

GOVERNMENT OF ANGUILLA



MINISTRY OF HOME AFFAIRS

IMMIGRATION POLICY, 2001

1. BACKGROUND

- i) The rapid economic development in Anguilla since the 1980s has created a demand for labour which could not be provided solely from local sources.

- ii) Expatriate workers and their families were therefore attracted or invited to Anguilla. Many of these complied with the provisions of the Immigration and Passport Ordinance and the Control of Employment Ordinance. Many others have evaded these provisions and have remained on the island illegally for a long period

- iii) Anguilla as an Overseas Territory needs to harmonize its national immigration laws and policy with the provisions of the British Nationality Act 1981, and the European Convention on Nationality, particularly with respect to residence without immigration restrictions, statelessness and basic human rights relating to residence status.

iv) The Overseas Territories Bill is expected to be introduced into the British Parliament in the near future. Its expected implementation will impact on the status of all British Dependent Territories Citizens.

v) There is an urgent need to establish a clear, transparent and unambiguous immigration policy to facilitate claims for residence in Anguilla and to control immigration in the future.

2. POLICY ON VISITORS

i) The provisions of the Immigration and Passport Ordinance, 1980 and the Control of Employment Ordinance, 1980 will be strictly enforced.

ii) Processing of Visitors/Vacationers

a) All Visitors/Vacationers may be interviewed at the port of entry. The typical questions include:

- i) intended address
- ii) countries visited en route to Anguilla
- iii) intended length of stay
- iv) means of support or local sponsor
- v) evidence of return ticket
- vi) occupation

b) The normal time given should be four (4) weeks. Length of period may vary depending on circumstances.

c) No visitor will be granted an extension of stay in order to facilitate a first time application for a Work Permit.

iii) Visitors who own homes on Anguilla and who have not yet been granted a Permit of Permanent Residence (PPR) will be favourably considered for the grant of a permit to enter and remain on Anguilla for a period of six (6) months. Such permits may be extended up to a maximum of one (1) year.

iv) Applications for extension of stay must be submitted to the Immigration Department at least seven (7) days before the permitted period of time expires.

v) Only one extension of stay may be permitted as a general rule.

vi) All visitors are required to leave the island on or before the expiration of the time granted. Any visitor who remains in Anguilla after the expiry of the time granted must leave the island within the time frame given by the Chief Immigration Officer. Any further extension of time in such circumstances may be exceptionally allowed.

3. PERMITS OF PERMANENT RESIDENCE (PPR)

i) Section 25 (1) of the Immigration and Passport Ordinance states inter-alia that, the Governor may grant to a person not belonging to Anguilla a permit of permanent residence subject to such conditions as he may think fit.

ii) The holder of such a Permit of Permanent Residence (PPR) may enter and remain in Anguilla free of any immigration restrictions but shall not engage in any occupation in Anguilla for profit or reward, or be employed in Anguilla for a wage, salary or other remuneration unless exempted from the provisions of Control of Employment Ordinance 1980.

The following categories of persons may be favourably considered for the Grant of Permits of Permanent Residence:

- a) Non-belongers who have been granted work permits for a period of Seven (7) or more consecutive years;
- b) Children of Work Permit holders who have attended schools in Anguilla for seven (7) or more years and have attained the age of seventeen (17) years;
- c) An investor of at least US\$2,500,000 in a business in Anguilla;
- d) Highly qualified professionals or investors in the legal/financial and other designated services whose expertise is beneficial to Anguillas economic development and who have been resident in Anguilla for five years;
- e) Retired persons who own property in Anguilla;
- f) Non- belongers who have been legally residing in Anguilla for seven (7) or more years;

Provided that such persons meet the criterion of good character.

iii) The prescribed fees must be paid by all categories of persons.

4. NON-BELONGERS RESIDING ILLEGALLY IN ANGUILLA

Non-belongers who are illegally resident in Anguilla and who meet all of the following requirements may be favourably considered for the grant of Permits of Permanent Residence:

i) the applicant must have been continuously resident in Anguilla for a period of at least ten (10) years up to and including the 31st December 2000 and have continued to be resident from that date until the date of making application under item (2);

ii) not later than 31st December 2001, the applicant must submit:

- a) his completed application in the required form;
- b) proof of residence and good character; and,
- c) the fee required for the Permit of Permanent Residence.

5. BELONGER STATUS AND CITIZENSHIP

Matters relating to the qualifying period and other criteria for the grant of Belonger Status will be addressed by the Constitutional Review Committee.

6. WORK PERMITS AND IMMIGRATION

- i) The Control of Employment Ordinance, 1980 shall be strictly enforced.

- ii) Work Permits should not be granted for a continuous period of more than four (4) years except in cases where the skills of the person are considered to be critical to the development of Anguilla.

- iii) Applicants for Work Permits should be advised that the attendance at public schools of children of successful applicants cannot be guaranteed. Attendance will depend on the availability of space and other resources.

7. ELIGIBILITY OF EXPATRIATE GOVERNMENT EMPLOYEES

The provisions of this policy will apply equally to Government employees who are exempted from the requirement of a Work Permit under the Control of Employment Ordinance, 1980.