CHAPTER 190

IMMIGRATION

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CHAPTER 190

IMMIGRATION

An Act to provide for the control of the entry of persons into Barbados and for related matters.

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1979-46.
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1987-16.
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[2nd February, 1976] Commencement. 1976/19.

PART I

Preliminary

1. This Act may be cited as the *Immigration Act*. Short title.

2. For the purposes of this Act Interpretation.

"Agreement" means the Agreement Instituting the Order of the Caribbean Community done at Georgetown on the 14th May, 1991 and to which Barbados is a party; 1991-11.

"Chief Immigration Officer" means the person appointed as such for the purposes of this Act under section 25(1);

"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 the Treaty signed at Trinidad and Tobago on the 4th July, 1973 and to which Barbados is a party; 1991-11.

"dependant", in relation to a person, means

(a) the wife, unless the parties to the marriage are living apart under a deed of separation or the decree or order of a court;

1984-40. *(b)* a child or step-child under the age of 18 years;

(c) any other relative who is, by reason of age or any infirmity of body or mind, wholly dependent on that person for his subsistence;

"deportation order" means an order requiring the person against whom it is made to leave and remain out of Barbados;

1952-26. "former Act" means the *Immigration Act*;[1]

1979-27. "immigrant" means a person who seeks to enter, or is within, Barbados for the purpose of permanent residence;

"immigration officer" means a person appointed as such under section 25(1), and includes the Chief Immigration Officer;

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

"member of a crew" means a person, including a master, who is employed on board or belongs to the staff or crew of a vessel;

1991-11. "Member of the Order" means an individual upon whom the Order has been conferred pursuant to the Agreement;

"Minister" means the Minister responsible for Immigration;

1991-11. "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 same, 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 certificate of identity or 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;

[1] Act 1952-26, now repealed by this Act.

(3) The Committee is a body corporate and section 21 of the *Interpretation Act* applies thereto. Cap. 1.

2B. (1) The Committee shall hear and determine appeals made to the Committee Functions of Committee. 1984-40.

(*a*) by any person who has been refused the status of permanent resident,

(*b*) by any person against whom a deportation order has been made, and

(*c*) by any person not granted the status of immigrant.

(2) An appeal to the Committee against a deportation order stays the execution of the order pending the determination of the appeal.

2C. No court has jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding or decision of the Committee. Committee's decision non-justiciable. 1984-40.

PART II

Entry into Barbados

3. Subject to this Act, no person may enter Barbados as an immigrant, or, being present in Barbados, remain therein as an immigrant. Immigrants.

4. (1) A citizen has the right to enter Barbados. Right to enter Barbados. 1979-27.

(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.

5. (1) A person to whom section 3 or 6 of the *Constitution* applies is entitled upon application in the prescribed form, to be registered as a permanent resident. Qualification for status of permanent resident. 1979-27

(2) Subject to section 5A, the following persons, not being citizens or persons to whom section 3 or 6 of the *Constitution*

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applies, are entitled, upon application in the prescribed form, to be registered as permanent residents, namely,

(*a*) a permitted entrant who

(i) applies for and is granted by the Minister the status of immigrant in accordance with section 6, and, after becoming an immigrant, resides in Barbados for a period of not less than 5 years, or

(ii) is the husband of a person who is a citizen by birth or by descent;

(*b*) a person who applies for and is granted by the Minister permission to become a permanent resident in accordance with section 32(1); and

(*c*) any person born outside Barbados

1984–20. (i) to a woman who is a citizen of Barbados by birth, and

(ii) to whom section 2(2) or 5 of the *Constitution* does not apply.

(3) In computing the period of residence required for the acquisition of the status of permanent resident, no period may be counted during which a person

(*a*) is confined to a prison or is an inmate of a hospital for treatment of leprosy or mental disorder; or

(*b*) remains in Barbados after

(i) a deportation order, or

Cap. 188. (ii) an order under the *Expulsion of Undesirables Act,*

has been made against him and before that order is executed or he voluntarily leaves Barbados.

(4) Any person who, before the commencement of the 1979–27. *Immigration (Amendment) Act*, was granted the status of resident shall be deemed to have been granted the status of permanent resident.

Refusal of status of permanent resident. 1979–27.

5A. The Minister may refuse to grant the status of permanent resident to an applicant referred to in section 5 upon being satisfied that the applicant is or has been engaged in activities, whether within or outside Barbados that, in the opinion of the

Minister, are prejudicial to the safety of Barbados or the maintenance of law, public order and good government in Barbados.

Qualification for status of immigrant. 1979–27.

6. (1) Subject to this Act and the regulations, a permitted entrant who,

(*a*) by reason of his education, occupational qualifications, personal history, employment record, training, skills or other special qualifications

(i) is in employment on a full time basis in the public service, the service of a statutory board or a government agency,

(ii) has established himself successfully in Barbados in a profession, trade, business or agricultural enterprise, or

(iii) is likely to establish himself successfully in Barbados in a profession, trade, business or agricultural enterprise and has sufficient means to support and maintain himself and his dependants in Barbados until he has so established himself;

(*b*) is a child under the age of 18 years whose father or mother

(i) is a permanent resident or a citizen of Barbados residing in Barbados,

(ii) establishes parenthood of that child to the satisfaction of the Minister, and

(iii) is willing and able to provide for that child's care and maintenance;

(*c*) not being a citizen, is the parent or grandparent of a citizen who resides in Barbados and is willing and able to provide for the care and maintenance of that parent or grandparent; or

(*d*) desires to reside in retirement in Barbados and has sufficient means of support to maintain himself and his dependants,

may, on application to the Minister in the prescribed form, be granted by the Minister permission to become an immigrant. 1984–40.

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1984–40. (2) A child under 18 years of age whose father or mother has been granted permission to become an immigrant under subsection (1) may, on application to the Minister in the prescribed form, be granted by the Minister permission to become an immigrant.

Loss of status of permanent resident. 1979–27.

7. (1) Subject to subsection (5), a person mentioned in paragraphs (*a*) and (*b*) of section 5(2) loses the status of permanent resident if he voluntarily resides outside Barbados for a continuous period of 1 year, unless he obtains from the Minister a certificate in the prescribed form exempting him from the operation of this section.

(2) A person who the Minister is satisfied is or has been

(*a*) engaged in activities detrimental* to the security of Barbados; or

(*b*) an habitual criminal,

shall be deemed to have lost the status of permanent resident at the time of engaging in such activities or of becoming an habitual criminal.

(3) For the purposes of subsection (2), an habitual criminal is a person who

1979–27. (*a*) is not less than 25 years of age;

(*b*) is convicted on indictment of an offence punishable with imprisonment for 2 years or more; and

(*c*) has been convicted on indictment on at least 2 previous occasions since he attained the age of 17 years of offences punishable as mentioned in paragraph (*b*).

(4) The Minister, if he has reasonable grounds for believing that a permanent resident is a person mentioned in paragraphs 3, 4, 5, 6, 7 or 8 of the First Schedule, may declare in writing under his hand that that person has lost the status of permanent resident from such time as is specified in the declaration.

First Schedule.

(5) Residence outside Barbados for the purposes of the public service or the diplomatic, consular or other service of the Crown shall not cause the loss of the status of permanent resident.

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

7A. (1) A person loses the status of immigrant

Loss of status of immigrant. 1984-40.

(a) if he voluntarily resides out of Barbados for a continuous period of one year, unless he obtains from the Minister a certificate in the prescribed form exempting him from the operation of this paragraph;

(b) if he is a person to whom any paragraph, except paragraphs 9 and 10, of the *First Schedule* applies;

First Schedule.

(c) if he is an habitual criminal;

(d) if he gave any false information or withheld any material fact to obtain the status of immigrant; or

(e) if he, by the offer of any gratuity, bribe or other inducement, interferes with any public officer in the execution of his duty.

(2) For the purposes of subsection (1), "habitual criminal" has the meaning assigned to it by subsection (3) of section 7.

8. (1) Subject to subsection (2), entry into Barbados of the persons described in the *First Schedule* other than citizens or, subject to section 7, permanent residents is prohibited.

Prohibited persons. First Schedule.

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

(a) a person described in paragraph 1*(a)* or 2 of the *First 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*(a)* of the *First 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 gives security satisfactory to the Minister against that person becoming a charge on public funds;

1999-11.

(bb) a person described in paragraph 4A of the *First Schedule*, if the Minister is satisfied that the person was residing in Barbados for more than 5 years and has established himself in Barbados in a profession, trade or business;

(c) a person described in paragraph 7 of the *First Schedule*, in respect of whom the Minister is satisfied that

(i) that person has ceased to be a member of or associated with an organisation, group or body so described, and

(ii) the entry of that person would not be detrimental to the security of Barbados;

(d) 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 him.

Passports.

9. (1) Subject to subsection (2), a person who seeks to enter Barbados without a passport shall not be permitted to enter Barbados unless he explains why he has no passport and establishes his identity and national status to the satisfaction of an immigration officer.

(2) The Minister may by order

(a) direct that the passport of a subject or citizen of a country outside Barbados shall not be accepted as such under subsection (1) unless it bears a visa valid for Barbados;

(b) declare the circumstances or conditions under which a direction under paragraph *(a)* shall not apply;

(c) exempt from this section generally or subject to such conditions as are specified in the order any person or class of persons seeking to enter Barbados.

Entry into Barbados only at port of entry.

10. (1) No person may enter Barbados by sea or air except at a port of entry.

(2) No person arriving in Barbados by sea or air may disembark without the consent of an immigration officer.

(3) The master of a vessel in which a person arrives in Barbados shall not allow that person to disembark without the consent of an immigration officer.

(4) A person who contravenes subsection (1), (2) or (3) is guilty of an offence under this Act.

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

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11. (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 he may be permitted to enter Barbados. Duty of person entering Barbados.

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

(*a*) make and sign a declaration stating whether or not he is carrying or has under his control 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 his possession or under his control;

(*c*) submit himself and any baggage belonging to him or in his possession or under his control to be searched by that officer or any person acting under the authority of that officer for the purpose of ascertaining whether or not he is carrying or has under his control any documents specified under paragraph (*a*);

(*d*) submit himself to be medically examined by a registered medical practitioner.

(3) No female person may be searched under paragraph (*c*) of subsection (2) except by another female person.

(4) A person other than a citizen, or, subject to section 7, a permanent resident, who 1979-27.

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

(*b*) fails or refuses to comply with a request made by an immigration officer under subsection (2),

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 paragraph (*d*) of subsection (2), that officer may detain that person until he can be properly so examined.

(6) A person detained under subsection (5) may be so detained on the vessel on which he arrived in Barbados or may be removed

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to and detained in any place in Barbados approved by the Minister for the purpose.

(7) A removal under subsection (6) of a person from the vessel on which he arrived in Barbados shall not constitute entry into Barbados by that person, and shall not exempt the owners of the vessel from the provisions of section 20.

Duty of master of vessel.

12. (1) The master of a vessel arriving in Barbados shall, if so required by an immigration officer

(*a*) 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;

(*b*) furnish that officer with separate lists in duplicate containing the names of the passengers and the members of the crew arriving in or departing from Barbados and such other information as may be prescribed.

(2) A passenger and a member of the crew of a vessel arriving in Barbados shall furnish to the master of the vessel all information necessary for the preparation of the lists mentioned in paragraph (*b*) of subsection (1).

Permitted entrants.

13. (1) Subject to this Act and the regulations, an immigration officer may permit

Second Schedule.

(*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 that Schedule, 3 years, as that officer considers appropriate in the particular case;

(*b*) a person described in Part II of that 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.

(2) 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.

(3) The holder of a permit issued under subsection (2) 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 he is already in Barbados.

(4) Where an application has been made under subsection (3), the Chief Immigration Officer may, with the approval of the Minister, 1979–27.

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

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

(5) The Minister may at any time

(*a*) modify or cancel any condition specified in;

(*b*) vary the period specified in; or

(*c*) revoke,

a permit issued under subsection (2).

(6) Where a person to whom a permit was issued under subsection (2) remains in Barbados after the expiration or revocation thereof, the Minister may make a deportation order against him.

(7) 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 he thinks fit. 1979–27.

(8) The Chief Immigration Officer may detain a person mentioned in subsection (6) pending the making and execution of a deportation order. 1984–40.

14. (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. Special provisions as to seamen.

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(2) An immigration officer may not give his 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.

(3) If a member of the crew of a vessel, other than a citizen or permanent resident

(*a*) is discharged therefrom in contravention of subsection (1);

(*b*) in Barbados deserts from or is left behind by the vessel,

the Minister may make a deportation order against him.

Charging of members of crew of a vessel or stowaway or extra hand. 1979-27.

15. 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*) if he convicts the person charged, may, 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 in custody aboard the vessel for removal from Barbados;

(*b*) if he discharges the person charged, shall in the order of discharge order that person to be immediately taken back to the vessel.

Persons unlawfully entering or in Barbados.

16. Nothing in this Act shall be construed as conferring the right to be or remain in Barbados on any person who

(*a*) either before or after the 2nd February, 1976 has entered Barbados otherwise than in accordance with the former Act or this Act, as the case may be; or

(*b*) is at the 2nd February, 1976 a prohibited immigrant within the meaning of the former Act,

and the Minister may make a deportation order against any such person.

PART III

Work Permits

17. (1) A person other than a citizen, permanent resident or immigrant may not in Barbados engage in any occupation or accept employment without having first obtained a written permit for the purpose granted by the Minister. Work permits. 1979-27.

(2) A person may not engage or employ another person who is not a citizen, permanent resident or immigrant unless there is a work permit in force in relation to that other person and for the purpose of that engagement or employment. 1979-27.

(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 under this Act.

(5) The Minister may at any time

(a) modify or cancel any condition specified in; or

(b) revoke,

a work permit.

(6) For the purposes of this section, the expression "immigrant" does not include a person to whom permission has been granted by the Minister to become an immigrant on the ground mentioned in paragraph *(d)* of section 6. 1979-27. 1979-46.

17A. In sections 17B to 17E "national" means a natural person who, by birth or descent, is a citizen, or national of, or person belonging to, a State or territory set out in the *Fourth Schedule* within the meaning of the law of that State or territory. Interpretation. 1996-9. Fourth Schedule.

No requirement for work permit. 1996-9.

17B. (1) A national who satisfies the requirements of subsection (2) is not required to comply with section 17; and an employer does not contravene that section by employing such a national.

(2) The requirements referred to in subsection (1) are that a national

(a) is the holder of a degree, diploma or equivalent qualification from the University of the West Indies, University of Guyana, University of Suriname or any other university or institution of higher learning or equivalent institution approved by the Minister responsible for Education;

(b) seeks to enter Barbados to take up employment

(i) with a specific employer or to embark on employment as a self-employed person, or

Fifth Schedule.

(ii) with any body set out in the *Fifth Schedule*;

(c) has, in the case of a person who is a member of a professional body, accreditation from and membership, where necessary, of the appropriate professional body in Barbados, and otherwise complies with the law of Barbados regulating the profession; and

(d) produces to the Chief Immigration Officer evidence of the matters set out in paragraphs *(a)* to *(c)*.

Length of stay. 1996-9.

Fifth Schedule.

17C. A national who enters Barbados pursuant to section 17B is entitled to remain in Barbados for the duration of his period of employment and may enter new or additional employment or employment with a body set out in the *Fifth Schedule* without the need for a work permit or the extension of his stay.

Dependant relatives. 1996-9.

17D. (1) A national referred to in section 17B and 17C may be accompanied by his spouse, minor children and other dependant relatives.

(2) A spouse, minor children and other dependant relatives referred to in subsection (1) are prohibited from engaging in employment unless the spouse, minor children or dependant relatives satisfy the requirements of section 17B or obtain a work permit in accordance with this Act.

17E. Sections 17B to 17D apply only to nationals of a State or territory set out in the *Fourth Schedule* whose law provides similar treatment for citizens of Barbados. Reciprocity. Fourth Schedule. 1996-9.

18. An application for a work permit shall be made in such form and in such manner as may be prescribed. Application for work permits.

(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.

19. 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 any such case the permit shall be of no force or effect until the security is furnished. Security.

PART IV

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

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

(a) to the master of the vessel on which the person arrived in Barbados requiring him 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 he arrived in Barbados for his 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 he arrived in Barbados the cost of his passage from Barbados.

(4) If 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 his authority

may give to the owner or agents of any vessel any directions an immigration officer is empowered to give to the owners 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) If a person to whom directions are given under subsection (1) or (4) fails or refuses to comply with those directions, he 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 he is to be removed from Barbados in accordance with the directions.

Deportation orders.

21. (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) An appeal made under section 23 (2) against a deportation order stays the execution of the order pending the determination of the appeal.

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

(6) Where a deportation order is made against a person who—

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

(*b*) before its execution becomes an inmate,

of a prison, it may not be executed until that person ceases to be liable to be detained therein.

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(7) A person against whom a deportation order is made shall leave Barbados in accordance with the terms of the order and shall thereafter, so long as the order is in force, remain out of Barbados.

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

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

(10) 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.

(11) Unless otherwise directed by the Minister, a person against whom a deportation order is made may be requested or allowed to leave Barbados voluntarily provided that he complies with the conditions governing his voluntary departure.

Detention.

22. (1) A person who is refused permission to enter Barbados may be detained in custody by an immigration officer or a member of the Police Force in such place as the Minister approves until he is removed from Barbados in accordance with directions given under section 20.

(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 his removal from Barbados.

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

(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 in the custody of a member of the Police Force or prison officer to or from any place where his

attendance is required for the purpose of ascertaining his citizenship or of making arrangements for his removal from Barbados.

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

Appeals.

23. (1) No court has jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision or order of the Minister or an immigration officer had, made or given under the authority of this Act relating to

(*a*) the refusal of permission to any person to enter Barbados or the removal of that person from Barbados; or

(*b*) the detention or deportation of any person,

upon any ground whatsoever unless that person is a citizen or a permanent resident.

1979-27.

(2) A citizen or permanent resident may appeal to the High Court and thence to the Court of Appeal against any proceeding, decision or order mentioned in subsection (1).

(3) Appeals under subsection (2) shall be brought by way of originating summons.

(4) Where an appeal is made under subsection (2) the Court may order the detention or admission to bail of the appellant pending the determination of the appeal.

Recovery of costs of deportation.

24. (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 Crown 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.

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(2) A warrant issued under subsection (1) may be executed in the same manner as a writ of execution issued under the *Magistrates Jurisdiction and Procedure Act* for the levy of a sum of money adjudged to be paid by order of a magistrate's court.

Cap. 116.

(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

Immigration officers.

25. (1) The power to appoint, remove and exercise disciplinary control over the Chief Immigration Officer and immigration officers for the purposes of this Act is hereby vested in the Minister.

(2) The number of immigration officers that may be appointed under subsection (1) and the conditions of service of such officers shall be such as may be determined by the Minister with the approval of the Minister responsible for Establishments.

(3) In the exercise of his functions under this Act an immigration officer shall act in accordance with the directions and instructions of the Minister.

(4) For the purpose of discharging his functions under this Act, an immigration officer may, with the assistance of such persons as he 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 or who he believes is a prohibited immigrant within the meaning of the former Act;

(*c*) without warrant arrest any person who he 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 he has reasonable ground for believing that there is in any such place any person against whom a deportation order has been made. 1984-40.

(5) Subsections (1) and (2) of section 84 of the *Magistrate's Courts Act* apply to paragraph *(d)* of subsection (4) with the modifications appropriate in the circumstances. 1984-40. Cap. 116.

26. (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 finger prints, as may be necessary for the purpose of identifying the person to whom it relates. Permits.

(2) The Minister may direct that a permit granted under this Act may 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.

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

(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 or the doing of any act;

(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 he 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.

28. (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 Force 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 under this Act.

Delegation. 1999-11.

28A. The Minister may, by instrument in writing, delegate any power conferred on him by this Act except the power to make regulations, to

(a) a Parliamentary Secretary assigned to the Minister; or

(b) a public officer in the Ministry,

but such a delegation does not prevent the Minister from exercising the power.

PART VI

Miscellaneous

Offences.

29. A person who

(a) being the master of a vessel arriving in or departing from Barbados

(i) refuses to answer or wilfully gives an untrue answer to any question referred to in paragraph *(a)* of section 12(1), or

(ii) fails or refuses to furnish an immigration officer with any list referred to in paragraph *(b)* of section 12(1) or furnishes any such list which is false in a material particular;

(b) being a person seeking to enter or entering Barbados

(i) wilfully gives an untrue answer to any question referred to in section 11(2),

(ii) wilfully makes a false statement in a declaration referred to in paragraph (*a*) of section 11(2), or

(iii) wilfully supplies any false information for the preparation of any list referred to in paragraph (*b*) of section 12(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 Force or any person acting under the authority of this Act in the execution of his 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 13(2), 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.

(*g*) with the intention of entering or remaining in Barbados or of assisting any other person to enter or remain in Barbados

(i) fabricates or falsifies any passport, permit or other document,

(ii) uses, utters or attempts to use or utter

(A) any passport, permit or other document which has not been lawfully issued or which he is not entitled to use or utter, or

(B) any fabricated or falsified passport, permit or other document knowing the same to be fabricated or falsified,

is guilty of an offence under this Act.

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Penalties. 1984–40.

30. A person who is guilty of an offence under this Act or the regulations is liable on summary conviction to a fine of $5 000 or to imprisonment for 12 months or both.

Regulations.

31. (1) The Minister may make regulations

(*a*) prescribing the circumstances in which a vessel is to be deemed to be arriving in or departing from Barbados;

(*b*) designating places in Barbados as ports of entry for the examination by immigration officers of person seeking to enter or entering Barbados;

(*c*) requiring persons disembarking or embarking in Barbados or any class of such persons to produce to an immigration officer, if so required, landing or embarkation cards in such form as the Minister directs and requiring the owners or agents of vessels to supply those cards to such persons;

(*d*) prescribing the functions of immigration officers;

(*e*) prescribing an employer's responsibilities in relation to the repatriation of an employee who is the holder of a work permit;

(*f*) prescribing the time, place and manner of examining persons found in Barbados after 2nd February, 1976, and who are suspected of being in Barbados contrary to the former Act or this Act;

(*g*) prescribing the means to be taken for identifying persons suspected of being in Barbados contrary to the former Act or this Act;

(*h*) prescribing anything that is by this Act authorised or required to be prescribed;

(*i*) prescribing the fees to be paid in respect

(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;

(j) generally for carrying out the objects and purposes of this Act; and

(k) prescribing the conditions of entry into Barbados of persons generally or different classes of persons. 1979-46.

(2) Regulations made under paragraph *(i)* 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.

(4) Judicial notice shall be taken of all regulations made under subsection (1).

32. The *Immigration Regulations, 1953* shall be deemed to have been made under this Act, and shall be construed *mutatis mutandis* for the purpose of giving the necessary effect thereto. Saving of regulations. 1979-27.

FIRST SCHEDULE

(Sections 7(4), 67A(1)(b) and 8)

Prohibited Persons

1. Persons who are

(a) idiots, imbeciles, feeble-minded persons, epileptics, persons of unsound mind or mentally deficient, dumb, blind or physically handicapped to the extent of being unable to earn a living (unless they conclusively establish that they will not have to earn a living), or persons likely to become charges on public funds; or

(b) paupers, vagrants or professional beggars.

2. Persons suffering from communicable diseases within the meaning of any regulations relating to such diseases made under the *Health Services Act.* Cap. 44.

3. Persons 1984-40.

(a) who are prostitutes;

(b) who organise prostitution;

(c) whose conduct offends public morality; or

(d) who sexually assault minors.

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4. Persons who

(a) are addicted to the use of any drug;

(b) are or have been at any time engaged or reasonably suspected of being likely to engage in the unlawful giving or using, the offering or exposing for sale, or the buying of, or the trading or trafficking in, any drug; or

(c) have been convicted of an offence under any enactment relating to dangerous or narcotic drugs other than persons referred to in paragraph 4A.

1999-11.

1999-11. 4A. Persons

(a) who have been convicted of one offence only of the possession of cannabis, the amount of which was less than a trafficable quantity; and

(b) whose sentence in respect of that offence was a non-custodial sentence.

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 one year or longer;

(b) knowingly or for profit 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 before or after 2nd February, 1976 advocates of

(a) the overthrow by force or violence of the Government of Barbados or any other country or of all forms of law;

(b) the abolition of organised 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 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.

9. Persons against whom deportation orders have been made.

10. Persons seeking to enter Barbados who are not in possession of a passport.

11. Any dependant accompanying a person who has been prohibited from entering, refused entry into, or deported from, Barbados.

SECOND SCHEDULE

s.13

Permitted Entrants

PART I

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 sub-agencies, or

(ii) any governmental organisation 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 authorised 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

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, artistic or other cultural activities.

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THIRD SCHEDULE

s.2A.
1984–40.

Constitution of Immigration Review Committee

1. (1) The Committee comprises

(a) a Minister who shall be the chairman, 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 from 3 consecutive meetings of the Committee without the Minister's permission ceases to be a member.

(3) The chairman 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 chairman ceases to be a member.

(4) A member of the Committee other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman 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.

FOURTH SCHEDULE

s. 17A & 17B. 1996-9.

Countries and Territories

Antigua and Barbuda
Belize
Commonwealth of Dominica
Grenada
Guyana
Jamaica
Montserrat
Saint Christopher and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Suriname
Trinidad and Tobago

FIFTH SCHEDULE

s. 17B(2). 1996-9.

Caribbean Broadcasting Union
Caribbean Conference of Churches
Caribbean Congress of Labour
Caribbean Conservation Association
Caribbean Policy Development Centre
Caribbean News Agency Limited
West Indies Cricket Board of Control

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