

MONTSERAT

IMMIGRATION (AMENDMENT) BILL

No. of 2012

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**I ASSENT**

**GOVERNOR**

DATE:

M O N T S E R R A T

No. of 2012

AN ACT TO AMEND THE IMMIGRATION ACT (CAP 13.01).

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat, and by the Authority of the same as follows:—

**1 Short title and commencement**

This Act may be cited as the Immigration (Amendment) Act, 2012 and shall come into force on a date fixed by the Governor acting on the advice of Cabinet.

**2 Interpretation**

In this Act—

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

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**3     Section 2 amended**

The principal Act is amended in section 2(1) by inserting in alphabetical order the following definition:

“**“citizen of a protocol Member State”** means a person who is a citizen of a Member State of the Organisation of Eastern Caribbean States that is a party to the Protocol of the Eastern Caribbean Economic Union, except for a person who is a citizen as a result of meeting an economic criteria established by any Protocol Member State;”.

**4     Section 3 amended**

Section 3 of the principal Act is amended by deleting subsection (1) and substituting the following:

“The Governor acting on the advice of Cabinet shall appoint a Chief Immigration Officer and the Chief Immigration Officer has all the powers conferred by this Act upon immigration officers, in addition to any power specifically conferred upon him by this Act.”

**5     Section 4 amended**

Section 4 of the principal Act is amended by deleting the number “7(d)” and substituting the number “7(1)(d)”.

**6     Section 5 amended**

Section 5 of the principal Act is amended—

(a) by inserting at the start of the paragraph (a) the words “subject to section 7(2),”;

(b) by inserting as paragraph (aa) the following:

(aa) “any person who, after entry into Montserrat, has become or is determined to have become a public charge;”;

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(c) in paragraph (f), by deleting the number “7” and substituting the number “7(1)”.

**7     Section 7 amended**

Section 7 of the principal Act is amended—

(a) by renumbering the section as “7. (1)”; and

(b) by inserting the following as subsection (2):

“(2) Despite section 5(a), for the purpose of section 18(5)(a), a citizen of a protocol Member State shall not be a prohibited immigrant on the ground that he is likely to become a public charge.”

**8     Section 12 amended**

Section 12(6) of the principal Act is amended by deleting the number “7” and substituting the number “7(1)”.

**9     Section 18 amended**

The principal Act is amended in section 18—

(a) by deleting subsection (5) and substituting the following:

“(5) Despite this section, an immigration officer shall grant a permit—

(a) for a citizen of protocol Member State to enter and remain in Montserrat for an indefinite period; or

(b) for a citizen of any other member state of the Organisation of Eastern Caribbean States landing in Montserrat from any place beyond Montserrat to enter and remain in Montserrat for a period of six months.”

(b) by inserting the following as subsection (6):

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“(6) The right to enter and remain in Montserrat under subsection (5) may be revoked if a person is deemed to be a prohibited immigrant under this Act.”

**10 Section 22 amended**

Section 22 of the principal Act is amended—

(a) by inserting the following as subsection (ba):

“(ba) in respect of section 21(1), a citizen of a protocol Member State;” and

(b) in paragraph (c), by deleting the number “7” and substituting the number “7(1)”.

**11 Immigration Regulations amended**

The amendment to the Immigration Regulations is set out in the Schedule.

**SCHEDULE**

**AMENDMENTS TO THE REGULATIONS**

**1 Regulation 5 amended**

Regulation 5 of the Immigration Regulations is amended by inserting the following as subregulation (3A);

“(3A) Subregulation 3(b) shall not apply for the purposes of section 18(5)(a) of the Act.”

**SPEAKER**

Passed the Legislative Assembly this            day of            ,  
2012.

**CLERK OF THE LEGISLATIVE ASSEMBLY**