



**Government of  
Antigua & Barbuda**

Ministry of National Security & Labour  
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**REPORT**

**ON REVIEW OF MATTERS**

**PERTAINING TO IMMIGRATION,**

**WORK PERMITS, CITIZENSHIP AND**

**ELECTORAL REFORM**

Prepared by: Ms. E. Ann Henry, Attorney at Law, Dr. A. Kingsley O'R. Lewis, Bishop of the Moravian Church and Senator the Honourable Dr. L. Errol Cort, Minister of National Security & Labour

Presented to: Prime Minister, Hon. Dr. Baldwin Spencer & the Cabinet of Antigua & Barbuda

Date: 9<sup>th</sup> February, 2010

In June, 2009, a Committee was appointed by the Government of Antigua and Barbuda to review certain matters pertaining to immigration, the issuance of work permits, the granting of citizenship and electoral reform.

The persons appointed to the Committee were Ms. E. Ann Henry, Attorney at Law, Dr. A. Kingsley O'R. Lewis, Bishop of the Moravian Church and Senator the Honourable Dr. L. Errol Cort, Minister of National Security & Labour.

The terms of reference given to the Committee were as follows:

1. To review existing government policy pertaining to immigration, the granting of work permits and the granting of citizenship;
2. To review the existing electoral requirement as it pertains to the eligibility of non-citizens having the right to vote in general elections in Antigua and Barbuda;
3. To hold wide consultations with the citizens and residents of Antigua and Barbuda on matters pertaining to (1) and (2) above;
4. Having conducted the requisite review with full public participation, to make written recommendations to the Cabinet of Antigua and Barbuda regarding any desired policy changes that should be made in respect of immigration, the granting of work permits and citizenship and the eligibility of non-citizens to vote in general elections in Antigua and Barbuda.

The Committee pursued its mandate by holding several meetings and consultations starting from the 1<sup>st</sup> July, 2009. The public consultations were held at the Exhibition, Multipurpose & Cultural Centre and the Princess Margaret School in St. Johns, the All Saint's Secondary School, the Pares Secondary School, the Cedar Grove Primary School, and the Council Chamber in Barbuda.

## **General**

Based on our observations from the outset, it would appear that the consensus amongst the population of both Antigua and Barbuda is that there is crying need for reform in all of the areas falling within the purview of the Committee.<sup>1</sup>

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<sup>1</sup> It should be noted that there was, however, a distinction between the views taken by persons resident in Antigua and those in Barbuda. The prevailing view in Barbuda was that reform was necessary to prevent the problems now pervasive in Antigua from spreading to Barbuda and also to protect the borders of Barbuda from breach.

The consensus noted above was informed by a variety of perspectives from which those who participated in the consultation approached the issues.

A limited sampling of the issues discussed were:

1. That, with the so-called economic downturn, the job market has considerably contracted and, as such, the so called “open door” policy relative to immigration should be discontinued as there is a significant risk of Antigua and Barbuda nationals being displaced in the job market by “non-nationals”<sup>2</sup> whose willingness to work hard for low wages makes them attractive to prospective employers.
2. That there is need for a strategic approach to immigration and the issuance of work permits which would have as priority the “importing” of skills needed in Antigua and Barbuda for the growth of the economy, which approach would be based on a formal Plan for the Development of the country. This Plan would have at its core the vision for the economic growth of the country over a set period, and would be reviewed and revised to meet changing circumstances.
3. That it should be understood that a work permit is not a settlers document.
4. That there is a lack of transparency and an inconsistency in the approach taken by immigration officers when they are treating persons arriving at the ports of entry, particularly at the VC Bird International Airport.
5. That the ever-increasing numbers of “non-nationals” who are now resident in Antigua and Barbuda are influencing the outcomes of elections so as to affect the will of the Antigua and Barbuda nationals.
6. That citizenship of Antigua and Barbuda should be treated as a thing of value and worth.
7. That there is a need for on-going training programs for immigration officers and also the officers in the departments which deal with work permits and citizenship.

The Committee considers that the need for a formal National Development Plan (prepared by the Government and rigorously vetted by the public of Antigua and Barbuda) is compelling.

It is felt that such a Plan should:

1. Examine and consider the avenues for economic growth which are feasible for Antigua and Barbuda.

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<sup>2</sup> It was clear that the term “non-national” usually was a reference to nationals of the Dominican Republic, Guyana and Jamaica

2. Analyze the available human resource pool and skill-sets against the backdrop of the existing educational institutions and the training opportunities for the work force available both locally and externally, and
3. Consider the population needs of the country, both for production and for consumption of goods and services produced in Antigua and Barbuda.

With such a Plan in place, various immigration and human resource regimes would present themselves as necessary complements. Also, such a Plan would inform the critical areas of Government investment in training and education, whether locally or externally.

The Committee endorses and supports the call for the development of a National Plan for the development of this country for a period of 20 years with markers for achievement and review of 5 years each.

Another general issue which was raised repeatedly throughout the consultations was the need for the naming of streets and the numbering of lots and/or physical structures throughout Antigua and Barbuda.

The benefits of such a project should be immediately evident. Certainly, the functions of the Immigration Department, the Work Permit Department and the Department responsible for the National Census and the Electoral Commission would be considerably enhanced. It would be in the interest of national security that such a project to be pursued.

It is also noteworthy that the Committee is aware that the existing software employed in the Land Registry and the Lands & Surveys Department can be used to facilitate the process of street naming and building numbering.

The Committee considers that it would not be possible for effective reform to be undertaken in relation to the subject matters at hand without the naming of streets and the numbering of buildings throughout Antigua and Barbuda.

The Committee recommends that this project be pursued as a matter of priority. Another suggestion which received wide treatment during the consultations was the issuance of a National Identification Card.

Several suggestions were made for a national ID card which would show *inter alia* one's status in the country. Others called simply for a work permit card.

The Committee recommends that a National Identification Card be introduced as it is convinced that such a card could be useful in many respects.

1. It should be mandatory for all persons resident in Antigua and Barbuda who are over the age of 18 years to be issued with a National photo-Identification Card.
2. The card should show the name, address, date of birth, place of birth, nationality and bear a photograph of the bearer.
3. If deemed appropriate, it could indicate if an individual is a licensed firearm permit holder, Social Security registrant, Medical Benefits registrant, Board of Education registrant and indicate blood type etc.
4. The card could be used not only for general identification but also when applying for a passport, driver's license, voter's registration or even a bank account, and would greatly assist the Immigration Department, the Labour Department and the Electoral Commission in the discharge of their responsibilities.
5. The card should be mandatory for non nationals after say two (2) months residence.
6. The card could have any number of combinations of security features, creating a card that is virtually tamper proof and next to impossible to replicate.
7. The card could be custom designed and printed, with the application of ghost images, holomark seals, custom holomark cards, micro text, nano text, bar codes, magnetic stripe, finger print capture etc.
8. Card readers could be placed at the Immigration Office, Labour Department, Police Stations and in Police Vehicles etc.
9. This system should be portable in an effort to better serve the public, in particular, those in Barbuda.

It is recognized that the production of these cards would be a highly sensitive matter. As such, the Committee recommends that the Government take the appropriate steps to ensure that the highest levels of security are associated with the arrangements which are made for the production of the card.

Finally, as a general matter, the need for greater training of Immigration Officers was emphasized by participants at the consultations.

It is the recommendation of the Committee that on-going training for Immigration Officers be prioritized and emphasis placed on strengthening computer skills with a view towards maximizing the utility of the existing software.

It is further recommended that there should be a greater thrust towards improved customer service, and enhancing the interpersonal skills of the officers, system wide. It

is also recommended that training should focus not only on teaching the required skills but also encouraging the officers to put forward recommendations themselves so that they would be fully engaged in the process of change through training.

## **Immigration**

On the specific area of immigration, four critical areas which received considerable attention during the consultations were:

1. The temporary residence certificate
2. The issuance of Entry Visas
3. The grant of Extensions by Immigration Officers, and
4. Persons who remain in Antigua and Barbuda illegally.

## **Temporary residence**

The status of temporary residence came into being on the amendment of the Immigration and Passport Act by Act No 15 of 2002 on the 4<sup>th</sup> December, 2002.

It would appear, however, that prior to that date, temporary residence certificates were issued by the Cabinet of Antigua and Barbuda or other authorities in Antigua and Barbuda. Act No. 15 of 2002, by Section 17F purports to validate all such certificates.<sup>3</sup>

Under Act No. 15 of 2002, an applicant for a temporary residence certificate is required to meet the following qualifications:

1. That he should not be either a prohibited immigrant or otherwise disqualified from entering Antigua and Barbuda.
2. That he should, immediately before the date of his application, have been lawfully resident for three years or more, in Antigua and Barbuda.
3. That he should be 18 years of age or more.

The Law authorises the Minister -

1. On satisfying himself that the prescribed qualifications are met, and
2. on receiving the advice of the Cabinet, and

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<sup>3</sup> The efficacy of Section 17F is not the subject of this report and, as such, no further comment will be made on it.

3. on payment of the prescribed fee by the applicant to issue the temporary residence certificate.

Section 17D of Act No. 15 of 2002 provides that the holder of a temporary residence certificate is not exempt from the work permit requirements of the Laws of Antigua and Barbuda.

As such, taken as a whole, the temporary residence certificate confers on the holder a mere right to remain in Antigua and Barbuda for a period of 24 months. Nothing more.

Having said this, it must be noted that the practice developed not long after the passage of the Act for holders of the Temporary Resident status not to be required to apply for or obtain work permits. This practice is unlawful.

In the course of the consultations, it was disclosed that:

1. Some persons had "Temporary Residents" stamps in their passports when they did not meet the residence qualification for the status, and
2. In other cases, the "Temporary Resident" status was expressed to be "Indefinite".
3. In all cases, the practice was for the certificates to be issued under the hand of the Chief Immigration Officer and not the Minister as mandated by Law.

The grant of Temporary Residents has now been suspended pending the report of a team of investigators.

It was felt by many that a special status, less than citizenship, should exist. Various suggestions, were presented, some of which are discussed in this Report.

It is the view of the Committee that the Temporary Resident regime, as prescribed under the Act, is of limited use.

In fact, it is incompatible with the work permit regime in that it authorizes the holder to remain in Antigua and Barbuda for a period of 24 months while the Labour Code makes provision for the grant of a work permit for a maximum period of 12 months.

Having considered the matter, the Committee is of the view that the Temporary Residence certificate and regime as prescribed in Act No. 15 of 2002 should be discontinued.

In its place should be implemented a Residence Certificate.

It is suggested that the conditions of the proposed Residence Certificate should be that:

1. The holder does not engage in employment (including self-employment) in Antigua and Barbuda,
2. the grant of the Residence Certificate be made only after the applicant satisfies background checks, and
3. the period of the Certificate should be excluded in calculating any period of residence required under the Citizenship Act of Antigua and Barbuda.

It should be noted, however, that while this is the recommendation of the Committee, it is recognized that item 3 above may be inconsistent with Section 114 (1) (f) of the Constitution of Antigua and Barbuda.

The proposed categories of persons who would be entitled to hold this Certificate should be:

1. Spouses of Citizens of Antigua and Barbuda who have not yet met the qualification for Citizenship.
2. Spouses of work permit holders who are wholly dependent on the work permit holder.
3. Children of work permit holders, who are under the age of 18 years, are enrolled in a full time institution of learning and are wholly maintained by their work permit holder parent.
4. Retired persons who are able wholly to maintain themselves.
5. Persons who own vacation homes in Antigua and Barbuda - the holders of Land Holding Licenses.

It is recommended that, in respect of category 1, the Certificate should be renewable; in respect of categories 2 and 3, the Certificate should be valid for One (1) year and renewable only on proof of renewal of the work permit of the spouse/parent; and in respect of categories 4 and 5, the Certificate should be valid for up to 3 years and renewable.

The question arises as to the treatment of persons who are presently holders of the Temporary Resident status/certificates.

It is the view of the Committee that the treatment should depend on whether or not they qualified under Act No. 15 of 2002 for the grant of the status. The following approach is recommended:

1. Persons who qualified for the status when it was granted and who are now in full time employment and are contributing to the various social schemes and Personal Income Tax should, on application, be granted a work permit effective the date of grant for a period of 1 year, which should be renewable in the usual manner.
2. Persons who qualified for the status when it was granted and are now in full time employment but are not contributing to the various social schemes and Personal Income Tax should be sanctioned according to the appropriate legislation and be required to comply with the appropriate legislation; on application, be granted a work permit effective the date of grant for a period of 1 year, which should be renewable in the usual manner.
3. Persons who qualified for the status when it was granted and who are not in full time employment should be given a period of Six (6) months to

- obtain employment in Antigua and Barbuda, failing which at the end of the period they should be invited to leave Antigua and Barbuda .
4. Persons who did not qualify for the status when it was granted, (who did not commit an illegal act, including an act of fraud, to obtain the grant), and are in full employment and are contributing to the various social schemes should be sanctioned according to the appropriate legislation and should, on application be granted a work permit effective the date of grant for a period of 1 year, which should be renewable in the usual manner.
  5. Persons who did not qualify for the status when it was granted and are not in employment should be invited to leave Antigua and Barbuda.<sup>4</sup>
  6. Persons who did not qualify for the status when it was granted and committed an illegal act to obtain the grant, whether employed or not, should be subject to deportation.

### Entry Visas

The Immigration and Passport Act requires that persons from various countries seeking entry into Antigua and Barbuda should apply for and be granted entry visas before being permitted entry to Antigua and Barbuda. However, the legislative framework is vague and lacks detail.

As such, the Committee recommends that the Government devise and consider specific proposals for the implementation of a suitable regime.

Based on the suggestions made during the consultations, however, the Committee wishes to make certain recommendations which are set out in this report.

One of the suggestions which was made is that there should be more than one category of entry Visas.

During the consultations, a number of categories of visas <sup>5</sup> were suggested.

It is the view of the Committee that for those persons who require visas to enter Antigua and Barbuda the following categories of Entry Visas should be established:

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<sup>4</sup> If persons who are invited to leave do not leave within the time specified by the Immigration Department, then they should be deported.

<sup>5</sup> Diplomatic; Courtesy; Business; Dependant; Tourism; Official; Student; Work

1. Courtesy - a visa permitting entry for a specified public national, regional or international purpose - e.g. a sporting event.
2. Business - a visa permitting entry to attend a public national, regional or international purpose - e.g. a Conference.
3. Visitors - a visa permitting entry on holiday.
4. Work - subject to procedure re. work permits.
5. Dependent - a visa permitting “disclosed members”<sup>6</sup> of the immediate family of a person holding a work permit who are wholly dependent on the holder of the work permit.

We also recommend that a person who, by law, is required to have an Entry Visa but who has obtained and holds a current work permit, should be free to travel in and out of Antigua and Barbuda during the period of the work permit, without the need to apply for or obtain an entry visa.

We recommend that in addition to the existing single entry visa, provision should be made for Entry Visas permitting multiple entries over a prescribed period. The period should not exceed One (1) year.

### **Extensions**

The conjoint effect of sections 20, 21 and 22 of the Immigration and Passport Act, Cap. 208 is that the Immigration Officer at the port of entry is authorised to permit non-Citizens (who are not prohibited immigrants) to enter Antigua and Barbuda whether as bona fide visitors or otherwise and to set the conditions of entry including the period for which the person may remain in Antigua and Barbuda.

Under the Immigration and Passport Act, persons who satisfy the Immigration Officer at the port of entry that they are a bona fide visitor are entitled to be landed and enter Antigua and Barbuda. The permitted period of stay is determined by the Immigration Officer at the port of entry.

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<sup>6</sup> It is contemplated that all work permit applications will require the applicant to disclose the names, ages and other particulars of persons who are dependant on the applicant and who the applicant requests to be permitted to reside in Antigua and Barbuda so long as the work permit is valid.

It should be noted that under the Act persons who wish to migrate and reside in Antigua and Barbuda<sup>7</sup>, are processed in a different manner and, once the requirements are satisfied, they are issued an entry permit. One such requirement is that they provide full details of their intended employment.

The Law prescribes that a person permitted to enter for a specified time may, before the expiration of that period, seek an extension from the Chief Immigration Officer.

It would appear that over the past 10 to 15 years, a growing number of would-be immigrants, on arrival in Antigua inform the immigration officers that they are here on a visit. The Immigration Officer would permit entry for a specified period, on the expiration of which the person would go to the Immigration Headquarters and seek an extension of time to remain. This process of seeking extensions may be repeated until the person applies for, and obtains, a work permit or otherwise disappears from view and simply remains in Antigua illegally.

It is recommended by this Committee that when a visitor arrives at a port of entry in Antigua and Barbuda and declares that he is in Antigua and Barbuda on a visit, the Immigration Officer should have a discretion to grant a period of stay not to exceed six (6) months which he considers appropriate having regard to:

1. the period requested by the visitor,
2. the capacity of the visitor to keep and maintain himself while in Antigua and Barbuda,
3. the frequency with which the visitor is in Antigua and Barbuda, and
4. the willingness of the visitor's relatives, friends and/or business associates in Antigua and Barbuda to put up a bond, as surety, for the purpose of securing payment of any public charges that may be incurred in respect of the visitor while in Antigua and Barbuda.

The Immigration Officer having exercised his discretion, the visitor should not be entitled to have the period of stay extended except:

1. If during the visit he is hospitalized, then the period should be extended until he may be discharged and be able to travel, and
2. In circumstances which, in the opinion of the Chief Immigration Officer, as approved in writing by the Minister responsible for Immigration matters, are appropriate.

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<sup>7</sup> This is as distinct from persons who are visitors

It is further recommended that when persons who intend to take up employment in Antigua and Barbuda arrive in Antigua and Barbuda, they must be required to produce to the Immigration Officer either the Work Permit issued under the hand of the Minister responsible for Labour or a letter signed by the Labour Commissioner confirming the grant of the Work Permit. In such a case, the Immigration Officer would grant a period of One (1) month to facilitate the stamping of the Work Permit in the passport.

### **Persons presently in Antigua and Barbuda illegally**

This issue engaged considerable discussion in the consultations.

The prevailing view was that if we are to pursue Immigration reform in Antigua and Barbuda, it is of importance that the message of zero-tolerance of non-compliance with the Law must be conveyed.

Flowing from this was the view that amnesty was not an acceptable way forward and should not be entertained as an option. Indeed, some persons were of the view that persons who were in Antigua and Barbuda illegally should be deported.

It is the recommendation of the Committee that there is no compelling argument for implementing a program for the wide spread grant of amnesty.

As a general rule, persons who are residing in Antigua and Barbuda illegally should be given an opportunity to leave on their own. It is the recommendation of the Committee that they be given Six (6) months to leave<sup>8</sup> and that, if they have not left the jurisdiction within that period of time then the appropriate action should be taken<sup>9</sup>.

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<sup>8</sup> The period of Six (6) months is chosen because it is considered that the program for street naming and building numbering can be completed within that period. The street naming and building numbering project would enhance the capacity of the police and immigration officers to find persons who are here illegally.

<sup>9</sup> However the committee recognizes that, when faced with this requirement, individuals may present compelling circumstances (e.g., extensive length of stay in the country, age, family ties etc.) which would suggest that they be given an opportunity to regularize their status rather than be required to leave. In order to implement this the process would have to be articulated in legislative framework to ensure transparency.

## **Work Permits**

The law governing the issuance of work Permits in Antigua and Barbuda is the Antigua and Barbuda Labour Code, Cap. 27.

The view that the present work permit laws are adequate, but that there is a need for all of them to be observed, had fairly wide currency.

The Committee accepted that view and believes that a greater effort by all concerned to adhere to all the legal provisions for work permits is needed.

Several persons felt that there is a need for a stated policy for work permits to be widely known and expressed the view that there should not be one standard for some and another for others.

Some persons expressed frustration with the work permit process and expressed the view, with which the Committee agrees, that the Labour Department's task is not just to protect, but also to facilitate.

The following extract from one written submission bears quoting at length as it summarizes many of the views expressed to the Committee: "It is recognized that we are now living in a global village, where, due to our membership in sub-regional (OECS Economic Union), regional (CSME) and international organizations and trade blocks (EPA, WTO, NAFTA), we have an obligation to open our markets and borders, and permit the free movement of skilled persons, and the right of establishment of businesses to citizens of the contracting parties. However, there is the concomitant responsibility to safeguard our borders, and to protect the rights of our citizens, from abuse of these treaties and agreements.

As well, we are likely to continue experiencing a situation where people would move from one country to another, sometimes for adventure, and in other instances in an effort to seek out improved economic opportunities. We have an obligation to protect them from exploitation, which, unfortunately, some employers are willing to do, in order to reduce costs."

### **Application Process for Work Permits**

After careful consideration, the Committee is of the view that the application process for work permits needs to be tightened and improved in order to bring it in line with best practices elsewhere and to safeguard the integrity of the process.

The recommendation is that there is need for greater harmonization between the processes of immigration department and the granting of work permits.

The application process for work permits on behalf of a prospective employee takes place all too frequently when the individual is already in the country, having been admitted under the pretext of vacation or some purpose other than employment. This raises the question as to whether such persons would have entered the country under false pretences in the first place.

### **Renewal Process**

When a renewal of work permits is sought, this should be accompanied by a report from Social Security, Medical Benefits and Board of Education on the status of payments of statutory obligations. This was implemented with effect from July, 2009.

The Committee considers that this is a useful way forward as it underscores the need for a multi-dimensional approach to the issues covered by this report.

### **Types of Work Permit**

The view was expressed that in a tourist economy, such as ours, there is a need for certain levels of competences. We may need to consider different types of work permits. The concern was expressed to the Committee that many non-nationals seem to be self-employed. Do they have work permits?

It was also represented to the Committee that some categories of employment should be closed to non-nationals. For example, self-employed taxi drivers and street vendors should be a closed category to non-citizens.

It was recognized that frequently domestic helpers find employment with more than one employer in order to achieve full time employment. They may work 2 days for one person and 3 days for another during each week. As such, it was determined that such employment should be categorized as self-employment and the application would be processed accordingly.

In making a determination of the number of persons that should be granted work permits, consideration should be given to the needs of the economy. Specifically, we need to ensure that there is an adequate supply of labour, with the requisite skills, to satisfy the demands of the market. The National Development Plan would identify these needs.

## **Barbuda**

The Committee came away from the consultative process in Barbuda convinced that Barbuda has some unique challenges related primarily to the size of its population, dearth of skills and comparatively low economic activity.

While it is different from Antigua in these respects, the Committee does not believe that there should be different laws for Barbuda in relation to work permits. However, consideration should be given to having different regulations as may become necessary from time to time. We believe it is important to recognize the unitary nature of the state as laid down in the Constitution.

It was said to the Committee that there is not a problem with non-nationals in Barbuda; they work hard.

The question was asked in Barbuda, "Can a person have two work permits?" This is an important question for Barbuda because of the scarcity of skills. The example was cited of a person with body work skills who may work for a hotel.

The Committee felt that, having regard to the scarcity of certain skills in Barbuda at this time, a work permit holder in employment in Barbuda may be permitted to apply for a self-employment work permit under which he would make his skills available to the people of Barbuda. In such a case, this application could be made while he was in residence in Antigua and Barbuda. The self-employment work permit would be revoked in the event that he ceases to hold his substantive employment in Barbuda.

We make the following recommendations with respect to work permits:

1. Anyone on whose behalf a work permit is being applied for, should be required to remain outside of the country until the permit is approved, except in the case of a renewal. Before people are landed for purposes of work there should be background checks. Accordingly, the application should be accompanied by a police certificate plus two notarized letters of recommendation. If the person is in Antigua and Barbuda and an application is made for a work permit on their behalf or they want to make an application, they should be required to leave the country while the work permit application is being processed. This would not apply to the non-national spouse of an Antiguan citizen, or the child of a person holding a work permit, who reaches the age of 18 years.
2. The Committee recommends the visual display of any available job for which it may be desired to seek a work permit. Until that has been done an employer should not be able to offer a job to a non-national.

3. All applications for work permits should be published in the Official Gazette, on the Government website and on the GIS radio and television services. The purpose for such publication would be to invite suitably qualified nationals to make submissions and comments to the Labour Department in relation to such application.
4. There should be at least 30 days between the publication of the applications, as noted above, and the making of recommendations to the Minister of Labour.
5. Medical tests should be required for work permits as in some other countries. In the case of St. Kitts, for example, HIV and TB tests are required. There is a need for health workers to screen persons entering our ports in compliance with the immigration laws.
6. Consideration should be given to modernizing the operations of the Labour Department. For example, the Committee believes that the feasibility of making online applications for work permits should be explored.
7. The Committee recommends that the work permit policy of Antigua and Barbuda be clearly advertised around Antigua and Barbuda and published on the Government website and GIS radio and television services.
8. The minimum wage guidelines should be scrupulously enforced, in order to minimize the opportunities for exploitation of workers. It should be a requirement for ALL employers, save and except the Central Government, to advertise all jobs in the print media, and to provide such proof of advertisement, when applying for work permits for non-nationals and those who do not automatically qualify for employment under the CARICOM Skilled Nationals Certificate Scheme.
9. We recommend that persons on work permits be required to inform the Labour Department of a change of address within two weeks of such change.
10. Special consideration should be given to non-national spouses of Antiguan citizens in that they should not be required to make an application for a work permit from outside of Antigua and Barbuda and, save in exceptional circumstances, should be granted a work permit.
11. The granting of work permits should be related to a National Development Plan. As a part of this process, the Committee believes that there should be a national skills audit which can help to inform the supply and demand for labour.
12. The proposed National Development Plan should identify areas such as specialized skills or qualification that are required in the development of Antigua and Barbuda. This would allow for work permits to be issued only after it has been determined that the labour/skills cannot be obtained locally. Areas identified in the proposed National Development Plan and

- requirements/criteria should be published, so all will know the requirements in advance and to allow for transparency.
13. Work permits should continue to be for a specific employment and should not be transferable.
  14. Employers who employ persons illegally should be penalized and consideration should be given to increasing the existing penalties.
  15. Work permits for persons to be employed in Barbuda should only be processed by the Labour Department after consultation with the Barbuda Council.
  16. Persons residing in Barbuda should not be required to have to travel to Antigua to get a work permit renewed as these applications should be presented to the Labour Department office in Barbuda for processing.

### **Electoral Reform**

The Committee takes on board the view expressed by some that there has been an unfortunate linkage of Electoral Reform with immigration coming so soon after an election. The immigration debate is not the best place to deal with electoral malpractice.

The Constitution and the Representation of the People Act, we believe, are appropriate places to deal with electoral malpractice.

Nevertheless we proceed to address our remit in this matter.

### **Voting Rights**

The main issues related to voting rights were

1. whether only citizens should be allowed to vote;
2. whether citizens residing overseas should be allowed to vote;
3. whether Commonwealth Citizens (other than Citizens of Antigua and Barbuda) should continue to have voting rights in Antigua and Barbuda; and
4. if non-Citizens of Antigua and Barbuda should be allowed to vote, what should be the applicable qualifications.

### **Recommendations**

After careful consideration of all the submissions the Committee wishes to recommend the following:

1. Voting should be a right of residency.
2. Citizens of Antigua and Barbuda resident in the state should be permitted to vote.
3. Commonwealth Citizens other than Citizens of Antigua and Barbuda, legally residing in Antigua and Barbuda continuously for a period of seven years or more instead of three years should be permitted to register to vote.
4. Commonwealth citizens who do not fall into one of the above categories should be excluded from voting.

Other issues which, while not falling strictly within the terms of reference of the Committee, were clearly of concern to persons who participated in the consultations were:

1. The period of residency for which a person who otherwise qualified to be a voter would be required to satisfy in order to register in a particular constituency;
2. The transfer of electors from one constituency to another and;
3. The need for a clean Electoral List

In light of the above concerns the committee recommends the following:

1. Electors should be physically resident in a constituency for at least six (6) months prior to being allowed to register to vote.
2. An elector should be resident in a constituency for six (6) months before being allowed to transfer his/her registration from another constituency.
3. The transfer of registration from one constituency to another should be activated only in the constituency into which an elector wishes to be transferred and not in that from which he/she wishes to be transferred, so that the registration may be challenged by agents of any party.
4. Re-registration of voters should be done before the next general elections.

### **Citizenship**

There was some articulation of the view that the period of residency before one may apply for citizenship should be increased from 7 years to 10 years.

The Committee was mindful that the period of residency required before Commonwealth Citizens may apply for registration to vote is prescribed in the Constitution. The Committee was also mindful that amendment of the provisions

in the Chapter on Citizenship in the Constitution (Chapter VIII) requires in addition to the appropriate majorities in Parliament that a bill to amend is approved on a referendum.

As such, the Committee is disinclined to recommend any changes to the Citizenship Act or the requirements for the grant of Citizenship unless these form part of a larger initiative towards Constitutional reform.

In this regard, the Committee urges the Government to embark on a public education program the object of which would be informing the public at large of the provisions of the Constitution. It would appear that not many persons are familiar with the Constitution and its provisions. It may well be that once the public is better informed that there will be a useful national debate on the issue of Citizenship out of which will come comprehensive recommendations for reform.

A starting point could be the inclusion of a debate competition among primary and secondary school students as a part of the Independence celebrations. This would certainly stimulate discussion in the general public and civic pride among our school children.

For the purposes of this Report, the Committee would only recommend that the processing of applications for Citizenship for qualified spouses and children of Citizens of Antigua and Barbuda be handled more expeditiously than presently is the case.

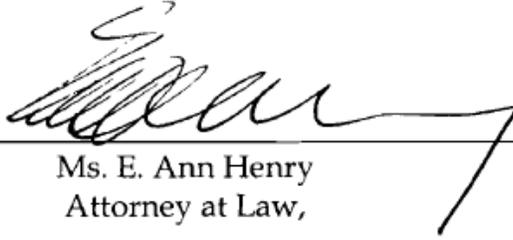
Closing comments:

The members of the Committee wish to record their thanks to the members of the public who so enthusiastically supported the work of the Committee by their submissions, written and oral, and for the positive feedback.

We also wish to place on record our deep gratitude to the members of staff of the Ministry of National Security and Labour whose work in arranging for meetings and providing support to the team as we met over the past 6 months made our task so much easier.

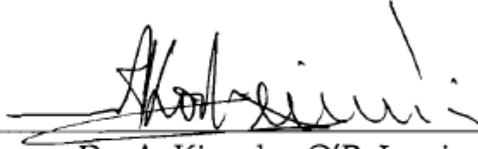
We trust that this Report will provide the Government of Antigua and Barbuda with a useful framework for effecting change.

Dated the 9<sup>th</sup> day of February, 2010



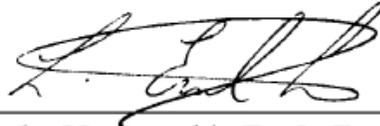
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Ms. E. Ann Henry  
Attorney at Law,



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Dr. A. Kingsley O'R. Lewis  
Bishop of the Moravian Church,



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Senator the Honourable Dr. L. Errol Cort  
Minister of National Security & Labour