

**MONTSERRAT**

**NO. 14 OF 2010**

**IMMIGRATION (AMENDMENT) ACT 2010**

**ARRANGEMENT OF SECTIONS**

SECTION

1. Short title
  2. Section 2 amended
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**I ASSENT**

Peter Waterworth

**GOVERNOR**

**DATE:** 11.8.2010

**MONTSERRAT**

**NO. 14 OF 2010**

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 Council of Montserrat and by the Authority of the same as follows—

**Short title**

1. This Act may be cited as the Immigration (Amendment) Act 2010.

**Section 2 amended**

2. (1) The Immigration Act is amended in section 2—

- (a) by repealing subsection 2 (c) and substituting the following:

“(c) without prejudice to the provisions of paragraph (b), if a person marries another 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, the person is not a believer, but the Governor in Council may, by Order, declare the person to be a believer, if the person applies for such an Order and—

- (i) the marriage subsists on the date of the application and 12 months have elapsed since the date of the marriage;
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- (ii) the person—
    - A. was in Montserrat at the beginning of the period of 3 years ending with the date of the application, and that the number of days on which he or she was absent from Montserrat in that period does not exceed 270;
    - B. is considered by the Governor in Council to be of good character;
    - C. was not at any time in the period of three years ending with the date of the application, in Montserrat in breach of the immigration laws; and
  - (iii) the Governor in Council is satisfied that the marriage is not a marriage of convenience in accordance with subsection (3)(d) and 3(e).”
- (b) in subsection 2(3) by inserting the following after paragraph (c):
- (d) “marriage of convenience” means a marriage (whether or not void)—
    - (i) entered into between a person (“A”) who is not a believer or a British Overseas Territories Citizen and another person (whether or not a believer or such a citizen); and
    - (ii) entered into by A for the purpose of avoiding the effect of one or more provisions of the immigration law or the immigration rules of Montserrat.
  - (e) a marriage is presumed not to be a marriage of convenience, unless there are reasonable grounds for rebutting this presumption, in which case the onus is on the parties to the marriage to prove that it is not.”

**Teresina Bodkin**  
**SPEAKER**

Passed by the Legislative Council this 4th day of August, 2010.

Judith Jeffers  
**CLERK OF COUNCIL**

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