



MONTSERRAT

CHAPTER 13.01

IMMIGRATION ACT and Subsidiary Legislation

Revised Edition

showing the law as at 31st April 2008

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

IMMIGRATION ACT

Act 7 of 1945 .. in force 10 January 1946

Amended by Acts: 13 of 1953, 5 of 1954, (S.R.O. 15/1956), 10 of 1959
5 of 1962 .. in force 5 September 1962
29 of 1968 .. in force 31 December 1968
18 of 1970 .. in force 15 September 1970
3 of 1973 .. in force 3 May 1973
25 of 1975 .. in force 10 October 1975
29 of 1975 .. in force 15 December 1975
21 of 1979 .. in force 7 December 1979
24 of 1982 .. in force 1 January 1983
11 of 1987 .. in force 30 December 1987
7 of 1993 .. in force 13 May 1993
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CHAPTER 13.01

IMMIGRATION ACT

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CHAPTER 13.01

IMMIGRATION ACT

*(Acts 7 of 1945, 13 of 1953, 5 of 1954, 10 of 1959,
5 of 1962, 29 of 1968, 18 of 1970, 3 of 1973, 25 of 1975,
29 of 1975, 21 of 1979, 24 of 1982, 11 of 1987, 7 of 1993,
12 of 1993, 13 of 1997, 8 of 1999 and 4 of 2002)*

Commencement

[10 January 1946]

Short title

1. This Act may be cited as the Immigration Act.

Interpretation

2. (1) In this Act—

“**dependant**” in relation to another person means—

- (i) the wife of such person provided she is not living apart from him under a decree of a competent court or a deed of separation;
- (ii) the child or step-child under the age of sixteen years, of such person;
- (iii) an adopted child under the age of sixteen years having been adopted by such person in a manner recognized by law;

“**immigrant**” means a person who enters Montserrat from a place outside Montserrat, whether for the first or at any subsequent time;

“**master**” means the person having command or charge of a vessel;

“**passport**” means a passport issued by or on behalf of the Government of the country of which the person to whom it relates is a subject or citizen; or some other recognized travel document satisfactorily establishing the national status and identity of the person to whom it relates, which passport or document is still in force and has attached to it a photograph of the person to whom it relates;

“**port of entry**” means any port or port of entry declared as such by regulations made under section 39;

“**vessel**” means any ship, schooner, sloop, boat or other floating craft and includes any description of aircraft.

(Amended by Act 24 of 1982)

(2) For the purposes of this Act—

- (a) a person enters Montserrat if he arrives by sea or by air with the intention of disembarking in Montserrat or if he disembarks in Montserrat;
- (b) a person shall be deemed to belong to Montserrat if he is a citizen of a British Dependent Territory and acquired that status—
 - (i) by birth in Montserrat before the 1st January, 1983, or by registration of naturalization in Montserrat before that date as a citizen of the United Kingdom and Colonies under the provisions of the British Nationality Act, 1948;
 - (ii) by virtue of his father or mother having been born in Montserrat before the 1st January, 1983, or having been registered or naturalized in Montserrat before that date as a citizen of the United Kingdom and Colonies under the provisions of the British Nationality Act, 1948;
 - (iii) by virtue of having a grandparent who was born in Montserrat before the 1st January, 1983, or who was registered or naturalized in Montserrat before that date as a citizen of the United Kingdom and Colonies under the provisions of the British Nationality Act, 1948;
 - (iv) by birth in Montserrat after the 1st January, 1983, to a parent who at the time of the birth was a citizen of a British Dependent Territory under the provisions of the British Nationality Act 1981;
 - (v) by birth in Montserrat after the 1st January, 1983, to a parent who at the time of the birth was settled in Montserrat within the meaning of subsections (2) and (3) of section 50 of the British Nationality Act, 1981;
 - (vi) by birth outside Montserrat after the 1st January, 1983, to a parent who at the time of birth was a citizen of a British Dependent Territory by birth, registration or naturalization in Montserrat;
 - (vii) by registration or naturalization in Montserrat after the 1st January, 1983, as a citizen of a British Dependent Territory under the provisions of sections 17 to 22 (inclusive) of the British Nationality Act 1981;
- (c) without prejudice to the provisions of paragraph (b), a woman or man shall be deemed to belong to Montserrat if he or she is or has been married to a man or woman who belongs to Montserrat by virtue of having been born, registered or naturalized in Montserrat under the provisions of either the British Nationality Act of 1948 or the British

Nationality Act of 1981; (*Amended by Acts 6 of 1984 and 11 of 1987*)

- (d) a person shall be deemed to belong to Montserrat if he is a citizen of a British Dependent Territory and acquired that status by virtue of having been born in a British Dependent Territory to a parent who at the time of his birth was settled in Montserrat within the meaning of subsections (2) and (3) of section 50 of the British Nationality Act 1981;
- (e) a person shall be deemed to belong to Montserrat if he is a Commonwealth citizen one of whose grandparents was born in Montserrat or naturalized in Montserrat as a citizen of the United Kingdom and Colonies under the British Nationality Act 1948, or as a citizen of a British Dependent Territory under the British Nationality Act 1981;
- (f) a person under the age of eighteen years shall be deemed to belong to Montserrat if he is the child, stepchild, or adopted child (having been adopted in a manner recognized by the law of Montserrat) of a person who belongs or is deemed to belong to Montserrat:

Provided that, without prejudice to the foregoing provisions of this subsection, any person who on 31st December, 1982, was deemed to belong to Montserrat, under the law in force on that date, shall continue to enjoy that status until such time (if any) as it may be lost by reason of a subsequent change of personal circumstances or any process of law.

(Amended by Act 24 of 1982)

(3) For the purposes of this Act—

- (a) a person shall be deemed to be settled in Montserrat, within the meaning of subsections (2) and (3) of section 50 of the British Nationality Act 1981, if he is the holder of a permit of permanent residence or permit of economic residence issued under section 19 of this Act;
- (b) reference to birth shall include both legitimate and illegitimate birth, and shall also be deemed to include the adoption (in a manner recognized by the law of Montserrat) of a person under the age of eighteen years:

Provided that where the status of a person is sought to be established by descent through an illegitimate birth, the descent shall only be traced through the mother;

- (c) the expressions **“British Dependent Territory”**, **“British protected person”** and **“Commonwealth citizen”** shall have the same meanings as are given respectively to those expressions in the British Nationality Act 1981.

(Inserted by Act 24 of 1982 and amended by Act 13 of 1997)

Appointment and powers of immigration officers

3. (1) The Commissioner of Police shall be the Chief Immigration Officer for the purposes of this Act and he shall have all the powers conferred by this Act upon immigration officers in addition to such powers as are specifically conferred upon the Chief Immigration Officer by this Act.

(2) The Governor in Council may appoint such immigration officers as he shall think fit for the purpose of carrying out the provisions of this Act.

(Amended by Acts 25 of 1975 and 24 of 1982)

(3) For the purpose of performing his duties under this Act an immigration officer shall have the powers of a police officer and may board and search any vessel arriving in Montserrat.

Power to prohibit entry of aliens

4. Subject to the provisions of section 7(d) and (e), but notwithstanding anything else contained in this or any other Act, the Governor in Council may by order prohibit the entry into Montserrat of any alien or class of aliens. *(Substituted by Act 5 of 1962)*

Enumeration of prohibited immigrants

5. The following persons, not belonging to Montserrat, are prohibited immigrants—

- (a) any person who is likely if he entered Montserrat to become a public charge by reason of infirmity of body or mind or who is not in possession of sufficient means to support himself and such of his dependants as he shall bring with him to Montserrat;
- (b) any person certified by a medical officer to be suffering from—
 - (i) a mental illness; or
 - (ii) a contagious or infectious disease;which makes his or her entry into Montserrat dangerous to the community; *(Inserted by Act 8 of 1999)*
- (c) any person who, not having received a free pardon, has been in any country convicted of an offence for which a sentence of imprisonment has been passed and who for this reason appears to be an undesirable immigrant;
- (d) any prostitute or any person who may be living on or receiving or may have lived on or received the proceeds of prostitution;
- (e) any alien or class of aliens prohibited from entering Montserrat under the provisions of section 4;

- (f) any person declared by order under section 7 to be a prohibited immigrant; (*Inserted by Act 5 of 1962*)
- (g) the dependants of a prohibited immigrant.

Entry of certain persons prohibited

6. The entry of any of the following into Montserrat is hereby prohibited—

- (a) any person or class of persons not belonging to Montserrat, whose entry into Montserrat is deemed by Order of the Governor in Council on economic grounds or on account of the standards or habit of life of such person or class of persons, to be undesirable; and
- (b) any person not belonging to Montserrat, who, from information or advice that in the opinion of the Governor in Council is reliable information or advice, is deemed by Order of the Governor in Council to be an undesirable inhabitant of or visitor to Montserrat,

and if any of the persons mentioned in paragraphs (a) and (b) of this subsection are at any time after the making of such Order found in Montserrat such persons shall be deemed to be prohibited immigrants and may be dealt with as such.

Who are not prohibited immigrants

7. The following persons or classes of persons shall not be prohibited immigrants—

- (a) persons belonging to Montserrat within the meaning of subsection (2) of section 2 of this Act;
- (b) members of Her Majesty's regular naval, military or air forces;
- (c) persons in the service of the Government of Montserrat;
- (d) diplomatic representatives duly accredited to Montserrat or to the United Kingdom by or under the authority of Her Majesty;
- (e) representatives of the United Nations Organization or of any specialised agency thereof, or of any similar international organization of which the United Kingdom is itself a member or for membership (whether full or associated) of which Montserrat is eligible;
- (f) representatives or employees of any regional organization, agency or body of which Montserrat is itself a member or is eligible for membership;

- (g) the wife of any person to whom paragraph (b), (c), (d), (e) or (f) applies not living apart from such person under a decree of a competent court or a deed of separation;
- (h) the child, step-child or adopted child having been adopted in a manner recognised by law, under the age of eighteen years of a person to whom paragraph (b), (c), (d), (e) or (f) applies:

Provided that the Governor in his discretion may for reasons of national security by Order published in the *Gazette* declare that any member of the classes of persons mentioned in paragraphs (d), (e), (f), (g) or (h) of this section is a prohibited immigrant.

(Substituted by Act 18 of 1970 and amended by Act 24 of 1982)

No prohibited immigrant to enter Montserrat

8. Except as otherwise specifically provided by this Act no prohibited immigrant shall enter Montserrat, and where it is brought to the notice of the Chief Immigration Officer that a prohibited immigrant has entered Montserrat after the commencement, and in contravention of any of the provisions of this Act, he shall exercise, in relation to such prohibited immigrant, his powers under section 25.

Power to postpone decision

9. (1) The Chief Immigration Officer may for the purpose of making further inquiry and for such period as may be necessary therefor postpone deciding whether a person is or is not a prohibited immigrant.

(2) An immigration officer may grant a permit for an immigrant to disembark without prejudice to the question whether he is or is not a prohibited immigrant.

Certificate that a person is not a prohibited immigrant

10. Where it is decided that an immigrant is not a prohibited immigrant, the Chief Immigration Officer shall, if so required, give that person a certificate to that effect in such form (if any) as may be prescribed.

(Amended by Act 24 of 1982)

Mistaken decision that a person is not a prohibited immigrant

11. A decision by the Chief Immigration Officer that a person is not a prohibited immigrant given by mistake or in ignorance of any material facts or in consequence of any misrepresentation by the immigrant shall not affect the liability of the immigrant to be dealt with as a prohibited immigrant.

Duties of immigrants on entering Montserrat

12. (1) No person shall enter or leave Montserrat by sea or air except at a port of entry.

(2) A person entering Montserrat by sea or air shall not disembark without the consent of an immigration officer, and the master of the vessel shall not allow any such person to disembark without such consent and may use all reasonable and proper means including force if necessary to secure the detention of any such person on board the vessel until such consent may be given.

(3) Every person entering Montserrat shall forthwith present himself in person to the nearest immigration officer.

(4) Every person leaving Montserrat for a place beyond Montserrat shall present himself to an immigration officer at the port of entry before embarking. (*Inserted by Act 21 of 1979*)

(5) Every person entering Montserrat shall if required by an immigration officer—

(a) make and sign a declaration, in such form (if any) as may be prescribed, giving such particulars of himself as the immigration officer may require; and

(b) submit to be examined by a medical officer.

(*Amended by Act 24 of 1982*)

(6) Any person, other than the persons or classes of persons mentioned in section 7, who contravenes, or fails or refuses to comply with, any of the provisions of the preceding subsections of this section, when entering Montserrat, shall be deemed to be a prohibited immigrant and may be dealt with as such.

(*Amended by Act 25 of 1975*)

Passports

13. (1) Every person, other than a person belonging to Montserrat as hereinbefore defined, landing in Montserrat or departing from Montserrat to any place beyond Montserrat shall be in possession of a passport, that is to say—

(a) in the case of a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland, he shall have in his possession a valid passport;

(b) in the case of a person to whom paragraph (a) does not apply, he shall have in his possession a passport which has been visaed by a British Consular Officer or other person duly so authorized,

and shall produce the same to the immigration officer on demand.

(*Amended by Acts 21 of 1979 and 24 of 1982*)

(2) It shall be lawful for the Governor in his discretion by Order to exempt any persons or class of persons either permanently or for a limited period from all or any of the provisions of this section.*

(3) Notwithstanding subsection (1), a citizen of any Member State of the Organisation of Eastern Caribbean States landing in Montserrat from any place beyond Montserrat shall be in possession of either a passport or other recognized photo identification card satisfactorily establishing the national status and identity of the person to whom it relates and shall produce the same to the immigration officer on demand.

(4) For the purposes of subsection (3) "Other recognized photo identification Card" includes a valid Driver's Licence, Voters Registration Card or Social Security Card which satisfactorily establishes the national status and identity of the person to whom it relates.

(Amended by Act 4/2002)

Onus of proof

14. In the case of any person arriving in Montserrat from any place outside Montserrat, the onus of proof of his identity, nationality and immigration status, to the satisfaction of the Chief Immigration Officer, shall be on that person. *(Substituted by Act 24 of 1982)*

Permits for prohibited immigrants to reside in Montserrat

15. (1) Notwithstanding anything to the contrary in this Act contained, the Governor in Council or by his direction the Chief Immigration Officer, may grant a permit for a prohibited immigrant (other than an immigrant to whom section 6 applies) to enter and remain in Montserrat either unconditionally or subject to such conditions as to duration and place of residence, occupation, or any other matter or thing, whether prescribed or not, as the Governor may think expedient. *(Amended by Act 24 of 1982)*

(2) Immigration officers may grant permits for prohibited immigrants to remain in Montserrat for temporary purposes in accordance with the provisions of this Act.

Temporary permits for sick persons

16. (1) An immigration officer may, with the consent of a medical officer, grant a permit for an immigrant suffering from a contagious or infectious disease to remain in Montserrat for the purposes of treatment, subject to such conditions as the medical officer may deem necessary for the protection of the community.

(2) The grant of a permit under this section shall not prejudice a subsequent decision that the immigrant is a prohibited immigrant on

* See the Passport (Exemption) Order at page 56 in the subsidiary legislation of this Chapter.

another ground and any consequential action which may be taken under this Act.

(3) On the conclusion of his treatment or at such earlier time as may be specified in the permit or communicated to him by the immigration officer, the immigrant shall present himself in person to the immigration officer for examination.

Temporary permits pending appeal, etc

17. (1) Whenever—

- (a) a prohibited immigrant has delivered notice of appeal;
- (b) a prohibited immigrant is ordered to leave Montserrat;
- (c) the Chief Immigration Officer postpones deciding whether a person is a prohibited immigrant; or
- (d) security is required to be given in respect of an immigrant,

the Chief Immigration Officer may grant a permit for the immigrant to remain in Montserrat for so long as the immigration officer considers necessary.

(2) In lieu of granting the permit or on revocation or expiration of the permit, the Chief Immigration Officer may cause the immigrant to be arrested and brought before a Magistrate's Court which may either order the permit to be granted, restored, or renewed and the immigrant to be released, or order the immigrant to be detained in custody until the matter is disposed of or until an opportunity occurs for him to leave Montserrat, as the case may require.

Control of entry

18. (1) Where a person desires to remain in Montserrat as a visitor or as a passenger in transit for a period not exceeding six months, an immigration officer may, if so requested and without deciding whether that person is or is not a prohibited immigrant, grant him a permit to remain in Montserrat for such period not exceeding six months as may be specified in the permit.

(2) The period granted under subsection (1) of this section may be extended from time to time by the Chief Immigration Officer up to a maximum of twelve months from the date of entry.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, a permit may be granted by the Chief Immigration Officer on the direction of the Governor in Council for such longer period as the Governor in Council may think fit.

(4) If a visitor or passenger in transit fails to leave Montserrat on or before the expiration of the permit or any extension thereof granted under the provisions of subsection (2) or (3) of this section he shall be deemed to be a prohibited immigrant and may be dealt with as such.

(5) Notwithstanding anything contained in this section, a citizen of a Member State of the Organisation of Eastern Caribbean States landing in Montserrat from any place beyond Montserrat, is entitled to remain in Montserrat for a period of 6 months, except where he is a prohibited immigrant under the Act or where his permit to enter or remain in Montserrat is revoked under section 24 of the Act.

(Substituted by Act 18 of 1970 and amended by Act 24 of 1982 and Act 4/2002)

Permit of permanent residence and economic residence

19. (1) Notwithstanding anything contained in this or any other Act in force in Montserrat, the Governor in Council may grant to a person not belonging to Montserrat a permit of permanent residence or permit of economic residence subject to such conditions as he may think fit.

(2) Where a permit of permanent residence or permit of economic residence is granted to any person under this section, the Governor in Council may at any time on the application of such person endorse the permit to include the spouse (not living apart from him or her under a decree of a competent court or a deed of separation) or the child, stepchild or adopted child (having been adopted in a manner recognised by law) of such person.

*(Inserted by Act 18 of 1970 and
amended by Acts 24 of 1982, 6 of 1984 and 13 of 1997)*

Revocation of permit of permanent residence

20. (1) The Governor in Council may, by Order in writing, revoke any permit of permanent residence or permit of economic residence, or any endorsement thereon, on the grounds that the person to whom it relates—

- (a) has, subsequently to the grant of such permit or to the endorsement thereon, been ordinarily resident outside Montserrat continuously for a period of three years; or
- (b) has, in any country, been imprisoned for a criminal offence; or
- (c) has so conducted himself or herself that in the opinion of the Governor in Council it is not in the public interest that he or she should continue to enjoy the privileges conferred by such permit; or
- (d) being the spouse of the person to whom the permit was granted, has ceased to be married to that person by reason of dissolution or annulment of the marriage, or has commenced to live apart from the person to whom the permit was granted under a decree of a competent court or under a deed of separation.

(2) No order shall be made by the Governor in Council in exercise of the powers conferred on him by subsection (1) of this section unless the

person against whom the order is proposed to be made has first been given a notice in writing of the grounds on which it is proposed to make the order, and has been afforded an opportunity to be heard in respect thereof.

(3) No appeal shall lie against an order made by the Governor in Council in exercise of the powers conferred on him by subsection (1) of this section unless such appeal be directed to identity only of the person affected by the order.

*(Inserted by Act 18 of 1970 and
amended by Acts 24 of 1982, 11 of 1987 and 13 of 1997)*

Control of employment

21. (1) No person, not belonging to Montserrat within the meaning of paragraph (b) of subsection (2) of section 2 of this Act, shall—

- (a) engage in any occupation in Montserrat for profit or reward;
- (b) be employed in Montserrat for a wage, salary or other remuneration; or
- (c) engage or take part in any musical, dramatic or artistic performance of any kind, whether for gain or otherwise, or use any instrument or device whatsoever in either or any such performances aforesaid save in a Church or in such institution or for such purposes specifically approved by the Governor in Council,

unless there is in force in relation to such person a valid work permit, and he so engages, performs or is so employed in accordance with the terms and conditions which may be specified in such permit. *(Amended by Act 29 of 1975)*

(2) Any person not belonging to Montserrat as aforesaid, who performs, whether for reward or not, or engages in any occupation in Montserrat for profit or reward or is employed in Montserrat for wage, salary or other remuneration in contravention of either paragraph (a) or (b) of subsection (1), or engages in any performance in contravention of paragraph (c) of subsection (1) of this section, and any person who engages or has in his employment in Montserrat or permits to perform on premises belonging to him any person not belonging to Montserrat and in respect of whom there is no valid work permit subsisting or who is employed or engaged contrary to the terms of any relevant work permit, shall be guilty of an offence against this Act and shall in either case be liable on summary conviction therefor to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment; and in the case of a continuing offence, to a further fine not exceeding \$100 for each day during which the offence continues.

(Substituted by Act 29 of 1975 and amended by Act 7 of 1993)

(3) Any person not belonging to Montserrat who is convicted of an offence under the provisions of this section may be deemed a prohibited immigrant and be dealt with as such.

(4) Upon the trial of any person for a contravention of any of the provisions of subsection (1) of this section, it shall be presumed that the person alleged to have been engaged for profit or reward or to have been employed for a wage, salary or other remuneration in contravention of the said subsection (1) is not a person belonging to Montserrat unless the contrary is proved by the person charged.

(Inserted by Act 18 of 1970)

Exemptions from provisions of section 21

22. The provisions of section 21 shall not apply to—

- (a) a Judge of the High Court or of the Court of Appeal of the Eastern Caribbean Supreme Court and the Chief Registrar of the said Supreme Court; or
- (b) any person employed in the service of the Crown in a civil capacity in respect of the Government of Montserrat, whether or not that person receives remuneration from the Government of Montserrat; or
- (c) any of the persons referred to in paragraphs (b), (d), (e) and (f) of section 7 of this Act; or
- (d) such other persons or classes of persons as the Governor in Council may by Order from time to time determine.

(Inserted by Act 18 of 1970 and Amended by Act 11 of 1987)

Grant and production of work permits

23. (1) An application for the grant of a work permit shall be addressed to the Governor in Council who may grant the permit either with or without conditions or may refuse to grant it.

(2) A work permit shall be in such form as the Governor in Council may think fit, and different forms of work permits may be issued in respect of different classes of persons as the circumstances may require.

(3) Every work permit shall be kept by the person to whom it was issued, who shall at all times produce the permit to any member of the Police Force when requested so to do:

Provided that, if, within 48 hours after the production of his work permit was required, the holder thereof produces it in person at such police station as may be specified to him at the time its production was required, he shall not be charged under subsection (5)(a) of this section.

(4) Every person having in his possession a work permit appearing to have been issued under this Act shall answer all questions put to him by any member of the Police Force for the purpose of establishing his identity.

(5) Every person who—

- (a) fails without reasonable excuse or refuses to produce a work permit as required by subsection (3); or

(b) refuses to answer any questions put to him contrary to subsection (4),

shall be guilty of an offence against this Act and shall be liable on summary conviction therefor to a fine not exceeding \$100 or to imprisonment for a term not exceeding four months.

(Inserted by Act 18 of 1970 and amended by Act 24 of 1982)

Revocation of permits

24. (1) A permit granted under this Act may at any time be revoked or varied by the Governor or by the Chief Immigration Officer acting on the direction of the Governor, or by an immigration officer acting on the direction of the Governor or of the Chief Immigration Officer. *(Substituted by Act 25 of 1975)*

(2) Where a permit is revoked, the immigrant may be arrested and brought before a Magistrate's Court which shall deal with the immigrant according to law:

Provided that the Court may, if the permit was not revoked by or by the direction of the Governor, order the permit to be restored and the immigrant to be released.

Orders for prohibited immigrants to leave Montserrat

25. In the event of the Chief Immigration Officer deciding that a person is a prohibited immigrant, the Chief Immigration Officer may in his discretion—

- (a) within fifteen days after the arrival of such person in Montserrat, order him to leave Montserrat within a specified period, and, if the Chief Immigration Officer sees fit, by a specified vessel; or
- (b) cause him to be arrested and brought before a Magistrate's Court with a view to an order being made for his removal.

Removal orders

26. (1) If any person is held to be a prohibited immigrant, then subject to the provisions of this Act and the terms of any permit granted under this Act, any Magistrate's Court may on the application of an immigration officer, or of any person deputed in writing by the Chief Immigration Officer for the purpose of making such application, order the immigrant to be removed from Montserrat and in the meantime to be detained in custody:

Provided that no application for such order shall be entertained unless the application is made—

- (a) if he entered Montserrat in accordance with a permit granted under section 9, within six months after the decision of the Chief Immigration Officer that he is a prohibited immigrant;

- (b) if he entered Montserrat in accordance with a permit granted under section 16, within six months after the date on which such immigrant should have presented himself in person to the immigration officer for examination;
- (c) if he entered Montserrat in accordance with a permit granted under section 15 or 18, within six months after the expiry of such permit;
- (d) in any case in which an appeal has been made to a Magistrate's Court or the Court of Appeal against a decision that he is a prohibited immigrant, within six months after the determination of the appeal;
- (e) in other cases, within six months of his arrival in Montserrat.

(2) Any immigrant ordered to be removed may be placed on board a suitable aircraft or vessel by any police officer or immigration officer and may be lawfully detained in custody on board so long as the aircraft or vessel is within the territorial limits of Montserrat.

(3) Where an immigrant who is ordered to be removed is serving a sentence of imprisonment, the Governor in Council may give directions as to whether the whole or what part of the sentence is to be served before removal. In default of such directions, the immigrant shall be removed after completion of the sentence.

(Amended by Act 24 of 1982)

Master to furnish list of persons and penalty for false information

27. (1) The master of a vessel arriving from any place outside Montserrat or departing from Montserrat shall, if so required, furnish any immigration officer with a list in duplicate signed by himself of the names of all persons in the vessel and such other information as may be prescribed, and every such person shall supply the information necessary for the purpose of the list.

(2) Any master who shall either refuse to supply such list or to answer any such questions or who shall knowingly and wilfully give an untrue answer thereto shall be liable on summary conviction to a fine of \$1,000.

(3) Any person intending to enter Montserrat who shall knowingly and wilfully supply any false information in respect of such list or in answer to any proper question put to him by an immigration officer in respect of the particulars required for such list or otherwise for the purposes of this Act shall be liable on summary conviction to a fine of \$1,000.

(Amended by Acts 24 of 1982 and 11 of 1987)

Master may prevent landing

28. The master of a vessel may use all reasonable and proper means (including force if necessary) to prevent any person landing in Montserrat contrary to the provisions of this Act.

Master to be held harmless

29. The master of any vessel may, on the desertion of any seaman, or the landing of any stowaway, or prohibited immigrant on board his vessel, apply to a Magistrate who shall grant such application, unless there are special reasons for not doing so, for a warrant to arrest and convey back on board ship such seaman, stowaway, or prohibited immigrant, and on so doing such master shall be held harmless of all pains and penalties at law for so doing.

Liability of vessel to repatriate a prohibited immigrant

30. (1) Any person to whom leave to disembark has been refused and who has not given notice of appeal as hereinafter provided shall be removed from Montserrat by the master of the vessel in which he arrived, and by that same vessel, or with the consent of an immigration officer he shall be removed by the owner or agent of that vessel, by any other vessel, to the country to which he belongs or from which he embarked for Montserrat.

(2) If an immigrant, in respect of whom notice was given to the master or local agent or owner of a vessel as required by subsection (1) of section 40, is ordered to be removed from or to leave Montserrat within sixty days of his arrival in Montserrat, the master of the vessel in which the immigrant arrived or of any vessel belonging to the same owner or chartered by him shall at the request of an immigration officer and on production to him of the order receive the immigrant (and any of his dependants whom he may have brought with him by the same vessel into Montserrat) on board and afford them a passage to the country to which the immigrant belongs or from which he embarked for Montserrat.

(3) In the event of the immigrant and his dependants being unable to defray the expenses of the passage required to be provided under the preceding subsections the master shall nevertheless provide the immigrant (and any of his dependants whom he may have brought with him by the same vessel into Montserrat) with suitable accommodation and maintenance during the passage free of charge to the public funds of Montserrat; saving nevertheless to the master the right to recover such expenses from the immigrant and his dependants.

(4) Except as provided in the preceding subsections, the expenses of passage of a prohibited immigrant and his dependants (if any) removed from Montserrat shall be payable from the public funds of Montserrat in so far as they are not defrayed by the immigrant and his dependants.

Master and owners of vessel liable for expenses

31. The master, owners and agents of any vessel from which any person lands in Montserrat contrary to the provisions of this Act shall be jointly and severally liable for all expenses incurred by the Government in detaining and maintaining such person pending deportation and such expenses shall be recoverable as a debt due to the Crown from the master, owners and agents.

Recovery of expenses

32. (1) The Magistrate if satisfied that any expenses have been or will be incurred by the Government in connection with the maintenance, medical treatment, or removal of an immigrant, his wife, children, or dependants may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the immigrant.

(2) Such warrant may be executed in the same manner as a warrant for the levy of the amount of a fine imposed by the Magistrate's Court.

(3) The partial recovery of expenses under this section shall not prejudice the liability of any surety for the balance, nor shall the issue or execution of a warrant under this section be a condition precedent to the liability of a surety.

(Amended by Act 24 of 1982)

Certificate of identity

33. The Chief Immigration Officer may in his discretion authorize the issue of a certificate of identity to any person who belongs to Montserrat and who desires to proceed thereout with the intention of returning and is for any reason apprehensive that he will be unable to prove on his return that he is not a prohibited immigrant.

Issue of certificate of character

34. The Chief Immigration Officer may, on the request of any person, issue to such person a certificate of character in such form as may be prescribed by him attesting to any particulars of the person's character as may be contained in the police records of Montserrat. *(Inserted by Act 12 of 1993)*

Conditions and restrictions relating to permits and certificates

35. (1) A person to whom a permit or certificate under this Act has been granted shall at all times produce it to any immigration officer or police officer on demand and shall not lend, transfer, or assign it to any other person.

(2) No person shall borrow or make use of a permit or certificate which has been granted under this Act to any other person.

(3) A person having in his possession a permit or certificate appearing to have been granted under this Act shall answer all questions put to him by an immigration officer for the purpose of establishing his identity with the person named in the permit or certificate, and shall, if so required by an immigration officer, submit to his finger-prints being taken for that purpose.

(4) Any person who—

- (a) borrows or makes use of any permit or certificate which has been granted to any other person under this Act; or
- (b) lends, gives or otherwise transfers to any other person any permit or certificate granted to him under this Act; or
- (c) refuses or without reasonable excuse fails to produce a permit or certificate as required by subsection (1) of this section,

shall be guilty of an offence against this Act and shall be liable on summary conviction therefor to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding six months. (*Inserted by Act 18 of 1970 and amended by Act 24 of 1982*)

Photographs and fingerprints may be taken

36. A person held to be a prohibited immigrant or to whom a permit is issued shall, if so required by any immigration officer, submit to his photograph and fingerprints being taken by such immigration officer or by any person deputed by the Chief Immigration Officer for the purpose.

Place of detention

37. A person detained in custody under this Act but not serving a sentence of imprisonment may be so detained either in the gaol or in any place appointed for the purpose by the Governor in Council, but if detained in the gaol, shall be treated as a person awaiting trial. (*Amended by Act 24 of 1982*)

Police to assist immigration officers

38. It shall be the duty of all police officers whenever necessary or at the request of an immigration officer to assist the immigration officer in the exercise of his powers and performance of his duties under this Act.

Power to make regulations

39. The Governor in Council may make regulations prescribing—

- (a) the powers and duties of immigration officers;
- (b) the steps to be taken to prevent the entrance of prohibited immigrants to Montserrat;

- (c) the ports of entry and the times, places and conduct of the inquiry or examination, medical or otherwise, of persons entering or desiring to enter Montserrat, or who being found in Montserrat are suspected of being prohibited immigrants;
- (d) the means to be taken for the identification of any person believed to be a prohibited immigrant, including the taking of photographs and finger impressions;
- (e) lists of contagious or infectious diseases, the affliction with which will render a person a prohibited immigrant;
- (f) the procedure for and the manner of the detention of prohibited immigrants pending their removal from Montserrat and the procedure necessary for and the manner of such removal;
- (g) the fees to be paid for—
 - (i) the issue and renewal of passports;
 - (ii) British visas to aliens for the purpose of visiting Montserrat;
 - (iii) work permits and permits of permanent residence;
(Inserted by Act 18 of 1970)
- (h) the permits and the certificates which may be issued under this Act, the conditions upon which any such permit or certificate shall be issued, the circumstances under which they may be cancelled and the fees which may be charged for any such permit or certificate; and the amount and nature of the security to be found for the due carrying out of any conditions upon which a permit to enter and reside for a specified period may be issued to an immigrant;
- (i) the forms of warrants, permits, certificates or other documents to be issued or used or of the declarations to be made or of the books to be kept for the purposes of this Act and the particulars to be inserted in any such document, declaration or book;
- (j) the forms of and methods of issue of work permits; records to be kept of work permits; employers' returns of work permits; variation, cancellation and control of work permits; and exemptions from work permits and the forms of such exemptions; *(Inserted by Act 18 of 1970)*
- (k) generally for the better carrying out of the objects and purposes of this Act;
- (l) penalties for the breach of any regulation made under this Act.

Appeal against detention or restriction of prohibited immigrant

40. (1) Whenever leave to enter Montserrat is withheld by an immigration officer or whenever any person is detained, restricted or arrested as a prohibited immigrant notice of that fact and the grounds of refusal, detention, restriction or arrest shall be given by the officer to such person in the prescribed form. If such notice is given within seven days of the arrival of any immigrant, the immigration officer giving such notice shall also inform, if known, the master or owner or local agent of the vessel by which the immigrant arrived that such notice has been given.

(2) Except as provided in this section, every immigrant to whom such notice has been given may appeal to the Magistrate's Court. Notice of the appeal must be given to the Magistrate's Court and to the Chief Immigration Officer within seven days of the decision appealed against.

(3) An appeal shall lie from the decision of the Magistrate's Court to the Court of Appeal.

(4) No court fee shall be charged for the hearing of any appeal.

(5) Pending the hearing of an appeal to the Magistrate's Court no warrant shall be issued or enforced for the removal as a prohibited immigrant of the person so appealing but should it be held on the hearing of any such appeal that the immigrant to whom notice has been given under subsection (1) is a prohibited immigrant and should no appeal to the Court of Appeal from such decision be noted within fourteen days of the date of such decision, the Magistrate shall issue a warrant for the removal of the prohibited immigrant. In like manner should it be held on appeal to the Court of Appeal that the appellant is a prohibited immigrant, the Court shall issue a warrant for the removal of the prohibited immigrant.

(6) No appeal shall lie against the decision of the Governor, or the Governor in Council, as the case may be, in regard to any of the persons mentioned in sections 5(f) and 6 unless such appeal be directed to identify only of the person affected by the decision.

Offences

41. (1) Any prohibited immigrant who knowingly and wilfully lands or suffers himself to be landed and any person who knowingly lands or permits to land or procures to be landed or who aids or assists in landing any prohibited immigrant contrary to the provisions of this Act shall be guilty of an offence against this Act.

(2) Any person who—

(a) lands or wilfully assists any person to land in Montserrat contrary to the provisions of this Act; or

(b) for the purpose of entering Montserrat, or of remaining therein, in contravention of this Act, or of assisting any other person so to enter or so to remain, fabricates or falsifies any permit, passport, visa, certificate or other document or utters,

uses or attempts to use any permit, passport, visa, certificate or other document which has not been issued by lawful authority, or which, though issued by lawful authority, he is not entitled to use, or any fabricated or falsified permit, passport, visa, certificate or other document, knowing it to have been fabricated or falsified; or

- (c) fails to comply with or contravenes the conditions under which any permit, passport, visa, certificate or other document has been issued to him under this Act; or
- (d) obstructs, hinders or opposes any immigration officer or police officer in the execution of his duty under this Act,

shall be guilty of an offence against this Act.

Penalty

42. Any person guilty of an offence against this Act for which no express penalty is provided shall be liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding six months; and in any case in which the offender has contravened or failed to comply with the provisions of subsection (1), (2) or (3) of section 12, proceedings may, notwithstanding anything to the contrary in any other law, be brought at any time. (*Amended by Acts 25 of 1975 and 24 of 1982*)

IMMIGRATION REGULATIONS
ARRANGEMENT OF REGULATIONS

REGULATION

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SCHEDULE

IMMIGRATION REGULATIONS – SECTION 39

(S.R.O.s 14/1947, 19/1950, 3/1951, 24/1953, 20/1957, 5/1959, 19/1970, 44/1975, 4/1984, 13/1985, 34/1985, 10/1988, 6/1993, 21/1993, 16/1994, 41/1994, 60/1999 and 7/2008)

Short title

1. These Regulations may be cited as the Immigration Regulations.

Interpretation

2. In these Regulations “the Act” means the Immigration Act.

Return of Passengers

3. (1) The master of every ship, whether a British or a foreign ship, carrying any passengers to a port in Montserrat from any place out of Montserrat, shall furnish to an immigration officer, at the time of his visiting the ship on arrival, a correct return in the Form “A” in the Schedule.

(2) The master of every aircraft arriving in Montserrat with passengers from any place outside Montserrat shall furnish to the immigration officer a correct Passenger Manifest in the Form “A1” in the Schedule.

Examination of Immigrants

4. An examination of persons arriving in Montserrat from a place outside Montserrat shall be conducted by an immigration officer on the vessel by which such persons arrived, or at any other place convenient for the purpose as the immigration officer may direct. Every such person (except a person upon whose travel document there is a permit exempting him from preparing an Embarkation/Disembarkation Card when leaving or entering Montserrat) before being permitted to enter or remain in Montserrat shall, if so required by the immigration officer, supply him with the necessary particulars to enable such officer to fill in and complete or cause to be filled in and completed in duplicate an Embarkation/Disembarkation Card in the Form “B” in the Schedule. On the completion of the said Form the same shall be signed by such person and by the immigration officer in the appropriate places therein provided.

Evidence of Means and Security to be Furnished

5. (1) Whenever security has to be furnished by an immigrant, such security shall be in the form of a deposit made with the Accountant General and the amount shall be not less than that required to pay for a single economy class air fare to the country having a legal duty to receive him (as shown by the country issuing his passport, or other travel documents). (*Substituted by S.R.O. 3/1973*)

(2) The amount of such deposit shall be applied in indemnifying public funds for all costs, charges and expenses incurred in regard to the immigrant within two years of his arrival in Montserrat (the balance, if any, or the whole if no part is applied as aforesaid being repaid to the immigrant).

(3) A person on a temporary visit to Montserrat, shall, if required by an immigration officer, produce evidence to his satisfaction—

- (a) of being in employment elsewhere and intent to return thereto; or
- (b) of possession of a return ticket; or
- (c) of the possession of a sum of money sufficient to enable him to maintain himself during the period of his visit and to provide for his return fare or of its immediate availability.

(4) The immigration officer may accept as sufficient evidence that the immigrant is not likely to become a public charge if (not being a person suffering from infirmity of mind or body or ill-health) he is satisfied that *bona fide* employment is awaiting the immigrant in Montserrat; the evidence to support such contention must show the nature and period of the employment and the proposed wage, and be supported as to the ability of the prospective employer to carry out his undertaking and include an undertaking by the employer to repatriate the immigrant if the engagement is terminated with two years from the time he landed in Montserrat.

Medical examination

6. (1) A medical officer shall, when necessary and required,* be present at the examination of persons entering or seeking to enter Montserrat from a place outside Montserrat, and shall indicate to the immigration officer any person who ought, in the opinion of such medical officer, to be medically examined. The immigration officer may require any such person, and of any other person entering or found within Montserrat from a place outside Montserrat who is required to submit to such medical examination.

(2) The medical examination of any person entering or seeking to enter or found in Montserrat from a place outside Montserrat shall take place at such place as may be convenient, and as soon as possible after the arrival of such person, or after the person is found and a report as to the result of such examination shall be rendered to the immigration officer.

Certificate of Identity

7. (1) A certificate of identity issued in terms of section 33 of the Act to persons who belong to Montserrat may be in the Form “D” in the Schedule, and subject to the conditions therein set out, or to any modifications required in the particular circumstances; and every such certificate shall contain such particulars as may be deemed necessary for the purpose of identification.

(2) No certificate of identity shall be issued unless there be presented to the immigration officer such evidence as he may require as to the identity of the applicant and of his claim that he belongs to Montserrat, and of the particulars required.

(3) The applicant for a certificate of identity shall submit to the immigration officer his application in the Form “E” in the Schedule.

* See the Immigration (Health Certificate) Regulations at page 75 in this Chapter.

Permit in Respect of Sick Persons

8. The temporary permit which may be issued to a sick person under section 16 of the Act shall be in the Form “F” in the Schedule and under the conditions set out in regulation 10. Every such permit shall, further, be issued subject to such of the special conditions set out in the Form “F” as may be prescribed in any case, and such conditions shall be accepted in writing by the holder of the permit before the permit is issued to him.

Permits in Respect of Temporary Immigrants

9. (1) The temporary permit which may be issued to an immigrant under sections 9, 15 and 18 of the Act shall be in the Form “G” in the Schedule and subject to the conditions set out in the said Form and in regulation 10, and shall entitle such person to enter or pass through Montserrat to some destination beyond or to reside temporarily in Montserrat for some approved purpose. Every permit shall contain such particulars and marks together with any fingerprints as may be deemed necessary for purposes of identification.

(2) Notwithstanding the provisions of subregulation (1), an immigration officer may endorse on the passport or other travel document of a visitor or passenger intransit permission to remain in Montserrat for such period and on such terms and conditions as he may state thereon and such endorsement shall be in such form as the Chief Immigration Officer may from time to time determine. (*Inserted by S.R.O. 19/1970*)

Conditions of Temporary Permits

10. (1) Unless in any individual case the giving of security is considered unnecessary by the Governor the immigrant who applies for a temporary permit shall be required to deposit the amount appropriate to his case, or if the Governor so approves, give a security bond for such amount as provided by regulation 5(1), as a security for the observance by him of the conditions imposed under the permit. The deposit shall only be refunded upon the fulfilment of such conditions and upon such person leaving Montserrat within the period for which the permit was issued, or upon the cancellation of the conditions by the Governor.

(2) It shall be deemed to be a condition of every temporary permit that the holder shall report to the officers and at the periods and places specified in such permit, and, if the holder gives any false or misleading address, he shall be liable to a forfeiture of his permit and of the deposit made or bond given by him or on his behalf, and to be dealt with as a prohibited immigrant.

Work Permits

11. (1) Every application for a work permit under section 23 of the Act in relation to a person who is, or is about to be employed by another shall be in the form set out as Form “L” in the Schedule hereto.

(2) Every application for a work permit to engage in any occupation in Montserrat shall be in the form set out as Form “M” in the Schedule hereto.

(3) A work permit issued under the Act shall be in the form set out as Form “N” in the Schedule hereto.

(4) Upon receipt by the applicant of a notification issued by or on behalf of the Governor that his application has been approved, the applicant shall pay the prescribed fee in stamps to be affixed to the permit and upon such payment the Governor shall cause to be issued to the applicant a work permit in the prescribed form.

- (5) (a) Any employer who has in his employment any holder of a work permit or other person to whom the Act applies shall between the 1st day of January and the 15th day of January of each year furnish to the Governor a return in the form set out as Form “O” in the Schedule hereto.
- (b) Notwithstanding the provisions of sub-paragraph (a) the Governor may at any time, request any employer to submit to him a return and every employer shall comply with any request so made.
- (c) The person to whom, or in relation to whom, a work permit has been issued, shall, within fourteen days, notify the Governor in writing of any change in circumstances affecting the accuracy of the particulars furnished by, or in relation to, such persons or recorded in the register of work permits established under regulation 12 of these Regulations.

(6) Any person exempt from the provisions of the Act by virtue of section 23 may, if he so desires, apply to the Governor for a certificate of exemption which shall be in the form set out as Form “R” in the Schedule hereto.

(Inserted by S.R.O. 19/1970)

Registers

12. (1) There shall be established and maintained at the office of the Chief Immigration Officer a register, together with an alphabetical index thereto, of persons to whom permits of permanent residence have been issued. The register shall be in the form set out as Form “Q” in the Schedule hereto.

(2) There shall be established and maintained at the office of the Chief Immigration Officer a register, together with an alphabetical index thereto of persons to whom, or in respect of whom work permits have been issued. The register shall be in the form set out as Form “R” in the Schedule hereto.

(3) Where, in the exercise of the power conferred by section 24 of the Act, the Governor revokes or varies a permit, the entry in the register relating to the issue of such permit shall thereupon be altered accordingly.

(Inserted by S.R.O. 19/1970)

Replacement or Amendment of Permits

13. (1) Where a permit has been lost, damaged or defaced the person to whom such permit was issued may in writing, setting out the circumstances, apply to the Governor for the replacement of the same; and the Governor shall if he thinks fit issue

to such person a new permit. The appropriate entry in the register in relation to the permit so lost, damaged or defaced shall thereupon be cancelled.

(2) The holder of a permit who desires to have the same amended may apply in writing to the Governor setting out the details of the proposed amendments and the reasons therefor together with the permit; and the Governor may amend or vary the permit as he may think fit.

(3) The Governor may waive the fee payable in respect of the replacement, amendment or variation of permit under this regulation.

(Inserted by S.R.O. 19/1970)

Provisional Restriction

14. The immigration officer, after commencing his examination of any person who has not satisfied him that he is not a prohibited immigrant, may provisionally restrict the admission to Montserrat of such person, or cause his detention in custody, and may cause such enquiries to be made, or await such further information as may be necessary, before finally informing any person in accordance with section 40 of the Act that he is a prohibited immigrant, and that he may appeal to the Magistrate's Court.

Arrest of Suspected Prohibited Immigrant

15. In the event of an immigration officer becoming aware of any circumstances constituting reasonable grounds for suspecting that any person within Montserrat is a prohibited immigrant in Montserrat he shall apply to a Magistrate for a warrant of arrest, in the Form "H" in the Schedule, and shall cause such person to be brought before him, and thereupon proceed to examine him in order to ascertain whether such person is a prohibited immigrant, and such person may, if necessary, be detained pending the completion of such enquiry, and may be further detained thereafter as hereinafter provided if it is found that he is a prohibited immigrant, or shall otherwise proceed in terms of section 25 of the Act.

Records of Prohibited Immigrants

16. The immigration officer shall, in the case of every person deemed to be a prohibited immigrant, enter on the Form "I" in the Schedule a full record of his examination of such person.

Taking of Photographs, etc., of Prohibited Immigrants

17. The immigration officer may, for the purposes of identification, take or cause to be taken, the measurements, photograph and fingerprint impressions of any person believed to be a prohibited immigrant.

Procedure on Appeal by Prohibited Immigrant

18. (1) It shall be the duty of an immigration officer, after having notified a person whom he has declared to be a prohibited immigrant and when he is informed by such person that it is his intention to appeal to a Court, to supply to such person for completion by him in duplicate a notice of appeal in Form "J" in the Schedule.

(2) On receipt of such notice of appeal by the immigration officer in a completed form from the appellant, he shall arrange for the reception of the appellant at the detention depot, or at such other place as may be approved for his accommodation, pending the determination of his appeal; or should the appellant so request, and on his giving security in the manner provided by regulation 5 (1), the immigration officer shall issue a temporary permit allowing him to remain in Montserrat and release him from detention pending the hearing of his appeal to the Magistrate or any subsequent appeal.

(3) At the hearing of an appeal to the Magistrate there shall be placed before the Magistrate a statement by the immigration officer of the grounds upon which he has deemed the appellant to be a prohibited immigrant, and the Court shall inform the appellant accordingly. The appeal shall then be heard summarily in the same manner as on a complaint made and the Magistrate shall at the conclusion thereof endorse on the notice of appeal which was completed by the appellant in accordance with subregulation (1) his decision in regard to that appeal.

(4) The Magistrate shall, in his consideration of a case brought before him, determine on the facts whether the appellant is or is not a prohibited immigrant coming within the class or classes alleged by the immigration officer or of any of the other classes described in the Act, or, if he is one of such classes, shall determine whether he has or has not brought proper proof that he is a person exempt under the Act from being a prohibited immigrant and if the Magistrate finds as a fact that the appellant comes within one of the classes of prohibited immigrants and the appellant has not brought proper proof or has otherwise failed to satisfy him that he a person so exempt, he shall dismiss the appeal.

(5) If the appeal be dismissed, the appellant shall remain in the custody of the immigration officer who shall forthwith take such steps as may be required for his removal from Montserrat, or for such temporary or conditional residence within Montserrat as may be permitted under the Act, unless the appellant shall have notified his intention to appeal further to the Court of Appeal in which case the appellant shall remain at the detention depot or other approved place or continue under the terms of his temporary permit until the further appeal has been heard; and if such further appeal has been dismissed, the immigration officer shall then arrange for the removal of the appellant from Montserrat. If the appeal to the Magistrate's Court or to the Court of Appeal be allowed, the appellant shall be discharged from custody or shall be relieved from the conditions of any temporary permit issued to him.

Order of Removal of Prohibited Immigrant

19. Any order which may be issued under the Act for the removal of a prohibited immigrant from Montserrat shall be in Form "K" in the Schedule.

Detention of Prohibited Immigrants or Suspected Immigrants

20. (1) Any gaoler or other officer shall accept custody of any person on the order of the immigration officer, or on the order of a Magistrate issued at the request of the immigration officer, but no person shall be so detained in custody for any longer period than is necessary for the purpose of any prescribed enquiry or for the completion by the immigration officer of arrangements for the removal of such person from Montserrat at the first reasonable opportunity.

(2) The production of an order of removal shall be sufficient authority to any gaoler or other officer to deliver the person named therein to the escort appointed to bring such person to any place for the purpose of removal in terms of such order.

Duties of Person in Charge of Prohibited Immigrant

21. Any person empowered to have custody and control of any person detained as a prohibited immigrant shall carry out such duties as are assigned to him by an immigration officer.

Authority to Board Vessels

22. For the purpose of administering the Act and these Regulations, all officers appointed thereunder are hereby authorized and empowered to board any vessel at any time and at all places in Montserrat.

Applications for Passport

23. Applications for passports must be addressed to the Officer Administering the Government of Montserrat. Applications must be accompanied by two photographs of the applicant.

Issue of Passports

24. Passports may be issued to the following persons within Montserrat—

- (a) British citizens;
 - (b) British Dependent Territories citizens;
 - (c) British Overseas citizens;
 - (d) British Protected Persons;
 - (e) British subjects under sections 30, 31, 32 or 33 of the British Nationality Act, 1981.
- (Substituted by S.R.O. 4/1984 and amended by S.R.O. 34/1985)*

Declarations to be Made

25. Passports will be issued—

- (a) in the case of persons over 16 years upon the presentation of a completed application in the form prescribed by the Governor in Council duly countersigned and certified by a member or officer of any banking firm established in Montserrat, or by any Magistrate, Justice of the Peace, Minister of Religion, Barrister-at-Law, Medical Officer or Notary Public resident in Montserrat. The applicant's certificate of birth and other evidence may also be required.
(Amended by S.R.O. 34/1985)
- (b) in the case of persons under 16 years requiring a separate passport, upon the presentation of a completed application in the form prescribed by the Governor in Council duly countersigned and

certified by any one of the persons named in the preceding paragraph.
(Amended by S.R.O. 34/1985)

Evidence of British Nationality

26. All applicants for passports claiming British Nationality under the British Nationality Act, 1981, will be required to produce such evidence as is necessary to establish their British nationality. (Substituted by S.R.O. 4/1984)

Duration of Passport

27. Passports are available and valid for a period of 10 years only, or for such lesser time as the Governor, in his discretion, may prescribe. (Substituted by S.R.O. 4/1984)

Renewals

28. Persons applying for the renewal of their passports should complete the form of application prescribed by the Governor in Council and pay the prescribed fee in stamps. (Substituted by S.R.O. 10/1988)

Loss of Passports

29. No passport will be issued to replace the one lost without producing a written statement from the Commissioner of Police certifying that the loss was reported to the police and that the matter has been fully investigated without result. (Inserted by S.R.O. 10/1988)

Fees for Passports, Certificates of Identity and Related Matters

30. The fees for the issue of passports, certificates of identity and related matters shall be as follows—

(a)	issue of passport for adult	\$150.00
(b)	issue of passport for a child	\$75.00
(c)	replacing lost passport	
	(i) adult	\$350.00
	(ii) child	\$275.00
(d)	replacing damaged or defaced passport .	
	(i) adult	\$350.00
	(ii) child	\$275.00
(e)	issue of certificate of identity	\$50.00
	
(f)	replacing passport lost due to fire, flood or hurricane	
	(i) adult	\$150.00
	(ii) Child	\$75.00
(g)	grant of extension of permit to remain in Montserrat as a visitor	\$75.00
(h)	issue of certificate of character	\$50.00
(i)	Emergency certificate	\$50.00

(Substituted by S.R.O. 7/2008)

Persons Abroad

31. Except with the approval of the Governor, a passport will not be issued in Montserrat on behalf of a person already abroad; such person should apply for one to the nearest British Mission or Consulate. (*Amended by S.R.O. 13/1985*)

Offences and Penalties

32. Any person who fails to comply with the provisions of these Regulations shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding \$1,000, and in default of payment, to a term of imprisonment not exceeding six months. (*Inserted by S.R.O. 19/1970 and amended by Act 8 of 1999*)

FORM A1

r.3.

MONTSEERRAT
IMMIGRATION ACT
PASSENGER MANIFEST

PASSENGER MANIFEST		
Owner or Operator		
Aircraft Flight No. Date		
<i>(Registration Marks and nationality)</i>		
Point of Embarkation Point of Disembarkation		
<i>(Place and Country) (Place and Country)</i>		
Surname and Initials	For use by owner or Operator only.	For official use only.
Prepared by Page of Pages		

FORM B

Flight No. LI

CARIBBEAN COMMUNITY E/D CARD

1. Name:	(Surname)	
2. Mr/Mrs/Miss:	(First Names)	
3. Citizen of:		
4. Residence:	(State/Province/Country)	
5. Date of Birth:	Year Month Day	
6. Passport Number	or CARICOM ID Number	or Other Travel Doc No.
.....
7. For arriving passengers (Port of Embarkation):		
8. For departing passengers (Port of Disembarkation):		
9. Purpose of Visit:		
10. Intended Address:		
	 <i>Signature of Passenger.</i>
(FOR OFFICIAL USE ONLY)		

FORM C

r.5(1).

MONTSEERRAT
IMMIGRATION ACT
SECURITY BOND

Know all Men by these Presents that I,
..... of
in Montserrat (hereinafter referred to as the Surety) am held and firmly bound
unto the Accountant General in the sum of \$..... to be
paid to the said Accountant General, for which payment well and truly to be
made I hereby bind myself, my heirs, executors and administrators by these
presents.

Dated this day of, 20.....

Whereas
(herein referred to as the immigrant) who lately arrived in Montserrat by the
vessel/aircraft is a prohibited
immigrant* within the meaning of the
Immigration Act:

And Whereas the said Surety desires to enable the said immigrant to
land in Montserrat.

Now the above written obligation is conditioned to be void if the said
Surety do on demand forthwith pay to the Accountant General any charges
together with expenses of repatriation (if any) which within two years from
the date of these presents may be incurred by the Government of Montserrat
in respect of the said immigrant.

Signed sealed and delivered by the above-named
in the presence of
Signature of Witness
Address
Occupation
Signature of Surety

* or as the case may be.

FORM D

r.7(1).

MONTSERRAT
IMMIGRATION ACT
CERTIFICATE OF IDENTITY

It is certified that
holding passport No. issued by
having appeared before for the
purpose of supplying the means of identification which are now specified
herein, and having intimated that he/she is about to absent himself/herself
from Montserrat for a period of
on a visit to
this document is issued to the said
and, subject to the conditions specified hereunder or endorsed hereon and to
the verification of the marks of identification, will be accepted by the
examining immigration officer without further evidence as proof of the
identity of the said
on his/her return within a period of two years.

Date

Immigration Officer.

Place

CONDITIONS UNDER WHICH THE CERTIFICATE IS ISSUED

1. That, on the return of the person referred to herein to Montserrat, this certificate shall be surrendered to the examining immigration officer.
2. That if the person referred to herein seeks to re-enter Montserrat after a period of two years has elapsed from the date hereof, the protection afforded by this certificate shall be deemed to have lapsed, and he/she shall be required to satisfy the requirements of the Act.
3. This certificate may be held to be invalidated if the person named herein is shown to the immigration officer to have made a false declaration in a material particular when applying for a certificate.

IDENTIFICATION MARKS

.....
.....

FORM E

r.7(3).

MONTSEERRAT

IMMIGRATION ACT

APPLICATION FOR CERTIFICATE OF IDENTITY

Serial No.

Nature of document applied for

Period, if any, for which required

Port of Entry

(If any reply to these questions be in the negative, this should in each case be clearly stated.)

1. Name of applicant in full

2. Applicant's age

3. Country of origin

4. (a) Date and place of applicant's first entry into Montserrat

.....

(b) Full particulars with dates of applicant's subsequent movements and places of residence

.....

5. Particulars of fixed property or other vested interests of applicant in Montserrat or elsewhere

.....

6. Applicant's occupation and means of subsistence

7. Is applicant able to read and write in any European language? If so, in what language

8. Has applicant ever been refused permission to enter Montserrat or any part of the British Commonwealth or expelled therefrom?

9. Has applicant ever been convicted of any crime in any country? If so, for what offence
10. Is applicant suffering from any mental or physical infirmity?
11. State whether applicant is or has been married, and place of residence of wife or family
12. References and particulars of residence and remarks. Special reference should be given to any permit or certificate previously issued
13. Particulars of passport issued to applicant

I,
having been duly cautioned, hereby declare that I fully understand the above questions, and that I have answered them truthfully (and that they have been interpreted to me in which I hereby declare to understand).

Signature or mark of applicant

Address in full

Date

FORM F

r.8.

MONTSEERRAT
IMMIGRATION ACT

**PERMIT TO PERSON SUFFERING FROM A
COMMUNICABLE DISEASE TO ENTER MONTSEERRAT
ISSUED IN TERMS OF SECTION 16 OF THE ACT**

Permission is hereby granted to who is suffering from a communicable disease to enter Montserrat subject to the conditions prescribed in regulation 8 and to the special conditions specified hereunder or endorsed hereon.*

Immigration Officer.

I agree to accept this permit under the conditions herein prescribed.

Immigrant.

Dated, 20.....

CONDITIONS

(a) That the place of residence and every change of residence of the holder of this permit and his manner of transport shall be subject to the approval of the immigration officer.

(b) That the holder of this permit shall not at any time use or occupy any bedroom or other sleeping accommodation used by any other person.

(c) That the holder of this permit shall observe and carry out such regulations as to the conditions of residence, disinfection, and otherwise generally for preventing spread of infection, as are laid down in any law for the time being in force.

(d) That immediately on arrival at any place the holder of this permit shall personally report himself to the District Medical Officer of such place and shall notify his place of residence and any subsequent change of residence.

(e) That the holder of this permit shall present himself at such time and at such place as may be prescribed for medical examination by a Government Medical Officer.

* The immigration officer should insert any other condition and/or strike out on this permit such (if any) of the specified conditions contained herein as may not be necessary.

FORM G

r.9.

MONTSERRAT
IMMIGRATION ACT
TEMPORARY PERMIT

Sum deposited (or) guaranteed

Deposited (or) guaranteed by

(To be refunded on production of this permit when leaving Montserrat,
and on fulfilment of the other conditions imposed hereunder.)

Subject to the conditions specified hereunder or endorsed hereon and to
the verification of the marks of identification, the holder
.....of is
permitted to enter Montserrat for the purpose of

Dated this day of, 20.....

Immigration Officer.

CONDITIONS

1. The holder of this permit shall leave Montserrat within
..... from the date hereof, that is to say, on or
before the day of without expense to
the Government.

2. The holder of this permit shall report to the at
..... at periods of and shall keep
that officer duly advised of his whereabouts.

3. The holder of this permit shall give at least one day's notice of his
intended departure from Montserrat.

I/We agree to the
above conditions, and I/We clearly understand that any breach of these will
involve the forfeiture of the above deposit and will render the holder liable to
be further dealt with according to law.

Signature of holder

Signature of depositor or surety

Witness

Place

IDENTIFICATION MARKS

.....
.....

I hereby certify that I acted as interpreter for the purpose of this application.

Signature

Address

Declared before me at day of, 20.....

Immigration Officer.

Fingerprints.
Left.



Fingerprints.
Right.



FORM H

r. 15.

MONTSERRAT
IMMIGRATION ACT
WARRANT OF ARREST

On the complaint of _____ Immigration Officer.

vs.

.....

TO ALL CONSTABLES AND OTHERS OF THE LAW,
PROPER TO THE EXECUTION OF THIS WARRANT

Whereas, from information taken upon oath before me there are reasonable grounds of suspicion against of that he/she is a prohibited immigrant and is within Montserrat in contravention of the Immigration Act.

These are therefore, in Her Majesty's name, to command you forthwith to apprehend and bring the said or cause him/her to be apprehended and brought before the immigration officer at to be examined and to answer to the said complaint and to be further dealt with according to law.

Given under my hand at this day of, 20

Magistrate,

District ".....".

FORM I

r. 16.

MONTSERRAT
IMMIGRATION ACT

**PARTICULARS REGARDING THE IMMIGRANT
NAMED BELOW WHO HAS BEEN PROVISIONALLY PROHIBITED**

1. Name in full
2. Age
3. Sex
4. Race
5. Nationality
6. Country of birth
7. If Married—
 - (a) Name of husband or wife
 - (b) Names of all children and age Sex years.
 Sex years.
 Sex years.
 Sex years.
 Sex years.
 - (c) Where family now resides
 - (d) Whether previously in Montserrat
8. (a) Total residence (if any) in Montserrat
- (b) Date and place of first entry in Montserrat
- (c) Period of absence
- (d) Reason for leaving

- 9. Particulars of fixed property or other vested interest in Montserrat or elsewhere
- 10. Occupation and means of subsistence
- 11. Documents and references in support of application to enter into Montserrat
- 12. (a) Description
- (b) Build
- (c) Height
- (d) Distinguishing marks and features
- 13. Whether able to write in a European language, and to what extent educated
- 14. Whether ever prohibited from entering Montserrat or expelled therefrom
- 15. Whether ever convicted of any crime in any country
- 16. Whether suffering from any physical or mental infirmity. If so, attach medical report, and in any case state examining officer's views as to physical type
- 17. For what purpose is entry desired?
- 18. Any other particulars relevant to the case

Immigration Officer.

Port of entry

Date, 20.....

Final decision and disposal of the case

FORM J

r. 18(1).

MONTSERRAT
IMMIGRATION ACT
NOTICE OF APPEAL

I, being a
person arrested at
and detained as a prohibited immigrant hereby notify my intention to appeal
against the declaration of the Immigration Officer that I am a prohibited
immigrant within the meaning of the Immigration Act.

Signature

Date

Place

FORM K

r. 19.

MONTSERRAT
IMMIGRATION ACT
ORDER FOR THE REMOVAL OF A PROHIBITED IMMIGRANT

To

Whereas
has rendered himself/herself liable to removal from Montserrat by reason that
in terms of section of the Immigration Act, the said
.....

You are hereby authorized to cause the said
to be removed from Montserrat under proper escort and subject to necessary
detention in custody as provided under the Act.

Magistrate,
District ".....".

Dated at
this day of, 20.....

FORM L

r. 11.

MONTSERRAT
IMMIGRATION ACT
APPLICATION BY EMPLOYER FOR WORK PERMIT

To the Governor

I hereby apply for the grant of a work permit to employ the undermentioned persons.

The following details are submitted in support of my application.

1. Name of Employer
2. Address
3. Nature of Business
4. No. of Persons now employed
- (a) Belonging to Montserrat Male Female
- (b) Not belonging to Montserrat Male Female
5. Persons to be employed:
Name Sex Age Nationality Occupation Qualifications

Period of Employment

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
6. Employer's Reasons for Application

Employer's Signature

Date of application.

FOR OFFICIAL USE

Application Approved or refused

Fee paid

Signature

Date

FORM M

r. 11.

MONTSERRAT
IMMIGRATION ACT
APPLICATION FOR WORK PERMIT

To the Governor

I hereby apply for the grant of a work permit to enable me to engage in the undermentioned occupation.

The following details are submitted in support of my application.

- 1. Full name of Applicant
- 2. Age Sex Nationality
- 3. Address in Montserrat
- 4. Last Address outside Montserrat
- 5. Date of arrival in Montserrat
- 6. Occupation in which Applicant will engage
- 7. Name and Address of Employer (if any)
- 8. Qualification and experience
- 9. No. of persons (if any) to be employed by Applicant
.....

Signature of Applicant

Date

FOR OFFICIAL USE

Application Approved or Refused

Fee Paid

Signature of Applicant

Date

FORM N

r. 11.

MONTSERRAT
IMMIGRATION ACT
WORK PERMIT NO.

NAME

a citizen of

is hereby permitted (a) to be employed in the capacity of

..... by

or (b) to engage in occupation as *

This work permit is valid for a period of

with effect from and is subject to the

following conditions:-

I agree to the above conditions, and I clearly understand that any breach of them will render me liable to be further dealt with according to law. *

Signature of holder

Address of holder

.....

.....

Dated this day of, 20.....

Governor.

* Delete where inapplicable.

FORM O

r. 11.

MONTSEERRAT
IMMIGRATION ACT

RETURN BY EMPLOYER OF HOLDER(S) OF WORK PERMIT(S)

- 1. Name of Employer
- 2. Business Address
- 3. No. of Employees
- 4. No. of Employees who belong to Montserrat
- 5. List below names etc. of employees other than those mentioned in 4 above.

Name	Address	Nationality
.....
.....
.....
.....
.....
.....

Signature

Date

FORM P

r. 11.

MONTSERRAT
IMMIGRATION ACT
CERTIFICATE OF EXEMPTION

NAME

Nationality

Permanent Address

Address in Montserrat

Occupation

The Holder of this Certificate is hereby exempted from the provisions of section 21 of the Immigration Act.

This Certificate shall expire on the change of status of the holder thereof.

Dated this day of, 20.....

Governor

PASSPORT (EXEMPTION) ORDER – SECTION 13

(S.R.O.s 9/1947, 2/1948, 4/1984 and 55/1993)

Short title

1. This Order may be cited as the Passport (Exemption) Order.

Exemption

2. (1) The following persons are hereby declared to be exempt from the provisions of subsection (1) of section 13 of the Immigration Act (which requires them to be in possession of passports)—

- (a) Citizens of the United States of America who are visiting Montserrat for a period not exceeding six months and who are in possession of a valid ticket issued by a steamship or airline company providing for their return to the United States of America;
- (b) Passengers in transit by sea or air who do not intend to remain in Montserrat for more than fourteen days provided they are in possession of through tickets to some other destination;
- (c) Canadian citizens who are visiting Montserrat for a period not exceeding six months and who are in possession of a valid ticket issued by a steamship or airline company providing for their return to Canada;
- (d) British subjects who are visiting Montserrat for a period not exceeding six months and who are in possession of a valid ticket issued by a steamship or airline company providing for their return to the country from which they embarked;
- (e) French citizens who are visiting Montserrat for a period not exceeding six months and who are in possession of a “Carte Nationale d’Identite (Identity Card)” and a valid ticket providing for their return to the country of their origin. (*Inserted by S.R.O. 4/1984*)

(2) Any document or combination of documents which provide the information as is generally contained in the passport of a person being a person who is a national of a Member State of the Organization of the Eastern Caribbean States or a Member State of the Caribbean Community shall be acceptable in lieu of a passport for immigration purposes. (*Inserted by S.R.O. 55 of 1993*).

IMMIGRATION VISA EXEMPTION ORDER – SECTION 13

(S.R.O.s 6/1981 and 21/1982)

Commencement

[9 March 1981]

Short title

1. This Order may be cited as the Immigration Visa Exemption Order.

Visa exemption

2. An alien being a subject of any of the countries mentioned in the Schedule hereto landing in Montserrat from any place beyond Montserrat and in possession of a valid passport issued to him by the proper authority of his country of nationality shall be exempt from the provision in section 13(1) of the Immigration Act requiring passports of aliens to be visaed by a British Consular Officer or other person duly so authorized.

SCHEDULE

- (a) AFRICA
 - (i) Algeria
 - (ii) Ivory Coast
 - (iii) Morocco
 - (iv) Nigeria
 - (v) Tunisia
 - (vi) Republic of South Africa
- (b) AMERICA (NORTH)
 - (i) Mexico
 - (ii) United States of America, including Commonwealth of Puerto Rico Possessions & Trust Territories
- (c) AMERICA (CENTRAL) AND WEST INDIES
 - (i) Costa Rica
 - (ii) Dominican Republic
 - (iii) Guatemala
 - (iv) Haiti

- (v) Honduras
 - (vi) Nicaragua
 - (vii) Panama
 - (viii) El Salvador
- (d) AMERICA (SOUTH)
- (i) *(Repealed)*
 - (ii) Bolivia
 - (iii) Brazil
 - (iv) Chile
 - (v) Colombia
 - (vi) Ecuador
 - (vii) Paraguay
 - (viii) Peru
 - (ix) Surinam
 - (x) Uruguay
 - (xi) Venezuela
- (e) ASIA
- (i) Bahrain
 - (ii) Brunei
 - (iii) Israel
 - (iv) Japan
 - (v) Pakistan
 - (vi) Philippines
 - (vii) Turkey
 - (viii) United Arab Emirates
- (f) COMMONWEALTH
- All Members
- (g) EUROPE AND MEDITERRANEAN
- (i) Andora
 - (ii) Austria
 - (iii) Finland
 - (iv) Iceland
 - (v) Liechtenstein

- (vi) Member States of the European Community, including their overseas dependencies, departments, possessions and territories
 - (vii) Monaco
 - (viii) Norway
 - (ix) Portugal
 - (x) San Marino
 - (xi) Spain
 - (xii) Sweden
 - (xiii) Vatican City State
- (h) OCEANIA (All countries are included in other categories).
-

IMMIGRATION (PERMANENT RESIDENCE PERMITS) REGULATIONS**– SECTION 19****(S.R.O. 66/2005)****Commencement****[5 October 2005]****Short title**

1. These Regulations may be cited as the Immigration (Permanent Residence Permits) Regulations.

Interpretation

2. In these Regulations—

“dependant” in relation to a person who has been granted a permit of economic residence means—

(a) the wife of that person provided she is not living apart from him under a decree of a competent court or a deed of separation;

(b) a child or step-child under the age of sixteen years, of that person; or

(c) an adopted child under the age of 16 years having been adopted by that person in a manner recognised by law;

“minor child” means a child who has attained the age of 18 years;

“the Act” means the Immigration Act (Cap. 13.01).

Eligibility and Condition for grant of permanent residence on the basis of 5 year’s residence

3. (1) A person may apply to the Governor in Council for a permit of permanent residence if—

(a) he was ordinarily resident in Montserrat before 1st January, 2003;

(b) he has been ordinarily resident in Montserrat for the period of 5 years immediately preceding his application;

(c) he provides proof that he has been gainfully employed during the 6 months immediately preceding his application for permanent residence;

(d) he provides proof that he has maintained a savings account with an average monthly balance of at least \$5000 during the 6 months immediately preceding his application;

(e) he produces a Medical Certificate from a Medical Practitioner registered in Montserrat certifying that he is free from all notifiable

communicable diseases specified in Schedule I to the Immigration (Health Certificate) Regulations;

Provided that a certificate from a Medical Practitioner other than a Medical Practitioner registered in Montserrat may be accepted in exceptional cases at the discretion of the Governor in Council;

(f) he produces character certificate from the Police Department of the country or countries where he resided for the last 12 years; and

(g) he satisfies the Governor in Council that the number of days on which he was absent from Montserrat during the 5 years immediately preceding his application does not exceed 150.

(2) The power conferred upon the Governor in Council by subsection (a)—

(a) extends to a minor child accompanying the person referred to in that subsection if proof is produced that the minor child has been ordinarily resident in Montserrat and is living with him at the date of this application;

(b) the dependant of a person who has been granted a permit of economic residence in accordance with the Immigration (Economic Residence Permit) Regulation.

Eligibility and Condition for grant of permanent residence on the basis of 8 year's residence

4. (1) A person may apply to the Governor in Council for a permit of permanent residence if—

(a) he entered Montserrat on or after 1st January, 2003;

(b) he has been ordinarily resident in Montserrat for the period of 8 years immediately preceding his application;

(c) he provides proof that he has been gainfully employed during the 6 months immediately preceding his application for permanent residence;

(d) he provides proof that he has maintained a savings account with an average monthly balance of at least \$5000 during the 6 months immediately preceding his application;

(e) he produces a Medical Certificate from a Medical Practitioner registered in Montserrat certifying that he is free from all notifiable communicable diseases specified in Schedule I to the Immigration (Health Certificate) Regulations;

Provided that a certificate from a Medical Practitioner other than a Medical Practitioner registered in Montserrat may be accepted in exceptional cases at the discretion of the Governor in Council;

(f) he produces character certificate from the Police Department of the country or countries where he resided for the last 12 years; and

(g) he satisfies the Governor in Council that during the 8 years immediately preceding his application he has not been absent from Montserrat in excess of 90 days during any one year.

(2) The power conferred upon the Governor in Council by subsection (1) extends to—

(a) a minor child accompanying the person referred to in that subsection if proof is produced that the minor child has been ordinarily resident in Montserrat and is living with him at the date of his application;

(b) the dependant of a person who has been granted a permit of economic residence in accordance with the Immigration (Economic Residence Permit) Regulations.

Form of application and form of permit

5. (1) Every application for a permit of permanent residence under section 19 of the Act shall be in Form “S” set out in the Schedule hereto obtainable from the Permanent Secretary Administration, Government Headquarters.

(2) Upon receipt by the applicant of a notification issued by or on behalf of the Governor in Council that his or her application has been approved, the applicant shall pay the prescribed fee to the Accountant General and on production of the receipt for payment, the Governor in Council shall cause to be issued to the applicant a permit of permanent residence in the prescribed form.

(3) A permit of permanent residence issued under the Act shall be in Form “T” set out in the Schedule hereto.

Special provisions

6. Notwithstanding regulations 3 and 4 the Governor in Council may in the national interest grant a permit of permanent residence to any person on such conditions as it may specify.

Repeals

7. The Immigration (Permanent Residence Permits) Regulations and the Immigration (Permanent Residence Permits) (Amendment) Regulations 2005 are hereby repealed.

SCHEDULE

FORM S

IMMIGRATION ACT

APPLICATION FOR PERMIT OF PERMANENT RESIDENCE

To the Governor

1. Full name of Applicant.....
2. Date and Country of Birth.....
3. Nationality: At Birth..... Present.....
4. Marital Status (Married, Single, Widowed, Divorced).....
5. Date and Place of Marriage.....
6. Maiden Name if Married Woman.....
7. Name of Husband/Wife.....
8. Nationality of Husband/Wife: At Birth.....
Present.....
9. Passport/Travel Document No:
Date and Place of Issue.....
10. Place of Residence outside Montserrat.....
From 20 to 20.....
From 20 to 20.....
From 20 to 20.....

11. Previous convictions:

Date	Court	Places	Nature of Offences
------	-------	--------	--------------------

*12. Academic, Professional, Technical Qualifications (State schools and universities attended and Degree or other qualifications gained).

.....

*13. Present Employment.....

*14. Previous Employment during past three years:

.

15. Dependants: Names, Relationship, Date and Country of Birth

16. Parents: (Names, Dates and Country of Birth).

*17. State purpose of intended residence in Montserrat.

(a) If to invest money, state nature of business, the amount of capital required, the source from which it will be received, and the employment potential.

(b) If to reside only, state financial resources in detail e.g. investments, certificate of bank balance, pensions, letter of appointment from present employer, etc.

N.B. Documentary Evidence must be supplied in all cases

18. Have you resided in Montserrat before: (Yes)..... (No).....

Dates:

From 20 to 20.....

From 20 to 20.....

From 20 to 20.....

From 20 to 20.....

From 20 to 20.....

*19. References: Names and Addresses of (two) referees who have known the applicant for at least two years and who are a member of the Legislative Council or Parliament, Justice of the Peace, Minister of Religion, Established Civil Servant, Professionally qualified person eg. Lawyer, Engineer, Doctor, School Teacher, Police Officer or a person of similar standing.

I do solemnly swear (or affirm) that the statements which appear in this application have been made by me and are correct to the best of my knowledge and belief.

.....

Sworn to (or affirmed) before me this day of,
20.....

.....

Justice of the Peace/Notary Public

FOR OFFICIAL USE

Application Approved or Refused

Fee paid

Signature

Date

* Not applicable in the case of an applicant applying under Regulation 3(a)

FORM T

r. 5.

MONTSERRAT

WEST INDIES

PERMIT OF PERMANENT RESIDENCE
ISSUED UNDER THE IMMIGRATION ACT

No. /20

Name a citizen
of is hereby permitted to reside
permanently in Montserrat subject to the following conditions:

CONDITIONS

I of
agree to the aforementioned conditions, and clearly understand that any
breach of these will render me liable to be further dealt with according to
law.

Signature of bearer

Address of bearer:

.....

.....

Dated this day of, 20.....

Governor.

IMMIGRATION (WORK PERMITS EXEMPTIONS) ORDER – SECTION 22

(S.R.O.s 20/1970, 42/1974, 69/1996 and 30/2000)

Commencement

[16 September 1970]

Short title

1. This Order may be cited as the Immigration (Work Permits Exemptions) Order.

Interpretation

2. In this Order—

“**Caricom National**” means a person who—

- (i) is a citizen of a member state of the Caribbean Community (Caricom); or
- (ii) has a connection with a member state of the Caribbean Community (Caricom) of a kind which entitles that person to be regarded as belonging to it, or, if it be so expressed as being a native or national of that member state for the purpose of its laws relating to Immigration.

(Inserted by S.R.O. 69/1996)

Exemption

3. The following persons or classes of persons shall be exempted from the provisions of section 21 of the Immigration Act as amended—

(a) a person—

- (i) one or both of whose parents were born in Montserrat; or
- (ii) who is married to a person who is a belonger to Montserrat as defined in section 2 of the Immigration Act; or
- (iii) who has acquired at least five years of secondary school education in Montserrat;

(Inserted by S.R.O. 69/1996)

(b) persons employed in Montserrat by the University of the West Indies, the Canadian University Services Overseas, the United States Peace Corps, the United Kingdom Programme for Voluntary Services Overseas, the United Kingdom Technical Assistance Scheme, or any similar organization;

(c) directors, inspectors and auditors of any company, organization or body (whether incorporated or established in Montserrat or

elsewhere) which either operates in Montserrat or controls any company, partnership or other organization which operates in Montserrat;

- (d) persons visiting Montserrat on behalf of a principal abroad, in connection with the appointment of, or for holding business consultations with, a local business agent or local distributor of goods manufactured or produced abroad;
- (e) persons visiting Montserrat in connection with their occupation as commercial travellers and for the purpose of soliciting orders for goods on a commission basis or otherwise, for or on behalf of a manufacturer, producer or supplier abroad;
- (f) persons visiting Montserrat for the purpose of inspecting the plant, machinery or equipment of any factory or other industrial works, or for the purpose of giving technical advice or assistance on the operation of any local undertaking, business or enterprise;
- (g) writers, journalists, broadcasters, photographers, sculptors and painters (excluding commercial and industrial photographers and painters):

Provided that the exemption in respect of any of the classes of persons mentioned in paragraphs (c), (d), (e), (f) and (g) of this Order shall apply only in relation to a visit or to visits not exceeding sixty days in duration in the aggregate in any one calendar year. (*Amended by S.R.O. 30/2000*)

IMMIGRATION (ECONOMIC RESIDENCE PERMIT) REGULATIONS
– SECTION 39
(*S.R.O. 8/1998*)

Commencement

[24 February 1998]

Short title

1. These Regulations may be cited as the Immigration (Economic Residence Permit) Regulations.

Interpretation

2. In these Regulations—
- “**dependant**” in relation to a person who has been granted a permit of economic residence means—
- (a) the spouse of that person provided they are not living apart under a decree of a competent court or a deed of separation;
 - (b) a child or step-child under the age of sixteen years, of that person; or
 - (c) an adopted child under the age of sixteen years having been adopted by that person in a manner recognised by law.

Eligibility for grant

3. An applicant is eligible for the grant of a permit of economic residence if he satisfies the Governor in Council of his intention to make a commercial investment in Montserrat and—
- (a) (i) maintains a property investment in Montserrat of at least the equivalent of 400,000 Eastern Caribbean dollars; or
 - (ii) maintains a deposit of at least the equivalent of 400,000 Eastern Caribbean dollars at a commercial bank operating in Montserrat; or
 - (iii) holds Montserrat government securities to the value of at least the equivalent of 400,000 Eastern Caribbean dollars; and
 - (b) is a fit and proper person to be granted a right to reside in Montserrat.

Conditions of grant

4. (1) The Governor in Council may, as a condition of the grant of a permit of economic residence under these Regulations impose such conditions as the Governor in Council thinks fit.

(2) Without restricting the generality of subregulation (1) the Governor in Council may require that a person to whom a permit of economic residence is being granted create employment in Montserrat for a specified number of persons within a specified period.

(3) A permit of economic residence is subject to revocation for failure to fulfill a condition of its grant.

Permit issued in the national interest

5. Notwithstanding the provisions of regulation 3, the Governor in Council may in any case in which it deems it expedient in the national interest grant a permit of economic residence to any person on such conditions as it may specify.

Exemption

6. A person granted a permit of economic residence under these Regulations is exempt from the provisions of section 21 of the Immigration Act for the period of validity of the permit of economic residence.

Eligibility of dependants for permanent residence permit

7. (1) A dependant of a person to whom a permit of economic residence has been granted is eligible for the grant of a permit of permanent residence if—

- (a) at the time of application he resides in Montserrat; and
- (b) in the opinion of the Governor in Council he is a fit and proper person to be granted a right to permanently reside in Montserrat.

(2) A permit of permanent residence granted under this Regulation is valid only for the period of validity of the permit of economic residence to which it relates.

Form of application and form of permit

8. (1) An application for a permit of economic residence shall be made to the Governor in Council through the Financial Secretary in the form set out as Form A in the Schedule.

(2) Upon receipt by the Applicant of a notice issued by or on behalf of the Governor in Council that his application for a permit of economic residence has been approved, the applicant shall pay the prescribed fee to the Accountant General and upon the production of the receipt the Governor in Council shall cause to be issued to the applicant a permit of economic residence in the form set out as Form B in the Schedule.

(3) An application by a dependent for a permanent residence permit shall be in the form set out as Form C in the Schedule, and the procedure for application shall be that specified in regulation 6 of the Immigration (Permanent Residence Permits) Regulations.

FIRST SCHEDULE

FORM A

r. 8.

MONTSERRAT
IMMIGRATION ACT

APPLICATION FOR PERMIT OF ECONOMIC RESIDENCE

TO THE GOVERNOR IN COUNCIL

1. Full name of Applicant
2. Date of Birth Country of Birth
Address outside Montserrat
.....
3. Nationality at Birth
4. Marital Status
5. Name of Husband/Wife
6. Nationality of Husband/Wife
7. Type of Passport and Number
8. Date and place of issue of Passport
9. Profession
10. If you have been convicted of any offence (whether in or outside
Montserrat) other than a minor traffic offence, state the offence and
the court in which you were convicted.
.....
.....
.....
11. State nature of investment proposed
.....
.....

- 12. State details of any existing investment in Montserrat or the particulars of any capital in your control and which is available for investing in Montserrat. (Documentary evidence to be attached).

.....

- 13. I do solemnly swear (or affirm) that the statements which appear in this application and which have been made by me are true to the best of my knowledge and belief.

Sworn to (or affirmed) }
 before me this }
 day of, 20..... }

.....

FORM B

r. 8.

MONTSERRAT
WEST INDIES

**PERMIT OF ECONOMIC RESIDENCE
ISSUED UNDER THE IMMIGRATION ACT**

No. /20.....

Name

a citizen of

is hereby granted a permit of economic residence on the following
conditions:

CONDITIONS

I
of agree to the aforementioned
conditions, and clearly understand that any breach of these will render
the permit liable to revocation.

Signature of bearer

Address of bearer

.....

.....

Dated this day of, 20.....

Governor.

FORM C

r. 8.

MONTSERRAT
IMMIGRATION ACT

APPLICATION FOR PERMIT OF PERMANENT RESIDENCE

TO THE GOVERNOR IN COUNCIL

1. Full name of Applicant
2. Date of Birth Country of Birth
Address outside Montserrat
.....
.....
3. Nationality at Birth
4. Marital Status
5. Name of Husband/Wife
6. Nationality of Husband/Wife
7. Type of Passport and Number
8. Date and place of issue of Passport
9. Profession
10. If you have been convicted of any offence (whether in or outside
Montserrat) other than a minor traffic offence, state the offence
and the court in which you were convicted.
.....
.....
.....
11. State the name of the person on whose economic residence permit
your application is based and the relationship between yourself and
that person (documentary evidence required).

.....
.....
.....

13. I do solemnly swear (or affirm) that the statements which appear in this application and which have been made by me are true to the best of my knowledge and belief.

Sworn to (or affirmed) }
before me this day }
of, 20..... }

.....

IMMIGRATION (HEALTH CERTIFICATE) REGULATIONS

– SECTION 39

(S.R.O. 9/1990 and 5/2004)

Commencement

[8 May 1990]

Short title

1. These Regulations may be cited as the Immigration (Health Certificate) Regulations.

Health Certificate

2. (1) Every application for—

- (a) a work permit other than one for employment for a period of less than a week;
- (b) a student permit or a renewal of a student permit;
- (c) a visa to remain in Montserrat for a period in excess of three months, other than applications from persons who before the coming into force of these regulations have been permitted to remain in Montserrat in excess of three months,

shall be accompanied *inter alia* by a valid health certificate.

For the purpose of these Regulations a valid health certificate is a certificate issued not more than three months prior to the date of application by a registered Medical Practitioner certifying that the applicant is free from any notifiable communicable diseases specified in Schedule 1 to these regulations and when it is issued in Montserrat substantially in Form 1 to Schedule IV to these Regulations.

(2) Every person entering Montserrat from countries endemic for diseases specified in Schedule II to these Regulations shall present a valid certificate of vaccination at the port of entry in Montserrat.

(3) Every person entering Montserrat from countries infected with diseases specified in Schedule III to these Regulations shall be issued on arrival at the port of entry in Montserrat with a Health Alert Card.

Duty of Registered Medical Practitioner

3. (1) A Registered Medical Practitioner who examines any person in Montserrat in terms of Regulations 2 above and discovers in the course of such examination that such person is suffering from any notifiable communicable diseases specified in Schedule I to these Regulations shall as soon as possible notify the Director of Health Services to arrange for treatment and counselling of the person affected. He shall make out a Certificate in Form II to Schedule IV to these Regulations in triplicate and

issue one copy of each to the Director of Health Services and the person examined and retain one copy for himself.

(2) It shall be the duty of every Registered Medical Practitioner to retain a copy of the Certificate issued by himself for a period of one year.

SCHEDULE I

LIST OF NOTIFIABLE COMMUNICABLE DISEASES

HIV/AIDS	Polio Myelitis Acute
Cholera	Rabies
Dengue	Syphillis
Dyphtheria	Tetanus
Gonococcal Infection	Tuberculosis
Leptospirosis	Typhoid Fever
Malaria	Viral Encephalitis
Meningococcal Infection	Viral Hepatitis
Plague	Yellow Fever-Sylvatic Clebon

(Amended by S.R.O. 5/2004)

SCHEDULE II**LIST OF DISEASES AGAINST WHICH VACCINATION CERTIFICATE
IS REQUIRED FOR PERSONS TRAVELLING FROM
ENDEMIC COUNTRIES TO MONTSERRAT**

Cholera

Plague

Yellow Fever

SCHEDULE III**LIST OF DISEASES FOR WHICH 'HEALTH ALERT CARD'
MUST BE ISSUED TO PERSONS TRAVELLING
FROM CURRENTLY INFECTED COUNTRIES**

Cholera

Dengue

Malaria

Plague

Typhoid Fever

Viral Encephalitis

Yellow Fever

SCHEDULE IV

HEALTH CERTIFICATE

FORM I

NAME PASSPORT NO

AGE ISSUED AT

SEX EXAMINED ON

ADDRESS IN MONTSERRAT

COUNTRY OF ORIGIN OR LAST RESIDENCE

MR/MRS/MISS

has been examined by me and found to be free from the notifiable communicable diseases indicated at the reverse of this certificate.

.....
Signature of Registered
Medical Practitioner

Name:

Qualifications:

LIST OF NOTIFIABLE COMMUNICABLE DISEASES

HIV/AIDS

Cholera

Dengue

Dyphtheria

Gonococcal Infection

Leptospirosis

Malaria

Meningococcal Infection

Plague

Polio Myelitis Acute

Rabies

Syphillis

Tetanus

Tuberculosis

Typhoid Fever

Viral Encephalitis

Viral Hepatitis

Yellow Fever – Sylvatic Clebon

(Amended by S.R.O. 5/2004)

SCHEDULE IV

HEALTH CERTIFICATE

FORM II

NAME PASSPORT NO

AGE ISSUED AT

SEX EXAMINED ON

ADDRESS IN MONTSERRAT

COUNTRY OF ORIGIN OR LAST RESIDENCE

MR/MRS/MISS has
been examined by me and found to be suffering from notifiable communicable
disease and appropriate treatment and advice given. The Chief Medical Officer
is being notified.

.....
Signature of Registered
Medical Practitioner

Name:

Qualifications:

Copied to: Chief Medical Officer

IMMIGRATION (RESIDENCE AND WORK PERMITS FEES) REGULATIONS
– SECTION 39

(S.R.O.s 5/1984, 5/1993 and 23/2004)

Commencement

[1 March 1984]

Short title

1. These Regulations may be cited as the Immigration (Residence and Work Permits Fees) Regulations.

Interpretation

2. In these Regulations—

“Caricom National” means a person who—

- (i) is a citizen of a member state of the Caribbean Community (Caricom);
or
- (ii) has a connection with a member state of the Caribbean Community (Caricom) of a kind which entitles that person to be regarded as belonging to it, or, if it be so expressed as being a native or national of that member state for the purpose of its laws relating to Immigration.

Fees

3. (1) The fees payable for the issue of a permit of permanent residence shall be as follows—

SCHEDULE		
(a)	Application fees for permit of permanent residence.....	\$150
(b)	Permit of permanent residence—	
	(i) Caricom National.;	\$1500
	(ii) Non-Caricom National.;	\$2500
	(iii) Spouse of British Overseas Territory	\$500
(c)	Addition of Minor to a Permit of Permanent Residence ..	\$250

(2) The fee payable for the replacement, amendment or variation of a permit of permanent residence shall be \$15.

(Amended by S.R.O. 23/2004)

Work Permits

4. (1) The fee payable for the issue of a work permit shall be in accordance with the scale set out in the Schedule hereto.

(2) The fee payable for the replacement, amendment or variation of a work permit shall be \$50.

SCHEDULE**1. FEES FOR THE ISSUE OF A WORK PERMIT****(1) Caricom Nationals**

<i>Occupation</i>	<i>Fees (P.A.)</i>
Accountant	2,000.00
Accountant Clerk/Bookkeeper	500.00
Airline Hostess	200.00
Architect	2,000.00
Architect's Assistant/Draughtsman	800.00
Baker	200.00
Beautician	500.00
Beautician's Assistant	400.00
Building Superintendent/Foreman	1,000.00
Business (small)	500.00
Business Manager	2,000.00
Carpenter	500.00
Clerk—	
Dry Goods Store	200.00
Grocery	250.00
Office	500.00
Company Executive	1,500.00
Contractor	2,000.00
Craftsman— skilled	500.00
semi skilled	400.00
Doctor	2,000.00
Domestic Worker	150.00
Electronic Assembler/Factory Worker	200.00
Engineer	1,500.00
Entertainer (under 1 week)	300.00
(over 1 week)	500.00
Hotel Manager	2,000.00
Hotel/Restaurant Worker—	
Bartender	250.00
Cook	250.00
Clerk	500.00
Kitchen Helper	250.00
Labourer	250.00
Maid	250.00
Receptionist	500.00

Waiter	250.00
Journalist	500.00
Labour (Construction)	250.00
Lawyer	2,000.00
Lecturer	1,000.00
Mason	500.00
Piano Tuner	750.00
Plumber	500.00
Repairer Business Machines	500.00
Salesman	750.00
Secretary	500.00
Tailor	400.00
Teacher	400.00
Technician	500.00
Troupe, Band (under 1 week)	400.00
(over 1 week)	600.00
Visiting Professionals—	
per visit	500.00
annual	2,000.00
Occupations not listed above	600.00
Profession/Technical Persons	600.00
Non-Profession/Non-Technical Persons	300.00
Application filed on island (stamp)	20.00
Amendment/Replacement/Variation	75.00

(2) Non-Caricom Nationals

The fee for the issue of a work permit to a Non-Caricom National shall be the fee for the issue of work permit to a Caricom National plus an additional three hundred dollars (\$300.00).

2. FEES FOR PROCESSING OF APPLICATIONS FOR WORK PERMITS

(1) Caricom Nationals

\$50.00

(2) Non Caricom Nationals

\$100.00



IMMIGRATION (PORTS OF ENTRY) REGULATIONS

– SECTION 39

*(S.R.O. 18/1975)***Commencement***[30 May 1975]***Short title**

1. These Regulations may be cited as the Immigration (Ports of Entry) Regulations.

Ports of Entry

2. The Ports of Entry for Montserrat for the purposes of the Immigration Act shall be as follows—

- (a) for passengers arriving by air, the Blackburne Airport; and
 - (b) for passengers arriving by sea, the Port of Plymouth, that is to say, that part of the Plymouth roadstead enclosed by a line drawn from a point on the coast-line at longitude 62° 13' 23" West, latitude 15° 42' 45" North to a point longitude 62° 14' 40" West, latitude 15° 42' 45" North to a point at longitude 62° 13' 23" West, latitude 15° 42' North, to a point on the coast-line at longitude 62° 12' 40" West, latitude 15° 42' North and thence along the coastline to the first point. The Plymouth pier shall be the legal place for embarking and disembarking of passengers.
-

IMMIGRATION (WORK PERMIT TO SUB-PROFESSIONALS) REGULATIONS

– SECTION 39

(S.R.O. 8/2004)

Commencement

[10 March 2004]

Short title

1. These Regulations may be cited as the Immigration (Work Permit to sub-professionals) Regulations.

Application for registration

2. Notwithstanding the provisions of the Immigration (Work Permit Exemptions) Order a sub-professional who is about to be employed by the Government shall—

- (a) apply to be registered by the Labour Commissioner;
- (b) present himself to be interviewed by the Labour Commissioner;
- (c) register annually with the Labour Commissioner.

Registration

3. (1) Every application for registration under regulation 2 shall—

- (a) be in the form set out as Form A in the Schedule hereto;
- (b) be accompanied by—
 - (i) a police record certificate from his country(ies) of residence for the previous five (5) years;
 - (ii) a valid health certificate in terms of the Immigration (Health Certificate Regulations (SRO 9 of 1990)).

(2) The Labour Commissioner shall register each applicant who—

- (a) complies with regulations 2 and 3; and
- (b) satisfies the Labour Commissioner that he has a valid job offer with the Government.

(3) The Labour Commissioner shall issue a certificate of registration to each successful applicant in the form set out as Form B in the Schedule hereto.

Failing to comply

4. Any person who fails to comply with regulations 2 and 3 is liable to have his employment terminated.

FORM A

SCHEDULE

APPLICATION FOR REGISTRATION AS GOVERNMENT EMPLOYEE

TO: LABOUR COMMISSIONER

1. Full name of Applicant.....

2. Date of Birth.....

3. Sex.....

4. Country of Birth.....

5. Address outside Montserrat.....

6. Nationality.....

7. Marital Status.....

8. Type of Passport.....

9. Date and Place of Issue.....

10. Occupation.....

11. Work Experience.....

.....

.....

.....

12. If you have been convicted of any offence (whether in or outside Montserrat) other than a minor traffic offence, state the offence and the court in which you were convicted.

.....

.....

.....

.....

13. Address in Montserrat.....

14. Date of Arrival in Montserrat.....

15. Occupation in which you propose to engage.....

16. Qualifications.....

.....

.....

.....
Signature of Applicant
Date.....

FOR OFFICE USE

Date of Interview.....
Comments:
.....
.....
.....
.....
.....
.....

FORM B

CERTIFICATE OF REGISTRATION

This is to certify that _____ has _____ been registered as a sub-professional in the employment of the Government of Montserrat with effect from _____ 20 _____.

Dated this _____ day of _____ 20 _____.

Labour Commissioner