywhere else in the world. The Welcome Stamp still has its place, but consideration should be given to limiting it to 2 years. It is being advertised on the internet by some digital nomad groups as a way to evade taxation, which is not good publicity for Barbados.

10. SUBMISSION FROM MS. MICHELLE S. A. CARTER

VIEWS ON THE CITIZENSHIP BILL

Concerns on Migration

Submitted to:

The Clerk of Parliament

Parliament of Barbados

Parliament Buildings, Trafalgar Street

Bridgetown

By:

Michelle S. A. Carter

Address: Olton Road, Welches, St. Michael, BB11089

Email: michellesacarter@gmail.com

Introduction

These are my thoughts and concerns regarding the Citizenship Bill and immigration matters more broadly. Unfortunately, due to professional and academic commitments, I was unable to review the Immigration Bill. While I am grateful for the opportunity to contribute, I feel that the time provided to review both Bills and conduct the necessary research was too short. I trust that this was an oversight.

I wish to make it clear that I am not anti-immigration. I understand the need to attract more residents to our shores, especially given our low birth rate and aging population. Barbados is not unique in pursuing such a strategy. However, as a Barbadian citizen, I am concerned that our efforts to attract new residents are not being executed in a sufficiently structured or deliberate manner. In particular, I am concerned that the extremely short timeframes proposed for obtaining citizenship may devalue Barbadian citizenship itself.

I am willing to appear before the Committee to further discuss my concerns

Proof of Citizenship

Common Law Spouses

For common law spouses, what proof is required of persons who are not Barbadian? What documents must be submitted to the Immigration Department to verify such relationships? These requirements should be clearly articulated to prevent abuse or fraud. I think that persons should get married.

Great grand-children

From my experience in Latin America, grandchildren and great-grandchildren of Barbadians often have little to no interest in Barbados. This may differ in countries where Barbadians have historically settled, but generally, I do not agree with automatic citizenship for great-grandchildren.

Instead, I propose that their path to citizenship be shortened compared to other immigrants, but contingent on continuous residence in Barbados for at least two years.

Additionally, what documentary evidence will both grandchildren and great-grandchildren be required to present to establish eligibility? Such evidence must be verifiable and not merely anecdotal.

Students and Diplomats

What provisions are made for non-national students? If an individual comes to Barbados to pursue higher education, will they be entitled to citizenship upon completion?

I suggest that students who wish to remain in Barbados after their studies be eligible for a special visa that begins their period of legal residency leading to citizenship, provided they completed a minimum of two to three years of tertiary studies in Barbados.

Likewise, Diplomats should be given the opportunity to obtain residency leading to citizenship on completion of their diplomatic posting.

Citizenship by Investment

I was made to understand that persons who obtain citizenship through Citizenship by Investment are not considered CARICOM citizens. However, I did not see any provisions in the legislation addressing how such individuals are to be treated.

I am uneasy about the potential implications for the Barbados passport, given our current level of visa-free access. Concerns with Dominica's CBI programme led to the UK imposing visas on Dominicans; Barbados must safeguard the integrity of its passport.

Key questions:

1. Are CBI citizens excluded from CARICOM requirements for citizenship?
2. How are they excluded from CARICOM free movement rights?
3. What specific measures in the legislation govern their treatment?
4. How will immigration officers distinguish between a genuine CARICOM citizen and one who purchased citizenship?

If CBI citizens wish to benefit from CARICOM rights, they should be required to prove continuous residence in the country of investment for at least five to ten years.

CARICOM should consider the issuance of a CARICOM ID that is issued only to genuine citizens of CARICOM as that would filter out Citizens by Investment.

Period of Residency and Integration

Granting citizenship to CARICOM citizens after two years, and to non-CARICOM citizens after three years, is far too short. If individuals are genuinely committed to settling in and contributing to Barbados, a more appropriate timeframe would be a minimum of four years for CARICOM citizens and six years for non-CARICOM citizens.

Citizenship should not be a precondition for residing in or contributing to Barbados. Notably, within the European Union, the benchmark for regional integration, the timeframe for citizenship is typically five to ten years, yet individuals still enjoy many benefits prior to naturalization.

Integration into Barbadian Society

The legislation should include provisions to promote integration of all new citizens, including those by descent. I support multiculturalism, but integration requires mutual understanding and respect.

To this end:

1. Will there be a language proficiency requirement?
2. Will there be a course or test on Barbadian history, culture, and national symbols (e.g., the Anthem, Pledge, National Heroes)?

This is not intended to make the process onerous, but to foster genuine connection and national pride. Every passport holder should be an ambassador for Barbados.

Persons with Records

The Bill appears to focus primarily on the length of prison sentences when assessing applicants with criminal records. However, the nature of the offence is equally important. For example, a thief may receive only a six-month sentence, but such conduct should still disqualify an applicant. Barbados should not welcome **any** convicted offenders.

Protection of Jobs

It is important that Barbadians remain the first option for employment opportunities. Having migrated as soon as I completed University, I understand and support mobility. However, I am cognizant that not every Barbadian can or should be expected to seek employment abroad; it is not for the faint-hearted and it is challenging.

The current policy requiring that jobs be offered to Barbadians first should remain intact. Once an immigrant becomes a citizen, that principle no longer applies but until then, Barbadians should have priority access to available positions.

Revocation of Citizenship and Deportation

Barbadian citizenship is a privilege, not a right, and it carries responsibilities. There should be provisions to revoke citizenship and/or deport individuals who run afoul of the law whether in Barbados or abroad, with no distinction made for the crime committed.

This should not depend solely on the length of sentence. Any person incarcerated or fined, whether locally or overseas has failed to uphold the standards of citizenship and should be stripped of their Barbadian nationality and returned to their country of origin. Barbados is building a safe society and those who do not contribute are not welcomed.

Respect for Barbados

Some countries, such as Panama, include provisions prohibiting immigrants from disparaging the country. This is regulated under Law No. 3 of 2008, Article 31(2), which also outlines all the grounds under which a person's residency may be terminated such as the submission of fraudulent documents or exceeding the maximum time away without the relevant permission.

Barbados should consider adopting similar provisions applicable to naturalized citizens and residents, establishing that those who publicly defame or disparage the nation, its institutions, or its people or those who commit fraud may face consequences, including potential revocation of status where appropriate.

Such a measure would not inhibit legitimate criticism of government policy or constructive dialogue on national issues, but it would discourage the misuse of social media and other platforms to demean

Barbados and Barbadians. A country that extends the privilege of citizenship and residence deserves basic respect in return.

Concerns about Immigration Management

Even large nations such as Canada have recently scaled back immigration due to pressure on infrastructure and services. Barbados must anticipate similar challenges, particularly in areas such as housing, sanitation, transportation, and healthcare where there is already difficulty meeting the demand.

Key considerations include:

1. Screening for communicable diseases that pose public health risks.
2. Managing acceptance of persons with pre-existing medical conditions—perhaps through **mandatory private health insurance**.
3. Improving garbage collection (currently inconsistent, often twice monthly).
4. Expanding routes and modernizing public transportation, and holding owners of public service vehicles accountable for driver and conductor misconduct.

If we wish new residents to remain and integrate successfully, basic public services must keep pace with the expected population growth.

Aligning Immigration with Labour Force Requirements

How does the proposed policy align with national labour force needs? At present, Barbados does not appear to be attracting highly skilled labour. A **priority skills list** should be published to guide prospective migrants and allow self-regulation of immigration flows.

Vetting of Potential Immigrants

I remain unconvinced by existing assurances about vetting. Every applicant should be fingerprinted, and those prints should be checked against international criminal databases and open sources of information. People change names and travel documents; fingerprinting closes those gaps in the system. As Barbados opens its borders, it needs to tighten its security, especially in light in the worrisome trend in crime that can threaten the very foundations of our main revenue earner, tourism.

Furthermore, Barbados should maintain a national fingerprint database for citizens and residents. The recent case where it took over two months to identify a deceased person underscores the need for such a system.

Conclusion

Barbados must pursue immigration and citizenship reform with strategic foresight and respect for the value of Barbadian nationality. Growth is essential, but not at the expense of our identity, security, and social cohesion.

We must welcome those who wish to build with us but only through a fair, transparent, and structured process, that protects the interests of all Barbadians, present and future.

Appendix 3

Record of Oral Presentations

The verbatim record (Official Report) of the proceedings of the Third Meeting held on Friday, November 7, 2025 and the Fourth Meeting held on Tuesday, November 11, 2025, at which oral presentations were received, is set out hereunder.

THE THIRD MEETING OF THE JOINT SELECT COMMITTEE (STANDING)
ON GOVERNANCE AND POLICY MATTERS
ON THE IMMIGRATION BILL, 2025
AND THE BARBADOS CITIZENSHIP BILL, 2025

HELD IN THE SENATE CHAMBER, PARLIAMENT BUILDINGS, TRAFALGAR STREET, BRIDGETOWN

FRIDAY, NOVEMBER 07, 2025

FIRST SESSION 2022-2027

PRESENT
Ms. M. K.-A. CADDLE, M. P. **(CHAIRMAN)**
Dr. R. O. SPRINGER, J. P., M. P. **(DEPUTY CHAIRMAN)**
Mr. P. R. PHILLIPS, J. P., M. P.
HON. C. J. BLACKMAN, J. P., M. P.
SENATOR A. A. O. BOYCE
SENATOR R. O. WALTERS
SENATOR the HON. L. E. NURSE

ABSENT:
Mr. R. A. THORNE, K. C., M. P. (LEADER OF THE OPPOSITION)
SENATOR G. P. B. NICHOLLS

ALSO IN ATTENDANCE:
Mr. PEDRO EASTMOND (Clerk of Parliament)
Ms. BEVERLEY S. GIBBONS (Deputy Clerk of Parliament)
Mr. NIGEL JONES (Deputy Clerk of Parliament)
Miss J'ANNE C. GREENIDGE (Typist, Journal Department Parliament)
Hon. SHERMAN MOORE, CHB (Retired Justice of Appeal and Former Chief Parliamentary Counsel)
Mrs. MECHELLE ELIE (CHIEF PARLIAMENTARY COUNSEL (C.P.C.))

PRESENT BY INVITATION
Hon. W. A. ABRAHAMS, S.C. (Minister of Home Affairs and Information)

The Chairman called the meeting to order at 10:00 a.m.

Madam CHAIRMAN: Welcome back, everyone. It is proposed that, in terms of the Agenda, we take Oral Presentations at Item Three (3) and Consideration of Written Presentations at Item Four (4).

Any objections? If not, can we move to Agenda Item Two (2)? Minutes of the Second Meeting held on Wednesday, 05 November, 2025 are to be deferred.

On the motion of Mr. P. R. PHILLIPS, seconded by SENATOR A. A. O. BOYCE, Minutes of the Second Meeting held on Wednesday, November 5, 2025, were deferred.

Madam CHAIRMAN: We move directly then to Oral Presentations. I will just pause to ask that the person who will be presenting to us, be invited.

Good morning and welcome. Could you please state your name and any institution with which you are associated? Please turn your microphone on.

Mr. KEMAR STUART: Good morning to everyone, present. I am Kemar Stuart. I am the political leader of the New National Party (NNP).

Madam CHAIRMAN: Thanks, Mr. Stuart. The procedure here this morning will be that you please go ahead and make your presentation and share with us, anything you would wish on the two (2) Bills before us, after which Members may have questions for you. Please go ahead.

Mr. KEMAR STUART: Thank you very much. First, thank you for the opportunity to come here to present. I respect the fact that you are seeking the public's
input on some very important pieces of legislation. My first set of comments will be on the citizenship aspect. Chapter II of the Constitution of Barbados speaks to what is citizenship and how you could become a citizen of Barbados.

Specifically, this Bill was marketed to be an assistance towards facilitating Caribbean community (CARICOM) nationals into Barbados' domestic space. That time stipulated in the Constitution would have been seven (7) years based on section 3(2).

When I looked into the Citizenship Bill which speaks to the Regulations of it; Section 15 says that the Minister specifically may make Regulations related to the registration of anything required or authorised under this Act or Chapter II of the Constitution, to be registered. I am asking if the Minister has the authority to make, what you call 'soft' amendments to the Constitution of Barbados strategically.

I am also concerned about the fact that it used to say "Parliament" had the power to do such things and it only says "Minister" in the majority (of cases). If you look at the language in this Act, it merely speaks to that of the Minister.

I am a bit concerned that the powers of the Minister are actually overruling what was already prescribed for in the Constitution of Barbados.

Madam CHAIRMAN: Mr. Stuart, I am only interrupting you on a matter of clarification. When you say, *"It used to say Parliament"*, to what are you referring?

Mr. KEMAR STUART: In the Constitution of Barbados where it speaks to citizenship, there is a side section which says, *'Power of Parliament'*, so traditional legislation would speak to the power that Parliament has in many instances. For this Citizenship Bill, I hardly see any reference to "Parliament". I see many references to the "Minister".

Based on how our system is set up of collective responsibility, even though you may have a substantive Minister, it could end up that the Prime Minister overrules that Minister based on the collective responsibility factor. I am just concerned about possible abuse of power that may happen from that perspective.

It also speaks at Part (d) stating, *"Relating to the giving of any notice required or authorised to be given to any person by or under this Act"…*

For example, if there is a set period or respectable period of which a Minister could issue a notice or request, *et cetera*, the Minister can then say, "Wuh I give you a date", which may not be good for doing business or so. I do not think it should be left to the discretion of the Minister to specifically speak to the amount of time or notice required. I think it should be….

Madam CHAIRMAN: Sorry, just tell us which Clause in the Bill you are referring to.

Mr. KEMAR STUART: In Regulations, when you come down to Clause 15 (d), I believe, which states, "Relating to the giving of any notice required or authorised to be given to any person by or under this Act".

Madam CHAIRMAN: Alright, so you are referring to the Clause 15 that outlines how and under what conditions the Minister may make regulations.

The Minister may make "*Regulations relating to the giving of any notice required or authorised to be given to any person by or under this Act*".

What this is saying is that the Minister may make Regulations for this purpose. What is your comment on that?

Mr. KEMAR STUART: As it relates to giving notice, I think it should be a set period or set time that the Minister has to operate within, as opposed to using discretion. There should at least be a minimum time.

Madam CHAIRMAN: I think all this is saying here is that the Regulations that will be laid by negative resolution would speak to the notice required. The Regulations that will be made under this legislation will speak to the notice required. This does not specifically say that that period will be discretionary.

Mr. KEMAR STUART: Okay, thanks. Part IV titled Miscellaneous, spoke to the Minister's discretion not to be questioned and decisions to be final.

If you were speaking about the above section, I assume that you would have not seen a closed-ended sentence; where the sentence was finished and then, you started a new sentence by speaking to the Minister's discretion, so I am assuming that does not correlate to the section above. Under that, at the said 13, it says that 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.

My concern there would be the blocking of access to a judicial review. I assume that if such a clause is challenged in the law courts, it may be struck down because I do not think a Minister's say or power should be final. I think that the law courts and the judiciary should determine the final aspect of it. If I want to protest the Minister's decision, I should have somewhere to be able to protest that decision.

Also, this Bill, while it speaks to the granting of citizenship, it has expansive information on it in terms of depriving people of citizenship as well.

I was looking at this Bill and you spoke about the negative resolution aspect of it. Due to the fact that the Minister has utmost discretion and does not necessarily require further parliamentary approval to make specific decisions; I am concerned that at a future date there might be the possibility of abuse of the Bill for a Minister to determine who should or should not be deprived of citizenship.

In the Middle East, you have countries that take over other countries and other people's land and render natives to be stateless. You should also guard against the possibility of actions taken if you were not born in Barbados, even if you are a CARICOM or Commonwealth citizen by virtue; there is a possibility that your citizenship could be revoked under specified future laws.

To move on quickly, there is an aspect in here that speaks to speech and acts, under which a Minister can deprive a person of his citizenship and this is at 13. Section 13, it says that the person who has shown himself by act or speech to be disloyal or disaffected …

Asides.

Mr. KEMAR STUART: This is 13 I am at. Well, I am going to repeat the Clause. I quoted in terms of depriving people of citizenship. I might be giving the wrong number; it is a possibility.

It starts at Nine (9). Nine (9), right. The clause which says that the person has shown himself by act or speech to be disloyal or disaffected towards Barbados.

Madam CHAIRMAN: That is Clause 9(c).

Mr. KEMAR STUART: That is my bad, not 13; 9(1)(c). By act or by speech to be disloyal towards Barbados. Again, one (1) person, meaning the Minister, has determination by somebody's speech or by act. To give the public some comfort, there are words like "terrorist activities" that could be included because this is broad.

A speech or act could mean anything. It is a Minister's determination. Disloyalty could be interpreted very broadly so I would appreciate

something more specific, as to what exactly is disloyalty and what exactly is disaffection towards Barbados.

Madam CHAIRMAN: If I could perhaps give a little more context to what you have just shared because this came up in our discussions when we met on Wednesday. Just to point out that this relates to people who have been granted citizenship other than by virtue of the Sections quoted at 9(1), related to the Constitution.

This is not related to somebody who is granted citizenship by birth and by the other attributes that are highlighted here. This is somebody that is granted citizenship under the other conditions. I just make that stipulation to say that a person, who by act or speech, is said to be disloyal or disaffected who is born in Barbados or who becomes a citizen of Barbados under the Constitution, this does not apply to those people.

This is in cases where this person has been granted citizenship under other conditions. I would not want the public to be of the impression that any citizen of Barbados, born here, can say something and be stripped of citizenship because this is not what this relates to but please go ahead.

Mr. KEMAR STUART: Thank you for the clarification. It was listed above in sections two (2); three (3); four (4); five (5); one (1) or two (2) in the Bill. Just to repeat what you said and confirm what you said.

However again, you may grant somebody citizenship but if the Minister wakes up and is not feeling good or is angry and determines that this person….

Regardless, it is too broad; regardless of if it is somebody here or has been granted special citizenship. It should be specified specifically; an act of terrorism; human trafficking; treason; *et cetera.*

I was wondering how come it was a Bill based off negative resolution because it is about Barbados and I feel like, it should be open, not necessarily going this route.

Madam CHAIRMAN: Sorry, the last point you are making is that the regulations would be introduced by negative resolution? Is that what…

Mr. KEMAR STUART: It says all regulations made under this section shall be subject to negative resolution. It was listed as the same example that I made previously where you finish a sentence and then you went onto the other line and you stipulated this specific thing. I was not sure if was related to the section above or it was the entire…?

Madam CHAIRMAN: Can we ask the Chief Parliamentary Counsel (CPC) to clarify?

Mrs. MECHELLE ELIE: I believe what might have happened, is that what you are seeing as an incomplete sentence is actually what we would call a section heading. It just speaks to what is the content of the section. For example, when you mentioned section 13 in particular, I think you started off by saying there was an incomplete sentence and then the provision went on to speak about the Minister's decisions. However, if you look at it, it is no more in that section than just a summary of what the section contains.

Mr. KEMAR STUART: Okay, thanks. That is my final comment on the citizenship aspect. I would also wrap up by saying that I do not think citizenship is something that we should willfully gift. I do not think we should reduce the barriers significantly. I know we want to increase the population. I know we want to also attract people, both working class and wealthier people as well and some shifting is required.

I would not try to drop the bar too low because Barbados' passport is a very powerful passport in the entire globe and I would want us to maintain the status of our passport and not be perceived by the global powers, as trying to find ways to shuffle passports into persons of other nationalities' hands and then you hear the allegations. I would want to protect Barbados from that.

The Immigration Bill, specifically Section seven (7), which speaks to permanent residency.

It says:

"Subject to this Act, a person who, by age, of Barbadian decent, education, skill, experience, or financial resources, or in any country as a member of staff of an international organisation…"

In the definitions, an international organisation is determined, again, by the Minister of Home Affairs. I would like to have a list from the Ministry of Home Affairs, included in the Bill, of all international organisations domiciled in Barbados.

We recently had the launch of the Afreximbank, which is, I would assume, is an international organisation; so that should be listed in the in the Bill which speaks to people gaining permanent residency.

The aspect of financial resources, to me, this is a soft introduction to citizenship by investment. If you have adequate financial resources, you gain permanent residency status and then you go on to becoming a citizen, if you have adequate financial…

Madam CHAIRMAN: Just a clarification. Remember, sorry, I am trying to find the Clause that you are making reference to but remember that the points system that is referenced is a combination of skill and education; age and assets, so you are not granted permanent residence or citizenship simply based on financial resources. I just wanted to clarify that and give some context to your comments.

Mr. KEMAR STUART: It is determined by multiple factors. You said age; descent; education; skill; experience; or financial resources? To be able to garner financial resources, you have to be skilled to have legal financial resources.

It is like "po-tay-to", "pot-tah-ta" for me. If you do make it to Barbados and you have, again, the financial resources to do so, you are here as a permanent resident.

In Barbados, the Minister or the Immigration Department determine that you have adequate capacity to support yourself and then, again, you are on to the permanent residency aspect. If you wait a little bit of time, then you become a citizen and you would have a passport.

Therefore, again, I am concerned that it could be utilised, if left up to the Minister's interpretation or a small group of people's interpretation. As you said, based on skills; experience and financial resources…

Madam CHAIRMAN: I just want to make sure that you are understood, so that when we come to our discussions that we can make reference to what you have said. You are saying, bearing in mind that this is a points system, and one (1) of the things we discussed in our session on Wednesday, was that perhaps we would have liked to have the benefit of the Regulations to understand exactly how the points will be applied, especially in the case of skill and education level.

Bearing in mind that it is a points system. There is a points system that allows you to qualify for permanent residence and then after some time of being a permanent resident, allows you to qualify for citizenship.

Can you explain for us one (1) more time what is your particular observation on that?

Mr. KEMAR STUART: The points system, as you said, would be based off a few things, assets, *et cetera.* I made the point earlier that to be able to have those assets, you have to have a skill because an unemployed man cannot turn up at Barbados' doors with two (2) million dollars in assets and we do not know where he got the money from. We look at other aspects to determine if he should be let in or not.

I would say that you are a skilled person and you utilise your skill or your education to earn income and you build that income to a specific level. An unemployed man cannot be treated that way because if you are unemployed with, again, two (2) million dollars in assets; something is definitely wrong.

Again, I am looking at the fact that this specific section along with the points because the points system again is determined by who? The

points system is built on the fact of investment, real estate and other economic goals.

Only persons with a specific amount of money, could be able to afford to come to Barbados and be able to live in Barbados. Again, it is a soft way of introducing, if you do not want to say a citizenship by investment; there is a specific programme which deals with high-net-worth individuals, a special permit that the Government issues.

This particulars section, to me, is in the same kindred spirit and if utilised correctly or incorrectly, it could be interpreted again as a soft introduction into citizenship by investment.

Madam CHAIRMAN: I think we wanted to have some discussions on your premise there. I will speak and then I think Senator Boyce wanted to speak. I will just say something very briefly.

You have established a premise with which we may not all agree. What you are suggesting to us is that the other categories of age and skill level are inconsequential because if you have money; that means that you have a skill.

There is a contradiction inherent in what you have just said because the point is, one (1) of the parts of the due diligence that the Administration will have to carry out, is exactly what you have said, to make sure that you do not have money that you cannot justify or substantiate.

That is what the Administration will do for anybody. That is what we do for citizens as part of the judicial system. How is it that you have come to have these funds or these assets, if you cannot show how they have been accumulated rather by gift or by inheritance or by work or by some other way?

We have to do it when we complete a source of funds form for the bank. You would imagine then that under an immigration regime, that a person would have to do that. The notion that if you have this money, you must have a skill is one (1) that would have to be tested anyway.

Remember, this is a points system, so, there will be people who might qualify; that qualify by virtue of skill and qualify by virtue of age but not by virtue of assets. Do you follow what I am saying?

To suggest that everyone qualifying will be qualifying by virtue of assets or financial readiness is incorrect under the law and is incorrect by the way the law is laid out because it is a points system.

If you are familiar with what happens in Canada. Again, this is me trying to establish your context and your premise. I am not arguing the substance of your point, but I am saying if you look at what happens in Canada, there are many people who qualify that do not have financial assets.

They qualify because they are young enough to be able to work for a certain amount of time in a sector or with a background that Canada, as a sovereign nation, determines that they want to have. I do not think that your premise is correct to suggest that people will be coming in only on the power of their financial assets but I will let Senator Boyce come in. I think that the premise is what we might have a difficulty with.

Mr. KEMAR STUART: I am sorry if you misunderstood my premise and I am sorry if I did not communicate it properly either. I do not think that you can only enter on your money alone, so I believe that you are correct in saying that the age and other determinants could be used.

Now, that is fine by me, the other determinants but in terms of the aspect of the financial part, there are instances where money laundering is a serious thing. You have businesses and I see a Section in the Bill that speaks specifically to business providers and service providers, specifically coming out to the European Union (EU) member states.

As we know, Barbados had some serious challenges as it relates to the blacklisting issue. I just want Barbados to be in a safe position as it relates to the possibility of money launderers utilising any possible loopholes in terms of the financial aspect.

Madam CHAIRMAN: Right, but you do realise that precisely because we have

strengthened our Anti-Money Laundering (AML) Regime and been able to come off of those lists, puts us in a position now and we have done that because we have strengthened the level of due diligence that is applied to these individuals.

What I am trying to communicate is that with or without this legislation, so set aside this legislation, right? An individual is not able to move assets; to claim ownership of assets; moving from one (1) jurisdiction to another, without some investigation into how these assets have come to be in their possession in Barbados as a jurisdiction. That cannot happen even today. It will also not be able to happen when this legislation is enforced.

This is all for the purposes of clarification because I would not want anybody to think that all of the work that has been done to strengthen the AML posture for Barbados now disappears because of this new legislation. As a matter of fact, I think this legislation is made stronger by that enhanced AML regime that has been put in place. Just for context.

Mr. KEMAR STUART: Fair point. Right, so I am going to wrap up now. I am lastly concerned about persons entering Barbados because rumours abound that persons have been entering into Barbados' space and having offspring or children. Having the children born in Barbados would then give them access to some type of benefits or so.

Are there any specific clauses that could give us some comfort as it relates to saying that if you are over a specific point in your trimester or so, there should be some rules that speak to that. If you have a baby here in Barbados that do not necessarily come from Barbadian parents, that you should take on the nationality of where the parents come from, to stop any possible abuses of Barbados' system.

Last point, does the Bill open space for Barbados to flex its arm as it relates to tackling any possibilities for human trafficking? In the EU, I would have visited Ireland and observed from there and some other EU states where there is a problem of migration, where people take boats and other means and ways of getting into these countries.

Some take up refugee status, *et cetera* and then they are granted benefits which are funded by the taxpayers and many natives in those countries have serious problems with that happening and many EU governments are crying out right now, as it relates to migration in this space. That is it for me, thank you.

Madam CHAIRMAN: Thanks very much. I think I just want to make a couple of comments on the last point. This is really just to get it correct for the record when we come to our deliberations. You are suggesting that we revisit the issue of birthright citizenship? Meaning that you are here, you have a child who was born here and that being born here should not automatically confer citizenship? Is that what you are saying?

Mr. KEMAR STUART: Well, the intent behind it is my concern. Whereas, for example, if you have a pregnant lady, not all of them will show, so you cannot necessarily look and determine that a lady is nine (9) months pregnant, or eight (8) months pregnant, so she should not be allowed to travel.

I said the intent is that you intentionally left the country where you are living and you came into Barbados with the intention of having a Barbadian baby, to have that baby given access to whatever.

Madam CHAIRMAN: Mr. Stuart, how pervasive do you think this practice is? Let us create a scenario. You are a pregnant woman, right? I think most doctors in jurisdictions have guidelines for the period beyond which you are able to travel, in general.

Let us move beyond that to a scenario in which, a woman who is pregnant, who already has provenance, has a family, has a life in another jurisdiction, decides, you know what, I do not know anybody in Barbados, I am going to leave my country, my family, my friends, I am going to get on a plane and I am going to just decide that I am going to come to Barbados and have my baby.

Now, pregnancy and childbirth are already vulnerable, a kind of a vulnerable activity, so it is not like coming and getting a dental checkup. A woman will want to be assured that she has access to a certain level of care and it is not, I imagine, a decision that would be taken lightly to leave your country and just decide to come to Barbados and have your child here.

That causes me to ask you, how pervasive, statistically, how common do you think that this is? This is because we already have birthright citizenship, already, so if this were to happen, it would already be happening.

We have all seen the speculation about this idea of childbirth tourism; this idea that people want to come and have access to a certain level of care that Barbados offers, which is a different debate, which perhaps, based on the small numbers that we think might be coming for that purpose, infinitesimally small numbers, really perhaps do not represent a risk, right?

How prevalent do you think this is today when already you can come here and have your... This legislation does not open that up; that already exists. How prevalent do you think that is?

Mr. KEMAR STUART: Well, I mean, it is extremely prevalent because I saw on social media, right, a company specifically advertising those services, right. I posted it on my social media as well.

Madam CHAIRMAN: You consider that because a company is advertising those services, it is extremely prevalent? I think that you are an economist, right?

Mr. KEMAR STUART: Some say not but you know.

Madam CHAIRMAN: Do not worry, some say not about me too but thinking of the statistical prevalence of it, like one (1) in how many thousands?

Mr. KEMAR STUART: I cannot call a number off my head.

Madam CHAIRMAN: Right.

Mr. KEMAR STUART: From my research, I have spoken to some doctors in Barbados; some senior doctors in Barbados and the practice is occurring, right. It is occurring.

It was raised to me also as a concern from within that space as well, from within the medical space, you know, quietly. I would consider it as something to look at. Maybe it may not be a big problem immediately, but as the legislation is a futuristic type of legislation as well, future problems do arise, right.

I say when I visited the EU, the migration problem did not start as it was. It started out small and then it morphed into being a grand whole problem. Before it gets to being a grand old problem in Barbados; it is something to definitely look at and to put any slight, preventative measures to stop it from getting out of hand.

Madam CHAIRMAN: Understood. Sorry, you mentioned two (2) things. Before you come in, Dr. Springer, you mentioned the birthright citizenship issue and then, human trafficking.

The legislation addresses the question of how a person lands and is regularly processed through immigration. To say that it has to be a recognised air or sea vessel and so on. Already that kind of activity would be outside of the law, so that would be outside of law.

The legislation also speaks specifically to and CPC may have to help me to find and quote the clause. It speaks to how people who are trafficking in persons are to be treated under the law. So, the legislation does make provisions for addressing trafficking in persons.

I do not think that there is any further it could go to be able to do that. Is there some specific suggestion that you are making?

Mr. KEMAR STUART: The part that I already spoke to, the actor or person who would be the brains man; the comptroller; the captain of the vessel or anything like that, but we are dealing with the victim aspect of it where, for example, somebody had to smuggle people into Barbados

on a ship and the persons came here unregistered *et cetera*; the legislation speaks to prohibiting that sole person.

Let us just say that these people happened to make it off the ship and go inland, *et cetera*, then how do you treat to those victims?

Madam CHAIRMAN: I am glad you said "victims" because that is what they are. Again, we are taking evidence from you. I know others will have responses, so I do not want to make this a debate. I think that Barbados certainly has a philosophy in terms of how and especially depending on the provenance of those individuals, whether they are members of CARICOM or who knows where they may be coming from but this is a humanitarian concern.

The question of people who have been trafficked is a humanitarian concern that requires a humanitarian response, not simply an immigration response. Would you agree?

Mr. KEMAR STUART: Yes.

Madam CHAIRMAN: I think that, firstly, in my decades as a Barbadian, I have not seen too many people claw their way off boats onto their land to seek refugee status. Even were that to occur, I think that we have to be guided as a jurisdiction as well by the question of, how do we treat people who are homeless or stateless? How would we want to be treated in such circumstances?

We see and we are not the European Union (EU). We are not overrun in any way by anybody who is seeking to come here off that kind of vessel. I would not want us to create straw boogeymen that we then have to knock down. I think that we are right to understand that those people are victims and that there is a perpetrator in that case and that it is likely that if you address the problem at the level of the person who is carrying out the illegal activity, that you are likely to be able to disincentivise the illegal activity, rather than targeting the victims through your legislation.

I think your comments are noted. CPC will want to come in, sorry, Senator Springer then you will come in then.

Dr. R. O. SPRINGER: Just quickly, I would not want to belabour the point now because I think you addressed the matter that was raised by my colleague over there. I just wanted to caution him about what he was actually asking; what he is saying and what females or a woman will be hearing which is basically that we would be barring persons from entering into this country if they are pregnant, under the assumption that they may be seeking benefits of the country, as a result of child having been born here.

I think it is too late now because the discussion already took place, but, very few countries in the world even consider that as a measure, in terms of barring pregnant women. Of course, at a certain stage for medical reasons, women are not allowed to travel on airplanes. Maybe the airline may speak to it or the doctor may suggest that they not travel on airlines.

Let us say, for example, a young lady or woman who is two (2) to three (3) months pregnant because then, you would have to determine how far along that person is and at what stage would you make the determination that you are going ban or bar that person from entering into the country.

I do not think that we, as a country, want to go along that path, even though it sounds all well and good in discussion. As a man, saying that in the presence of a female or for women to hear you say that if you are pregnant, Barbados would not allow you to come onshore or into this country because we suspect that you may very well be looking to gain whatever benefits accrued to children who are born here or to persons who have citizenship through childbirth.

I do not think that we should be saying. I would not say it. I was going to suggest pretty early on before we got into the discussion that we do not try to debate that because it does not look good.

Mr. KEMAR STUART: Thanks for conveniently leaving out the parts that I mentioned, where I said that if you have passed a specific point in the pregnancy where you are liable to be in labour very soon. Not necessarily barring pregnant women in totality but, for example, the same way you have to fill out information forms beforehand, I think it should be declared on the form, whether you are between seven-and-a-half months and nine (9) months pregnant and you are looking to be in Barbados over a specific period, I think the Government of Barbados should be aware.

At the end of the day, regardless of how you look at it, the child will become a Barbadian citizen. In reverse of what you are saying that benefit is not rolled out worldwide to many countries, as you would have stipulated. So, it would not make Barbados any different. Do not get it twisted, women are involved in criminal activity as well, not just men.

There are women out there who are involved in terrorist activities, in human trafficking activities and other activities detrimental to national security and to the general public order of Barbados.

Madam CHAIRMAN: Okay, you are kind of conflating two (2) things; women who are pregnant and then, women who are looking to engage in criminal activities. Pregnancy is not a criminal activity.

Mr. KEMAR STUART: No. No. No.

Madam CHAIRMAN: You start in one (1) place and ended up in another. I think maybe just to close on the point and I do not know if you want to come in on another point. Maybe just to close on the point, we have to be careful.

A woman's reproductive status is not a question of public information. I could be pregnant now and you would not know. The notion that a woman must declare her reproductive status, you started getting us into waters that I would urge you to consider, just as a general point. There are rights to privacy issues that come up. The universe of things that you can ask somebody to declare at a border for the purposes of entering a country is not infinite.

I would want us to not forget as well that the immigration personnel have a function. We are acting as though everything is done through the power of legislation. There is also the practice of policy at the border. The legislation will speak to the question you make yourself subject when you land at the doorsteps of another country.

Immigration has the job of satisfying themselves of a few things. They have to satisfy themselves as representatives of the state that you have sufficient funds. We all travel, we know that sometimes an immigration officer will ask us lots of things. They ask us to produce documentation; they will ask us questions. That conversation occurs between the person travelling and the officer at that point.

We cannot ask people to make all kinds of declarations that will stay in the statistical information of the country for seven (7) years plus, just because four (4) women from a particular country travelled here to get the care of a particular doctor to have their children.

The assessment of risk is also down to the statistical prevalence of a thing. The fact that three (3) or four (4) or ten (10) people have done it does not constitute risk. Again to give a little context to the conversation. You wanted to wrap up on that point?

Mr. KEMAR STUART: Yes. If you come into the country and you do not declare it. For example, if your water breaks and you could have complications with the pregnancy; then you have to use our systems and our services to help at the specific time, so it would help the country in a significant way if at least we know the government is aware.

Now in terms of gender, you mentioned the point about information that you would declare on paper. Now when you go into any country, they ask you if you are male, female, whatever gender. Some people argue that their gender is their business. They could say that how much they feel but when you get presented with that immigration

form, you have to fill out what is on the paper or run the risk of not being allowed into the country.

So, we are not setting up things for detriment or to bring harm, we are setting it up for, one (1), the protection of Barbados' system and resources and also to keep these risks that we speak about at bay so again that they do not become runaway problems in the future.

Madam CHAIRMAN: Mr. Stuart, you could come to Barbados as a tourist and get hit by a car and have to go to the Queen Elizabeth Hospital. Again, reproductive status is not relevant there. If a woman has to present for healthcare for any reproductive reason because pregnancy is just one (1); but if a woman has to present for the care of the state for any reproductive reason then it is whatever reason she has to present.

So, you are saying that a woman should say whether she is pregnant in case her water breaks and she has to go to the hospital?

Should you say whether you intend to drive a car in case you get into an accident?

Should you say whether you intend to climb Mount Hillaby in case you fall off?

Your point is very noted. I do not want us to go further and further down this rabbit hole. I do think and what I would say as a general point, is that you cannot ask a person to declare any attribute that they possess just because they are coming to your country. Data protection laws would not even allow you to do that.

I am suggesting to you that the risks that you are suggesting are perhaps not as great a risk as you might believe. I think with that, we may be able to close on that point. Senator Boyce and then CPC.

Asides

Madam CHAIRMAN: Is this something that is going to help because I do not want to wait too long. Is this something that is going to help bring clarity to our discussion?

Mrs. MECHELLE ELIE: Thank you, Madam Chairman. It was just to clarify the position of the victims of human trafficking since Mr. Stuart mentioned that a woman could have been trafficked and then be pregnant and then have the child in Barbados.

I just wanted to add some clarity in terms of the law, as to how Barbados treats victims of human trafficking. There is Trafficking in Persons Prevention legislation; it has been since 2016. Barbados has undertaken to provide housing, training, counselling even assistance to remain and work while for example there is a prosecution going on against the traffickers.

The Chairman has already spoken about the policy but I am just adding what is already obtained in the law.

Mr. KEMAR STUART: Could it be included, just a mention of it in the Bill with regard to Human Trafficking legislation?

Mrs. MECHELLE ELIE: The reason we would advise against that, is that the laws work together as a body. Just as easy as you are saying that we should mention the trafficking in persons legislation. Unless there is a fundamental reason for doing so, there are other laws that we could also put into any particular piece of legislation that we draft. It begins to become a little bit voluminous and really difficult to manage.

In some cases, if a cross referencing is necessary as a matter of drafting, we do that but if it is not absolutely necessary, we rely on public awareness campaigns; persons doing their own due diligence; finding out what the law is because there are so many.

Madam CHAIRMAN: Senator Boyce?

Senator A. A. O. BOYCE: I want to take you back to the Immigration Legislation. You expressed a set of concerns related to the power of our passport and kind of sharing it away; my words not yours. You have expressed other concerns.

My question to you is what in your view, what in your Party's view should an immigration regime look like. You also expressed some concern about the points system. My question to

you is, what should that regime perhaps look like? Do you have any suggestions for what a regime of that kind should look like?

Mr. KEMAR STUART: I believe in immigration for economic reasons. Barbados at this specific time, it has a regime in terms of immigration. My recommendations would be to not necessarily lower the standard to being a complete citizen. You could lower the standard for work permits to some degree. You could lower the standards to having residency to some degree as well.

You should maintain the barrier for being an outright, being declared a full Barbadian. Barbados does not have alien landholding acts or protectionism really over various factors of production in Barbados, so you do not want to create a situation where Barbadians feel as though immigrants would come and have access to; once they have the financial capital or there is access to the resources, before them or so.

If you want to go the route of open borders, *et cetera,* you should look at having some type of as I said, alien landholdings or alien holdings over some Barbadians assets to stop a possible, I do not want to say fight; serious dissenting views about having immigration.

I support people coming to Barbados but the use of the passport needs to be protected and other Barbadian assets need to be protected from over exploitation from persons coming into the country who may have the wherewithal to have access to things first, before Barbadians.

Senator A. A. O. BOYCE: Is it your view that a person coming to Barbados; that the criterion of holding assets is an important criterion for the determination of citizenship?

Mr. KEMAR STUART: If you are trying to encourage business, capital and investment into the country, a proper structure is attractive for persons who may be interested.

Senator A. A. O. BOYCE: Should the holding of financial assets be a part of that proper structure, as you see it?

Mr. KEMAR STUART: Yes! If you are trying to attract high-net-worth individuals and persons and of means because you cannot only attract working-class people. You need to take from the perspective that there are some persons who may have bright ideas; capital intensive ideas and assets, *et cetera*, that goes with those ideas and you want to attract wealthy persons into the country as well.

Barbados did it previously where we had the Exempt Surplus Arrangement where we repatriated dividends between here and Canada. Then you had the emergence of wealthy Canadian businessmen who came into Barbados, set up the businesses, they then came in behind our capital and then you had a lot of Canadians coming in, being attracted to do a high-net-worth individuals.

Senator A. A. O. BOYCE: Does that submission defeat any of your earlier submissions this morning?

Mr. KEMAR STUART: No because I did not specify that just having money is a problem. I never said that I do not want people with money. I said you have it two-fold, the working-class and the high-net-worth of individuals. I am not anti-investment or anti-capital but I am pro these things with safeguards.

Senator A. A. O. BOYCE: Thank you, Madam Chairman.

Madam CHAIRMAN: Any other questions for Mr. Stuart? If not, let me thank you on behalf of the Committee for coming to give evidence to us and to let us hear your views. The Office of the Clerk has asked whether you would be willing to summarise some of what you shared today in writing to share with them but be assured that everything that you have entered into evidence today will be a part of our deliberations going forward.

So, thank you for coming.

Mr. KEMAR STUART: Thank you very much. I would like to thank everyone who was

here today. Thank you for the questions. I would like to thank the online viewers and to thank the New National Party for facilitating the opportunity for me to be here today.

So, thank you very much, everyone.

Madam CHAIRMAN: Thanks, Mr. Stuart. Thanks colleagues.

According to the agenda then, we would now come to consideration of written submissions. We have a list of ten (10) written submissions from individuals and institutions. I would like to suggest that we review the overall content; the areas that these submissions address.

If we start with the submission from, well, the note from Miss Tricia Watson that came to the Parliament on 16 October, 2025.

Ms. Watson really makes some recommendations for the general functioning of the Joint Select Committee. As you will see from your copies, she recommends process issues like, suggesting that a deadline for indicating that a person wishes to make a presentation, an in-person presentation be stated by Parliament.

Notice of the dates when the Committee will sit being published. We realise that those dates are not always known in advance because they also rely in some ways on the availability of Members and on the availability of the precincts of Parliament.

I think that the recommendations are well received and I do think that for the general functioning of the Joint Select Committees, these are things that can be adopted, once all is put in place for them to be adopted. Ms. Watson's recommendations are well received and we thank her for them.

Sorry, there is also a recommendation that the response time-frame be no less than 21 days, for legislation that is placed before the Committee. Anyone has any questions or responses on that?

We have a submission from Ms. Annabelle Pemberton who wrote on the 21 August of this year and Members have the submission before you. Without reading it into evidence, Ms. Pemberton is making reference to the expansion of citizenship by descent to include grandchildren and great-grandchildren of Barbadian citizens.

She makes reference to the fact that her grandparents were born in Barbados, as were most of her aunts and uncles. She talks about the fact that Barbados has always felt like home to her in spirit. She is a regular visitor.

She talks about her profession as a history teacher whose work is tied directly to Barbados and the wider Caribbean; specifically on the history of formerly enslaved people and her work placing Barbadian and Caribbean narratives at the forefront of historical inquiry.

Ms. Pemberton says that she supports the proposed expansion of citizenship by descent. She says, quote, "Families like mine, with deep roots in Barbados, are eager to contribute to the island's future, not only economically but culturally and academically. This reform would allow me to live, work and raise my future children in Barbados, bringing my skills and passion back to the land my grandparents called home".

This is a submission that supports the expansion of citizenship by descent to include grandchildren and great-grandchildren of Barbadian citizens.

We have a submission by Lucy McHale, sent on the 21 October, 2025. Ms. McHale's submission relates to some of the broader factors that have to do with how citizenship and immigration can sustainably be expanded.

She indicates that she and her family are currently in their fifth year under the Welcome Stamp Programme and the consideration here seems to be about what are some of the attending factors.

At one (1), Pathway to Long-Term Residency, she makes reference to the creation of a clear pathway to transition from the Welcome Stamp to a more permanent immigration status. I think you will find from some of the written submissions that this is not the only one (1) that makes that reference.

The question is how do long-term residents, under programmes such as under the Welcome Stamp make that transition.

I think that that is accounted for, I believe, with respect to how long a person has been resident. I think that the legislation would not hurt from being perhaps more explicit in making reference to the Welcome Stamp.

The second point made is the question of access to quality and affordable education and the extent to which quality control of educational services should perhaps be considered not of this regime because I do not think it fits into this legislation.

I think these are broader points about sustainability of having more residents here and what they will require and what the people who are likely to move to Barbados for some of the purposes that we would want to encourage, what they are likely to demand or to expect, what people's expectations are likely to be.

In that vein, the submission also makes reference to housing and financing options.

Making reference to high rental and housing prices, limited housing availability, it makes reference to access to preferential mortgage rates.

I do not know what we mean by that because I think that whatever are the reforms, that we introduce in any sector must obtain across the board and certainly for Barbadians who have always called Barbados home and not in any preferential way for people who are now coming to make Barbados home.

For support for business incorporation, which I think goes without saying, that we need to strengthen the framework for investment. I do not know why Senator Walters is looking at me like that.

We need to strengthen the framework for investment and for the establishment of business, both for people who are already here and those that we may be seeking to encourage.

I would not contemplate that these provisions would be accounted for under the current legislation but certainly they are considerations.

I would also want to say here though, that Government of Barbados commissioned a population study and a population policy. For us to consider this legislation outside of the framework of that policy would be doing a disservice to the work that was done and to the intent of that policy framework.

The population policy speaks in a holistic way to what is required in order to sustainably grow the population of Barbados. It assumes that there are concurrent investments required in people; in infrastructure; in environment; in the ways that we live and work in order for this regime to work for those who live here and those who might come.

I think it is important for all of us to understand that this legislation is not existing in a vacuum and that the population policy in many ways talks about, how do we make sure that we are first, not marginalising or further marginalising any of the people or concerns who are already here. I encourage us to always consider what we are doing here in the context of that framework.

This is because it quite frankly suggests that simple measures to increase numbers will not take us where we want to be; that they have to be these concurrent actions, many of which government has already initiated in order for this framework to have the impact that we want and I think that this submission bears that out.

We move now to Akil Murray, whose concerns, I mean, some of them have already come up in our discussions. Just to summarise with respect to the Citizenship Bill.

Ministerial discretion and finality of decisions. *"The Bill states that the Minister's decision shall be final and that no reasons need to be given. This eliminates transparency and the understanding of appeal decisions".*

The recommendation is that *"refusals and deprivations be accompanied by written reasons and subject to limited appeal before an independent review committee or the High Court".*

The phrase "*not conducive to the public good*"; forgive me, but the submission does not make reference to the specific clause. The phrase *"not conducive to the public good"*, Mr. Murray considers that the phrase is undefined and open to

subjective interpretation and that there be clear and objective criteria.

The term "disloyalty", I think that is at Clause 13. Can you help me? I think that was referenced in the earlier oral submission that we had. Is that Clause 9(1) (c)?

Mr. Murray considers that this is a broad term and it could encompass legitimate political expression. He recommends that there be some limitation on the grounds for removing citizenship that relates to perhaps acts that endanger national security or constitute serious criminal offences.

Again, economic and security screening, Mr. Murray considers that likely to become a public charge, risk
economic discrimination and that there be some objective financial benchmark.

Moving to the Immigration Bill, reference is made to the submission to ministerial control over entry and residency. It questions the wide powers of the Minister to refuse or revoke residency on national security or public policy grounds.

I do not want to editorialise on the submission but I do think that national security grounds often cannot be transparent and should not. The recommendation here however is that an Appeal Tribunal be established in cases where residency is refused or revoked. The submission also asserts that the point system for permanent residency lacks clarity on awaiting documentation and thresholds.

I think that this point was made by us as well, in terms of the Regulations and how the points would be allocated. Mr. Murray suggests that officers may arrest and search without warrant. I am not sure what clause he is referring to in the Immigration Bill. He suggests that detention periods are not clearly limited and that we could set procedural timelines for all judicial matters but that procedural timelines be set.

Deportation and right to review, the contention here is that deportation orders take effect quickly with limited opportunity to appeal and that the appeal window as stated in the legislation be extended.

We have a submission from Mr. Peter Thompson sent to us on 26 October, 2025. As a summary, Mr. Thompson likewise suggests that there be a clear pathway for the Welcome Stamp Visa to be converted into permanent residence and/or citizenship.

His suggestion is that there be a clause introduced that stipulates three (3) consecutive years on the Welcome Stamp Visa will be worth up to three (3) points and five (5) consecutive years on that visa will be worth up to five (5) points. I think that is the summary. Let me just get the name correct.

Dr. Antonio Joyette. Overall, Dr. Joyette's submission suggests there is too much ministerial discretion; legislation without sufficient safeguards; there is a lack of an independent appeals process; there is limited protection for immigrants, asylum seekers and vulnerable individuals and there is inadequate privacy and data protection concerning passenger information systems.

As the CPC has indicated, there are other pieces of legislation that govern the functioning of this legislation that are not explicitly stated here. The Data Protection Act being one (1) of them.

Dr. Joyette suggests that there was a weak connection between immigration policy, national development and diaspora engagement strategies. Again, I do not think that the legislation itself can speak to that connection but certainly that the overall policy framework can.

Specifically, it is recommended that an independent Immigration Appeals Tribunal be established. I think that as a part of our deliberations, certainly we will need to have some research and background done on precedent in other jurisdictions, especially other jurisdictions that may be part of an economic or geographic union like ours but also other jurisdictions that have managed migration regimes; so that we have reference to what is done in other jurisdictions.

In many ways and this is my personal reflection, the difference between immigration legislation, citizenship legislation and other kinds of legislation is that apart from the granting of citizenship or the right to citizenship under the Constitution; the granting of citizenship is like an

invitation for someone to come and visit or stay in your home.

There is no explicit right to be able to leave one (1) jurisdiction and take up residence in another. You have to be able to satisfy the homeowner that you mean no harm and that you will add to the well-being of the environment.

In some ways, there will be some measure of discretion because there is no international right to move freely to any jurisdiction. There will be some extent to which a country, a sovereign nation, will have to make a judgement about the capacity of a person to be able to add value or at least do no harm in the circumstance.

It is important for us to be able to reflect on other jurisdictions and what they have done with respect to appeals, especially for immigration purposes to be able to say, "Well, I am not allowing you to enter on this occasion."

If we find that we then have to justify to every person who may be entering why I am not allowing to enter on this occasion, we may find ourselves in a real kind of bureaucratic piling-on that does not allow us to continue the work of the office.

This is just a reflection of mine because I consider that the question of immigration and whether somebody can enter is perhaps different from a rights perspective than many other things that we might consider as a Committee. That is just with reference to the question of appeals and how those might be done.

Certainly, I think that appeals that relate to residency and citizenship may occupy another space. Simply to immigration matters, that is one for our consideration.

The submission also relates to the definition of ministerial discretion and recommends a clause that requires the Minister to provide written, reasoned decisions and legislates the publication of those decision-making guidelines. Again, we can deliberate on that.

It also speaks to the introduction of explicit data protection oversight provisions, incorporating of humanitarian safeguards rationalising penalties, and distinguishing victims from offenders, this came up in our discussions this morning; and enhancing transparency and parliamentary oversight.

The submission also goes on to suggest a broad-based, long-term managed migration and skills strategy over ten (10) years; a diaspora engagement and investment framework and the introduction of specific visa categories, depending on the industrial policy of the country.

It finally suggests implementation and oversight mechanisms through, looks like it would be essentially a subcommittee of Cabinet or a cross ministerial committee, including the Office of Data Protection Commissioner. Just to clarify that the submission just referenced was by Dr. Antonio Joyette and Cheryl Joyette.

Submission from Stephanie Holder, who supports extension of the laws governing citizenship by descent to include. Sorry, let me start again.

Ms. Holder is writing to request consideration for an extension of the laws governing citizenship by descent to include the grandchildren of Barbadian citizens who were citizens from birth. Ms. Holder also indicates that she has initiated a petition that has gathered more than 500 signatures from individuals across the diaspora who share support for this reform.

She respectfully urges the passing of the Barbados Citizenship Bill 2025 as soon as legislatively possible to realise the full economic and social benefits detailed herein, which includes skills transfer, generational loyalty, repatriation of capital and increased investment.

We have a submission from Senior Counsel Edmund Hinkson. Let me attempt to summarise. Mr. Hinkson makes reference to the Barbados Citizenship Act, Cap 186, which presently provides that an adult citizen of any country mentioned in its first schedule, or if ordinarily may be registered as a citizen of Barbados if that person has been ordinarily resident in Barbados for a period of at least seven (7) years.

Mr. Hinkson suggests that this is in fact in contradiction of the constitutional provision for ten (10) years and suggests that this is something that we would need to review and rationalise.

He also makes reference to certain practice that obtained in Barbados prior to 2018 which is a general policy applied to citizens from other CARICOM nations that citizenship not be granted to many of them until many years beyond their ten (10) years in residence in Barbados and that this general policy had the effect of people from other CARICOM countries being resident in Barbados for 20 years or more; not being granted citizenship.

I read this as encouragement to regularise the discrepancy between the constitutional provision, the existing Citizenship Act and what may be recommended in the current Citizenship Bill.

In general, Mr. Hinkson suggests that he is in agreement with Clause three (3) that proposes that anyone who is now a permanent resident is entitled to be registered as a citizen and that any person who has been an immigrant for at least three (3) years shall be entitled to be registered as a citizen.

He further agrees with Clause 3(2), which proposes to provide that any person born outside of Barbados and who is a grandchild or great-grandchild of a Barbadian citizen may become a citizen of Barbados. I do not think that we have so far heard evidence to suggest any disagreement with this particular provision.

Mr. Hinkson proposes an amendment to cause 3(5) of the Bill, which provides that a CARICOM national by birth, descent, or naturalisation, not being a citizen by investment, their spouse and dependents who have been residing lawfully in Barbados as permanent residents for at least 180 days during the last 730 days, may be registered as a citizen.

Quoting from Mr. Hinkson's submission:

"I believe that a longer period of commitment to Barbados ought to be demonstrated in this regard in terms of lawful residence in the country.

I therefore recommend that the period of lawful residence be at least 365 days out of the 730-day period instead of 180 days.

Similarly, I suggest that in clause 3(6), a person who is not a CARICOM national, spouse or dependent thereof who is a permanent resident ought to lawfully reside in Barbados for at least 548 days during the last 1 095 days to be eligible to be registered as a citizen, rather than the 270 days that the legislation currently proposes."

Making reference to the first schedule of the Bill that details categories of people entitled to be registered as citizens, Mr. Hinkson suggests that it be expanded to include former West Indies cricket captains in all formats of the game; former presidents of the Caribbean Development Bank (CDB), their spouses and dependents; former West Indies cricket captains in all formats of the game; their spouses and dependents; former presidents of the CDB, their spouses and dependents; former presidents of the Caribbean Court of Justice. He does not mention their spouses and dependents.

He finally recommends that all necessary regulations be made under Clause 15 including those related to the prospective fees to be paid, be drafted and available for public knowledge, when the second reading of this Bill is undertaken in Parliament.

The importance of the Regulations is one (1) that we have heard amongst ourselves and from others, that it is almost impossible to fully assess the Bill and how it will be administered unless we have sight of and are able to consider those specific Regulations.

We know that everybody always calls for Regulations to be laid at the same time but in this case in particular, it is really impossible for us to know how the Bill will take effect and affect people without having access to those regulations or the intent.

With respect to the Immigration Bill, Mr. Hinkson suggests that he agrees in principle with the points system and that it should be made clear that the Minister's Regulations on this issue relate to the allocation of points based on the education, qualification and skills experience only and not to any variation in the allocation of points under any of the Heads.

That is my attempt to summarise the detailed submission of Mr. Hinkson.

I do not suggest to review the written submission of the Barbados Bar Association today

because I gather that they will come and make an oral presentation.

The final one (1) that we have is from Ms. Michelle Carter, submitted on 31 October, 2025. The submission speaks to a range of areas including proof of citizenship; asking questions about what proof is required for common law spouses or unions other than marriage? What proof is required of those who are not Barbadian? What documents must be submitted and so on.

She suggests that in her experience, grandchildren and great-grandchildren of Barbadians often have little to no interest in Barbados. I suppose in which case they will not apply for citizenship.

She has proposed instead that the path of citizenship be shortened. She does not agree with automatic citizenship for great-grandchildren but proposes that their path of citizenship be shortened compared to other immigrants but contingent on continuous residence in Barbados for at least two (2) years.

There is reference made to students and diplomats. What provisions are made for non-national students? There is a question on CARICOM citizens who have obtained their citizenship through citizenship by investment and how they will be treated under the legislation.

Reference is made to the period of residency and integration. The consideration here is that granting citizenship to CARICOM citizens after two (2) years and to non-CARICOM citizens after three (3) years is far too short.

I quote, "*If individuals are generally committed to settling in and contributing to Barbados, a more appropriate time frame would be a minimum of four (4) years for CARICOM citizens and six (6) years for non-CARICOM citizens.*"

There is reference made to things like language proficiency requirements and questions about how people will be treated who have criminal records; the protection of jobs; revocation of citizenship and deportation and concerns about immigration management such as, issues of mandatory private health insurance and so on.

This is just to summarise the general content. The Committee will deliberate in detail over all the submissions that we have received.

That closes out, unless there are any specific questions, not matters of deliberation but specific questions on this evidence, that closes out that aspect of the agenda.

We also have here with us today the Minister proposing the Bills, the Minister of Home Affairs and Information, Minister Abrahams.

We would like to hear from you. The Committee has some questions and to give you the opportunity to make a presentation first of all. We would love to have you join us a little closer.

Welcome, Minister Abrahams. I propose that we give you the opportunity to make some opening remarks. Perhaps give us a summary, tell us something about the intent of the legislation and then we will have some questions for you.

Hon. W. A. ABRAHAMS: Thank you very much, Madam Chairman. Is this being streamed? It is? Okay.

Our Immigration Legislation was due for an overhaul. In any event, our Immigration Legislation contains some outdated concepts in it, for example, the list of prohibited persons under the existing legislation would exclude such categories as idiots; imbeciles; other feeble-minded persons; epileptics; whatnot and whatnot that is actually in the existing legislation. That will show you how far back it was and what informed our immigration policy back then.

We have been under, I would not say, pressure, in the last couple of years, especially from the diaspora, we have been receiving queries from persons who want to know how they can get Barbadian citizenship, in particular, descendants of Barbadians.

As Barbados has increased international prominence, persons are considering Barbados as a viable option in which to move to live; raise a family; educate their family, *et cetera*. We have been dealing with those questions.

If I am being frank to you, they come up quite often in relation to persons who might be sports people, who have grandparents who are

Bajans or have a connection to Barbados and wonder if they can represent Barbados.

They might not be able to meet the United States of America (USA) Olympic team but one (1) person I am thinking of, she would have been the fifth person in the 400 for United States of America and that person wanted and was investigating how they can represent Barbados. We have that across the board.

The questions for us in relation to the acquisition of Barbadian citizenship have been constant over the last couple of years and we accepted that where the Government plans to go policy-wise in terms of getting a sustainable population in Barbados, that we had to look at our immigration policy as a whole, not just the citizenship aspect of it but also the general immigration policy of Barbados in terms of persons in Barbados.

A number of countries in the Caribbean and throughout the world have moved to citizenship by investment, where they effectively, buy a passport. That is the bottom line. You can buy citizenship and in those instances, the residential requirement is non-existent.

You literally can pay it to the threshold of what the investment requirement is and you get the citizenship. They do background checks on some of the people they are supposed to but you have a lot of persons who, for one (1) reason or the other, would not qualify for a Visa to one (1) country but on their existing passport so they seek out countries where you have a passport that pretty much has Visa-free access to a number of different countries.

Barbados took a position and the Cabinet of Barbados took a position that we are not considering citizenship by investment. Investment will never be the sole determining criterion for the acquisition of Barbadian citizenship.

We think it was wrong that anybody who wishes to, while anybody can come and live here. Anybody who wishes to acquire citizenship and be called a Barbadian must never do so solely on the strength that they are more financially capable than somebody else. That is to just put it in a nutshell.

The other thing we keep hearing about the population imbalance in Barbados, that we have an aging population; that in a number of years the National insurance and Social Security (NISS) will be unable, if we do not get more persons coming of working age, will be unable to sustain the growing number of senior citizens or retirees in Barbados.

We also accept that we have skills gaps in certain areas. A lot of our young students who get scholarships and exhibitions, when they pick their topics, we know in many instances that they are not coming back here because there is no avenue for them in what field of study that they have actually chosen. We are educating our best and brightest for them to go somewhere else and make a contribution to somebody else.

We look at where we want to position Barbados globally; what we want Barbados to be. We want Barbados to be a hub for innovation. We want Barbados to be a hub for tech. We want Barbados to be a hub for pharmaceuticals.

We pretty much want to raise the profile of Barbados and build out Barbados in innovative developmental areas that can sustain growth for Barbados effectively in perpetuity.

To do that, we have to look at how do we keep our people here. We keep our best and brightest here by providing opportunities for them that satisfy their craving for opportunities.

If it is that you wish to be a tech innovator and the next Bill Gates, then the opportunity should be available in Barbados for you to maximise your potential and build your empire from Barbados or use Barbados as a launching pad for your empire.

It is not just the innovation of the person but also the creation of structures and a framework and an environment that is conducive for it. That environment requires us to build it out in Barbados; build out the opportunities in Barbados.

How do we do it? We cannot do it from the ground up. We have to come in somewhere at the top to the middle to create a framework, so that requires us attracting persons who already have the proven capacity in that area to build out sectors that then provide opportunities for our young

persons to study and grow into those already emerging sectors. We are looking at culture; we are looking at innovation; we are looking at tech and all those sorts of things.

We also accept that we need to broaden our tax base. We need to broaden the persons who are contributing, who are of working age and family age to help build back up Barbados. In the ideal world, we want the first Barbadian to be a Barbadian.

Anybody coming in trying to seek Barbadian citizenship, we would let that person have a direct connection to Barbados, I would not say a child of a Barbadian because if you are the child of a born Barbadian, then you automatically qualify as a right to citizenship by descent. Right now, if you are the child of somebody who is not born a Barbadian, who have acquired citizenship otherwise, then you do not get it necessarily as a right. We then look at what is a Barbadian.

They are persons who have been in Barbados and living in Barbados for 50-60 years, then, as far as I am concerned, as far as the government is concerned, persons who have chosen to live here; chosen to be born here; chosen to build here; chosen to contribute to our society; then those persons are as entitled as somebody else to call themselves a Barbadian.

Where am I going with this? If we decided to naturally try to increase the population of Barbados and let us say by some magic, everybody of childbearing age in Barbados conceived a child and that child is born in nine (9) months, so July, probably next year.

We will not see the benefit of that growth in the areas that we need it in terms of the development of Barbados; in terms of contributing to the base; contributing to NIS; contributing to social development of Barbados for at least another 18 years.

If we attempt to do it naturally, and it was 100 per cent successful, the first visible, tangible benefit you will start to see in 18-20 years, at which point we may be too far gone.

While we are encouraging natural processes, we accept it cannot be done by natural processes alone. That means we now have to try to attract people immediately who are going to build out the base that we need.

What do we want those persons to look like? This is where the points system in relation to the residency requirement came in. We want to encourage certain defined characteristics, persons of a certain age; persons of a certain educational, technological skill set; capacity; persons who have something to contribute to Barbados, those sorts of things. Those are the things that inform the points system for the acquisition of residency in Barbados.

It also helps to manage the process. The points system, the points are in the Schedule to the Act; not in the substantive Act itself. We need to be able to adjust the points based on the developmental requirements of Barbados at any given time.

Whereas you may want this particular skill-set in Barbados right now, the fact is when you have successfully closed that gap, there may be another skill-set that you want and those points may become less.

We look at the Canadian model in many respects in relation to the points. Their points system was a lot more complicated than ours. You had to get hundreds of points and it was a lot more complicated.

We are at the stage where our process needs to start now. If even we look at, let us say construction, with all the construction going in Barbados, there is a shortage of skilled artisans. There is a shortage of skilled carpenters; there is a shortage of skilled qualified masons; whatnot . . ., whatnot ...

We looked at road development in Barbados. The government is trying to increase its road repair, road building capacity but it is the same couple contractors in Barbados that have the skills to do it and the same defined set of people. It stymies our ability to move forward as fast as our capacity can allow.

The skill-sets that we contemplate in relation to the points are not solely education.

We recognise that there are different levels and different categories of skills. If you are an artist and can contribute to the artistic and cultural

development of Barbados, then that skill-set must be recognised.

If you are a great mason, then your capacity as a mason has to be recognised in the same way that if you had a university degree. It is just the ability to contribute to Barbados in a meaningful way. That is what informed the points-based system for the acquisition of residency.

With respect to the Barbadian by descent, the other thing we are removing is classes of citizens. Right now, there are certain rights that accrue to you as a born Barbadian that do not necessarily accrue to you as a naturalised Barbadian.

It is even shown in the way where some people have to take an oath, and some people do not have to take an oath when you get citizenship in Barbados.

We are removing the classes. Once this is passed, anybody who is a Barbadian enjoys all the rights and obligations of anybody else who is a Barbadian. There are not first or second class citizens. We are going to have one level effectively, one (1) tier of citizenship.

The other thing is if we are looking to expand our population and close the skills gap and to provide the human resources that Barbados needs to go forward and we are seeing that we want the first persons to be persons who have some connection to Barbados, then we look at citizenship by descent right now flows from parent to child.

The question then was why not grandparent to child? By virtue of the inquiries that we have already gotten, we are aware that some of the requests in relation to the acquisition of citizenship or being able to come to Barbados, extend past grandparent.

We are saying that as of right, a person who is up to a great grandchild of a Barbadian is entitled to get citizenship. So, that covers the Barbadian connection. However, who else?

We want to have preferential treatment for our CARICOM brothers and sisters. In relation to the acquisition of citizenship, for residency the timeframe is shorter for somebody from CARICOM, than it is for somebody who is not from CARICOM.

This pretty much continues in the policies that inform the full free movement in any event, preferential status, preferential access and preferential treatment to those who look like us and come from a similar background to us.

That pretty much says most of it. I could talk forever on this but I am sure that by now the Committee would have some specific questions or policy queries that I can answer and then, based on what those are and how that flows, yes, I will ask for leave at the end to do a wrap-up to address anything else I think might not necessarily be covered.

Thank you.

Madam CHAIRMAN: Thanks, Minister. Before I pose my questions, let me open it up to Members of the Committee. Senator Boyce.

Senator A. A. O BOYCE: Thank you, Madam Chairman. Thank you for your presentation, Minister.

I am going to address something initially that you did not speak to and it was one of our initial concerns yesterday. Let me get straight to the question. What is the need for the retention of the Work and Reside regime when some describe it as a virtual "no man's land"? You are neither fish, fowl or red herring.

Hon. W. A. ABRAHAMS: Okay. The best way to explain that is to explain how it came about. The Work and Reside regime that currently exists in Barbados and has been used for a long time by successive governments has no basis in legislation. There is nothing that legislatively provides for status of Work and Reside.

What was acknowledged was that quite often a gap was created where the equity of the situation would require some accommodation for the person who is applying. Let us use a practical one (1). If I got married…. Let me not use myself because I have discretion.

If Ms. Elie got married and came here with her husband, while he was trying to wait to apply for status in Barbados, the fact is that he is at home with no status, no right to work or no whatever, a work permit is applied for by the employer.

Normally, the employer applies for the work permit saying, *"We have a job here and we have no suitable applicants in Barbados. We cannot find any suitable applicants in Barbados, so we need to fill this from outside of the jurisdiction."*

That operates in your favour if you have a prospective job; if somebody has offered you a job or there is a job waiting for you to slip into. If you are the person who is accompanying somebody and in that gray area pending acquisition of some status, then we have to be able to give you something.

The Work and Reside came about, as that the Work and Reside was used to plug a hole to allow the person to exist in Barbados and work in Barbados, where the justice of this situation suggested that it was the right thing to do. It was principally used in the lag for people who are awaiting citizenship.

It was also used if somebody had applied, for example, for immigrant status or some other status, and they did not exactly qualify. Let us say they were here on a work permit and their work permit was about to expire. If it is likely that that person is somebody you would consider to be given immigration status in Barbados, you plug the gap by giving them the Work and Reside.

It proved to be an exceedingly useful tool. As I said, it was created because a need existed for something like that and it was used to plug a hole. When we came to drafting the legislation, for something to actually work to create equity, it made sense then to codify it. We still have work permits. We have the CARICOM access.

We have the residency by points. We have the normal citizenship; the residency converted because anybody who, from the time this is past is an existing immigrant of Barbados; that person is going to be straight away converted into permanent resident.

Outside of those that exist where the gaps come in, then we still need to be able to allow the person to be here without fear of deportation and to come and go as they please without having to be questioned at the airport every single time that they come in. The status existed unofficially pretty much from the time I was a lawyer.

I started practising law about 30 years ago. It has existed from then. It has been used by everybody but has never been condensed into legislation. We took the opportunity now to just create the legislative framework for something that we already were using and can see ourselves using in the future.

Madam CHAIRMAN: I wanted to come in as well at this point before you go on. The legislation, as before us, still does not, in my estimation, properly describe what the status is. A person who is granted leave to reside and work has access to what benefits, what rights and what responsibilities? What is the status?

Hon. W. A. ABRAHAMS: The status is literally that; reside and work. You acquire no benefits pass somebody who effectively is working on a work permit. The thing is that person cannot apply for a work permit for themselves, so they cannot even go and look to find employment. If somebody asked you, "Are you authorised to work in Barbados?" you had to say no.

The Work and Reside, it can be under such conditions, as the Minister thinks fit. I think the legislation spells that one out. The Minister can grant permission for the person to work and reside under Barbados under such terms and conditions, as the Minister thinks fit which is pretty much how it operates now. The person has no benefits pass somebody effectively working in Barbados on a work permit.

Madam CHAIRMAN: The difficulty with this category, I mean you describe it, Minister, in very positive terms. You describe the conditions that gave life to this category under very positive terms.

There are many of us who have seen that the conditions that gave rise to this category were perhaps not the most positive. I have seen cases

where this is, as you suggest, a bit of a holding pattern for the failure of a system to make a decision on a person's status.

Where a person is in Barbados, the competent authority is not quite sure because, perhaps, of other gaps in the law; perhaps because somebody has been here for a while and you say, *"Oh dear. Well, I am not sure what to do with this person."*

Perhaps, because a decision is pending and has been pending for years and then you continue to give them this kind of reside and work status which to me, unlike what you say Minister, is not properly codified.

It is not a clear part of a pathway to something. It is not clear the circumstances under which a person is awarded this, whether a person may opt to apply for this. The way you describe it is almost as a stopgap. Well, we may have somebody who we are not quite sure how they are going to exist here and give them this thing.

The clause that speaks to it, I think it is Clause five (5) and it really says, well, the Minister can allow a person to reside or to reside and work. I think that we have an understanding of citizenship. We have an understanding of permanent residency.

I would suggest that it would be beneficial if we have a greater understanding under the legislation about where this category fits in the overall regime.

I do think that it does not help the predictability and confidence of the legislation or of the regime to just have a clause that says, the Minister can just grant reside and work because we still do not know under what conditions. My fear is that it allows this category to be continued to be used in the absence of a decision being made by the relevant authority, which is what we have seen over primarily, I would say, up to 2018.

I thought that we would use the occasion of this reform to more clearly define what it is; the conditions under which it is granted and it does not speak to, that is without prejudice to any discretionary power the Minister might have overall in the legislation but that specific reside on work status; I think that there are many people living today with that status that still feel unsure about what they can and cannot do and have had it for many years.

Is there going to be some attempt, because I know that you said people who have been living with this immigrant status, which again is very strange language, for so long, will then be moved to the permanent resident status?

What about people who have had this reside and work status? The legislation legitimises it without defining it.

Hon. W. A. ABRAHAMS: As it stands now, the reside and work status allows you to qualify under timelines for immigration status. If you are here, residing and working under reside and work; once you cross the threshold for immigrant status, you can get immigrant status.

Madam CHAIRMAN: What are you calling immigrant status? Just for the purposes of the conversation, what do you mean?

Hon. W. A. ABRAHAMS: As it stands now, until new legislation is passed, Barbados has three (3) categories of permanent immigration status. Those are immigrant status, which is the entry level, I guess, into permanence, that allows you to live, work, reside, conduct your business in Barbados. You then have to get permanent resident status. Permanent resident status has other things attached to it, and then the final one (1) is citizenship.

What we accepted is that we are probably one (1) of the only countries in the world still with three (3) layers on it and that it is unnecessary to have immigrant status. We need to properly structure our permanent residence status to remove and even in name is offensive to some people. We accept that.

We are doing away, once the legislation is passed or this new legislation does away entirely with the concept of immigrant status. Anybody who is an immigrant at the time the legislation is passed is grandfathered, automatically becoming a permanent resident.

Madam CHAIRMAN: It seems to me that you are now replacing immigrant status with reside and work.

Hon. W. A. ABRAHAMS: No, reside and work exists now.

Madam CHAIRMAN: What I mean is, you have just described to us that the intent of the legislation is to remove this category called immigrant status, right? You just described immigrant status as the right, essentially to do what reside and work allows you to do. No?

Hon. W. A. ABRAHAMS: No, immigrant status is a status of itself. Immigrant status has certain boxes you have to tick to get there. Once you acquire immigrant status, it allows you to come and go, live. It allows you to live permanently in Barbados.

Madam CHAIRMAN: What is the difference from reside and work?

Hon. W. A. ABRAHAMS: Reside and work was created. . .

Madam CHAIRMAN: Do not tell me why it was created. Tell me what it allows you to do.

Hon. W. A. ABRAHAMS: Reside and work pretty much allows you to live and work in Barbados as well but it is subject once again to criteria.

The Chief Immigration Officer can say that you get a reside and work for two (2) years, for three (3) years, right? Immigrant status, once obtained is permanent until you move to something else.

Madam CHAIRMAN: Right, I am drawing your thoughts as you speak, right? The spectrum we now have is immigrant status, to permanent resident, to citizenship, right?

The intent of the legislation is to remove immigrant status as an offensive category. I mean, to say that you are an immigrant forever, I mean, it just offends personhood in general.

By retaining reside and work; the intent of the legislation is to retain and legitimise reside and work which creates the same status as immigrant status created and is worse because it is not indefinite. It is for any time that anybody might give you.

What I am suggesting to you is that this legislation should also move to remove anything that is so discretionary and arbitrary and just create the conditions for permanent residence and create the conditions for citizenship but we are still keeping this kind of vague, murky, reside and work. You remove immigrant status, replace it with reside and work essentially, which is just as arbitrary.

Hon. W. A. ABRAHAMS: I hear where you are coming from, Madam Chairman. I do not necessarily entirely agree with you because once you have to qualify for a status, then it contemplates that you may not qualify for it or there might be an intervening period where you have not yet qualified for it. What then do we do with the person who has not yet qualified for permanent residency?

There is no immigrant status anymore, let us pretend that is gone. What do we do with the person who is not yet qualified for permanent residency but does not fall into any other category? So, the person is not, for example, a CARICOM skilled national, the person does not have a work permit.

In that lag period until they can acquire another certain status, what do we do with them? This provides options to allow you to bridge where sometimes the straight application in law would create an injustice.

Madam CHAIRMAN: I would suggest to you that any category; any status that you are creating under the legislation requires a definition. A definition of what it entitles you to; what protections you have; what protections you do not have. That is not clear for this reside and work that you are granting. Every other category is clear.

It does not mean that discretion will never apply. Discretion will apply across the legislation, across the categories. However, you cannot say that the legislation grants a certain status in

circumstances where people do not know under what conditions. It removes the whole intent of predictability.

I mean, I think this is a position that others have and it is just for your consideration. It does not mean that it cannot be used for the purpose you have just described. It just means that it has to be defined and it has to have a home somewhere because otherwise it just, it does what you are suggesting that immigrant status did and the reason that you were looking to remove it.

Hon. W. A. ABRAHAMS: Madam Chairman, I hear you loud and clear. Let me tell you why I am glad for this process. Following this process, we will review carefully your report. We will liaise with the CPC. We will look at what the intention of the legislation was; where amendments need to be made to give proper effect to the considered opinion of the report as well as the policy of the government. Then those legislative changes will be made.

Nothing here is fixed in stone. We drafted the legislation. We are aware that there are certain parts that will attract some discussion and it is with the best will in the world, X people in the Cabinet can sit down and look at something from the position of those in that room. There may be a position that we did not contemplate.

Even the drafters, the reason legislation gets amended is that you draft the best possible legislation but you cannot provide for every possible contingency. Sometimes you draft it, and the application of the legislation itself throws up some inadequacies and you have to come back and backfill those.

I guess this process allows us to hear from everybody who has a contribution to make, so that the final piece of legislation that goes back before the House for the continuation of debate or in the event you have to pull this one (1) and replace it, that that has benefited from as many inputs and as wide an input base as we can.

This is legislation that pretty much applies to all of Barbados. Every Barbadian should be concerned and have an opinion on what do you want a Barbadian to look like? How do you want people to get Barbadian citizenship? What are your cares and concerns that you want us to factor in doing it?

Madam Chairman, I hear you loud and clear. I have made a note. If I am being frank with you, one (1) thing I expected because we had to settle, for example, for the citizenship by descent; we had to settle on what that looked like and how far back we went.

We also had to look at the ability of somebody pass a certain point to prove their lineage, their descent from a Barbadian. Those are the things that we factor into. I knew.

When I came and I heard you reading through some notes and I knew that there was going to be discussion as to whether some wanted to stay exactly as it is, that only if you are a child of a Barbadian, you can get Barbadian citizenship. Some wanted a grandparents and some wanted a great-grandparents. We did the best we could on the information that we had but it would be interesting to hear the final position of the Committee in relation to that.

As I said, the things that we knew. Immigration is as fundamental to the country as anything else, particularly with Barbados, based on the policy objective we have outlined and the reality of our situation in the country, largely yielded by research conducted by you, Madam Chairman.

We know we have to get from here to here. We know we have to do it quickly and we know we have to do it safely but what does quickly and safely look like and what are the concerns of Barbadians?

At the end of the day, the aim is for as many Bajans as possible to be comfortable with this legislation and I feel that it represents their view as well as the view of the Government. I hear you on the work and reside.

Mr. CLERK: Just to make a point with reside and work. To my mind, it is better compared to work permit because with your work permit, you are given a specific job that you can work in as opposed to reside and work. You are

given that status so you can do anything and still reside.

Hon. W. A. ABRAHAMS: To answer to the Clerk of Parliament, all the persons who get a reside and work; if they had a job offer and a valid work permit application they would not need reside and work. Once again, as I said, the work permit application is done by the employer for a job, not necessarily specific to the person. That just happens to be the person who has answered the call and they think is qualified to do it.

If we had a work permit at-large, that I come to Barbados and I want to be here and I want to work, I do not know where I want to work. I know I might want to work for her, but I do not know if she is offering a job; but I can apply for permission to be in Barbados to work on my own behalf. A work permit at-large, that is pretty much what this is. I am glad that the Clerk of Parliament pointed that out.

Madam CHAIRMAN: That is fine, but we need to say what it is. The legislation has to say what it is. The legislation has to say under what conditions a person can apply. It might be that you may be trying to keep it in your back pocket for such an occasion as dot, dot, dot. I am not asking you to answer me.

Hon. W. A. ABRAHAMS: I hear you loud and clear, Madam Chairman. We will factor the considered report of this Committee into what this regime finally looks like.

Senator A. A. O. BOYCE: Thank you, Madam Chairman.

I am going to jump around here just a little bit. Explain to me the points system with particular focus on the need to ascribe or the ability to ascribe to dependents the points of the applicant.

Hon. W. A. ABRAHAMS: Using Canada as an example, when we draft legislation, we do not necessarily start with a blank sheet. You usually have in your mind some model legislation that you are patterning yourself on. Quite often that is where you actually get the ideas for the amendments from somebody else who did it differently. This is a good idea. We should probably try to do this.

With respect to the dependents, if you have somebody who is super qualified and that person has a spouse or dependent that is not as qualified. Let us say you are trying to get to 10 points and that person, by virtue of the criteria can by themselves accumulate 30 points, then Canada had a position that the excess points can be applied to a dependent but it can only be done once.

If the spouse is coming with the person. If you are getting residency by virtue of the points that you have accumulated and your spouse is coming and your spouse of themselves cannot accumulate the points for residency, then the spouse is on the back foot.

Why should you not be able to, if you are coming as a family, if there is a link of dependents between the applicant and the person they are trying to give you points to; then you share income; you share resources; you can share the points.

I do not know if I answered your questions, Senator.

Senator A. A. O. BOYCE: You did, Minister. I am not convinced, but you did.

Madam CHAIRMAN: I have a question around the particular submissions. Senator Boyce is preparing the wicket and then I just come here to bat a little bit.

I just want to come back to the points system because you made reference, Minister, to something that I actually had in my notes, which refers to the Canadian system.

I wonder whether our proposed points system may not be oversimplified and again, if the Regulations are meant to go into more detail on the actual allocation of points and how that breaks down that might be helpful for us to consider.

I think one (1) of the reasons that the points system in places like Canada has these various ratings, has these two (2) systems, which is one (1) for the public service and one (1) for this comprehensive ranking system that I am sure you

have spent a lot of time with in coming up with this legislation.

You suggested that it is complex. It is not really that complex, but it tries …

Hon. W. A. ABRAHAMS: Ours? Ours is not. I meant the Canadian system.

Madam CHAIRMAN: Right, the Canadian system is not really that complex. I think what it tries to do is to account for and weigh it in a more nuanced and perhaps more sophisticated way, certain attributes like work experience, language, education and so on.

I think the reason they try to do that is that a simple assessment of certificates or degrees or age - well, age is age. You cannot break that down anymore and financial assets is for the purposes of moving and living. It is often too simplified.

There are other attributes and kinds of things that need to be understood about the person moving. I wonder if we have, in trying to be simple and I understand why we want to move quickly but I wonder whether we are not omitting some of the important things that should be considered because when we have financial assets.

Sorry, I am not quoting it directly, skill level and age; it then becomes perhaps a little easy to be able to predict, this is who we are going to get, really.

Who we are going to get is perhaps not specifically the type of worker that we want; not someone with the range of attributes that we want because we are not actually assessing the other kinds of attributes that other systems are assessing.

In the Regulations that you contemplate, are there going to be more nuanced? For example, you have skills but are you looking at years of experience in particular things? I am assuming the Regulations are going to speak to that. Maybe you can tell us a little bit more about that.

Hon. W. A. ABRAHAMS: What I can tell you is that the points are not fixed in stone. As I said at the beginning, the points will be subject to change depending on your developmental needs of Barbados. They might be simple now because we need boots on the ground, now.

Let me use an example. During COVID, we threw open our doors with the Welcome Stamp Programme and we got a couple thousand people coming to Barbados from the Welcome Stamp Programme.

The only real requirement for the Welcome Stamp Programme was that you were capable of maintaining yourself and that you did not work in Barbados, so you earned your money outside of Barbados but you can be a nomad. If your job allowed you to work from remotely, wherever your job was based, you can come here and you can work and once you were not taking a job from a Barbadian, that was the intention.

The Welcome Stamp Programme, let us just say, there are so many people who came here initially to Welcome Stamp who have now applied for status or who have bought property or who have invested and who have become Bajans effectively, right.

The only criteria at that point in time was that you did not work in Barbados and take up a job that was meant for Barbadian. We benefited from a couple thousand people coming here on what was an easy access route into Barbados. I mean we did our background checks.

Anybody who had, I cannot speak too much about that but we did solid background checks and anybody on which there was a flag, it was denied. If you had something sinister in your background or suspicious or under investigation or whatnot, then we denied you, right.

Once you did not have that, pretty much it was, come and have an extended vacation in Barbados. You can work from here. You can live here. We welcome you to Barbados. That programme was very successful in giving us the bump that we needed at the point in time.

The requirements for entry into the programme were not overly onerous. You just had to be able to sustain yourself here. We looked at that as a means of getting the bump that we needed.

It may be that in five (5) years the points system becomes a lot more detailed. It may be that

in five (5) years you get less points for certain things and that you have to tick off many more boxes; but we have to start somewhere and kickstart the process and that was what informed those points.

Once again, I am interested to see what suggestions come in relation to points and points allocation and categories of acquiring points out of this because as I say, it is not fixed in stone.

Persons have asked me already if I am being frank with you. I am always frank with you, by the way, but people have asked me why 10 points and not 15. If you have 15, it allows you to create more categories.

I have already had those sort of inquiries and there are certain things in particular I am looking or expecting to see coming out of your report and one (1) of those is in relation to the points as well.

We have started; we have made a decision. What would give us the initial impetus, bearing in mind, that we need to create a framework that we can come back and amend those, adjust them, wipe out some entirely or add in some.

That was the initial framework that we came up with to start the process. As I said, it is not fixed in stone and I do believe that coming out of this, especially from what you are asking me, I do believe, I can see some of the recommendations already that I believe you are going to make and as I said, we are trying to give the most comprehensive piece of legislation possible that as many Barbadians as possible can be comfortable with. Hence, I await your input.

Madam CHAIRMAN: Senator Boyce.

Senator A. A. O. BOYCE: Thanks. Several of the submissions appear to be concerned about the level of ministerial discretion in the legislation. I want to give you an opportunity to respond to that as a claim and to perhaps tell the Committee why those provisions are necessary.

Hon W. A. ABRAHAMS: In most forms of immigration legislation, there is a lot of discretion on the ultimate authority, whoever that authority figure is to make certain decisions. Immigration is one (1) of those things that is generally not questioned because a country has the right to say no to anybody.

I have to be careful. Immigration is a part of our border defences and it is also a national security institution. I have had as a Minister, to refuse persons who on the face of it, look like people we want to come to Barbados but they are then flagged for whatever reason and is a reason that is shared within an exceedingly limited group of persons. You do not even tell the person that they will get a denial and they will never know, well quite frankly, they very likely might have some idea what the reason is.

If we are forced to put into writing or give reasons for certain things, it compromises national security. If you look at immigration legislation across the board, there tends to be a wide discretion, in particular, a wide discretion for refusal.

Some people go to the United States of America (USA); land in the USA; reach a kiosk, some people with visas and tell you cannot come in, and you are turned around and put on a plane. You have no idea why you cannot come.

Each country for the purpose of national security and protecting its border and its citizens has the right of refusal and you will often see it without the reason. We all happen to give reasons.

If for some reason, Senator Boyce, I have to tell you that we use the Federal Bureau of Investigation (FBI); Interpol Protocol 6(1)(b) and discovered X, Y, and Z but we have already compromised our intelligence assets in relation to it. That is where you often see a wide ministerial discretion.

Having said that, if you look at the ministerial discretion in relation to fundamental things, for example, citizenship, the only real discretion you have is in relation to a minor child in terms of citizenship, as the Minister. There is not a lot of wide, unexplained discretion in there.

For certain heavily regulated aspects where the boxes have to be taken, this requires exactly these qualifications, then the discretion does not really apply.

For the other things, especially in relation to entry and access and prohibited persons and whatnot, that discretion must be able to exist and it must be able to exist without giving reasons.

Madam CHAIRMAN: Can I take this a bit further? Related to that, Minister, there are also a few calls for institutional structures arrangements that almost replace or share the responsibility of making some of these decisions.

I would like you to respond specifically to that. There are calls for Appeals Tribunals and other kinds of mechanisms. Do you see scope for that in the legislation, particularly with respect not to immigration decisions but with respect to citizenship, the pathway from permanent residency to citizenship?

Hon. W. A. ABRAHAMS: It is difficult for me to answer that unless I have specific things answered in relation to.

Let me use an example. In relation to the Appeals Tribunal, right now, under the existing legislation, Appeals Tribunal exists and it allows an appeal to be heard effectively from the decision of the Minister and the Minister has overriding discretion.

The tribunal exists now in law and it is presided over by a Minister but not a Minister of Immigration. It is almost a little bit of a nonsense that a Minister, not over Immigration, should be able to overrule the decision of a Minister of Immigration, when that Minister may not even have access to the information a Minister of Immigration has.

Let me use... I will not call names. As a Minister for Home Affairs, I sit on the National Security Council and that is a very, very limited-scope Council; where pretty much you hear all the things that are necessary to run a country but that the average person, even other members of Cabinet will never hear.

If I make a decision based on those considerations and somebody appeals the decision that you said no to my citizenship, said no to my residency or ordered a deportation order against me and I wish to have it reconsidered; then we have to play very carefully with giving the person access to some path of natural justice but also protecting the fact that sometimes you just cannot say what the reasons are.

It is a very fine line that we tread in relationship to it. It is a fine line that we tread in relation to it. That is where the difficulty comes in, in terms of immigration.

It is easy to do tribunals for almost anything else but because of the national security concerns and the information which may inform a decision of the Immigration Department or of the Minister; it is difficult to have that scrutinised or adjudicating on by somebody who does not have the same access as the person who made the decision.

Madam CHAIRMAN: Is it contemplated then that the current Appeals Tribunal will no longer exist under the new legislation?

Hon. W. A. ABRAHAMS: It has been removed.

Madam CHAIRMAN: Senator Boyce, anything else from you? Any other questions for the Minister?

Senator The Hon. L. E. NURSE: Just a very quick one (1), Madam Chairman. Monitoring, I would expect that we would want to be able to satisfy, at the end of the day, that this new piece of legislation is achieving the objectives set out. One (1) among them, of course, is to increase the population.

I am just wondering if there is any contemplation that there is going to be a monitoring system that will require, for example, annual reports from the Immigration Department, the Ministry or something like that, so that it gives you an additional opportunity to be able to assess how this legislation is progressing in terms of meeting the objectives set out.

Hon. W. A. ABRAHAMS: In terms of the monitoring, as it stands now, the Immigration

provides statistics to different Government departments based on their need.

We provide statistics on work permits, citizenship and whatnot. We worked very closely as well with the Ministry of Labour. The relationship with the Ministry of Labour has deepened even further because of the full free movement regime.

We are working closely with them to track the persons who participate in full free movement and to see from their side who is taking it up, registered and whatnot.

We will keep detailed records, as we do, now of all persons applying for status. We keep very detailed records of who, how many people have work permits; how many people have work permits in what categories; who qualify for immigration; immigrant status; residency; citizenship; who was deported and whatnot.

We keep all of those. It is not proposed that the Immigration itself monitors the efficacy of this. I think that more would probably come from Labour, Social Services or persons who have the direct responsibility for the NISS and whatnot.

I will tell you that the information is well-kept or well-available that anybody who needs it can call for it, get it and make an informed decision. In terms of Immigration itself, monitoring the population growth in Barbados, no. That is not contemplated.

Senator The Hon. L. E. NURSE: I think that is obviously something for the Statistical Department, perhaps to be doing. I just want to know that the system is such that it will provide that kind of data and information which will allow the analysis to be done.

Hon. W. A. ABRAHAMS: I understand and expect that will be done.

Madam CHAIRMAN: Thank you. Minister, we had quite a bit of conversation this week on the question of deportation and the mechanism for that. Deportation orders; how they are made and the period that is allowable for a person who receives a deportation order to ask essentially for a stay, at which time a fee is payable of $3 000 and then, the process is triggered. It is a non-refundable fee; a Member is reminding me.

Hon. W. A. ABRAHAMS: There is no fee payable at the moment. You mean in the new legislation?

Madam CHAIRMAN: Yes.

Hon. W. A. ABRAHAMS: Deportation is a last resort. Deportation is not entered into lightly. At the end of the day, it is in the discretion of the Minister. What happens normally with a deportation is if somebody does something that is offensive and it is investigated, a report is produced by the investigating officer. It is then sent onto their supervisor and then, onto Chief Immigration Officer.

At each stage, the person who is next in line will make their comment. They do not always agree. It then goes to the Chief Immigration Officer who looks at all of the evidence there and then makes their final comment. It then comes to me because I am the person who has to sign the order.

I will tell you that it used to be a case of every person who got a criminal conviction in Barbados or ended up before the court; they got deported. It used to be as simple as that. Everybody. If you had a spliff and got convicted, they were looking to send you out. If you had a fight with your girlfriend and even if you did not get convicted but they discovered you overstayed by a day, they looked to send you out.

That is not conducive to what we are trying to achieve now going forward. There are persons who would be in Barbados for 30 years; get held in a fight somewhere and get a conviction for disorderly conduct or something. The next thing is that they are looking to deport the person. Policy-wise, we have adjusted that recently.

Presently, we save deportation for people who anybody looking at the file will say that this person really needs to go.

Once persons have been asked to leave Barbados, it used to be discretionary based on when the person applied to come back, that you look at the nature of the offence.

If it was somebody who had imported 10 pounds of cocaine or something, then you would not consider them in five (5) years. If they were clean, their record was clean for 15 years, now turn their life around and there is evidence to that, then you would say, "Alright, we can look at lifting this deportation order."

There is no fixed amount of time that a person has to spend outside of the country. We then got a situation where in 2008, there was a mass deportation of persons from Barbados.

Something as simple as the person having five (5) back-to-back work permits; the last work permit was out two months ago and they happened to capture that person while doing a sweep through Fairchild Street, they deported the person who has been here for a while because the work permit is now out.

We have had a number of those kinds of persons with, like the minimal reason, overstaying who were deported in that period and have applied to come back in. Pretty much, if there was nothing negative against you, the general thing is we revoke the deportation order and allow people to come back in.

On the other side of the scale, we have had persons who have been convicted in Barbados. They serve a prison sentence, get deported and then, within a year they apply to come back and the deportation order to be lifted. We had so many of those that it actually became a problem. We had people literally being deported; land in the country and in months they turn around and apply.

The nuisance applications got to a point where a person should not make it frivolously. There had to be some consequence for it. The other thing is that there is generally a cost attached to deportations.

Where persons have infringed on the laws of Barbados or we want them to leave, if they have the capacity, and they have not been convicted, in many instances, we let the person buy their own ticket and they leave. That person is looked at slightly different from somebody who is deported.

When the deportation order comes, pretty much the Government of Barbados stands the expenses for the most part, of deporting the person. So, there is a cost attached. Equally, if you have been legitimately deported from a country and you wish to come back, there must be some measure of restitution being made to allow your application to be considered. So that is what actually informed that.

Madam CHAIRMAN: Alright, I am trying to find the Clause because our reading of this relates to the minute of receiving. So the person is here. This is my reading of it. I am looking for Clause 23. "*A deportee may within 24 hours after he is served with the order."* This is presuming what, that the person has been deported?

Hon W. A. ABRAHAMS: No, you get served with the order.

Madam CHAIRMAN: And you are still here.

Hon W. A. ABRAHAMS: Yes, you must receive the signed order before you are actually deported.

Madam CHAIRMAN: Right, so, I am not talking then about some of the situations you have just described where a person has been deported, they reapply within a year. I am talking about receiving the order and the provision here allows them to make application in writing to the minister for revocation of the order.

Where a deportee makes an application referred to in subsection one, the deportee shall pay a fee of $3 000, which is not refundable. This is saying, I get the order, you say I have to leave. I am asking you to revoke the order and I have to pay $3 000 at that time. Right, so that is what I am describing.

Now, the scenarios that some of us discussed, and I noticed that you went directly to criminal convictions. However, under the law,

really you can be deported for overstaying, right? You can be deported for overstaying for 20 years, right? In such a scenario, you may have children, you may have other dependents. I hear you talk about what normally obtains.

The thing about legislation, as we are seeing in several jurisdictions around the world, is that if it is not written for such a time as some kind of, I should not say, somebody who is not as credible. If it is not written to protect from that kind of behaviour, then, I mean, what is it worth?

Therefore, what we questioned was how high the fee is just to say, well, hold on a minute. Really what is the justification for that and whether there is scope to revisit that fee such that, you know, if I am here with a few children and my grandmother that I am taking care of, that you cannot pick me up and cause me to leave. I understand what your intent might be, but you may not always be the minister.

Hon W. A. ABRAHAMS: I take that point, and this is one of the things that I expected to arise. Now, what I will tell you is that we have not been deporting persons in recent times for simply overstaying. We encourage the persons to regularise, right? It would have to be something else that led to that.

People have been coming in all now to the immigration department who have been here, who overstayed, whose record is clean and asking to regularise, and we have been facilitating. If the policy is to bring persons into Barbados, then why are we trying to send you out if you have actually done nothing?

The bulk of the people who have overstayed are not from the Caribbean, for one, and they are in jobs. They are in jobs, have been in jobs and as you said, have connections.

Some might have even, quite frankly, bought property in Barbados. So, the intention is not to deport those persons. Anytime I see a deportation order now, it is that they may tack on the fact that you have overstayed, but that is not going to be the sole reason. It is going to be that something else led to you being investigated, started the process rolling, and they just tacked that one on as well.

However, I take your point entirely. As I said, Madam Chairman, this is one, there are people who feel that this fee should be more. There are some Barbadians who believe that Barbados is for Barbadians, right? Nobody has a right to be here other than a Barbadian and feel this fee should be more.

However, I also accept what you are saying, that there is some who feel that the justice of the situation should warrant that the person, because this may take it out of the range of persons who do not have resources to make the immediate payment of $3 000. I hear you on that, and I guess we can revisit that one.

Madam CHAIRMAN: There were some definition issues throughout the legislation that I do not think that we have to go through in this forum, except for the one that relates to the definition of disability.

Under 6(1)(3), I believe it may have been. There are several pieces of legislation that reference persons with people living with disabilities.

What we have found, as you know, over the years is that those pieces of legislation define disability in various ways and have various categories for all kinds of reasons.

One of the things that we are suggesting may be a bit of a gap in this legislation is that we are not clear how Six - three and this is of the Immigration Bill now...

Hon W. A. ABRAHAMS: I think I know where you are going there. What happens here is where you have a specific piece of legislation like this that makes reference to something capable or worthy of being defined, it might not necessarily be prudent to define it here.

So, a person who has a disability, for the purpose of this legislation, would be wherever the actual official definition of a person with a disability is found in our laws. We would not define every single term.

Madam CHAIRMAN: Sure, however, you will be aware that we have had challenges in the administration of certain pieces of legislation. For example, there are, and Senator Boyce made the point that we really need to say, is this definition going to be the definition that is established in the rights of persons with disabilities legislation?

In which case, I think that should be explicit because, for example, we have had cases, and the most recent example may have been the National Insurance Scheme and what are the categories of disability that qualify for a benefit.

Now, for years, National Insurance was labouring under this kind of old and outdated definition. Disability was referenced in their legislation but the categories did not match the intent of the law. So, I think that we have to be very clear on this.

If we are saying that all legislation that references disability is using a particular definition, then we need to say that. But I do not think we are at that point yet. I just feel, Senator Boyce…

Hon W. A. ABRAHAMS: I take the point. What I can say is, Justice Moore, in our amendment to this, we can define dependent who is under disability as defined in X legislation. We can cover that relatively easily.

Mr. Justice SHERMAN MOORE (*Retired*): Disability in this case would be a legal disability, not a physical. It means that the person is unable to in law. Either by age, that is a disability, or he is otherwise unable to sign for himself or ...

Hon. W. A. ABRAHAMS: What we can do ...

Mr. Justice SHERMAN MOORE (*Retired*): It is not a physical disability.

Hon. W. A. ABRAHAMS: What we can do is specify it to cover that off.

Mr. Justice SHERMAN MOORE (*Retired*): These things must be read in the context in which they are used. Disability in this case is a legal disability and not a physical disability. If you want it defined in that term …

Ms. Mechelle ELIE: Yes, we do.

Madam CHAIRMAN: Senator Boyce.

Senator A. A. O. BOYCE: Given that discussion, perhaps I intervene only to make the point that it was a very recent Administration that repealed the section of the Immigration Act that barred entry into Barbados on the basis of various types of disability and I think in the contemplation of this new legislation, let us be clear that we are not in any way unwittingly and inadvertently replicating any of those restrictions and discriminations, but I do take Justice Moore's point.

Hon. W. A. ABRAHAMS: Senator Boyce, allow me to assure you and this Committee of one thing. The most offensive Clause in the last legislation was the list of prohibited persons. I first was confronted with that as a lawyer. I was embarrassed that it remained there. It was also on the Immigration Form because it was in the legislation.

I am pleased, like you cannot possibly believe, to be able to strike that and all references to that from our landscape. It is backward, it is insulting and it is offensive to persons who are vulnerable and who have to live with a disability.

I cannot believe it survived that long. So, I hear you loud and clear as well, Senator Boyce, and anything we can do to try to clarify that, we will do because any spectre of that must be removed from out of the legislative landscape of Barbados and for certain from this Act.

Madam CHAIRMAN: Minister, there are those who suggest that the current legislation should speak expressly to the Welcome Stamp Visa and to those who are currently here under that provision. Some of them have been asking expressly: What is the pathway, whether it is a simple existing residence, time already in

Barbados that then allows us to apply for permanent residence?

Do you contemplate this Bill or is there scope for the Bill to make special reference to the people who are here in the Welcome Stamp Visa? Is there some provision that already exists in the Bill that would encompass those people?

Hon. W. A. ABRAHAMS: When we were drafting the points system, when we were trying to figure out what is the best way to deal with the point system to allocate points, pretty much every person on the Welcome Stamp Visa would qualify on a points basis, but do we specifically have something addressing the Welcome Stampers? No, we do not. I would not want to limit it to the Welcome Stampers.

If we look at the Welcome Stampers there is a category. If we are going back at this, then I prefer it to be not category specific, but to contemplate the category in the drafting, if you understand where I am coming from. I would not want to say the Welcome Stampers and then somebody else says, well, why not X or why not Y? If we have to look at that, so I understand …

Madam CHAIRMAN: Or perhaps part of the points system?

Hon. W. A. ABRAHAMS: Okay, fair enough.

Madam CHAIRMAN: There is also some dissonance, it seems, between the Constitution providing that a person who has been an ordinary resident in Barbados for at least 10 years immediately preceding their application, having the right to be registered as a citizen of Barbados.

The existing Citizenship Act making reference to at least seven years and then there is a different threshold again for the new legislation.

With that as a context, some of the feedback that we have gotten and some of the discussion that we have had relates to the threshold for residents, which is separate for CARICOM nationals and for non-CARICOM nationals. For non-CARICOM is 270 out of …

Hon. W. A. ABRAHAMS: You mean citizenship?

Madam CHAIRMAN: Well, yes, for citizenship.

Hon. W. A. ABRAHAMS: Okay.

Madam CHAIRMAN: So, you were a resident for 270 out of 1 095 days so that is nine months in three years. There is that new provision in the new legislation. There is the old legislation that of seven years of which at least five years in the aggregate has had to be inspected in Barbados and then this threshold is significantly lower.

Hon. W. A. ABRAHAMS: So, ultimately anybody who is seeking residency in Barbados is ultimately seeking citizenship unless there is a particular reason they do not want to do it.

There are some persons who have residency in Barbados, they do not want citizenship because, for example, they may hold a Dutch passport and the Dutch do not allow you to have dual nationality, but the average person who goes through the steps of getting residency is looking ultimately to become a citizen of the country.

Now, we are trying to fast-track the regularising of the immigration status in Barbados in terms of the appropriate population, the appropriate skill-sets and whatnot. We have to be careful in not making it, and I am trying to be very careful with what I say here.

We have to be aware that there are many other options out there available for persons who are looking to relocate and reside somewhere else.

Almost every country in the world, a lot of European countries, the United States of America (U.S.A.) is doing it as well, almost every country in the world is having some sort of population grab.

They are trying to attract people in particular, persons with resources, whether that be in terms of monetary or skills or whatnot, but they are offering incentive programmes, even the United States of America (U.S.A.) is doing it, for persons to reside in their country.

In what we were doing, we looked at the most competitive residency to citizenship programmes in the world and we asked: how can we compete on this level without selling our passport? How can we do it but make sure persons have some linkage to Barbados?

The concept of the citizenship by investment, the concept of the donation to get a passport was one that we red flag. We are not going there. That is out. That is not being contemplated at all, but outside of that, how can we make it as attractive and as simple as possible for persons who ultimately want to reside here?

The contemplations that we had, we had persons who have a house in Barbados and who are here three to four months every year and have been here for 30 years, coming to Barbados for 30 years, but they cannot qualify for citizenship. They can never qualify for citizenship because they do not accumulate enough time back-to-back to do it.

We have persons who wish to have a property in Barbados, and they wish to set up business in Barbados, but they have properties and businesses elsewhere. So, they cannot live in Barbados for five years in terms of the actual residency, normal residency requirement, which is half a year.

They need flexibility to be able to go and service what else it is that they have to service.

Also, we look at what is the minimum time commitment we require from somebody who is transitioning from residency to citizenship? That time requirement was three months a year for two years, if you are CARICOM national or three months a year for three years if you are non-CARICOM.

Why? What are we trying ultimately to protect? We are trying to protect the integrity of Barbadian citizenship, we are trying to protect our way of life, and we are trying to protect the security of our country.

The question was raised as well, if somebody who is a citizen make investment in another CARICOM country, so they are then traveling under a CARICOM passport, if that person comes to Barbados, qualifies under the points system to be a resident, pretty much instantaneously, then what happens when that person applies for citizenship in Barbados?

Now, I start again with the fact that you qualify in terms of time does not mean you get citizenship, because we have a right to deny anybody citizenship.

Therefore, if one of the things we do with every citizenship application, is we do the background checks, we run it through a number of databases, and if you are flagged as somebody who for want of a better term, we do not want in Barbados, then you do not get it.

Hence, we want the person to show a time commitment to Barbados. Therefore, if you are a non-CARICOM, we want you to show a commitment to Barbados for at least three years. Thus, although it is nine months, if you do nine months in your first year, you still cannot apply until the three years have passed.

However, we also then look at what is sufficient time for us to satisfy ourselves having checked everything that this person is not a risk to Barbados or this person does not offend the policy of what it is that we are trying to do, the policy considerations, and that time- frame was three years if you are a non-CARICOM, and two years if you are a CARICOM.

We have satisfied ourselves that we can fully check out a person, get everything we need to know, and decide whether we want you as a Bajan or not. Therefore, does it make sense to extend to seven years?

There is nobody now who has drafted immigration legislation that is keeping the time frames as to what they were or lengthening them.

Every single country, and Judge Moore will tell you; we have checked every single country that has now pushed forward immigration legislation, shortening the time frame of citizenship. They are making it more accessible. They are trying to get a certain class. Let us not use the word class.

They have in their minds what they want their citizens to look like, what skill-sets, what contribution, what is that person going to do for the development of your country, and if you are

somebody who is a high chance of contributing to national development, then it should be made as simple as possible for you once we cover our basis from our end in protecting our citizenship, protecting our passport.

Therefore, just for the record, if somebody comes who is a citizen by investment in one of the CARICOM countries, and they come here and they get a residency and they apply for citizenship in Barbados, if our checks do not reveal anything derogatory or negative with that person, then they will be processed.

If our checks do reveal something suspicious, they are under investigation for X, Y, Z, or they are flagged by Interpol or whoever else, right, then they will not get it.

Hence, it is not that you have lasted out the time- frame for transition for residency to citizenship does not mean you have a right. Nobody has a right to citizenship in Barbados, save and accept you were born here.

Madam CHAIRMAN: Before you came, Minister, we had some conversations around the context of this legislation, which you also referenced in your opening, which is a population policy, and the fact that this legislation really sits on the bed of that policy.

It is not meant to stand on its own and to say this cures all of the issues of sustainable population growth and education and housing and land and everything that government has to do.

In your response just now, you made reference to doing background checks, suggesting really that the main consideration that people might have with respect to the time to which we are restricting people to qualify from permanent residency to citizenship is a question of whether there may be criminal elements.

There are people who have other concerns that have to do with this notion of carrying capacity, well, capacity of the State, to be able to make room for everyone.

The population policy did a lot of that forecasting, and the population policy with respect to housing and other things was able to say definitively, look, Barbados can, in a sustainable way, accommodate this amount of housing and so on.

However, there are considerations, I believe, that have to do simply with the geographical sites. You sit in Parliament and in Cabinet, and you are aware of the conversation that relates to land ownership, home ownership, and so on.

You are aware of the conversation that relates to the capacity of others to buy and own assets, own businesses, in principle take over large swaths of land in the country and be able to develop them.

Is there policy contemplated, bearing in mind that there is a broader policy framework for this, is there policy contemplated that will concurrently look at some of these issues of land and property ownership, the balance of ownership among Barbadians and others?

Can you speak in any way to any kind of affirmative policy that says, look, just like other jurisdictions have done, we are aware that many of the people who are likely to come under this legislation have the wherewithal to acquire and own.

Is there any kind of affirmative policy that the government is contemplating to be able to secure land or assets for groups of people who may otherwise be disenfranchised going into the future?

Hon. W. A. ABRAHAMS: Madam Chairman, you have me at a serious disadvantage. I did not come here contemplating discussing that but allow me to say this: As it stands now, we have, unlike many of our Caribbean neighbours, we have no alien landholding legislation, so we have nothing that restricts the purchase by anybody of anything in Barbados.

Therefore, as it stands now, anybody, a visitor comes here and they see a plantation they want to buy, they can go and buy it as a visitor, once they get the Central Bank's permission, and that has to do mainly with the foreign exchange and less to do with whether you are alien or not. Hence, this does not affect that.

This does not move the needle either way in any direction where that is concerned, because as it stands now, it might be even better for us, quite frankly, if the persons who are buying property in Barbados become citizens of Barbados.

However, as it stands now, anybody can come and do what you have outlined just now, citizen or not. Therefore, this does not affect that scenario at all.

I am not aware that there are advanced discussions to regulate who can or cannot purchase in Barbados or in terms of positive rebalancing. That is probably the best I can say, but I will tell you that the Immigration Legislation as contemplated and as drafted does not affect that scenario that you just outlined at all.

Madam CHAIRMAN: I think perhaps the conversations that government has from time to time or Parliament has from time to time about the approach to access to land and resources, for example, outright sale versus a ninety-nine-year lease and these kinds of discussions might be material to that conversation. This is because, again, the population policy does talk about a balance of enfranchisement.

I think one of the things that people are interested to hear, and I say this as a general point to the government, not necessarily with respect to this legislation, is that often when we bring new legislation, we are aware that we are going to have to make concurrent investments in other kinds of policies and different aspects of people's well-being.

Hence, I leave that on the table as general observation so that when we have the discussion, we are having a full discussion so that people can understand.

Everything cannot be in the one piece of legislation but certainly there are other conversations, policy improvements and reforms going on that might address some of these issues.

However, I am minded repeating some of the findings of the population research and population policy which does essentially say that once we continue to invest in these areas, things like housing, education and access thereto are not in any way delimited or constrained by a positive immigration policy.

Any other questions before the Minister wraps up?

Dr. R. O. SPRINGER: Sorry, one quick question as it relates to residents from the other territories who would have received *via* the Citizen by Investment Programme (CIP). Would they be treated in any different way than other CARICOM nationals, for example? That is one part of the question.

Hon. W. A. ABRAHAMS: That was the major thing that came up. Once again, as I said, one of the ultimate concerns was that we do not want to compromise the strength of our citizenship or our passport.

We do not want to put ourselves in the position where we are scrutinised or blacklisted in the same way that some of our other brothers and sisters in the Caribbean have been, especially now that we have just come off of some other lists.

No, they are not going to be treated any differently in terms of the acquisition of residency. The residency is by the points system. Once you qualify for residency, then you get your residency.

The timeframes and the differential in timeframe come in, in terms of moving from residency to citizenship. So, if you have a CARICOM passport issued by Dominica which has a Citizenship by Investment Programme, Dominica has issued you with a passport.

You are a Dominican national. It is not for us to look behind that. So, you can come to my Barbados. Your timeframe will be shorter than somebody who did not have that Dominican passport. However, the two years still allow us. The background checks will say how you got your citizenship. So, we this is a Citizenship by Investment person.

We will do our due diligence on you accordingly. If something negative is turned up on you that makes you not the ideal person for citizenship in Barbados, you will not get it.

Equally, if we are looking at a born Dominican national and I am only using Dominica

because it has both routes to citizenship. If we are looking at a born Dominican national and something is flagged like you were trafficking children or something that makes you undesirable, then you still are not going to get it.

We feel that two years is well-sufficient time for us to properly conduct investigation on anybody who wants to be a citizen of Barbados. Why two for CARICOM and three for everybody else? It is because we accept
that CARICOM must have a preferential status, in our contemplation. Quite frankly, we did not want to do one and two, so we went two and three.

Dr. R. O. SPRINGER: Okay.

Hon. W. A. ABRAHAMS: If you come here the same way with the full free movement or if you come here with a CARICOM passport, we are not looking behind that passport. Your country issued that passport to you.

We are not looking behind that passport but that equally does not mean that if we have to accord you a status of our own, that we are not going to investigate you fully.

We investigate fully every single person who applies for immigration status in Barbados. I cannot go too far into the background checks that we do but they are like double and triple checks.

A lot of people who do not get the status that they expect are left wondering because something was flagged in there.

If it is something that we think is worthy or think we gave you the opportunity to clarify, then we would tell you, "Look, this came up. What is this? Did you
get an expungement on this if it is something small? Like if you are borderline. If there is a major red flag on you, then you just get the "no".

Dr. R. O. SPRINGER: Okay, thank you, Minister. I think because some persons would see it as a way of acquiring Barbadian citizenship or a Barbados passport, maybe on the first hop as opposed to full. I mean, using cricket analogy.

Hon. W. A. ABRAHAMS: Alright, once again, we are aware that our passport gives visa-free access to a number of territories in the same way that other passports do not. What is that based on? It is the strength of our economy, developmental issues and also the security surrounding our immigration status.

The verification processes that we have, we are satisfied that these do not run afoul of those, and are not going to jeopardise our passport. If you are a citizen by investment, you still have to wait the two years that the normal citizen has to wait, at which point in time, we investigate you fully.

Our structure is designed and even the judge can tell you that when we did this at certain key points, we asked how does this rank?

We then pulled other countries to look at what their legislation said. We also look at the criteria for evaluating passports. The criteria for this and the criteria for that. Only if we were certain that it did not compromise us, did that clause go through.

People think of the passport just in terms of time. How long does somebody take to get a passport? It is not as simple as that. There are a number of criteria that go towards the evaluation of the passport for its ranking. We do not intend to compromise any of those by this.

Dr. R. O. SPRINGER: Okay, thank you, Minister.

Madam CHAIRMAN: Just a final note before we close, Minister. As it tends to happen in review of legislation, there were some questions, both among committee Members and from others about the use of certain terms.

For example, there was a concern about the reference certainly in the *Fifth Schedule* mentioning individuals' whose conduct offends public morality, which has been kept over many decades in legislation but is so subjective as to make it unclear as to what kind of conduct that is.

There were few other references that we came across in some of the written submissions. There are certain things that certain words mean under the law. We know that.

However, there are also similarly certain provisions that have existed for a very long time that refer to a time when there was a different culture and a different way of life. It is important that we make the distinction between those two kinds of things.

For example, the legislation makes reference to people being accused of disloyalty and the fact that a Minister can remove a person's citizenship if they make utterances that suggests in cases where a person has been granted citizenship because they were born here and so on.

A Minister can remove a person's citizenship because they make utterances that suggest disloyalty to the country and so on.

Some people consider that that is a kind of provision that if a person becomes disaffected, disloyal or suggests disloyal behaviour, some people consider that that is the kind of provision that seeks to create uniformity of thought and ideology.

So, there is that consideration. Then, there is language like conduct that offends public morality that is very difficult to define. Do you have any response to those?

Hon. W. A. ABRAHAMS: There are certain terms that are what we call 'terms of art'. If we attempt to pigeonhole and put a bracket or a box on everything, we run a greater risk.

The list of prohibited persons before was significantly longer and the wording a lot more oppressive, a lot more restrictive, less open to interpretation.

In relation to the conduct which offends public morality, we kept that wording. That was a great issue of discussion. We kept that wording because people tend to accept what is general public morality.

What exists for one country might not exist for another. We could only judge in relation to our own particular circumstance. So, if behaviour is deemed to be such, that it would be offensive to the vast majority of people, not just persons with particularly sensitive constitutions, then that would tick that box.

It was the settling of wording that recognised the individual characteristics of a country and a standard that most people actually understood and identified with.

When we try to condense it into more specific wording, then we risk running ourselves into trouble by narrowing the consideration for the persons who fit that wording, while also excluding other categories that should probably be considered, but did not fit into there.

I mean, the judge is here, right? The CPC is here. That was the best formulation we could come up with and that was after we significantly cut down on the prohibited persons to make it a lot more inclusive.

I cannot get too specific.

Madam CHAIRMAN: I appreciate that. I also appreciate, though, that behaviour is either lawful or unlawful. There are laws to cover the unlawful behaviour. So, if it is lawful...

Hon W. A. ABRAHAMS: So, let us use the example. I will give the example that came up. The example was, troubling a child.

The example that was used of troubling a child, if somebody was charged with that and then the child came forward or the parents came forward and said, we do not want to give evidence, the person then does not have a conviction.

So, it was never proved, but if there was sufficient evidence of it, that although there was no conviction, we wanted to retain the right to say, no, we do not want you here. That was actually one of the examples that was used. There are some other examples.

A lot of this had 'convicted' for this, whatever, whatever. Sometimes it is more than a conviction. A conviction is just that something went through a process in a court of law and somebody was found guilty, right?

However, if there is sufficient evidence there, but you did not get your day in court for one reason or the other, but we know you did it, we know you have a propensity there, then why should you escape on the basis that I did not have a conviction?

We know you trouble little children. We do not want you.

Madam CHAIRMAN: We do not know. We do not know. I understand your point that we want to reserve the right to make that judgment, which is absolutely fair. We do not know. We also do not say trouble because...

Hon W. A. ABRAHAMS: I am speaking in Bajan parlance. People know what I am talking about.

Madam CHAIRMAN: Right, but I would submit to you that there is language. There is language that does not have to be too detailed, but that can cover that kind of thing. I take, and remember, I sat where you are sitting on another piece of legislation not too long ago. So, I understand that you cannot possibly define every word under the law, right?

However, I also would encourage us to modernise our legislation. There are certain things that are, and we brought this up in our discussions earlier, and we would not make specific reference to what they are, but there are certain things that cannot be imported because they offend public morality.

They are sold in stores all over the world, but they are considered contraband because of these archaic notions of how people should behave.

I am just suggesting, and the Committee can help suggest language, but I am suggesting that we may want to take the opportunity to modernise some of what we have just taken for granted over 100 years as given in our culture.

Hon W. A. ABRAHAMS: Madam Chairman, I hear you loud and clear. You have to look at context. Nobody is going to deny you citizenship in Barbados because you own a rose, right? It may be banned. It may be frowned on by some people.

However, in the context of what we are talking about, offending public morality for the purpose of immigration status, that will not make the grade, right?

Oh, you do not get it? I would not call your name, so everybody knows who it is that did not get it. I am quite willing with the drafters to review suggested wording coming out of this Committee, that might take us closer to where we want to go.

However, in the initial draft, that was pretty much acceptable drafting to convey the point when bearing in mind the context of what it is that we are applying that particular provision to.

However, if the Committee, coming out of this hearing, other wording suggests that we say, well, that hits the spot, then, Madam Chairman, as I told you, nothing here is set in stone, and we are trying to end up with the best draft possible.

Madam CHAIRMAN: Thank you. Any other questions, comments, observations, concerns for the Minister? Going once, going twice.

Minister, thanks very much. We will likely confer with you over the next few days on one or two points clarification. But thank you for coming to present and to explain some things to us to help us in our deliberations.

Hon W. A. ABRAHAMS: I thank you for having me. I also want to thank those who actually weighed in. This is a very important Committee and this process is an important one.

Some persons have said we should get legislation perfect before we bring it before the House, but there is A, no such thing as perfect legislation, and then B, when legislation does not just concern a small sector of society, but has implications on pretty much who we are, what our country is going to look like, then it is critical that we get as wide an input as possible. This is perhaps the best framework to do it.

We did not get to the immigration legislation by accident. We went through a number of iterations of this. There have been consultations over the years in relation to this. We narrowed it to what we thought it should look like, but we bore in mind that there are certain things that we could not pretty much sign off on behalf of the whole of Barbados.

Quite frankly, the points that were in contention in drafting are some of the same points that are raised here in this Committee.

So, we are going to go back with the benefit at the end of the day of a report with all those who bothered to tender submissions, appeared in person, to codify that.

As I said, this is not about trying to shove legislation down anybody's throat. This is about actually coming up with the best way to represent our policy for managed immigration that leads to the building of Barbados.

We are open to considering anything that may add value to this legislation. I thank you for having me. Thank you.

Madam CHAIRMAN: Thank you. With that, I believe that we have come to the end of today's meeting and that we can adjourn. Thank you, everyone.

Sorry, we skipped Any Other Business. I feel as if we have covered a lot of business.

Asides

Madam CHAIRMAN: Any other business?

If not, we are adjourned. On the motion to adjourn we are proposing that we adjourn to Tuesday, 11th November at 10:00 a.m. Would anyone like to move?

ADJOURNMENT

Dr. R. O. SPRINGER: Madam Chairman, I beg to move that this Committee now be adjourned until Tuesday, 11th November at 10:00 a.m.

Hon. P. R. PHILLIPS: I beg to second that, Madam Chairman.

Madam CHAIRMAN: And with that, we are adjourned. Thank you very much, colleagues.

THE FOURTH MEETING OF THE JOINT SELECT COMMITTEE (STANDING)
ON GOVERNANCE AND POLICY MATTERS
ON THE IMMIGRATION BILL, 2025
AND THE BARBADOS CITIZENSHIP BILL, 2025

HELD IN THE SENATE CHAMBER, PARLIAMENT BUILDINGS, TRAFALGAR STREET, BRIDGETOWN

TUESDAY, NOVEMBER 11, 2025

FIRST SESSION 2022-2027

PRESENT:
Ms. M. K.-A. CADDLE, M. P. **(CHAIRMAN)**
Dr. R. O. SPRINGER, J. P., M. P. **(DEPUTY CHAIRMAN)**
Mr. P. R. PHILLIPS, J. P., M. P.
HON. C. J. BLACKMAN, J. P., M. P.
SENATOR A. A. O. BOYCE
SENATOR the HON. L. E. NURSE

ABSENT:
Mr. R. A. THORNE, K. C., M. P. (LEADER OF THE OPPOSITION)
SENATOR R. O. WALTERS
SENATOR G. P. B. NICHOLLS

ALSO IN ATTENDANCE:
Mr. PEDRO EASTMOND (CLERK OF PARLIAMENT)
Ms. BEVERLEY S. GIBBONS (DEPUTY CLERK OF PARLIAMENT)
Miss SUZANNE HAMBLIN (JOURNAL DEPARTMENT, PARLIAMENT)
Mrs. MECHELLE ELIE (CHIEF PARLIAMENTARY COUNSEL (C.P.C.))

The Chairman called the meeting to order at 10:32 a.m.

Madam CHAIRMAN: First let us consider the Agenda and ask Members whether there are any proposed amendments to the Agenda? If none, can we have a motion that the agenda be adopted?

Moved by Dr. R. O. Springer, seconded by Senator A. A. O. Boyce.

Madam CHAIRMAN: I am advised, in relation to Agenda Item Two (2), that the Minutes of the third meeting held on Friday, 07 November, 2025 are to be deferred. Can we have a motion that they be deferred?

Moved by Senator A. A. O. Boyce, seconded by Dr. R. O. Springer.

Madam CHAIRMAN: Thank you. At this time, we move then to oral presentations. We will ask that those who are giving evidence today be invited.

At this point, Mrs. Kaye Williams and Ms. Lynne Marie Simmons were ushered into the Chamber.

Madam CHAIRMAN: Good morning and welcome. I will ask that you please say your names and any institution with which you are associated. After that, we will invite you to make a presentation. After which, the approach is that we would ask questions based on what you have presented. Please, go ahead.

Mrs. KAYE WILLIAMS: Good morning to everyone. My name is Kaye Williams. I am the President of the Barbados Bar Association (BAR). Joining me here today is Ms. Lynne-Marie Simmons, who is the convener of our Law Reform and Legislation Committee.

Ms. LYNNE-MARIE SIMMONS: Good morning.

Mrs. KAYE WILLIAMS: Before we actually proceed with our presentation; there was one (1) point that we wanted to raise *in limine*.

The reason why we are raising this is that we want to be absolutely sure that the version of the Bill on which we are commenting is the same as that which is before the Members of this Honourable Committee.

It has come to our attention that there is a version of the Citizenship Bill in circulation. It has a significant difference. It refers to a points system and it is different from the version which is on the Parliament website and the one (1) which our team reviewed.

In the circumstances, we just wanted to make sure that the Section Four (4), is it Section Four (4)?

Ms. LYNNE-MARIE SIMMONS: There was a Section Four (4) that was contained in another version. We are wondering if there was a redrafting of the Bill and that the one (1) that we have is the most recent and current version. It may be that the other version was an earlier version but that was circulated amongst stakeholders.

Madam CHAIRMAN: Sorry, the reason you see me looking away is that I am waiting for the Clerk to rejoin us because there is a question before the Committee of different versions of a Bill.

I am hoping that what the Clerk will say is that the version of a Bill that is before Parliament is the version of a Bill but I will let him respond.

Mr. CLERK: Yes, Madam Chair, that is exactly correct. I am not sure which version of the Bill the BAR has and where they got that version from.

Ms. LYNNE-MARIE SIMMONS: We have the version that was published on Parliament's website as well as Gazetted; that is the one (1) that we have been critiquing but we were made aware by a stakeholder that there is another version that contained provisions which expand the grounds for applying for citizenship? That may have been an earlier version. We just wanted to clarify that we are working from the most recent version. That is the only reason why we interjected at this point.

Mr. CLERK: But the version that you were told by the stakeholder … I mean, unless that stakeholder is the oOffice of Chief Parliamentary Counsel or Parliament; that stakeholder really cannot speak for what is the version of the Bill.

Mrs. KAYE WILLIAMS: We are quite pleased to hear that because the version of the Bill, that particular Section expanded the categories and also spoke to a points system that we would not wish to have to comment on.

Madam CHAIRMAN: I think, though, that with all due respect, we cannot be asked to make any commentary on something that may be circulating. Parliament has done its work to have made available, the version of the Bill that is under consideration by the Parliament and that is what we are considering today.

Mrs. KAYE WILLIAMS: Certainly. Thank you so much and we will note that accordingly.

Ms. Simmons and I represent a team of attorneys-at-law that looked at the Bill. Among that team included attorneys-at-law in various aspects of their practice; a number of them in corporate and commercial and that is where their practice would intersect with the Citizenship and Immigration Bills.

We have those as well for whom immigration matters and appeals have formed part of a large part of their practice. Overall, the comments come from practitioners who have upwards of 30 plus years of experience, dealing with or interfacing with citizenship and immigration matters. The concerns or the comments stem from the work of the committee and the review by that team.

In respect of that, the comments of the Committee to which we indicated, the Barbados Bar Association and we are quite willing to have

the Committee examine and ask us further about the comments which we have before you but we would urge this Honourable Committee to examine a number of things.

First of all, I believe the first concern we have is whether there is a guiding policy document which has been updated. We are aware of the 2009 Green Paper on Immigration Reform. We are also aware of the 2019 White Paper, which was a Cabinet Paper, which was the amended version of the 2009 Paper. The issue with the 2019 and the 2009 Policy Papers is that, they were prior to:

1) Barbados transitioning to becoming a Republic and the consideration of what a Republic Barbados looks like and the Republican Constitution may look like, from which citizenship rights flow.

2) The two (2) Policy Papers also predate the Caribbean Community (CARICOM) enhanced protocol for freedom of movement.

One (1) of the things when you look at Immigration and Citizenship Reform, normally, you need that policy paper to really give, to be that guiding force to show what informs the provisions of the Bill. The first question we ask is whether there is a revised policy paper.

The reason we have asked that is because what is in the two (2) Policy Papers, the Green Paper and the White Paper, do not accord with the provisions or are reflected in the provisions of the Citizenship and Immigration Bills. So be grateful for a bit of guidance on that.

Thank you.

Madam CHAIRMAN: Just because you have kind of set a framing question and my response is a general response because I am not the proposing Minister …

Mrs. KAYE WILLIAMS: Understood.

Madam CHAIRMAN: What I would seek to clarify is that it is not in every case that Legislation is brought on the heels of a specific policy document. Legislation often flows from overall development policies; in this case, Population Policy. The population policy is really the overall policy framework from which this Legislation flows.

While the Committee will certainly pass on the specific question, I do not think that Legislation must flow from a specific policy document that bears the same name as the Legislation. Governments across the world often use development frameworks, development strategies and broader policy documents to guide Legislation.

As a matter of fact, the Population Policy has an implementation plan that lists enhanced Immigration Policy and Citizenship Legislation as one (1) of the things that is flowing from that piece of work. Without prejudice to what the Minister may respond, I just wanted to kind of give that context.

Mrs. KAYE WILLIAMS: Thank you so much. If that were so, then we would have turned to the policy on population to provide that context but we were not aware, again, one (1) of the first things that the practitioners were asking for was: What really is that guiding policy?

The Bills before this Honourable Committee are at variance with the previous two (2) Policy Papers. On the question of population as well, our team sounded a note of caution and again, those who practice in the area of citizenship and immigration, both reform as well as the practice of it in general as intersects and interfaces with their legal practice; they indicated that primarily those jurisdictions with a low population and those who, for whatever reason, have to be guided by population to either contribute to their social security or contribute to the economy, those jurisdictions focus on residency, and they have a firm Residency Policy as opposed to a Citizenship Policy. Why is that so?

The research and we have all of the further details, links, and so on, the research shows that residency as opposed to citizenship is a greater contributor to the economy. Why? A citizen does not necessarily have to contribute to the economy. If someone acquires citizenship without more, that is the highest standard of their status. It is not linked and ought not be linked to other forms of their status, which includes whether they work or whether they contribute.

We have jurisdictions such as New Zealand, which is a gold standard. It is an island nation; it is a Commonwealth nation; it is a common law nation and has a low population but has to look for a viable workforce to contribute to its economy. As a result, New Zealand has a very clear policy where they emphasise residency, work residency, where the Immigration Policy is to have persons who enter the country and contribute to the economy.

They tie the residency to the contributions to the economy, whether it be by establishing businesses and that is something you have to be very careful navigating. Whether establishing businesses, whether they come to work and they even go so far as to say they look favourably on those who contribute to charities and so on. They actually indicate we want you to migrate, to contribute and it is by their residency and not citizenship.

In addition, we have practitioners with 30 plus years and there is one (1) practitioner who has 30 plus years said that I keep in contact with my clients and those clients who have successfully obtained citizenship, 80 per cent of them actually do not reside in Barbados, for whatever reason.

In other words, they might be from the diaspora. It is important to them; it is sentimental reasons or they obtain citizenship and then they further migrated. From that particular practice and they have a large practice in immigration and in citizenship, from that particular practice alone, we are not sure that the argument that population and citizenship are one (1) and the same. Again, that is why it is important to have the policy to understand the framing of these Bills.

Now we will move on.

The other question is: What is the guiding thought behind reducing the number of years to acquire citizenship? Internationally and in practice those practitioners would tell us that the gold standard is between five (5) to seven (7) years minimum. In Barbados, it is seven (7) to 10 years. What is the guiding thought? What is the reason why we would wish to reduce it to two (2) years?

When we looked around for Commonwealth nations, island nation States, we could not draw very many similarities. We only found Argentina, their threshold for citizenship is two (2) years but typically, for those in practice, the gold standard is at least five (5) to seven (7) years.

Madam CHAIRMAN: May I ask you something on this?

Mrs. KAYE WILLIAMS: Yes, please.

Madam CHAIRMAN: I think it is one (1) thing to look

around and see what common practice is. I think that certainly is a part of one's consideration for what a jurisdiction should do. I also think that it is important and I am assuming that you will get to that, to hear your own thoughts on what is actually proposed in the Legislation.

If we set aside what others have done, what is the harm that you imagine from the period that is proposed in the Legislation?

Mrs. KAYE WILLIAMS: Madam Chair, I think that persons must demonstrate a connection, a deep and abiding connection with a country that they want to become a citizen of.

There were comments that were made in the report of the Constitutional Reform Commission, which I think are very relevant because they pulled the opinions of not only Barbadians of different backgrounds, races, gender, economic standing in Barbados but they also went as far afield as the diaspora and it is something that is held very sacred by Barbadians.

When you are dealing with expanding the categories of citizenship, it has to be done in such a way that it does not create any social disharmony within society and that is something that was touched on in that report.

The general thinking is, for somebody to show a real and genuine connection with a country, they need to live there; they need to be integrated in society; they need to contribute and they need to demonstrate this, which is the current focus of the existing Legislation.

When you are going to submit an application for citizenship, you also have to submit, before it used to be an affidavit but now it is basically a story that explains how you have integrated into Barbadian society, so you write a statement, you tell them what you do, where you work, where you

live, if you are involved in any activities within society, so they know that you really want to have a close connection with the country.

That is not something that you can say can happen in just two (2) or three (3) years. You get to know all of the differences that we have, how we behave as Barbadians.

Rupee says it well in his song about what it means to be a Bajan and that takes time. The thinking was five (5) years is enough time and that is if you are married to a Barbadian citizen. The constitution makes mention of two (2) other periods, seven (7) years if you are a Commonwealth citizen and ten (10) years if you are going to be a naturalised citizen.

That may not be too long; there is an argument for truncating that period but I would respectfully submit that two (2) or three (3) years is a little bit too short. Persons also have to understand, we are different, so understand if you can live here, reside here, thrive here and that takes time.

Our President had made mention to the fact that just because you acquire citizenship does not mean that you automatically are going to move to a country. I am a living case in point. I am a Barbadian citizen by birth but I am a Jamaican citizen by descent because my mother is a Jamaican and I applied for citizenship because of sentimental reasons. I wanted to have something tangible that showed that I have a connection with that side of my family. I do not live there. I do not work there. I am not tax resident there. I have not invested there.

This is more common than not. I have to query, really, given my experience as somebody who has operated in this field, this particular sector, for almost 30 years, whether or not we are going to achieve what is envisaged by expanding the categories of citizenship beyond what we have now.

Madam CHAIRMAN: Sorry. I think it is a question of what is envisaged and I really am trying not to editorialise too much in this presentation. I think that arguably there is and I think that the "*We Gatherin"*" principle is kind of a part of the ideology of what is being proposed here by the government, which is that there is an extent to which a long-term effort to get people to rediscover their connection to the country may not yield short-term benefits but it has the potential to yield long-term benefits.

I do not want us to consider that the only benefit to what the government is proposing here is to immediately see it in your cash receipts. To immediately, in a year or two (2) years, to see it in the tax base or in National Insurance & Social Security (NISS).

Arguably, and I am trying to envision the government's argument; arguably it is also to get people to rekindle and rediscover a connection with the country and this is in the case, for example, of grandchildren and great-grandchildren. Then in that way, that connection yields an attraction to invest or an attraction to be otherwise connected because you can make investments and you can add to the public character and the benefit of a country even when you are not there.

Again, that is just context. I do not want us to consider this as if we are only talking about immediate economic benefits. In some cases, I think what the government is proposing, is how do we get the world to feel a long-term connection to the country. That is what is borne out, for example, in the work that is being done to secure archives; to get people to come and understand what is their connection to Barbados historically and the government may respond to say, well, it is not just the short-term economic benefits; it is also a long-term connection. I will stop talking.

Mrs. KAYE WILLIAMS: Indeed, I thank you very much for that and I believe, that underscores our concern that we did not have a clear guiding policy that we could ensure that we are all at the table understanding context and not having to be at this point trying to determine what that context ought to be.

Just to answer your question on the question of what harm. It is not a matter of harm. We believe Barbados has a lot to offer. Attorneys-at-law, we are and have been in the forefront of developing, within the context of immigration; within the context of citizenship; developing

policies and structures that have made this country very attractive. We have done that in the past. We are very committed to that.

When we raise our concerns, what is behind that is a team that says Barbados has a lot to offer. We believe that citizenship, immigration, that level of reform needs to be looked at holistically in the context of what is the new Constitution or the Republican Constitution supposed to be and as you know, we have the entire report, I have it here, the report of the Constitutional Reform Commission here.

The rights to citizenship flow from the Constitution, so ought we not have that discussion; fully understand how that is to be framed so that the constitutional rights, whether expanded or otherwise, however we approach it, it is done in a harmonised and systematic way. That is our thinking, that is our training.

We want to be able to move from the supreme law of the land, which is the Constitution, allow that to be utilised together with a guiding Policy Paper, then in terms of that, then we can frame the Constitutional Reform and the Immigration Reform Policies.

We also would want to harmonise that with the enhanced protocol from CARICOM on the freedom of movement. What does that mean, what does that look like for those of our Caribbean brothers and sisters who want to be a part of that? How do we develop a Barbados where the managed migration is of a nature that we are attracting the very best to build our economy. We are a part of that conversation. We want to be a part of that conversation but we find that the Bills lack the specificity necessary.

We find that the Citizenship and Immigration Bills, they should be sandwiched by the policy but they should also condescend into the Regulations because unlike any other piece of Legislation, citizenship and immigration lives and breathes in the Regulations; unlike any other piece of Legislation.

To comment on Bills without the advantage of seeing the Regulations means that we are not having a complete discussion. As attorneys-at-law, that is the first thing our team said. We need to have a complete discussion. We lack context. We lack a policy paper. There is an absence of the Regulations. We need to be able to drill down in the context of the other pieces of Legislation and the Constitution, in order to apply our minds thoroughly, completely and properly. That is just how we think. That is how we approached this presentation today.

Madam CHAIRMAN: Can I ask a question? This question is really only for my understanding. Are there either jurisdictions currently or circumstances of which you can conceive where citizenship ought not to be a function of or subsumed under the Constitution?

So, citizenship ought not to be an issue that flows from the Constitution. Is there a jurisdiction or is there a circumstance in which this is? This is just a question for the benefit of the Committee. Please do not infer any intent from what I have asked.

Ms. LYNNE-MARIE SIMMONS: We have not examined that particular point. We could, but I think how it is structured in a Barbadian context works for us. There is no need to depart from that, unless it is not working for us anymore.

Mrs. KAYE WILLIAMS: Due to our common law and common law heritage and the structure of this island nation we love so much, the Constitution of Barbados actually framed citizenship, as you know. Jurisdictions such as the United Kingdom (UK) do not have a written Constitution.

In Barbados, when the framers in 1966 decided what will be in the supreme law to guide us all these decades later, they determined, look, we are going to determine the categories of citizenship and frame citizenship within the Constitution.

Since the Constitution of our Barbados is the supreme law and we do not approach constitutional reform lightly which is why the Commission would have taken and been at pains to seek the views of Barbadians and citizens, both here and abroad and they would have taken the time to develop that report, I believe it would be very, very difficult.

I understand you are just asking for context. It is framed in a way that it is integral. Citizenship is integral to the constitutional rights. It would be hard to not have that intertwined with the Constitution which is exactly what they intended. They intended that these rights and responsibilities will always stay as part of the bedrock of this nation. I do not know whether we could easily untangle from that.

Madam CHAIRMAN: I thank you for using the opportunity to let me know how you feel about it but really the question was simply, whether there are jurisdictions of which we are aware.

I understand you have not sought out and answered that specific question that either in their original Constitution, do not attach the question of citizenship there or in subsequent reforms, remove the question of citizenship.

If we do not know, that is fine.

Mrs. KAYE WILLIAMS: The short answer is that the UK, for example, they do not have a written Constitution; they would frame their Bills differently.

Madam CHAIRMAN: Yes. Okay. Please, go ahead.

Mrs. KAYE WILLIAMS: I wonder if I could just go, unless there are other questions and we have it in our comments which we provided. I just want to make a comment on the Immigration Bill in a very general way.

With the Immigration Bill, we would have indicated that, again, as with the Citizenship Bill, we would want to ensure that in regard we have to the Caribbean Community Movement of Skilled Nationals Act and the recent amendments; the qualifying words as it relates to the right of permanent residents to enter into Barbados.

In both the Citizenship and Immigration Bills, we wanted to sound a note of caution. We found that the Bills did not have provisions in respect of rights of appeal. It places a lot of power in the Minister and does not have a second tier for appeal. We would want to sound a note of caution in respect of that for both citizenship and immigration.

These are live issues that I think we would have to make sure that we really apply our minds to. We have to make sure and I think we will speak more on that, what is the Welcome Stamp? Where does that sit within the framework? Is that something that we would wish to continue to address when it comes to those who either work and reside or seek to invest in Barbados?

We have and I believe Ms. Simmons would speak a bit more about that, a very fine line between allowing persons to come and build the nation and not appearing as though we are encouraging any form of citizenship or status by investment because, as you know, it is still a live issue with the Organisation for Economic Co-operation and Development(OECD). We have to be very, very careful how we frame those things having worked so hard.

Believe me, we feel the pain of it all as attorneys-at-law because we felt the fallout when we were on the grey list. The Barbados Bar Association; we were part of the associations that worked so hard to ensure that the jurisdiction met all of its deadlines as well. We know that that is something that we want to frame very, very carefully.

I did not want to drill down into the minutia of the actual sections but we are willing to take questions on that. Some of it is policy, I know; some of it is the legislative provisions but at the end of the day, the policy, the thinking is what guides the legislative provisions. We would know whether the Bills will achieve what Barbados is looking to achieve, that is the whole point.

We need to understand that, so that the Bills will achieve the future Barbados that we envisage. I would want to read the section of the Constitutional Reform, if I am permitted to read just the section here.

Madam CHAIRMAN: Sorry.

Mrs. KAYE WILLIAMS: This is the report of the Constitutional Reform Commission (CRC). Am I permitted to just read it?

Madam CHAIRMAN: Sure. I just wanted to caution though that I am not…. What is the status of this report? Has it been laid? What is the status of the report? I only pause because it was

my understanding that that report itself is in draft under review and is now subject, if I am not mistaken, to further revisions.

Mrs. KAYE WILLIAMS: Understood. I will not make further reference to it. Just understand that whatever-- we have to still understand that we still have to have a mind to the work of whomever it is, whether it be the Constitutional Reform Commission or whomever is applying their minds to those same rights; the expansion of the categories; the reduction of the years for qualification under immigration; what is the nature of the immigration; what direction we are going in.

At the end of the day, we still have to have a careful approach and a harmonised approach to these two (2) Bills.

We urge this Honourable Committee to bear the Constitution of Barbados or what we believe the future Constitution of Barbados will look like with the expanded citizenship categories; bear in mind the skilled movement and the enhanced protocol of CARICOM.

We have to bear in mind what is the policy direction and directive and whether simple population growth without more, is what we are looking for, or whether we are looking for managed migration, which and there are examples that we can give, that will build and develop this nation.

If you have a harmonised approach, I believe we will be able to say, look, we are framing this for the next 40, 50 years to come. Thank you.

Ms. LYNNE-MARIE SIMMONS: I just have a couple additional points to make, which were not touched on in our initial comments that we provided. But, it was something when I was preparing for the meeting that came to my mind and I thought I would make mention of them. I am happy to provide the written summary after I leave here for the Committee's consideration.

Madam President made reference to the fact that there was an absence of Regulations. I would just like to expand on that observation.

The Regulations do not only add flesh to the bones of Legislation but they also are used as a tool to bring in other categories of visas. For example, student visas.

Without having sight of that draft, we do not know how student visas will look if they are going to expand the purview of them.

One (1) of the problems that we have encountered, as practitioners, is that you have Doctor of Philosophy (PhD) students, for example, that come to Barbados and enroll at the university and are writing their theses. They cannot engage in paying work because your student visa prohibits you from working and getting paid remuneration for your work.

The BAR would recommend that the matter of students' visas continues to be addressed in the Regulations. There is no reason why it has to be brought into the substantive piece of Legislation. think of ways that you can expand that and not prohibit persons from being able to work while holding a student visa.

We also note that in the draft Immigration Bill, Section 23 makes mention of the fact that 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.

The fees that attend a particular type of visa, they are listed in the regulation. They are categorised in accordance with the type of work, for example, in relation to work permits, they are categorised in relation to the type of work that is to be carried out and they segregate them between CARICOM nationals and non-CARICOM nationals.

That has not been revisited in well over a decade. We want to know if there has been an upward revision of the schedule of fees and if there has been an expansion of the categories of persons listed in the Regulations. That, we cannot answer and we cannot offer any kind of input because we have not seen the Regulations.

The forms, the prescribed forms, we have not been furnished with any draft prescribed forms. We are pivoting now away from what we have and finding a way to expand and enhance the categories of visas as they exist now. What are the criteria to be met? What supporting

documentation would an applicant have to submit to the Immigration Department, in support of their application for any of the categories?

Again, we do not know and this is something that needs to be done in tandem with the passage of the Legislation. It cannot come after the fact because you cannot say, here we have this wonderful, glossy, shiny new Act but we are going to use these application forms that do not correlate to what is in the Act.

We are hoping that maybe we can pause at this juncture and also bring forward some draft Regulations and draft application forms, prescribed forms, for comment.

In 2019, there was a draft Legislation, a draft Immigration Bill and a draft Citizenship Bill, which was circulated in tandem with the policy document. There was an understanding for persons who were asked to comment on those two (2) bills. I was one (1) of them, on what the government was trying to achieve.

One (1) of the recommendations was that the special entry permit, which is proven to be very popular with persons looking to migrate to Barbados, that get legislative underpinning. We are not seeing any provision for that in this version of the Bill and we would like to know if there is any specific reason why.

Currently, that product is framed against two (2) Cabinet Papers that were passed and they inform the criteria which must be met for the Minister to exercise his discretion under the current Section 13(7).

Madam CHAIRMAN: You mean Cabinet decisions?

Ms. LYNNE-MARIE SIMMONS: Yes, they were Cabinet decisions. There were two (2) of them and I guess they want to have flexibility. I am not sure and that is why they have done it that way. Given that one (1) of the categories for a special entry permit holder is pinned to an investment in the country of two (2) million United States (US) dollars or more. In 2019, the thinking was that the government should give it legislative underpinning.

We are not sure why there is now a departure in 2025 from that thinking; it is something for the Committee to consider.

Madam CHAIRMAN: Let me ask you a question, though, because I think that the Minister was with us on Friday and in his presentation, what he suggested is that the legislative framework that the government is seeking is one (1) that is more predictable; more harmonised and has fewer kinds of special categories, exceptions and so on.

The thinking is that anyone who is coming to Barbados should reasonably fit not under special categories but under one of these main categories. So you are suggesting that the special entry permit is one (1) that you would like to have retained?

Ms. LYNNE-MARIE SIMMONS: Yes, because it is very popular. It is a popular avenue for persons to migrate to Barbados and not just those who are looking to invest but also CARICOM nationals can use it for retirement. There are various categories that exist.

Madam CHAIRMAN: Right. That something is popular at the time does not mean that the regime that will replace it is not advised or advisable.

Ms. LYNNE-MARIE SIMMONS: If you are going to replace it with something and I see there is a possibility that you can use the Section that deals with reside and/or work to craft the product which is akin to the special entry permit.

The question is: What do you do with those persons that hold that status now indefinitely? If you are going to do away with it, you are going to have to save those or convert them but we do not know. We do not know if we are going to save them.

That category, the thinking is to pivot away from that and go for reside and/or work. Those persons who hold indefinite special entry permits will automatically be converted to reside status, indefinite status …

Madam CHAIRMAN: Or permanent residence.

Ms. LYNNE-MARIE SIMMONS: Yes, any of them. We do not know. Given the fact that there are several individuals that have invested

millions of dollars into this country, we should know.

Madam CHAIRMAN: Agreed, but what I was asking was a specific question. Let us assume that they are going to grandfather in all kinds of categories and we would like to know, right? But the specific question which I wanted to understand for the purpose of our deliberations later, whether you were making an argument for the retention of a category called "Special Entry Permit" because it seems to me that it is not strictly necessary if those people would be covered under the permanent residence qualifications.

Ms. LYNNE-MARIE SIMMONS: I agree with you but what I am saying is that I cannot advise a person who is coming to the country, based on what is being proposed and what exists; there is a difference.

I cannot say, my friend John Brown, has a Special Entry Permit. Can I get one (1)? I cannot offer advice and that is something that we are having serious problems with now, practitioners because we are asked those questions and we cannot give an informed answer to persons.

I am not saying that we have to give it legislative underpinning. What I am saying is that you need to be aware that this category exists; that people hold indefinite special entry permits; that those individuals have invested millions of dollars into Barbados.

If you are going to pivot away from that, there should be a method where you convert them to some other form of status, which is what has happened in relation to immigrant status. You are moving away from that to permanent residency but there is a Savings Clause. What is going to happen to this category?

Mrs. KAYE WILLIAMS: This exchange underscores what we were saying, that in the absence of seeing the Regulations and the sort of specificity that we would like to see in the Bill, we can only raise these points but we are unable to drill down further.

We do actually urge that the Regulations for both Bills be considered at the same time as the Bill itself. It is critical because you are dealing with the status of persons.

Thank you.

Ms. LYNNE-MARIE SIMMONS: There is another point we wanted to raise with you, which is the enhancement of the work permit regime. One (1) of the changes that we have noticed in the Immigration Bill is a departure from Section 70's requirement to ground a work permit application in a Barbadian citizen; permanent resident or immigrant or a company and the language, in my view, without having sight to a policy document, is wide enough to let an individual ground an application for themselves.

That flexibility is useful, for example, when you are dealing with Welcome Stamp holders. They are coming here but they are supposed to be working remotely but there are some that love Barbados. There should be a platform whereby they can convert from the Welcome Stamp into a work permit and it should be seamless.

We wanted to get a little bit more substance about the policy behind work permits. We also are of the view that platform can be used in an enhanced way to migrate businesses of substance and their key personnel to Barbados but it will entail more discussion.

A product based on that kind of thinking was discussed in 2019 and I am not sure what happened with those recommendations but I would raise it. I will expand on it in writing to the Committee. I would not want to talk too much about it because Barbados needs to maintain its competitive edge when it comes to immigration products.

The next issue I wanted to raise, which I think is also very important is the need for a dedicated Change Management Team to be established to assist the Barbados Immigration Department in the changes that are going to happen.

One (1) of the reasons, I think, the Welcome Stamp was so successful is that there was focused attention from individuals when we were crafting the Legislation as to what we wanted to achieve. We clearly understood the policy; how we would go about achieving it; how the Legislation would work and how we would launch a product.

I was a part of the legislative drafting team, along with Margaret Inniss from the Barbados

Immigration Department. She was the then Deputy Chief Immigration Officer but she understood how the department worked; what personnel resources could be utilised to launch the product and what would be required.

We also had Miss Bridget Lewis, who was a Change Management Expert, who explained to us this is what you needed to do in marketing it; when you are looking at the platform for applications because at that time it was during the COVID-19 pandemic and it was online. We all worked together to get a Bill drafted, as well as a training schedule in a two-week period.

We also trained the Immigration Department staff, so we were able to answer their questions; explain to them this is what you are going to have to do. If you encounter these issues, you could look to answer them this way.

For something as fundamental as the changes which are coming, if this Legislation comes to the fore, if both Bills come to the fore, this will require a team to help train the Immigration Department. That should never be overlooked; I think it is something that is very important.

Madam CHAIRMAN: A little bit beyond the jurisdiction of this Committee but the point is taken.

Ms. LYNNE-MARIE SIMMONS: I had to seize the opportunity because I am someone who interfaces with the department on a weekly basis. I am also acutely aware that they have suffered from a brain drain because several of the older Immigration Officers have retired so that knowledge has left the Department. Do you all have any questions for us?

Madam CHAIRMAN: Any questions from Members? I think you have really sought to summarise your written submission because you did not touch on quite a few of the points that you submitted.

Ms. LYNNE-MARIE SIMMONS: We were given 15 minutes. We were given a 15-minute time slot.

Mrs. KAYE WILLIAMS: That is why we are summarising everything because we are in …

Asides

Madam CHAIRMAN: Oh! Yes, I think that there are some of the key provisions of the Bill that you make reference to. For example, you talk about acquisition of citizenship through grandparents and great-grandparents and make the point that if the right is truly based on dissent, an applicant cannot leapfrog over parents who are not citizens.

I wanted you to go into that because it seems to me that if you cannot leapfrog, then it is not great-grandparents and grandparents. If you cannot leapfrog, it is still "children of" because you are depending on the generation just ahead of you to derive citizenship. What is the suggestion that you are making there?

Ms. LYNNE-MARIE SIMMONS: I think somebody else was dealing with that aspect of it but I can tell you the mischief that we are trying to avoid.

Currently, it is only a direct descendant, so a child of a Barbadian citizen that can acquire citizenship by descent. The thinking is to expand that to great-grandparents.

The difficulty that practitioners will have is that you have to prove from wherever you are claiming it under that that person was a Barbadian and you have to prove that by submitting to the department, original birth certificates.

If there has been a name change because of marriage, the original marriage certificate. If the person is divorced and changed their name again and that is the mischief. To get those original documents all the way up to a great-grandfather, is going to prove to be difficult.

Madam CHAIRMAN: Is that mischief?

Ms. LYNNE-MARIE SIMMONS: Practical implications also should be considered. There are several people that come to us and say, my grandfather was a Bajan, I want to become a citizen. We understand that. It goes beyond the current category of the Constitution.

The government is thinking, yes, let us expand it but practically speaking, what documentary evidence would you have to submit to the department when you are applying for

citizenship by descent as a great-great-grandchild of a Barbadian?

Madam CHAIRMAN? I fear that you are considering this Legislation in the light of your own capacity to help your clients and not necessarily... What you just raised is not a public mischief matter. This is because what you are saying is that it might be difficult to get documentation; it might be difficult but I am not seeing how this... When you say public mischief, I am thinking that there is some advantage that you think people are going to take of the provision.

Ms. LYNNE-MARIE SIMMONS: No, just the mischief, so take the public mischief, which we are trying to...

Madam CHAIRMAN: How is that mischief? What you have just described is...

Ms. LYNNE-MARIE SIMMONS: Maybe I should say it is a difficulty. Maybe the wrong word is being used, it is the difficulty which we are trying to avoid; the practical difficulty which we are encountering regularly and which we are trying to find a way to address that, as well as finding a way to, should this law be passed, implement this Legislation. How do we submit an application that goes that far back? What documents would we require?

Madam CHAIRMAN: Before you come in, I just want to follow this to the end. You are asking the government to potentially remove or reconsider a provision because there may be... It may not be straightforward to acquire the documentation. I am not sure that that is grounds to omit a provision. It may be that as a part of the administration of the Legislation, that you now have to open up to examine, well, what are the ways in which...

What is the type of documentation you will accept? What are the ways in which people will have...? Especially given that there is concurrent work going on in the Archives Department and in all kinds of other areas. Of all the things that you said so far, do not accept that this is grounds to remove or reconsider a provision.

Mrs. KAYE WILLIAMS: May I please add to that as well?

Madam CHAIRMAN: Please.

Mrs. KAYE WILLIAMS: We view that particular provision as expanding the grounds of citizenship; grounds which do not exist currently within the Constitution.

Again, we are thinking that what was the guiding view and ought we not have a holistic conversation about the expanded grounds of citizenship, which is something Barbadians want. We want that conversation obviously to reflect what the citizens of Barbados want.

If we have expanded the grounds of citizenship that are currently within our Constitution or in the new Republic Constitution, then it makes sense for the Citizenship Bill to expand the additional grounds, in particular, the ones for grandparents and great-grandparents.

Further, when we looked at comparative jurisdictions and that is just how, when we practice citizenship and immigration, one (1) of the things that we always do is that we balance jurisdictions to see; we do comparatives; we look for common law and commonwealth jurisdictions first and we were at pains to look through.

We found that the jurisdictions which allowed for citizenship through great-grandparents were all European: Bulgaria; Italy; Poland; Hungary; Ireland; Slovenia. Then when we looked further, we found that it was actually applied, it was actually quite stringent.

Those are jurisdictions that would have, if you were a follower of history; you would know that there was huge mass migration from all of those jurisdictions that would have... You would understand why reaching back to great-grandfather would make a lot of sense.

Mrs. KAYE WILLIAMS: Nothing... No, no, no, I agree. I was about to say, that is something that we want. Remember, the managed migration and expansion of the citizenship categories is something that Barbadians have said they want.

As attorneys-at-law, we work from the supreme law, which is the Constitution and then allow the Legislation and policy document to inform what the Bills; how the Bills will be crafted.

All we are saying is, again, it is applied. It is applied in a stringent form. If that is what we want, let us have a logical, holistic conversation about the expansion of all the categories of citizenship, including great-grandfather, great-grandmother.

Let us look at what Barbadians want for the expansion of the categories. Let us make sure that it is in the Constitution and then allow the Citizenship and Immigration Bills to reflect and give life to that.

Madam CHAIRMAN: That is a separate point that you have made. The question of whether this flows from the Constitution or whether all citizenship. Whether the expansion of citizenship or any consideration of citizenship should first be in the Constitution is a separate point that you have made.

The question that I am asking you about now, has to do with this notion in your own comments that, as you just said, several countries in Europe allow citizenship through great-grandparents but they do not allow you to leapfrog.

I am saying that if it is truly through grandparents and great-grandparents, then all I need to be able to establish and I do not know how you will establish that without even being able to show the complete line anyway but all that requires me to do is to show that I am the great-grandchild of a Barbadian and to have the evidence to say that.

There is also something that I want us to consider. You said just now, if that is the intent, let us look at it in a holistic way. That is the purpose of this Committee. This is the place and the time to have the conversation and what I am cautioning against, for the purposes of our discussion, is to simply say, the other places that do it, do it in this way and so we should do it in this way.

I think that we have to apply a first principles argument to what we want, yes? Notwithstanding what you said about not having an overall policy document, I think it is possible to have a first principles conversation about what we want to do.

It is interesting to me that you made reference to the mass migration history of places like Poland and Hungary and so on because we are seeking here to address something that is material to the lives of Caribbean people. That is, to be able to establish, I mean, look at the link between Barbados, other jurisdictions in the Caribbean, and North and South Carolina.

There is a thread of ancestry that we are encouraging people to rediscover and make real in their lives. To suggest that, well, Europe can do it because they have this history of migration that we do not have.

Mrs. KAYE WILLIAMS: You may have misconstrued what I was getting at, sorry.

Madam CHAIRMAN: I think that what we should be after here is not simply to parrot what other jurisdictions have done in order to be on safe ground but what is it that we want to achieve and we are here at this point now where we have an opportunity to discuss the Legislation.

I am saying, okay, you would ideally want to see a policy document that says citizenship and immigration and then, from that flows a piece of Legislation that says citizenship and immigration; that does not always happen.

Here we are, looking at what is the first principles argument for what is before us and that is what I am trying to understand from you because I am not trying to win an argument. What I am trying to do is put the Committee in the best position, to be able to take what you are recommending and to apply it what we do.

That is why I raised the point about why should you not be able to simply establish a link between a great-grandchild and a great-grandparent on the one (1) hand and secondly, it is likely that you will be able to maintain a thread of the continuity because it is going to be very difficult to prove that you are a great-grandchild of a Barbadian without also proving that you are a grandchild. You follow?

Mrs. KAYE WILLIAMS: Yes. Let us have that first principles discussion. Why are we speaking about this category and not other expanded categories? Why are we not having this

discussion talking about what is it that we wish to expand and why we wish to expand it?

We need to have that first principles discussion about the current categories of citizenship; how we wish to expand it to redefine our nation and what are the categories? It could be great-grandparents; it could also be other categories. This is, to our mind, a piecemeal approach.

We are talking about expansion in the Citizenship Bill to grandparents and great-grandparents but there are other categories that Barbadians would wish to look at. What are those? Let us have that discussion. Let us see how we wish to reframe those areas. What is the policy? What are the Regulations? How do we access those rights?

We have been given a Bill to comment on but the Bill is not, to our mind, buttressed by the policy document on one (1) hand and the Regulations on the other, so that we can have a full and complete discussion. That is our difficulty. We do not know how it will be applied. We do not know why we want it. We do not know how it will be applied. It is very difficult for us to even go any further without having that guidance.

Ms. LYNNE-MARIE SIMMONS: Can I give an example?

Madam CHAIRMAN: Please do.

Ms. LYNNE-MARIE SIMMONS: When you are looking at citizenship by descent, it is commonly pegged to Barbadian who was born in Barbados. There seems to be a suggestion that that should be removed so that a Barbadian citizen by registration would be able to pass on citizenship as well or a Barbadian citizen who has acquired it through marriage should be able to pass that on as well.

The question is, by removing the qualification in the instance of citizenship by descent being pegged to a Barbadian who was born here and whose naval string is buried here and expanding it, are we going to be going too far? Are the floodgates then going to be opened?

Bearing in mind that whatever happens here, there are social considerations and economic considerations and pressures on our public, available services such as healthcare, *et cetera*, that that has to be managed.

There are so many interconnected considerations which have to be factored into a policy. In the absence of seeing that policy, we are not sure what is informing the suggested draft, other than what the Minister has said publicly. That has provided some context but, in our view, not enough.

Madam CHAIRMAN: Does the Committee have any questions?

Dr. R. O. SPRINGER: As it relates to Clause 13 of the Bill, where it speaks to the Minister's discretion not to be questioned and decisions to be final. I noticed in your comments that you speak of an absence of a right to appeal or a review.

If you can speak some more as to how you would recommend the approach to this review, whether it be through a tribunal; independant or an administrative-type review.

Can you just give us some recommendations and a greater understanding as to what you meant when you spoke of this absence of a right to review and what recommendations you would propose.

Ms. LYNNE-MARIE SIMMONS: We think we must approach the matter with caution, in that, we would hope that a Minister in reaching a decision would take into consideration relevant considerations and make the right decision. Mistakes do happen sometimes where we are not perfect creatures.

In the case where a mistake has happened, is it not fair and reasonable that somebody should be able to appeal that, to say that the Minister failed to take into consideration A, B, C and D, in making this determination. They could appeal to a Board. In the existing Legislation, there is provision for that, although the Board has not met.

I do not think it is constituted now. The difficulty is that the Minister should attend those meetings but he is a very busy individual. What would be, I think, useful is if the Committee considers that they have an Appeals Board which is set up; populated by persons who are knowledgeable in the area of immigration laws, as well as persons who may be working, like business

persons, so you have a complement of persons whereby you can focus your attention on, if there is a matter where the Minister did not get it right; we can try and write that wrong. There should be a right to appeal. If not, it vests too much power in a Minister.

Dr. R. O. SPRINGER: You are saying there should be a Committee set up that could….

Ms. LYNNE-MARIE SIMMONS: A committee or make sure it is something that can work or function properly that can meet regularly. It is not something that you want to meet once every six (6) months or once a year because that means that that person is waiting to get some relief for an inordinate period of time.

It should be a Committee or a Board that meets regularly, properly funded and equipped and populated; that is established to hear appeals from individuals who are aggrieved by a decision of a Minister.

Dr. R. O. SPRINGER: To reverse the decision of Minister?

Ms. LYNN-MARIE SIMMONS: If it is found that he took into consideration irrelevant considerations and his decision was flawed in a situation like that but there is a need for it.

Dr. R. O. SPRINGER: I think when the Minister spoke to it last week, he spoke in cases of matters of national security where information because of where he sits, he may be privy to that no one on any Board, Committee or Tribunal will have access to. That might have informed any decision that would have been made.

In cases like that, he should retain that discretion in terms of making the decision without question. What would be your response?

Ms. LYNNE-MARIE SIMMONS: There can always be exceptions to a general rule. So yes, there may be a need whereby there are issues for national security; where one would want to keep that information confidential, as well as the informants who may have given the government information regarding a particular individual and that type of scenario.

Yes, I think you can build in there, a carve out whereby certain appeals would not be suitable to be considered by a Tribunal, Committee or Board.

Mrs. KAYE WILLIAMS: If I could add that it is a fundamental principle that an individual right that someone should have the right to appeal in respect of any decision by any Minister. That is a fundamental principle in law.

As Ms. Simmons indicated, that does not mean that the right to appeal should not exist. You have the carve out for certain areas of national security but the right to appeal which exists in the current Bill, should be retained in the current Act, should be retained in the new Bill.

Madam CHAIRMAN: There is an extent to which, though, not every category of application would be subject to appeal.

For example, a simple immigration decision, where an immigration officer or some other officer making a determination may determine that a person does not have a right of entry on this particular occasion. There are certain categories of application or certain decisions across the Immigration and the Citizenship Bill that one would argue should not be subject to appeal. Correct? You agree?

Mrs. KAYE WILLIAMS: We agree but again, if we had the Regulations, we would be able to drill down and be able to say that we have looked at the Regulations; looked at the carve out; look at the manner in which the appeal process has been provided and we wouldd be able to comment with specificity. That is the lack of detail is something that we are very concerned about.

Madam CHAIRMAN: I want to assure you that when this Committee first met, we also made the point that it would be beneficial to us to have Regulations. You are pushing a door that is wide, wide open in this room, right?

I wanted to ask about your submission on Clause Four (4) of the Immigration Bill, which makes reference to European Union (EU) member states and the UK. What you say is that Barbados' main business partners are Canada and the United States of America (USA) and they are not included in what is contemplated.

I believe that this, what is proposed here is based on existing economic partnership agreements. What are you proposing here in terms of other jurisdictions that are not mentioned, that they be included?

Ms. LYNNE-MARIE SIMMONS: Yes, there is scope for expansion, having regard to our major trading partners.

Madam CHAIRMAN: I am asking if this is a specific recommendation because it is framed as a question. Are you recommending that we look at expanding beyond the EU and the UK to Canada and the US in terms of the provisions of Section Four (4)?

Ms. LYNNE-MARIE SIMMONS: It may be useful but we are not sure why that particular Clause was framed the way it was. Knowing that they are major trading partners but they were not included; why were they not included? Why was it limited to only those countries that were listed in? We do not know and again, I would not say it.

Mrs. KAYE WILLIAMS: Again, there is economic activity, which is concomitant with the Bills and I mean, it redounds to the benefit of the nation by the end of the day, we just want to understand, so that we can fully appreciate the relationship we have with the other countries. Thank you.

Madam CHAIRMAN: If there are no other questions from Committee Members, I just want to give you one (1) last opportunity to highlight anything that you think you would want to make reference to that you have not so far had the opportunity or just to summarise your presentation in the final minutes.

Ms. LYNNE-MARIE SIMMONS: You will see the comments that we have made about Section Five (5) for reside and work? It is in that Section that you will look at special entry permit and probably expanding it to have a Savings Clause, should it be that you are no longer going forward with that product.

The ability still exists because there is section in section four (4), I will tell you the exact one (1) now, in section 4(6) of the Bill. The Minister still retains that power that he has in section 13(7).

The question is, are we going to be pivoting away from that product and then pushing reside or reside and work? If yes, can we have a Savings Clause in there that captures those persons who have an indefinite special entry permit?

Madam CHAIRMAN: Yes. We actually did have a discussion on the reside and work category and consider that we do not want to, to the extent that the purpose of the Legislation is to make more predictable the immigration and citizenship regime, I would say we, but I think I should say I, because it is my specific feeling on it; would like us to step away from discretionary decision-making, which I believe that reside and work is.

If you are going to do away with immigration status for the reason that it is ill-defined and arbitrary, unless reside and work has specific predictable conditions. I mean, reside and work is really framed just as the Minister may make a decision for somebody to be able to reside and work without any conditions; without any criteria for application.

I think that perhaps, the point is taken on being able to codify what happens with the existing special entry permits but I suspect that the idea is to be able to subsume everything under permanent residency and to not have special carve outs for special categories of people.

I know that may be at odds with everything that certain sectors have depended on but I think that the extent to which you can make it very clear and predictable the conditions on which and I compare it to a fiscal incentives framework.

In my work, as an Economic Affairs Minister, one (1) of the things that we were at pains to do was to be able to give people a certain level of predictability about the conditions under which they would be able to invest in the jurisdiction and not have them be arbitrary decisions of an officer in a room on a given day.

I think that it is a valiant effort and it is a justifiable approach to harmonise the conditions under which a person may live and work in a jurisdiction and not have all of these special kinds of arrangements for special kinds of people. I think that starts to contribute to a certain kind of inequality that we as a jurisdiction do not want to maintain.

I do take the point that and as a Committee, part of our work will be to be able to give visibility to some existing immigration categories that the current, that the proposed Legislation does not give visibility to; the point is taken there.

All I have just said is to say that I am not sure that under Clause Five (5) is where it would be because Clause Five (5), we find problematic in itself because it is this reside and work animal that does not have any form under the law and we will see how we can give it some form.

Ms. LYNNE-MARIE SIMMONS: That category was given as a, I can just say, a placeholder for persons who had married a Barbadian and you wanted to make sure that the marriage was legitimate. So they said, okay, you will get your citizenship approved after five (5) years of being married but in the intervening time; you will have the right to reside and work. That is how that came about.

Madam CHAIRMAN: Right, but that may have been its origin but it certainly came to be applied in all kinds of scenarios that people did not understand.

Ms. LYNNE-MARIE SIMMONS: I am aware…

Asides

Mrs. KAYE WILLIAMS: There is a need for us to really define what we want that to look like. Again, to be guided by what the vision is for how that particular Section will work and inform the decisions of policymakers going forward.

We entirely agree that the process ought not to appear to be arbitrary. We would not dare say it is arbitrary. No, we would not say that but we would not want it to appear to be arbitrary or to favour one (1) class of person as opposed to another.

I just wanted to just comment on the balance that we have to make that we referred to earlier. We were speaking in broad terms at the beginning because we were trying to stay within our time limit.

Section Seven (7) speaks to the additional ground for the acquisition of status of a permanent resident and states that by reason of age, Barbadian descent, education, and financial resources. If you look at Section Seven (7) of the Immigration Bill. It goes on to say that it will be awarded at least 10 points and maybe apply to be registered as a permanent resident.

We just want to sound a note of caution and again, we do not have everything to hand but we want to, attract those persons who contribute and who invest; but we just want to sound note of caution that however we frame it, that we make sure that we stay clear and we have quoted the November 2018 Organisation for Economic Co-operation and Development (OECD) on residents/citizenship on investment schemes.

We have to make sure that however we frame it that we stay clear of this because we do know that this is a live issue and we want to ensure that we, at the end of the day, give preference to those who will be contributing to the nation but on the other hand, we have to make sure we are balancing the risk. We want to make sure it does not send us into a risk category. We have to be careful with how we frame it.

We are not drafters, so we are not necessarily saying that the way it is drafted will place us there. We just want to make sure that all the checks and balances are put in place in respect of that. Yes?

If there are no other questions, we just wish to thank the Joint Select Committee for this opportunity. As I said, it is on behalf of both myself, Ms. Simmons and the team that worked to pull these together. We really wanted to delve further.

We were excited to be able to bring this to the Committee. We ask for an opportunity that if

the Regulations become available that we are able to submit further comments.

There are so many areas that we wanted to be able to drill down on and we were very, very, very pleased that we were able to get this far but we do wish to be afforded an opportunity for further comment should Regulations become available anytime soon.

We would caution that we ought not pass a Bill without the Regulations in place. Do not give us attorneys more work, please because what will happen is that clients will come and say, we want to apply, we want access to these provisions. We would say, well, the Regulations have not come yet. We will have to wait until the Regulations come in order to access these rights.

Madam CHAIRMAN: The point has been made by this Committee, so it is taken.

Thanks for coming and sharing the Barbados Bar Association's perspectives on the Legislation. I think the hard work of the Committee now begins to be able to consider all the evidence together and make our recommendations to Parliament so thank you very much.

Mrs. KAYE WILLIAMS: Obliged. Thank you so much.

SUSPENSION

Madam CHAIRMAN: I propose that we break for 15 minutes and reconvene to address the last two (2) items on the Agenda.

RESUMPTION

Madam CHAIRMAN: We are now on Agenda Item Four (4), Deliberation on the Bills. The intent of this part of the Agenda is that we go through the Legislation, Clause by Clause with a view to discussing whether, based on the evidence we have seen and heard, whether the Committee is recommending any amendments to the different provisions of the Bills.

Before we go, Clause by Clause, are there any comments that any Members would like to make on the evidence that we have heard or any general points?

Chief Parliamentary Counsel (CPC) I think that we at the will have to revisit in detail some of the definitions or some of the things that might be omitted as definitions. I am not proposing to take that part now because, I think, depending on the suggestions that we make for any amendments then that would impact the definitions.

The Immigration at Clause Three (3). At Clause 3(2), there is a question with respect to a permanent*: "A permanent resident shall, so long as he continues to be a permanent resident, be permitted to enter Barbados." The Barbados Bar Association suggests: "insofar as the Bill makes provisions for the loss of status of permanent residence at Clause A, we are of the view that those words be added to Section Three (3)."*

I am not sure I am clear on this.

Mrs. MECHELLE ELIE: If I may, Madam Chairman, the words which currently appear in Clause 3(2) of the Bill and they repeat what is currently in the Immigration Act and the Barbados Bar Association's suggestion is that we put the same words in Clause 3(3) of the Bill, however, we are proposing that we do not need the words at all and having considered the Barbados Bar Association's suggestion and review the law, we think that we should omit the words from Clause 3(2).

We see those words as more so comfort words that might have been incorporated in the current Immigration Act to deal with a particular situation but now we accept that a permanent resident is a permanent resident so obviously the permanent resident …

Asides

Mrs. MECHELLE ELIE: Exactly so. Thank you.

Madam CHAIRMAN: Clause Four (4) makes reference to this Act and the Caribbean Community Movement and Skilled Nationals Act, CAP 186A. Is it at this point that we would also

need to have reference to the Free Movement Legislation as well? I think part of what we have to consider is how do we have reference to that Legislation?

Mrs. MECHELLE ELIE: The CARICOM Free Movement of Nationals Legislation can stand on its own with a consequential amendment to that Legislation once this Bill is passed. Since we already have provisions in this Bill and in the current Immigration Act, where we cross-reference CARICOM skills nationals; we can do the same in relation to the Free Movement Legislation, as well, once that Legislation is also passed.

Madam CHAIRMAN: At 4(1)(c), the individuals specified in Subsection Two (2) who are representatives of entities which carry on business in an EU Member State or the UK, as the case may be.

The suggestion of the Barbados Bar Association to expand the countries; what was not clear to me from their submission was by virtue of what Treaty or Legislation. I mean, we could expand to anyone but I am not sure.

The trade lawyers in the room might be able to advise us as to whether there is some specific provision. I think this is something that we may need to research in terms of what.

We know the Economic Partnership Agreements that would make this clear but I am not sure what they are suggesting governs our relationship with Canada and the United States of America that would give us a basis on which to include them. Do you follow? The fact that we do business with them, we do business with everybody.

Hon. C. J. BLACKMAN: Thank you, Madam Chairman. Excuse my voice. I was just going to say that you have hit the nail on the head because notwithstanding that you do business with a jurisdiction; there are many jurisdictions outside of the scope of what this is contemplating that will not fall nearly in this, so I do not think that it should be a consideration.

I think that there were some questions around the definitions at Clause 4(2). I am asking Members to please jump in and remind us of any other written submissions that relate to the Clauses that we are going through.

I have in my memory some of the submissions by some of the people who gave evidence but there may be some that I am not thinking of at the moment, so we are going to make use of the many bodies in the room to help us with that. I think that there was a question on the definitions Clause 4(2) that I am looking for now.

Mrs. MECHELLE ELIE: Madam Chair, some of the questions of the BAR relate to the same Economic Partnership Agreements. What we are suggesting, for example, the BAR asked what is a commercial presence, which is a term used in the Economic Partnership Agreements.

We would suggest that we revisit the provisions and perhaps pull a bit more of the definitions from the Economic Partnership Agreements to clarify any areas of uncertainty.

Madam CHAIRMAN: Okay and that is references like graduate trainee and so on?

Mrs. MECHELLE ELIE: Yes, there are definitions in Clause 4(14), which include a definition of graduate trainee. I am not sure what the concern of the BAR is in terms of the graduate trainee there.

We do take the point in terms of the language transferred to a commercial presence, which is in the definition of graduate trainee and we think that this can be clarified.

Madam CHAIRMAN: Okay.

Senator A. A. O. BOYCE: Madam Chair, is that also to say that the CPC will look at the definitions in relation to all of the other things specified by the BAR Association at Clause 4(14)? This is because it goes on to talk about intra-corporate trainees and key personnel and all of those other definitions as well.

Madam CHAIRMAN: Well, there are definitions of key personnel in other parts of the law. I mean, a commercial entity has to substantiate its identification of an individual as key personnel. I am not sure what is the difficulty here.

That brings us then to Clause Five (5). I am not sure, CPC, how we are looking to handle this one (1). I think there has to be consideration

of certain categories that currently exist and what we do with them. I do not feel satisfied by what is here at Clause Five (5). It does not tell me what this is; how one qualifies; how one applies. It is just too obscure and we need to figure out what to do with this. That would definitely be more of a substantive reflection of your office, I think.

Mrs. MECHELLE ELIE: Yes, Madam Chair, we agree that the provision merits some clarification, especially after the discussion on the points and the various ways in which such a Clause can be used and has been used administratively in the past.

Our concern would be to ensure that all the categories are covered because as we discussed previously, there is always a risk that we omit a category when we start to list. Perhaps, based on everything that was said on this provision, it really is essentially a provisional status.

In other words, when a person has an application before Immigration but the time has not yet elapsed for a determination to be made, then this is the status that is given to such a person or to persons who accompany such a person, as in the example given by the Honourable Minister when he discussed these points before the Committee last Friday.

Madam CHAIRMAN: Yes, but you cannot have provisional status for five (5), 10, 15 years. There has to be a way to draw a line under this; to, first of all, say what are the benefits and responsibilities of a person who occupies this status?

I think it needs to be spelled out. Reside and work means what? Is it that a person with this status does not qualify for health care; has to then satisfy the Minister that they are not a financial burden? I do not know what this is. It is very unclear what this is.

What are the conditions under which a person can have this status? Then, it seems to me that the Immigration Department cannot keep a person of this status indefinitely, so there has to be able to say it is valid for whatever is the period of consideration; there has to be some meat around this.

The situation we have is we have people on reside and work indefinitely, with no rights as we would expect a citizen or permanent resident to have and it is unfair. I just think that we need to say what this entitles you to and how long you can have it.

Mrs. MECHELLE ELIE: Thank you for that. Well, perhaps that is essentially the recommendation of the Committee that you have summarised there. Our office would have to take instructions from the Ministry; get some clarification as to what they would like to cover.

I think when you speak of indefinitely and five (5), 10 years; what you are perhaps alluding to is also the fact that the status of reside and work is tied to the length of time an application might actually take to be processed as well.

Madam CHAIRMAN: Exactly.

Mrs. MECHELLE ELIE: Perhaps another way to deal with it; tie the status to the substantive application. For example, the Minister mentioned if a person's spouse is applying for some sort of status, the other person might get a reside and work status to allow them to at least live and, if necessary, find work to support themselves while their partner's application is being processed and their status will depend on their partner's status as well.

Certainly, we agree it is something to be revisited, but we cannot recount of ourselves as the person supplying the policy.

Madam CHAIRMAN: Okay, okay. Let us maybe come to process because I seem to recall that recommended Amendments of the Committee on the last occasion went to CPC and the amendments were made to the Legislation.

Is that what happens here as well? So that we are not relying on the instructions of the Ministry, we are actually, I think, relying on the recommendations of the Committee, to make the amendments.

Mrs. MECHELLE ELIE: It is correct to say that recommendations of the Committee on the changes can be made. If the recommendation is such that it requires the input of the Ministry, for example, to state the categories that currently fall

under this "Reside and Work Status" and the Committee is not in a position to supply that, then the CPC's office would have to ask the Ministry for the information.

Madam CHAIRMAN: What I am seeking to clarify is that the instructions as they were flow from this Committee to the Office of the CPC. If there is further information you need from the Ministry, you can seek it but it is not that the Ministry will give the instructions because it is now out of the hands of the Ministry and before Parliament.

Mrs. MECHELLE ELIE: Yes, that is correct. Apologies. I use the word "instructions", as we use it in drafting. Information that the Ministry supplies to us, we consider instructions as well.

Madam CHAIRMAN: I wanted to clarify that. I think that this provision has to be used to hold the Immigration Department to a timeline for decisions. That is the point that I am making. I would not want to see it that this "*Reside and Work Status*" persists for as long as any Department of Government takes its sweet time to make a determination.

That is what we are trying to avoid. It has to be bookended; you cannot just say for as long as the decision is pending. That is not good enough. We need to use this provision to essentially commit the department to a timed decision and I do not see why not. I mean, we have done that.

We did that famously with the Planning Legislation to say, *"Look, you have to have a decision by this time and if you do not have it, you need to be able to tell me why."*

Immigration decisions are so much more material to the way that people live. The department needs to be able to make a determination, unless it is that documentation is outstanding from the applicant and that can also be written into the Regulations or something.

At Clause 6(1), the following persons may on application be registered as permanent residents:

a) the spouse of a citizen of Barbados;

Is that citizen where citizenship is conferred in any circumstance?

Mrs. MECHELLE ELIE: Sorry, would you please repeat the question?

Madam CHAIRMAN: The right of a spouse of a citizen of Barbados to be registered as a permanent resident is a citizen of any provenance. A citizen by birth or a citizenship that is conferred under one (1) of the provisions of Citizenship Bill, is that correct?

Mrs. MECHELLE ELIE: That is correct.

Madam CHAIRMAN: What did we determine about the reference to sufficient financial resources? How is that determined?

Is that meant to be covered under the Regulations? How do we make that determination CPC in your reading of the draft Legislation?

Mrs. MECHELLE ELIE: For the sake of transparency, it would be better if there is guidance in the Regulations, I should say. Nothing prevents an administrative practice from developing, with respect to what the Immigration Department would look at to determine sufficiency of financial resources.

Madam CHAIRMAN: But, you see, this is what causes departments of Government to become black boxes; where I cannot see inside to know what will cause my application to be approved. I need to know if I need to come and ask Minister Blackman for $500,000, so that my application will be favourably considered by the Immigration Department.

Why is it that we are causing people to guess about what we accept? To me, that is a disincentive for people

to move. I am moving with my partner and our four (4) children, are you going to ask me to just bring all of my bank statements and a list of all of my assets. I feel that there does need to be some measure of transparency.

Mrs. MECHELLE ELIE: Thank you. The first thing I said was transparency in terms of the putting the information in the Regulations by suggesting the possibility of adding in an administrative practice. I am not at all suggesting that this ultimately means that there will be no transparency. Let me just go on the record and say this.

There is a lot of life of the permanent residents that is governed by practice, as opposed to law and can be very transparent. There is nothing preventing the Immigration Department from putting something on their website saying this is how we determine whether a person has sufficient resources. If it is a formula, a person can go in and do their own calculations.

This is outside the scope of my office but I am just saying that in other spheres, there is this type of information. Nothing prevents the information from being transparent. As I said, if necessary, the criteria can be put in Regulations as well.

Madam CHAIRMAN: Yes, because we are leaving it to the goodwill of the department. As you say, a judgement has to be made between whether it is reasonable to have this referenced in some way in the law or leave it wholly to the administrative practice of the entity. I am saying that even if you allow the department to determine it, it can still be referenced in the Regulations. One can still say that the department shall publish or shall share with the public, *et cetera*.

Mrs. MECHELLE ELIE: The point is well taken.

Madam CHAIRMAN: Clause 6(3), our beloved, "under a disability". How are we suggesting that that be addressed, in terms of making it clear that we are talking about a legal disability?

Mrs. MECHELLE ELIE: I think you have answered the question by saying, how can we say it is a legal disability that we mean? We can actually just put in the word "legal" and that should be sufficient.

Madam CHAIRMAN: What is the definition of illegal disability?

Mrs. MECHELLE ELIE: For example, if the person has a certified mental illness that makes them unable to contract in their own right, I would consider that a legal disability. Perhaps, we can clarify by putting in a definition of legal disabilities or examples of a legal disability.

Mr. CLERK: CPC just want to ask this is in relation to 6(1) because usually in immigration, the spouse of a citizen is entitled to citizenship in most instances. I am just wondering, is this a case where you have a spouse of a citizen who, for whatever reason, may not want to get citizenship and opt for permanent residency?

This is 6(1)(a).

Mrs. MECHELLE ELIE: It would make sense to interpret it that way, that the person has an option. Let us say, for example because the person holds what I would call original citizenship, based on his country of birth, that prevents him from having dual citizenship for whatever reason, then allowing for permanent residence status means that the person will not have to renounce his original citizenship.

Madam CHAIRMAN: A person who is, at 6(4), a person who is a direct descendant of a citizen of Barbados is entitled upon application to the Minister to be registered as a permanent resident. What is direct descendant?

Mrs. MECHELLE ELIE: After the discussion this morning, I do think that it is something worth clarifying. We would take direct descendant to mean that you can trace your lineage from either parent, grandparent, *et cetera*, to show that you have come from, this is your line.

As opposed to, for example, your aunt, your uncle, your great uncle. In other words, further removed in terms of the bloodline would not be a direct descendant.

Madam CHAIRMAN: We agree that we are going to define this.

Mrs. MECHELLE ELIE: Yes, the question raised by the BAR; well, the issue raised by the BAR on which you commented earlier today, Madam Chair, concerning the leapfrogging. We would just want to be certain that the intention is to allow for the leapfrogging, which we can agree with you is the most reasonable explanation. Is that the recommendation of the committee?

Madam CHAIRMAN: Perhaps Members can help me because I; if I can prove that I am the great-grandchild of a Barbadian, it assumes that there are generations intervening.

I do not really even understand the concept of leapfrogging. If you do not allow leapfrogging, then it is not being conferred on a great-grandchild. It is in fact being conferred on a child.

It just appears as a nonsense to me. If I can prove that my great-grandmother is a Barbadian, then by definition, the intervening generations I can prove connection to as well.

I think, again, what the Regulations will determine is what is the documentation that we expect people to be able to use to show that. I do not know.

I do not know what documentation I would have to show that I am the great-grandchild of a Barbadian but not more immediate certification. I am not sure what is intended but I think that the spirit of the thing is to be able to prove that you are a great-grandchild or a grandchild. So, yes.

Hon. C. J. BLACKMAN: Chair, I agree with what you said. I think once a person can discharge the burden that they can prove; can show; with credible documentation, that their great-grandparent; grandfather; grandmother; was Barbadian that there should not be any issue because the idea is to ensure that those who are-- and to use that word now very carefully-- but direct descendants, however far down, should be entitled to the right of citizenship.

To just limit it to what it currently is, in light of all the other circumstances that we have mentioned before, population, *et cetera*, I think it is critical that we really pay particular attention to, as you indicated, what is the spirit of this? What are we trying to achieve? It is something that I strongly support.

Madam CHAIRMAN: That brings us to seven (7), which is the points system. Do Members have comments on proposed amendments or considerations for the CPC on this?

Senator A. A. O. BOYCE: Madam Chair, I was just confirming whether the concern I expressed about the dependant and the married dependant was perhaps best articulated for pursuant to this Clause.

Perhaps and I have not thought it all the way through but perhaps there is an opportunity for the CPC to or in the redrafting of the Clause to consider a situation where a person who by their own, on their own standing, accumulates the appropriate points can bring a dependant in their own name and certainly without the ascribing of points to a spouse or another dependant.

I heard the response to the related question by the Minister about the extent to which spouses, for instance, share many things and they can share points. I think we ought to be careful not to create a system that is not only difficult to administer but difficult to understand.

Perhaps there is an opportunity in the contemplation of the points system to just permit an individual to bring a dependant in their own name without the ascribing points. Thanks.

Mrs. MECHELLE ELIE: Thank you, Madam Chair. Just to observe that in terms of this, the issue of points goes to the heart of policy. In that sense, the Office of the Chief Parliamentary Counsel cannot on its own make a decision with respect to the point system that affects who will be able to become citizens or permanent residents.

In our review of the Bill, we noticed that perhaps there is a bit of conflating of issues. Even though we speak about dependants, usually when one's dependants come along with one and this is the point you are making, Senator Boyce, right?

When we speak of a dependant over the age of 18 being awarded points accrued by a primary person, there is a possibility that such a person may or may not be dependant. If we go to the definition of dependant, which speaks to the spouse and children, and then that category, any other relative who by reason of age or infirmity of body or mind is wholly dependent on that person for subsistence; we can take the point that these persons, as dependants in the truest sense, should be allowed the same rights, so to speak, as the primary person involved, which is consistent with what obtains within CARICOM in terms of contingent rights.

If the Committee is minded to take that approach, we take note of that.

I think there might be an issue of language here because when we now speak to dependant, being a person over the age of 18 years, in Clause 7(2), it seems as if we are not necessarily talking about a person here who is a dependant within the definition as in Clause Two (2) but perhaps a relative.

Even in that sense, this is an opportunity for the Committee to make a recommendation as to whether or not this provision requires further clarification and in what sense. Who should benefit from these extra points? We heard on the last two occasions that there is a concern about the extra points in any event so we will leave it open to the Committee to make a recommendation.

Madam CHAIRMAN: Thanks, Chief Parliamentary Counsel. I think this Clause opens up a conversation about the points system in its entirety.

First of all, 10 points is not a lot of points and I say that because it means that it is quite a simple formula on the face of it because as soon as I hear, 10, I mean, I know that you are going down into decimals, so I am thinking it is simple.

You are getting five (5) points here; three (3) points there; two (2) points there and it removes the possibility of using a lot of different criteria.

The other thing is that without the Regulations saying what is 'experience' and how much is 'experience' without a certification and what is the weighting of all these things? For me, the points system is too unclear.

I feel like I would need to understand who else has this kind of very simplified points system? I think it was the 10th Schedule. Automatically, a member of staff of diplomatic mission gets 10 points. Then education, skill and experience up to five (5) points so that is the area about where you are not sure.

Then there is also the detail of what is education and what is skill as determined or accredited by whom, by which institutions. This Schedule, really, I find it difficult to … Senator Boyce.

Senator A. A. O. BOYCE: I was just seeking clarity in relation to Clause 7(2) and asking whether, is it that if you do not attain 10 points, that you do not have the ability to bring a dependant person over the age of 18? Is that your understanding of this Section, Chief Parliamentary Counsel?

Mrs. MECHELLE ELIE: Thank you, Madam Chairman. Your question is: If you do not attain 10 points?

Senator A. A. O. BOYCE: The section says: *"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."*

My question is whether a person who does not have access to ascribe, then cannot bring a person who is over the age of 18.

Mrs. MECHELLE ELIE: The answer would be, if the person is not a dependant …

Senator A. A. O. BOYCE: A dependant over the age of 18, my apologies.

Mrs. MECHELLE ELIE: I think what I explained is that there does appear to be some incongruity between the definition of dependant and this provision which needs a bit of reconciliation but if you do not attain more than the 10 points and the "dependant" because the person may or may not be someone who is over the age of 18 and has, let us say, some infirmity of body or mind that makes him dependent in the truest sense, then the person will not be able to come.

What I am saying is this. Since this is a place where the ambiguities ought to be clarified, if the Committee were to recommend that persons who, on the basis of contingent rights as we do in CARICOM, should be allowed to acquire the status once the primary person gets the status, then that clarifies one (1) issue; then this Clause 7(2) can be re-worded accordingly to relate it to persons who are not necessarily dependants but maybe of some relation and over the age of 18 that the primary person might want to allocate points to, if the Committee is so minded to do that.

For example, if a mother with children who are under the age of 18 and children who are over the age of 18, working and can support themselves wanted to bring her entire family to Barbados and have some sort of status, then the children who are under the age of 18 would then get their status based on the mother's status.

Children who are over the age of 18 and supporting themselves, then can rely on these excess points if they do not of their own have enough sufficient points but the instructions would have to be very clear because when we start to talk about relationship now, the question is, what about if it is a sibling? What about, you know, it may not just be children ...

Senator A. A. O. BOYCE: Thank you, CPC. I do not want to put too fine a point on it except to say that the points system has to, I think, take appropriate measure of the permutations of family and the multiple realities of family that may seek status in Barbados and certainly, I have a reservation about whether the 10 per cent *carte blanche* as it is proposed here is sufficiently nuanced to do that, in addition to all of the other concerns expressed by the CPC.

Dr. R. O. SPRINGER: I am also curious, Madam Chair, about the changing status of dependants. At what stage would a dependant be applicable? At what stage a person would no longer be able to get the points?

For instance, unless you are ascribing the points immediately on arrival, then their status, their employment status may change. Then what do you do in a sense? You give, if a person is, say, dependent now but they are not dependent in three (3) years or they are not dependent in three (3) months, what do you do in a situation like that?

You may have a situation where a person may get a job and then just like that becomes independent. What do we do in those situations with those additional points? How do we allocate those points there?

Madam CHAIRMAN: Is it not a case that there is an assessment done at a point? There is an assessment done at one (1) point in time.

Dr. R. O. SPRINGER: I am not even sure. I am asking. I am trying to get some sense as to how it is done. How would we go about this whole process? I do not know if you will be able to answer. You may not be but it begs the question, how, at what stage?

Madam CHAIRMAN: CPC do you understand the question?

Mrs. MECHELLE ELIE: I understand the question but as Dr. Springer rightly said, I may not be in a position to answer because again, it was under policy to a certain extent. What I would suggest is that when an application is made, one decides the application based on the facts in front of the person at the time.

For example, if a person was a child under the age of 18 but then the application is submitted, then the child has a birthday before the application is decided, then it would seem a little bit unfair not to grant the status, even though the person tried their best to get into Barbados at the time before the child actually turned 18, to ensure that everything would be in order.

I would suggest that, again, it would boil down to what are the guiding principles? What is the objective? Is the objective to deny persons citizenship or permanent residence status or to grant more so?

In other words, is the policy leaning towards granting or denying? If the policy is leaning towards granting, then circumstances like a change in a category from dependent to no longer being dependent, in my view, should not change the status of the person.

Madam CHAIRMAN: What I was trying to understand, Dr. Springer is, are you asking about a scenario in which there is a change in the person's status while the application is being decided or after the application has been decided?

Dr. R. O. SPRINGER: I was thinking whilst because as Senator Boyce said, if you look at the various iterations in which our various forms of family, the shape that family can come; you must also look at the various ways in which this particular aspect of the Bill can be manipulated. It is not going to be straightforward.

People will find creative ways of attempting to share or to ascribe those points to other persons. Not that there is anything wrong about that; I was just curious as to how it would play out.

Madam CHAIRMAN: I wanted to come back to the Fourth Schedule and the criteria at Clause Five (5), Financial Resources. Real property in Barbados, three (3) points if it is valued

between $500,000 and five (5) million dollars and five (5) points valued over $5 million; that is property in Barbados; other assets in Barbados.

I need to understand what are the "other" assets because assets that are not productive for the country but only for the individual, I am much less interested in. The fact that you are wealthy and you have come here to enjoy your wealth; I am not sure should merit this level of points.

Other jurisdictions consider, are you making an investment in a sector, in a productive sector? Just coming here to go and live in your expensive house, without regard to other contributions. I am not sure that is what we are trying to do here.

I really would like us to revisit and understand this question of financial resources or is it financial resources or is it productive investment? I would say productive investment. The value of your property should be a part of the equation for productive investment because a property can be a productive investment but it should not be all.

I just come here and I build my big house and I enjoy my big house and there is no further contribution that I make except to go on a beach and go on a jet ski every day. I really would like to see this explored to have greater reference to productive investment, rather than just assets and then what are the assets?

Maybe if your assets are government bonds, yes, okay, we like those assets.

If your assets are things that you already have that are not really contributing to the patrimony or otherwise of the country, then I am not sure that I want to give you any points.

I am proposing that we perhaps go through the Immigration Bill today, so as to give CPC something to chew on in the interim. I think we also as a Committee have some information that we need to clarify with the Ministry and maybe do a little bit of research on other jurisdictions to understand what we are comparing this to.

Now we are at Clause Eight (8). Loss of status of permanent resident. Clause 8(1) is very vague. "Activity is detrimental to the security of Barbados" is vague. I understand the reason it is here because sometimes, it is not possible to say what is this full universe of such activities.

I wonder whether that is common practice and in such Legislation. To make reference to activities detrimental to the security of Barbados, that is quite vague. Is that the standard language?

Mrs. MECHELLE ELIE: This language or similar language which is also similarly vague is actually the standard because, as you rightly said, Madam Chairman, it is not possible to list a range. The language needs to be sufficiently brought because of what is at stake to allow for discretion where necessary to revoke the status.

We had a discussion earlier about case law, *et cetera*. I would say this is one case in which it is better to rely on the practice that has developed any potential cases around the issue of what is national security because it is one (1) of those areas where it is difficult to predict what might happen. It might be a very nuanced circumstance.

Any Minister responsible for Home Affairs, guarding the borders of the jurisdiction, must have power to deal with issues of national security for the good of the country. There is no another way.

Sometimes, we have used language like, "activities prejudicial to national security", for example; the language is generally broad language.

Madam CHAIRMAN: Understood. The question is, what is the right of appeal in a circumstance because there is no burden of proof here under this particular…. The Minister just has to be satisfied.

So, then you remove my permanent residence status because you say that I am a threat to national security. What is my scope to appeal that?

I want us to also have reference in our minds to what is happening in other jurisdictions where you are saying, "*Look, you did this thing 12 years ago and I would not get rid of you, so I want you to cease to become a permanent resident and so, I use these powers to be able to do that."*

It is one (1) thing to make a single immigration decision at a border but you are removing someone's status and right to remain. It

needs to be at least accompanied by a right of appeal.

Clause Nine (9), Prohibited Persons states:

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

Oh yes. The famous "*offends public morality*". CPC, I think that we need to do some work on this *Fifth Schedule* at Number Three (3) and perhaps be clearer about what we mean here.

Mrs. MECHELLE ELIE: The point is taken, Madam Chairman. The Minister gives some examples. Well, gave one (1) example when he came before the Committee on Friday. After all the discussion we have had on this issue, is the Committee suggesting that we need to constrain? You said you see what you mean but we accepted that this is a bit subjective.

The options are either to try to confine it even further or to remove the provision completely. What would be the Committee's preference?

Madam CHAIRMAN: I think we can make some effort to see if there is a form of language that better describes what we mean because "*offends public morality"* is on the very far end of the spectrum towards what we are being able to define.

Even the example the Minister gave spoke specifically to a charge that had been laid against an individual. You can get specific if you want to be that specific.

I am just saying there is a spectrum here, "o*ffends public morality*" is the vaguest you can be. There is a lot of space along there to try and describe what we mean. What is the nature of the behaviour that we are seeking to discourage?

What does it mean to offend? I still do not know what it means to offend. Maybe public morality can be offended sometimes. I do not really know what it means. What is this "public morality" that we are protecting?

We have we have a criminal code. Everything that may be harmful to individuals or society is codified there. The notion of not offending people, is that the role of the Legislation to do?

So, I think that we can take a step by getting a little more specific and see what we come up with. I might say that a man who wears a dress in town offends public morality but I have seen several men wearing dresses in town.

Are we going to say that . . .

I mean, there are all kinds of examples and there are certain kinds of behaviour that then we enter the realm of discrimination on all kinds of grounds that I do not know we want to go there.

I am not sure if there is anything else in the Schedule that Members want to make reference to? In that *Fifth Schedule*? I do not have at this time specific feedback on the Clauses beginning at 10, except the definition of passport.

There were some, I seem to recall, submissions related to the data protection considerations of these Clauses; sharing of Application Programming Interfaces **(APIS)** information with intelligence agencies by **(GRCC)** and so on but, I mean, the protection Legislation governs most of this, so I do not know that we need special provisions on this.

From 19, this deals with work permits. I must confess I was not clear on the suggestion of the BAR Association with respect to work permits. I do not know if anybody can help us with it. Do we remember what you have in your notes at all?

What was said about work permits? There was a reference to expanding the use or the utility of work permits for, oh, I think what was being suggested was that a work permit currently is tied to local establishment. So that a work permit is tied to a business; an employer being here and that consideration should be given to a business that is not yet here? Is that what?

Sen. A. A. O. BOYCE: The example they gave, if I recall correctly, was around the Welcome Stamp. Persons who use the Welcome Stamp and who authentically work remotely and those businesses not being resident here. That is my recollection of the submission.

They have raised another issue or a contingent issue in their written submissions that

we may also consider. In addition to that, they also raised this notion of student visas, which I do not think appear here at all.

Perhaps we can take note of it here. I think their concern was that a PhD student, for instance, who enters Barbados, cannot earn because a student visa does not make them so to do.

Madam CHAIRMAN: I think that was a reference to the fact that student visas are; the regime government student visas are mentioned in the Regulations. It was one of 78 references to the absence of Regulations.

Mrs. MECHELLE ELIE: Chair, the other point that I thought that BAR was making was that the way the provision is currently drafted; it allows for an individual to apply for a work permit on his own as opposed to the employer applying for a work permit.

I am sorry I did not take the opportunity to ask for clarification at that point because the language is essentially the same in terms of what we have now in the current section 17.

The reference to person in that Section would include individuals, bodies corporate companies, societies with restricted liability or any other body corporate; that has not changed.

I was not quite clear. Section 17 in the current Act, Clause 19 in the Bill. I was not quite clear where the BAR was going in terms of thinking that the categories had been widened.

Madam CHAIRMAN: I think you may have heard some different things.

Mrs. MECHELLE ELIE: If I may, when the BAR mentioned individuals, I started looking at the provisions, comparing the section in the current Legislation with the Bill to see where they were suggesting that the categories had been widened but the reference to person in Section 17(1) and also in Clause 19(1) would already capture individuals as well as corporate entities.

That is why I am saying I was not quite clear. I do not know, Senator Boyce, if that is, if you recall that point being made with respect to individuals but I was not quite clear as to what language change the BAR was suggesting created this widening of categories?

Madam CHAIRMAN: I think that we all heard completely different things because I heard something else. I heard them suggesting that it was currently narrow even in this Bill and that we should widen it for cases where you did not have a connection to the country.

I think that we would have to seek clarification because all three (3) of us in the same room, heard completely different things.

I do think that the special entry permit also needs to be defined. Its role here, where in this spectrum it sits, if at all, has to be made visible in this Legislation. As does the Welcome Stamp because right now you can just keep renewing the Welcome Stamp, forever. At what point do you join the rest of us? Is that not like a tax-free?

Yes, you continue to remit taxes in your relevant jurisdiction. you are just here chilling and not paying taxes. We need to address that. In the Legislation, we need to address that.

Mrs. MECHELLE ELIE: A couple of things. I just recalled that the point the BAR made on this Clause, they said it was in addition to the written submissions and they had already undertaken to provide submissions on the points raised orally.

Perhaps a clarification on the work permits would come there.

With respect to the Welcome Stamp because the person is working remotely, again, that is a policy issue and there is nothing preventing you...

Madam CHAIRMAN: The Committee will make recommendations to you, policy issue or not.

Mrs. MECHELLE ELIE: Yes, but what I am saying is that there is nothing preventing a refusal to renew, with the aim of encouraging the person to, well, transition. I do recall that one (1) of the written submissions spoke specifically to having a clear procedure for transitioning from the Welcome Stamp to some sort of status.

Madam CHAIRMAN: Yes, because the fact is that it is one thing to have provisions for digital nomads for a specific time but the fact is, that a person that is on the Welcome Stamp Programme, I think we have this notion that an individual who is resident here, whose business

relates to business outside of this jurisdiction, does not have any footprint.

Well, they are not floating above; they have a footprint and they are benefiting from local resources, right, especially beyond a certain time, right? The person's garbage is being collected. There are all kinds of services that they are enjoying. The notion that a person on the Welcome Stamp is not of this earth; is not of this jurisdiction; especially after two (2) years or five (5) years, of course they are and it needs to be addressed.

I can understand a Welcome Stamp for two (2) years to get a sense, a flavour for the place. Yes, come and get a flavour for the place. Do your work, wherever, figure out if you like it enough to reside.

The United Kingdom used to have a visa called the Working Holiday Maker, which I thought was quite genius. It was a way for you to move to the UK; work for two (2) years and get a sense of different categories of work and what you might like to do and then use that as a basis to perhaps transition. I mean, you had to qualify. You had to have certain qualifications, had to have certain experience but it was meant for young people to come to the UK and contribute in various ways and then determine whether you want to stay and work in a particular area.

I think the Welcome Stamp can do that. You do it for two (2) years, decide if you like it here and if you like it here, regularise your status and have it be something more permanent.

It is not to say that your tax jurisdiction will change. Your tax jurisdiction may remain but you may also have other contributions that need to be made to sustain the fact that you are living here; having your garbage collected; streetlights and roads. That is not a zero cost.

If we can come to 21, Part IV: Persons not Permitted to Enter Barbados.

I do not recall that there were specific submissions on this. Deportation orders. I think that what we did consider was 23, the payment of that $3 000 and whether that was a reasonable fee. I do not know if the Committee has a number that they want to recommend.

Revocation of Permission and Detention.

At 26, Recovery of Cost of Deportation.

At 27 relates to the Administration of the Legislation.

Chief Parliamentary Counsel, the offences at 32, do not prescribe a fine?

Mrs. MECHELLE ELIE: There is a general penalty Clause at 37 which applies to those cases where no specific penalty is prescribed.

Madam CHAIRMAN: There is a Right of Appeal at 35. Any person agreed by the decision of the Chief Immigration Officer made under this Act may appeal to the Minister, who shall constitute a Committee. Where was it that we were looked back at the Right of Appeal again? Activities detrimental to the security Barbados. Except no reason needs to be given so how would you even know? For the loss of permanent residence status, does a reason need to be given?

According to your understanding of the Legislation...

Mrs. MECHELLE ELIE: It is not so much this Legislation but the Administration of Justice Act because it excludes decisions of the Minister or Government Official under the Immigration Act, does not mandate reasons to be given.

Madam CHAIRMAN: The naming of the Chief Immigration Officer at 35 is … It actually only relates to decisions made by the Chief Immigration Officer.

Mrs. MECHELLE ELIE: The Minister as well.

Madam CHAIRMAN: It says: "Any person aggrieved by a decision of the Chief Immigration Officer made under this Act may appeal to the Minister, so it cannot be of the decisions of the Minister.

Mrs. MECHELLE ELIE: Sorry, I was speaking about the provision in the Administration of Justice Act which mandates reasons, except in cases excluded under that Act.

Madam CHAIRMAN: Right. What I am saying is, I do not understand how there could be a right of appeal in circumstances where I do not know the grounds for any decision that was made. Is the right of appeal moot?

The Clause is here, so why is it here if no appeal can be made? Can you envision a circumstance under this Legislation where an appeal can be made? If this Legislation is exempt from any decision being made public.

Mrs. MECHELLE ELIE: Sorry. When you say being made public, do you mean in terms of giving reasons, for example? Certainly, it would be a little bit more difficult to make a case in terms of why the decision should not have been what it was if reasons are not given.

Madam CHAIRMAN: Under, and forgive me for going back to Planning Legislation, which stole years of my life; so I remember it well but the whole point of having the planning department, having to give reasons for refusal is to be able to facilitate the right of appeal. Why is there a right of appeal if there is no reason to give a refusal?

Mrs. Mechelle ELIE: Again, Madam Chairman, I can only state my position on this, state my thinking on it. All I can say is this has to be balanced with what the Minister said in terms of the circumstances in which it would not be advisable to give reasons.

I am not saying that there are not cases in which reasons can be given without prejudice, for example, national security. I am just saying . . . well there is nothing else I can say on it.

I can accept, obviously, that reasons would facilitate, giving reasons would facilitate making a proper case, if a person decided to appeal a decision.

Madam CHAIRMAN: I am going further than that. You are saying giving reasons would facilitate making a case. I am saying no case can be made without reasons. That is why I was asking you to lay out the scenario in which a case can be made unless I know why I was refused.

Mrs. MECHELLE ELIE: Well, let me see if I can assist in this. Let us try to think of a scenario. If, for example, the Immigration Officer said something that seemed to be absolutely irrelevant, in processing one's applications, said something that seemed to be absolutely irrelevant to the decision.

The person is not given written reasons, but the person is aware that this might have factored in because this into the decision-making process because this is what the Immigration Officer said. Then it might be possible to make a case in those circumstances.

Madam Chair, you are asking me to justify a policy position.

Madam CHAIRMAN: No, no, no, actually I do not really think this is a policy position at all. I do not think so.

Mrs. MECHELLE ELIE: It is very much so.

Madam CHAIRMAN: No, I do not think so because I think that the responsibility of the Office of the CPC is to make provisions that fit reasonably within the Legislation and if you are telling me that no reason must be given but you are still putting in a Clause that relates to the right of appeal; then you have to be able to justify it. I do not think this is a policy decision.

I think that when you tell somebody they have the right of appeal, you have to be able to put them in a position to exercise the right of appeal and I do not think that this Legislation allows them to fairly exercise the right of appeal. I do not think this is a policy decision.

I think that this speaks to a responsibility of the Office of the CPC to say, "Look, you are asking me to put in this thing that I do not think can be administered, so..."

Mrs. MECHELLE ELLIE: This is a very important point for the Office of the Chief Parliamentary Counsel, so allow me to explain for the general public as well. Our office takes our responsibility very seriously and our professional integrity as well.

We certainly, where occasion arises, we give advice. If something is illegal, simply, we cannot put it in the law for whatever reason and I am not saying at all that governments or any ministry would ever give the CPC any instructions of that nature. I am just clarifying.

Just as true is the fact that our advice is not always heeded and at the end of the day, unless something is unconstitutional or unlawful, it is the ministry's discretion as to what goes into the law as a matter of policy.

These discussions happen outside of the public domain. It is not something that we can speak to in any further detail.

Madam CHAIRMAN: Just to be clear, the $3,000 we are asking, I mean, I know that you cannot set a fee but I think this Committee will recommend a revision downwards.

Sorry, I am just skipping to where I have things to say.

At Clause 39, Savings and Transitional:

"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."

I feel that the existing Regulations do not support the administration of this particular Legislation. It just leaves a lot of gaps, so I am not sure that this helps.

I know that this is something that we say but I would not want this Legislation to be passed and proclaimed without Regulations because then the officers are at a complete disadvantage about how to administer the Act.

In terms of immediate feedback from this Committee on this Bill, I think we have just spoken to it. We will have to then make some specific recommendations on this and on the Citizenship Bill.

I am proposing that when we meet again, we come to the Citizenship Bill but then following that, I am assuming that there will be a process of documenting the recommendations with more specificity. I do not know whether you want to tell us anything about that procedure, how we go about that as a Committee; the documentation of the recommendations.

Mr. CLERK: I know we have gone through it now but we can have a session where we actually set up what the recommendations are. Although, we have mentioned them here, you can have that session where we actually set them down because they will form part of the report.

When the amendments are done based on those recommendations, if anybody taking up the report can see the reasons why the recommendations were made; the reason why the amendments were made.

Madam CHAIRMAN: Okay, I would recommend then that on the next occasion, we go through a similar process on the Citizenship Bill but then there will have to be a dedicated working session on documenting these recommendations.

That brings us to Any Other Business.

ADJOURNMENT

If none, should we consider the date and time of the next meeting? The suggestion is for this Friday at 10:00 a.m. Would anyone like to move a motion?

Asides.

Madam CHAIRMAN: If members are aware of any reason why they are unavailable, do not let us set the meeting and then tell us later that you are not coming. Anyone would like to move or suggest another time?

The Committee agreed to adjourn the meeting to Friday, 14 November, 2025 at 10 a.m.

DOCUMENTS CONSULTED

PRESS RELEASE

JOINT SELECT COMMITTEE (STANDING) ON ECONOMIC AND PRODUCTIVE SECTORS ON THE IMMIGRATION BILL, 2026 AND BARBADOS CITIZENSHIP BILL, 2026

On 29th April, 2026 the Honourable the House of Assembly committed the following Bills:

Immigration Bill, 2026 and the **Barbados Citizenship Bill, 2026**

to a Joint Select Committee (Standing) on Economic and Productive Sectors of the two Houses of Parliament comprising five (5) members of the Honourable the House of Assembly and four (4) members of the Honourable the Senate and has approved the following terms of reference for the Committee:

TERMS OF REFERENCE

The Terms of Reference determined to guide its inquiry:

(a) To review and consider the Report of the Joint Select Committee (Standing) on Governance and Policy matters and consider the merits of any submissions received prior to the dissolution of Parliament;

(b) To examine the Immigration Bill, 2026, and the Barbados Citizenship Bill, 2026, with a view to assessing their compliance with the principles of good governance, fundamental rights, and international obligations of Barbados;

(c) To examine the Immigration Bill, 2026, and the Barbados Citizenship Bill, 2026, and to assess their compatibility with the BERT 2026 mission to strengthen the nation's competitive edge in the global marketplace, attracting valuable human capital and investment, promoting innovation, and the facilitation of economic diversification;

(d) To invite and consider written submissions from interested organisations, groups, and individuals on the provisions of the said Bills;

(e) To hear oral presentations from stakeholders, including the Minister responsible for the Bills, the Barbados Employers Confederation, Labour Unions, Small Business Association and other interested parties;

(f) To formulate recommendations for amendments to the Bills, where appropriate, and to report its findings and recommendations to the Houses of Parliament.

Parliament has appointed the following members to the Joint Select Committee (Standing) on Economic and Productive Sectors:

Mr. Dwight D. Sutherland, M.P.

Dr. William F. Duguid, J.P., M.P.

Hon. Indar A. Weir, M.P.

Dr. the Hon. Romel O. Springer, J.P., M.P.

Hon. Ms. C. Sandra V. Husbands, M.P.

Senator the Hon. Jonathan W. D. Reid

Senator the Hon. Christopher P. Sinckler

Senator Ryan O. Walters

Senator Andrew W. Mallalieu

The Committee will shortly commence its work **at the Parliament of Barbados, Parliament Buildings, Trafalgar Street, Bridgetown.**

The Bills are available online at www.barbadosparliament.com.

The Bills are available for comment on the Barbados Parliament's website.

In keeping with parliamentary practice, the Committee through this press release invites and encourages the public whether as individuals, professional organisations, community based groups, official and unofficial bodies with special interest and generally anyone who may assist with its work to submit memoranda or other documents setting out their views and comments on the issues.

The Committee also encourages individuals who may tender written submissions to indicate whether they would also want to appear in person before the Committee to give oral presentations of no more than ten (10) minutes.

The Committee also invites individuals who want only to make an oral presentation to indicate such desire and interest to the Committee.

The Committee may also invite individuals or summon witnesses under the law to attend its meetings to give evidence to help towards formulating a well informed and balanced report on the captioned subject matter.

The Committee's paramount mission will be to conduct a thorough analysis within its mandate to determine whether the provisions of the Bills as they currently stand would achieve their stated objectives.

The Committee notes that these Bills were before the Committee of Governance on Policy Matters prior to the dissolution of Parliament. Those members of the public and professional organisations who tendered submissions before the Committee on Governance and Policy Matters need not resubmit their views to this Committee as those submissions will be placed before the Committee and any Report prepared by the Joint Select Committee Standing on Governance and Policy Matters would have considered these submissions and in any event will constitute Terms of Reference (a).

The Committee shall prepare and submit a comprehensive report containing the:

- Findings on the adequacy and effectiveness of the Immigration and Barbados Citizenship Bills, 2026;
- Recommendations for amendments or policy adjustments, where necessary;
- Proposals to strengthen managed migration, diaspora engagement, national development strategies, how best to encourage sustainable population growth and strengthen Barbados' global competitiveness.

Individuals should submit their views and/or memoranda to the **Clerk of Parliament, Parliament of Barbados, Parliament Buildings, Trafalgar Street, Bridgetown.**

Written communication also includes email. Mailed responses should be addressed to the Clerk of Parliament, Parliament of Barbados, Parliament Buildings, Trafalgar Street, Bridgetown.
E-mails should be sent to **parliament@barbados.gov.bb**

It should be noted that written submissions and requests to make oral presentations should reach the Clerk of Parliament no later than 22nd May, 2026.

The proceedings of the Joint Select Committee (Standing) will take place at the Parliament of Barbados and will be conducted in public.

The proceedings will be streamed live on the Barbados Parliament's website, on social media and broadcast on CBC TV whenever possible.

Notice of the dates when the Select Committee will sit will be posted via the Barbados Parliament website.

Reports by the Committee will be laid in both Houses of Parliament.

PROPOSED AMENDMENTS TO THE IMMIGRATION (AMENDMENT) BILL, 2026, TO STRENGTHEN THE LAW IN RELATION TO CHILD SAFEGUARDING, TRAFFICKING PREVENTION, CUSTODIAL SECURITY, AND THE SEIZURE OF FRAUDULENT TRAVEL DOCUMENTS

Submitted July 15th 2026 by: The Ministry of Home Affairs and Information

On the recommendation of: Barbados Immigration Department

1. PURPOSE

The purpose of this Paper is to seek bring to the attention the Joint Select Committee on Economic and Productive Sectors a number of consequential amendments to the Immigration (Amendment) Bill, 2026 together with consequential amendments to related legislation in order to address identified deficiencies in Barbados' immigration framework before the Bill proceeds to Third Reading.

The matters which require immediate attention concern:

(a) the verification of relationships between accompanying adults and minors;

(b) the interface between immigration enforcement and trafficking-in-persons investigations;

(c) custodial security standards for detained and inadmissible persons; and

(d) the seizure, retention, custody, and disposition of fraudulent, falsified, counterfeit, stolen, revoked, or improperly used travel documents.

2. EXECUTIVE SUMMARY

The Immigration (Amendment) Bill, 2026, represents a significant modernization of Barbados' immigration legislation. However, a detailed review conducted by the Barbados Immigration Department has identified a number of important legislative and operational gaps that remain unresolved in the Bill as presently drafted. These gaps expose Barbados to child safeguarding risks, create uncertainty in the management of suspected trafficking cases, leave deficiencies in custodial accountability arrangements, and fail to provide a clear statutory basis for the seizure and retention of fraudulent travel documents.

In particular:

- The Immigration (Amendment) Bill, 2026 contains no specific requirement for an accompanying adult to establish a claimed parental, guardianship, or custodial relationship with a minor travelling with them.
- There is no dedicated offence in the Immigration (Amendment) Bill, 2026 for falsely claiming such a relationship for immigration purposes, nor is there a mandatory mechanism requiring referral of suspicious cases to child protection and trafficking authorities.
- The Immigration (Amendment) Bill, 2026 continues the existing legal framework under which immigration detainees remain in State custody but imposes no prescribed minimum standards governing third parties who may be designated to exercise physical control over such detainees.
- The Immigration Act, Cap. 190, and the Immigration (Amendment) Bill, 2026 currently provide Immigration Officers with powers of examination and search, but do not expressly authorize the seizure and retention of fraudulent, falsified, counterfeit, or improperly used travel documents. This omission has been identified in Barbados' [International Civil Aviation Organisation] ICAO Universal Security Audit Programme (USAP-CMA) Corrective Action Plan under Protocol Questions 9.055 and 9.060.

The Ministry of Home Affairs & Information has accepted the recommendations from the Barbados Immigration Department that the specific amendments to the Immigration (Amendment) Bill, 2026 are necessary to strengthen our national capacity for border security, child protection, anti-trafficking enforcement, and compliance with international aviation security and facilitation standards.

3. BACKGROUND

The Immigration (Amendment) Bill, 2026, was initially introduced in Parliament during 2025 but was not enacted before the dissolution of Parliament ahead of the 2026 General Election. The Bill has since been reintroduced and referred to the Joint Select Committee on Economic

and Productive Sectors for further consideration. Upon commencement, it will repeal and replace the Immigration Act, Cap. 190.

A review of the Immigration (Amendment) Bill, 2026 against current operational practices within the Immigration Department has identified areas where the proposed legislation does not adequately address contemporary border-management challenges.

The Immigration Department has conducted a thorough assessment that has been informed by:

- reviews of immigration examinations involving minors travelling with adults whose claimed relationships could not be readily substantiated;
- consideration of trafficking-related risk indicators identified in operational practice;
- analysis of a recent custodial escape incident involving persons detained pending removal; and
- Barbados' obligations under the ICAO Universal Security Audit Programme and associated Corrective Action Plan commitments.

The Immigration Department has concluded that the present stage of the Bill's parliamentary consideration presents the most appropriate opportunity to address these deficiencies before enactment.

4. POLICY OBJECTIVES

The proposed amendments are intended to achieve four principal policy objectives:

1. Strengthen the protection of minors against unlawful movement, child trafficking, abduction, and exploitation.
2. Improve coordination between immigration enforcement and anti-trafficking agencies to ensure that trafficking indicators are identified and escalated appropriately.
3. Establish a clearer and more accountable framework governing the custody and security of inadmissible and detained persons.
4. Provide a comprehensive statutory framework for the seizure, custody, evidentiary management, and disposition of fraudulent travel documents in accordance with international standards.

5. ISSUE 1: VERIFICATION OF RELATIONSHIPS BETWEEN ADULTS AND ACCOMPANYING MINORS

The Immigration Department has identified a significant legislative gap in relation to adults travelling with minors.

Although the Immigration (Amendment) Bill, 2026 creates offences relating to false declarations and false documents, it does not expressly require an accompanying adult to establish the parent-child, guardianship, or custodial relationship claimed at the point of examination. Furthermore, the Advance Passenger Information provisions contained in the Sixth Schedule require relationship information only for unaccompanied minors and do not extend those requirements to minors travelling with adults.

This creates a vulnerability whereby an individual may falsely present themselves as a parent, guardian, or custodian of a child without triggering any specific statutory requirement for proof or any dedicated offence tailored to that conduct.

It is therefore proposed that the Immigration (Amendment) Bill, 2026 be amended to:

- **require documentary evidence of parentage, guardianship, custody, or consent in prescribed circumstances;**
- **deem the production of such documentation to constitute a representation that the relationship asserted by the document exists;**
- **create a specific offence of falsely representing a relationship to a minor for immigration purposes;**
- **permit temporary detention for verification where reasonable doubt exists concerning the claimed relationship;**
- **require notification of the Social Empowerment Agency where appropriate; and**
- **expand Advance Passenger Information requirements to facilitate enhanced pre-arrival risk assessment.**

6. ISSUE 2: IMMIGRATION AND TRAFFICKING IN PERSONS LEGISLATIVE INTERFACE

While the Trafficking in Persons Prevention Act, 2016 (TIPPA) provides a framework for prosecuting trafficking offences, neither the existing Immigration Act nor the Immigration (Amendment) Bill, 2026 establishes a clear statutory referral mechanism where immigration investigations generate reasonable grounds for suspecting trafficking activity.

Consequently, a matter initially presenting as an immigration offence may not automatically be escalated for consideration under TIPPA, notwithstanding the existence of trafficking indicators involving minors or vulnerable persons. To address this deficiency, it is proposed that the Immigration (Amendment) Bill, 2026 be amended to require Immigration Officers who identify reasonable grounds for suspecting trafficking in persons or trafficking in children to make a formal referral to:

- the Barbados Police Service's Sex Crimes and Trafficking Unit; and
- the Social Empowerment Agency,

within a prescribed period and before disposition of the matter as a routine immigration case.

7. ISSUE 3: CUSTODIAL SECURITY FOR DETAINED AND INADMISSIBLE PERSONS

The Immigration (Amendment) Bill, 2026 continues the current legislative approach under which legal custody of detained and inadmissible persons rests with the State, while permitting physical custody to be exercised by Immigration Officers, Police Officers, or other persons designated by the Chief Immigration Officer.

The Department's review has determined that neither the existing Act nor the current Bill establishes minimum statutory standards governing:

- delegated custodial arrangements;
- escort responsibilities;
- staffing requirements;
- security performance standards;
- incident reporting obligations; or
- accountability mechanisms.

The Immigration Department therefore recommends amendments to the Immigration (Amendment) Bill, 2026 to:

- **establish a statutory custody framework defining legal custody, operational custody, physical control, and escort responsibility;**
- **require that designated custodians satisfy prescribed security standards;**
- **mandate immediate reporting of escapes, breaches, or security incidents;**
- **provide regulatory authority to prescribe contractual and operational standards; and**
- **support consideration of a dedicated short-term immigration holding facility.**

The CPC would have to be engaged to bring these recommendations into the relevant legislative form.

8. ISSUE 4: SEIZURE OF FRAUDULENT TRAVEL DOCUMENTS

Barbados currently relies on administrative procedures authorizing Immigration Officers to secure and retain travel documents suspected to be fraudulent, counterfeit, improperly obtained, invalid, or used by impostors. However, neither the Immigration Act, Cap. 190, nor the Immigration (Amendment) Bill, 2026 expressly grants a power of seizure.

This legislative omission has been specifically identified through ICAO's Universal Security Audit Programme and remains recorded as an outstanding compliance item in Barbados' Corrective Action Plan under Protocol Questions 9.055 and 9.060.

The Immigration Department recommends the insertion of a new provision empowering Immigration Officers to seize and retain travel documents where reasonable grounds exist to believe that the document:

- **is forged, counterfeit, or altered;**
- **was fraudulently or improperly obtained or issued;**

- **is being used by a person other than the lawful holder; or**
- **has been reported lost, stolen, revoked, or is otherwise invalid.**

The proposed provision would also require:

- **issuance of a written acknowledgment of seizure;**
- **notification of the Ministry responsible for Foreign Affairs within twenty-four hours;**
- **notification of the issuing State or relevant diplomatic mission;**
- **maintenance of chain-of-custody protocols;**
- **secure storage and evidentiary preservation; and**
- **retention of documents where necessary for criminal investigations or judicial proceedings.**

The amendment would place existing operational practice on a clear statutory footing and permit Barbados to demonstrate full compliance with ICAO requirements.

9. RECOMMENDATIONS

The Ministry of Home Affairs invited the Joint Select Committee on Economic and Productive Sectors to **approve and adopt** the amendments set out in this paper relating to:

- The verification of relationships between adults and accompanying minors;
- The trafficking-related referrals and legislative harmonisation;
- The custodial security standards; and
- The seizure and disposition of fraudulent travel documents

Ministry of Home Affairs and Information

The Ministry of Home Affairs and Information (MHAI) has received and reviewed the Official Report of the Joint Select Committee (Standing) on Governance and Policy Matters and has given consideration to the views and recommendations contained therein. The MHAI has conducted a thorough review of the Report and having consulted with the CPC and the Barbados Immigration Department, it was agreed that the following changes could be made in light of the more pertinent submissions that are mentioned below.

Clause 3 of the Bill- The Right to Enter Barbados

The MHAI noted that on the Right to Enter Barbados at Clause 3 of the Bill, the Chief Parliamentary Council (CPC) in the Committee had advised that the proposed words used in that clause were outdated and that the permanent resident status inherently preferred the right to enter Barbados, and that this advice was accepted by the Joint Select Committee.

Clause 4 of the Bill- Permitted Entrants

On Permitted Entrants at Clause 4 of the Bill, the Chief Parliamentary Council (CPC) had agreed to harmonise definitions with the language of the CARICOM legislation and the Economic Partnership Agreements (EPAs).

The MHAI recommends that Clause 4 of the Bill be amended to clarity, in a plain and ordinary language when the Bill is read by the ordinary reader, to clearly understand who are the Permitted Entrants. The Ministry is of the view that the Clause as currently drafted, immediately creates confusion as it begins with the sub-dominant clause and refers to classes of people mentioned in other legislation but who are not actually mentioned in the Bill. The Clause, pertaining to Permitted Entrants, does not list or cite who are considered the Permitted Entrants.

The MHAI has noted that Clause 4 was drafted in a way that gave an immigration officer the discretion to allow entry to certain classes of people when the entry was not determined by an immigration officer at a point of entry. The CPC has accepted that Clause 4 should be redrafted to make clear the list or categories of people that are Permitted Entrants under this Clause prior to any of the other details in the following sub-clauses.

Clause 5 the Reside or Reside and Work

On the Reside or Reside and Work Status at Clause 5 of the Bill, the Committee expressed significant concern that this clause as drafted lacked clarity, any qualifying criteria and a defined process. It was also noted that the Minister of Home Affairs and Information, having explained that the provision qualified an existing administrative practice, had indicated his openness to revisiting the Clause based on the Committee's Report.

The MHAI has reviewed Clause 5 of the Immigration Bill on Reside or Reside and Work and has accepted the advice from the Immigration Department and the consultants that that Clause should be redrafted to align the full extent of the current administrative practice with the policy framework of the Bill by clarifying the nature and scope of the Minister's discretion to grant permission to people who applied to Reside or to Reside and Work The CPC is in agreement
with this advice.

In the Immigration Bill, 2026 the people who were eligible to apply to reside were dependents, spouses of other permitted entrants (minors, disabled, elderly or other relatives) and other persons granted permission at the discretion of the Minister. The people who were eligible to **Reside and Work** in Barbados were the following:

i. people married to Barbados Citizens or Permanent Residents, CARICOM Skilled Nationals, or other Community Nationals - who wish to reside in Barbados during the required cohabitation period of three years prior to the application for Citizenship;

ii. a person who does not satisfy the relevant cohabitation period and does not currently qualify for any immigration status, but who, in the determination of the Minister, that it is expedient and reasonable for the person to be granted the right to reside and work in Barbados; and

iii. a person who applies for any status, but that does not meet the relevant qualifying period where in the opinion of the Minister, that it is expedient and reasonable for the person to be granted the right to reside and work in Barbados.

Clause 32 – Offences

Clause 32 of the Immigration Bill provides for seven (7) separate offences; the MHAI has proposed that this Clause be amended in order to make the distinction between the nature of each offence rather than combining them into one omnibus miscellaneous provision.

IMMIGRATION (AMENDMENT) 2026

The Immigration Act should be further amended to make provision for Medical Visitors as follows:

Section - Medical Visitors

(1) A person who is not a citizen or permanent resident of Barbados and who seeks entry into Barbados primarily for the purpose of obtaining medical services shall obtain a Medical Visitor Permit in accordance with the Regulations.

(2) The applicant shall submit prescribed Advance Medical Travel Information, including details of the treating medical practitioner, proposed treatment, financial arrangements, insurance coverage, accommodation arrangements, and post-treatment care plans.

(3) A Medical Visitor Permit shall not be granted unless a medical practitioner registered in Barbados has certified the proposed treatment and verified the anticipated duration and nature of the medical services to be provided.

(4) In cases of genuine medical emergency, the requirements relating to Advance Medical Travel Information may be waived and entry may be processed using Advance Passenger Information and Passenger Name Record data, subject to subsequent certification by a registered medical practitioner and compliance with any directions of the Chief Immigration Officer.

The Immigration (Medical Visitors) Regulations, 2026 are made under this section and would provide Barbados with one of the more robust medical-travel immigration systems in the Caribbean by integrating immigration vetting, physician verification, financial assurance, post-treatment care planning, and compliance monitoring into a single regulatory regime.

The **Immigration (Medical Visitors) Regulations, 2026 are as follows:**

IMMIGRATION (MEDICAL VISITORS) REGULATIONS, 2026

1. Purpose

These Regulations shall govern the entry into Barbados of persons who are neither:

- Citizens of Barbados; nor
- Permanent residents of Barbados,

who seek to enter Barbados primarily for:

- Medical treatment;
- Surgical procedures;
- Diagnostic services;
- Rehabilitation services; or
- Other healthcare services provided by a medical practitioner registered under the Medical Profession Act or by a licensed healthcare facility.

2. Medical Visitor Classification

A new immigration category should be established:

Medical Visitor Permit (MVP)

A person may be granted entry as a Medical Visitor upon satisfying the requirements prescribed under these Regulations.

The permit may be valid for:

- Single entry;

- Multiple entries where medically justified;
- Periods not exceeding six months initially;
- Extensions upon certification by the treating practitioner.

3. Advance Medical Travel Information (AMTI)

Except in emergency circumstances, every applicant shall submit Advance Medical Travel Information before arrival.

The information shall be submitted electronically through a designated government portal not less than:

- 7 days before travel; or
- Such period prescribed by the Chief Immigration Officer.

Required Information

Personal Information

- Full name
- Date of birth
- Nationality
- Passport details
- Residential address
- Contact information
- Emergency contact

Travel Information

- Airline
- Flight details
- Intended date of arrival
- Intended departure date
- Accommodation details

Medical Information

- Nature of condition
- Proposed treatment
- Proposed procedure
- Expected duration of treatment
- Expected recovery period

Treating Practitioner Information

Name of practitioner

- Registration number
- Address of practice
- Hospital or facility name
- Confirmation of acceptance for treatment

Financial Information

Evidence demonstrating ability to meet:

1. Medical costs;

2. Pharmaceutical costs;
3. Hospitalisation costs;
4. Rehabilitation costs;
5. Accommodation costs;
6. Subsistence costs;
7. Costs of accompanying caregivers;
8. Return transportation costs.

4. Financial Assurance Requirements

Applicants shall provide one or more of the following:

Insurance Documentation

Proof of:

- International health insurance;
- Medical travel insurance;
- Complication coverage;
- Emergency evacuation coverage where applicable.

Self-Funding Evidence

- Bank statements;
- Certified proof of funds;
- Escrow arrangements;
- Evidence of payment deposits.

Sponsor Guarantee

A sponsor may provide:

- A legally enforceable undertaking;
- Proof of financial capacity;
- Liability for medical and repatriation costs.

5. Post-Treatment Care Plan

Every applicant shall submit a Post-Treatment Care Plan certified by the treating medical practitioner.

The plan shall include:

Recovery Arrangements

- Length of recovery period
- Accommodation during recovery
- Caregiver arrangements

Medical Follow-Up

- Follow-up consultations
- Rehabilitation services
- Prescriptions
- Nursing requirements

Departure Assessment

Expected fitness-to-fly timeline.

6. Medical Practitioner Verification Requirement

No Medical Visitor Permit shall be issued unless the proposed treating practitioner verifies:

Practitioner Certification

The practitioner shall certify:

1. The practitioner is registered in Barbados.
2. The applicant is expected to receive treatment.
3. Preliminary consultation has occurred.
4. The proposed services are available.
5. The estimated treatment schedule is accurate.
6. The expected period of stay is reasonable.

Electronic Verification

Verification should occur through:

- Secure online portal;
- Digital signature;
- Professional registration validation.

Providing false information should constitute professional misconduct.

7. Licensed Facility Confirmation

Where hospital or facility services are necessary, the facility shall provide confirmation of:

- Booking;
- Capacity;

- Estimated costs;
- Anticipated admission and discharge dates.

8. Emergency Medical Entry Exception

The advance requirements shall not apply where:

- The traveller suffers an unforeseen medical emergency;
- Immediate treatment is required to preserve life or prevent serious deterioration of health.

In such cases:

Entry Requirements

Standard:

- Advance Passenger Information (API); and
- Passenger Name Record (PNR)

requirements shall suffice.

Subsequent Compliance

Within 72 hours of admission:

- Medical facility shall notify Immigration.
- Attending physician shall certify the emergency.
- Financial arrangements shall be submitted where practicable.

9. Arrival Verification

Upon arrival, Immigration officers may require:

- Medical Visitor Permit reference;
- Confirmation of medical appointment;
- Proof of accommodation;
- Proof of financial resources;
- Proof of insurance.

Entry may be refused where:

- Information is false;
- Treatment arrangements do not exist;
- Financial arrangements are inadequate.

10. Obligations of Medical Practitioners

Registered medical practitioners treating Medical Visitors shall:

Commencement Notification

Notify Immigration electronically within 7 days that:

- Treatment has commenced; or
- The patient failed to attend.

Treatment Completion Notice

Notify Immigration:

- Upon completion;
- Upon abandonment of treatment;
- Upon transfer of care.

Extension Requests

Where continued stay is medically necessary, the practitioner shall certify:

- Medical necessity;
- Anticipated duration;
- Recovery requirements.

11. Medical Visitor Registry

Immigration should establish a secure registry containing:

- Medical visitor records;
- Practitioner certifications;
- Insurance information;
- Treatment completion notifications;
- Extension records.
- Access should be restricted in accordance with Barbados data protection laws.

12. Compliance and Enforcement

Visitor Offences

An offence is committed where a visitor:

- Provides false medical information;
- Provides false financial information;
- Misrepresents intended treatment;
- Uses the category for unauthorized employment.

Penalty:

- Refusal of entry;
- Cancellation of permit;
- Removal from Barbados;
- Administrative fines.

Practitioner Offences

A practitioner commits an offence by knowingly:

- Providing false certifications;
- Certifying fictitious treatments;
- Facilitating immigration fraud.

Penalties may include:

- Administrative sanctions;
- Referral to the Medical Council;
- Suspension from participation in the Medical Visitor programme;
- Criminal prosecution where appropriate.

13. Cost Recovery Protection

To protect Barbados from becoming responsible for unpaid medical expenses:

Mandatory Undertaking

The applicant shall execute an undertaking acknowledging responsibility for:

- Medical expenses;
- Hospital expenses;
- Accommodation expenses;
- Repatriation costs;
- Public health costs arising from treatment.

Security Bond

The Chief Immigration Officer may require:

- Deposits;
- Surety bonds;
- Bank guarantees;
- where treatment presents a substantial risk of prolonged stay or uncompensated costs.

14. Information Sharing

Immigration may share information with:

- Ministry of Health;
- Queen Elizabeth Hospital;
- Licensed private hospitals;

- Medical Council of Barbados;
- Customs and Border authorities;

for purposes of:

- Verification;
- Compliance;
- Public health protection;
- Immigration enforcement.

Comparative Analysis: Deportation Order Revocation Fees

CARICOM and Commonwealth jurisdictions, benchmarked against the proposed BBD $3,000 revocation fee in Barbados' draft Immigration (Amendment) Bill, 2026

1. Purpose

This report benchmarks the proposed BBD $3,000 (~US$1,500) deportation-order revocation fee against comparable mechanisms in six CARICOM and Commonwealth jurisdictions.

2. Comparative Table

Jurisdiction	Authority & Grounds	Revocation Mechanism	Revocation Fee
Barbados (2026 Bill, proposed)	Minister issues deportation order (s.21); costs already recoverable under s.22.	New: deportee may apply to Minister for revocation.	BBD $3,000 (~US$1,500) — proposed
Trinidad & Tobago	Minister of National Security deports 'prohibited immigrants' (s.26); no mandatory hearing.	Minister may cancel 'where he considers it fit' (s.26(6)) — no formal procedure.	None prescribed
Jamaica	Minister orders deportation/restriction, generally on court recommendation.	No statutory revocation fee; relief via ministerial discretion or courts.	None identified
The Bahamas	Minister orders deportation (s.36/40) for unlawful presence, conviction, or being undesirable.	Special Permit re-entry via Director of Immigration (discretionary, not formal revocation).	Administrative processing fee (Immigration Fees Regulations)
United Kingdom	Secretary of State deports if 'conducive to public good,' or automatically for 12mo+ sentence.	Formal revocation application to Home Office, usually from abroad (Immigration Rules paras 390-392).	No dedicated fee; entry-clearance fee applies if bundled. Illegal return: up to 5 yrs imprisonment.
Canada	CBSA issues Deportation Order under IRPA s.52 — permanent absent authorization to return.	Authorization to Return to Canada (ARC) application to IRCC — always required.	CAD $479.75 (~US$350), non-refundable, + removal-cost repayment (CAD $1,252.63-$2,506.66)
Australia	s.501 character-based visa cancellation has largely superseded s.201 deportation.	Statutory right to request revocation within 28 days (s.501CA).	No fee for 28-day request; tribunal review ~AUD $920 (2019, indexed)

3. Key Findings

- Deportation orders themselves are not fee-bearing anywhere reviewed — charges, where they exist, are cost recovery (transport, detention, escort), not application fees.
- No CARICOM comparator prescribes a fixed statutory revocation fee. T&T, Jamaica, and The Bahamas leave revocation/re-entry to ministerial or director discretion, with no named fee in the principal Immigration Acts.
- Canada's Authorization to Return to Canada (ARC) is the closest direct analogue: CAD $479.75 (~US$350 / ~BBD $700), non-refundable, separate from removal-cost repayment.
- The UK charges no standalone revocation fee (cost sits inside the bundled entry-clearance application); Australia's initial 28-day revocation request is free, with a fee (~AUD $920) only on tribunal review.
- The proposed BBD $3,000 fee is roughly 4x Canada's closest equivalent and higher than any CARICOM comparator, none of which charge a fee at all for this application.

4. Points for Further Consideration

- Whether the fee is intended as cost recovery (Canada model) or as a deterrent — the two rationales justify different amounts.
- Whether to build in fee waiver/reduction for humanitarian, indigence, or minor-dependant grounds, as most comparators allow some discretion.
- Whether the fee should be refundable on refusal (Canada's is explicitly non-refundable).
- Whether a differentiated fee (lower for administrative deportations, higher for criminal-ground deportations) would align with the UK/Australia conduct-vs-character distinction.

5. Sources

Barbados: Immigration Act, Cap. 190; draft Immigration (Amendment) Bill, 2026. Trinidad & Tobago: Immigration Act, Chap. 18:01. Jamaica: Deportation (Commonwealth Citizens) Act, 1942; Immigration Restriction (Commonwealth Citizens) Act, 1945; Aliens Act, 1946. The Bahamas: Immigration Act, Ch. 191 (1967); Immigration (Fees) Regulations. United Kingdom: Immigration Act 1971; UK Borders Act 2007; Immigration Rules Parts 9 & 13; Home Office revocation guidance. Canada: IRPA; IRCC ARC guidance and fee schedule. Australia: Migration Act 1958, ss.201, 501, 501CA; Ministerial Direction No. 110.

******END OF REPORT******



FINAL REPORT OF THE JOINT SELECT COMMITTEE (STANDING) ON ECONOMIC AND PRODUCTIVE SECTORS ON THE IMMIGRATION BILL, 2026 AND THE BARBADOS CITIZENSHIP BILL, 2026

Parliament of Barbados
August 2026