

No. of 2024

**VIRGIN ISLANDS**  
**IMMIGRATION AND PASSPORT(AMENDMENT) BILL, 2024**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Section 2 amended
3. Section 7 amended
4. Section 13 amended
5. Section 14 amended
6. Part IIIA inserted
7. Section 16 amended
8. Section 16A inserted
9. Section 17 amended
10. Section 18 amended
11. Sections 18A-18D inserted
12. Section 19 amended
13. Section 23 amended
14. Section 24 amended
15. Part VIIIA inserted
16. Section 45 amended
17. Section 49 amended
18. Section 50 amended



- “(f) impersonates another person or misrepresents their identity or relationship to other persons including their family members;
- (g) obstructs the immigration officer from performing his or her functions under the Act; or
- (h) interferes with any investigation or decision making process including tampering with any evidence, coercing witnesses or attempting to unduly influence members of the Board.”

### **Section 13 amended**

#### **4. The principal Act is amended in section 13**

- (a) in subsection (1), by deleting the word “Governor” and substituting with the word “Minister” and deleting the word “Minister” and substituting with the word “Cabinet”;
- (b) in subsection (2)(a), by deleting the word “Governor” and substituting with the word “Minister” and deleting the word “Minister” and substituting with the word “Cabinet”;
- (c) in subsection (2)(b), by deleting the word “Governor” and substituting with the word “Minister”;
- (d) in subsection (3), by deleting the word “Governor” and substituting with the word “Minister” and deleting the word “Minister” and substituting with the word “Board”;
- (e) in subsection (7) by deleting the word “Governor” and substituting with the word “Minister”.

### **Section 14 amended**

#### **5. The principal Act is amended in section 14 by inserting immediately after subsection (2) the following new subsections:**

##### “(3) The Board shall

- (a) subject to approval by Cabinet establish a point-based system that shall be applied for the determination of applications made under sections 16 and 18;
- (b) review applications for residence and believer status that require detailed assessment and make recommendations based on established criteria for reviewing such applications and to ensure that each case is evaluated in accordance with this Act and any other law;
- (c) subject to approval by Cabinet, provide oversight of the implementation of immigration policies with respect to grant of residence and believer status to ensure that the policies are administered effectively and consistently;
- (d) advise on the immigration quota limits based, among other relevant things, on economic needs, labour market conditions and demographic trends;

- (e) assess the impact of immigration quota allocations and recommend adjustments and ensure that immigration quotas align with national development priorities; and
  - (f) monitor the effectiveness of quota allocations and provide feedback for policy review in order to maintain a balanced and sustainable approach to immigration.
- (4) The point based system referred to in paragraph (a) shall, on approval by Cabinet, be published by the Minister by Order in the *Gazette*.
- (5) The Board shall submit to the Cabinet an annual report indicating among other things, recommendations made by the Board regarding immigration moratoriums, annual quotas by category and the grant of belonger and residence status.”

**Part IIIA inserted**

6. The principal Act is amended by inserting immediately after section 15 the following new Part:

“PART IIIA

ESTABLISHMENT, FUNCTIONS AND POWERS OF THE  
IMMIGRATION QUOTA- SETTING COMMITTEE

**Establishment of Immigration Quota-setting Committee**

**15A.** There is established by this Act an Immigration Quota-setting Committee.

**Composition of the Committee**

**15B.** (1) The Committee shall comprise not less than 7 and not more than 11 members appointed by the Minister, by instrument in writing, with the approval of the Cabinet as follows:

- (a) the Chief Immigration Officer or his or her designate (*ex officio*);
- (b) not more than 9 other persons, from among persons with knowledge, experience and expertise in demographics, labour market analysis, economics, immigration policy, physical infrastructure, education and health.

(2) The Minister may, in addition to the Chief Immigration Officer, appoint some of the persons referred to in paragraph (b) as *ex officio* members.

(3) The Minister shall appoint 1 of the members of the Committee to be the Chairperson of the Committee and another to be the Deputy Chairperson.

(4) The Minister shall designate a Secretary for the Committee.

(5) The Secretary shall keep the minutes and issue correspondence as directed by the Committee and perform such other duties, as may be assigned by the Chairperson.

### **Functions of the Committee**

**15C.** The Committee shall, subject to the approval of Cabinet, be responsible for

- (a) gathering and analysing data on the population, demographic trends, labour market conditions, and housing availability;
- (b) defining categories of residence certificates and the eligibility criteria and qualifications for residence certificates;
- (c) engaging and carrying out stakeholder consultations to ensure transparency in any quota-setting activities;
- (d) assessing the potential economic and social impact of residence or belonger certificates;
- (e) based on the analysis and stakeholder input, determining annual immigration quotas for residence or belonger certificates in accordance with the quota-setting objectives and the capacity of the Territory;
- (f) establishing a system of monitoring the issuance of residence or belonger certificates and tracking the utilisation of the certificates annually;
- (g) reviewing the effectiveness of the immigration quota system and evaluating its impact on population growth, the economy and social integration;
- (h) adjusting the quotas as needed to address emerging challenges or changing priorities;
- (i) communicating the annual residence and belonger quotas to the public in the *Gazette* and through mass media;
- (j) reporting on the utilisation of quotas, outcomes and any changes or adjustments made to facilitate transparency and accountability in the quota-setting process and any changes or adjustments made; and
- (k) conducting periodic review and revision of the quota-setting process and making necessary changes to ensure that the process remains relevant to the government goals and evolving immigration dynamics.

### **Meetings of the Committee**

**15D.** (1) The Chairperson shall preside at all meetings of the Committee and in his or her absence the Deputy Chairperson shall preside.

(2) The quorum of the Committee shall be 7 members.

(3) The Committee shall meet at least once every 4 months and at such other times as may be necessary for the purpose of performing its functions.

(4) At any meeting for the conduct of its business, the Committee shall take its decision by a majority vote of the members present and in the event of a tie, the Chairperson or the Deputy Chairperson as the case may be, shall have a casting vote.

(5) Notwithstanding anything contained in this section, the Chairperson may, in any matter he or she considers exceptional, make arrangements for a decision of the Committee to be taken on such matter through a process of consultation without the need for an actual meeting.

(6) In the conduct of its meetings, the Committee shall regulate its own procedure.

(7) The Committee may co-opt such persons as it considers competent to provide advice as the Committee considers fit, but the persons co-opted shall have no voting rights or exercise any of the powers of a member of the Committee.

#### **Disclosure of interests**

**15E.** (1) Where a matter is to be decided by the Committee at a meeting, any member present at the meeting who has an interest in the matter shall, at the meeting, disclose the nature of the interest in advance of any consideration of the matter.

(2) Where a member discloses an interest under this section

(a) the disclosure shall be recorded in the minutes of the meeting; and

(b) the member shall not, unless the Committee otherwise determines

(i) be present during any deliberations by the Committee relating to the matter; or

(ii) take part in any decision of the Committee relating to the matter.

#### **Tenure of office**

**15F.** (1) A member of the Committee, other than an *ex officio* member, shall hold office for a period not exceeding 3 years but is eligible for reappointment.

(2) A member of the Committee may resign his or her office by giving one month's notice to the Minister.

(3) The Minister may by written notice, remove a member, other than an *ex officio* member, from office if satisfied that the member

(a) has, without consent of the Committee, been absent from 3 consecutive meetings of which the member has had notice;

- (b) is adjudged bankrupt and has not been discharged;
- (c) has been convicted of an indictable offence or any offence involving dishonesty;
- (d) is of unsound mind or is certified by a medical practitioner to be so ill as not to properly discharge his or her functions under this Act.

### **Seats of members when vacant**

**15G.** (1) If a member dies, resigns, is removed from or otherwise vacates his or her office prior to the expiry of the term for which he or she has been appointed, the Minister shall appoint a new member to replace him or her.

(2) An appointment of a new member under subsection (1) may be for the unexpired period of the term of office of the member in whose place he or she is appointed for a new term not exceeding 3 years.

### **Annual reports**

**15H.** The Committee shall, within three months after the end of every year, submit to the Minister an annual report of the performance of its functions during the year including any recommendations the Committee makes and the Minister shall cause the report to be laid before the House of Assembly.

### **Remuneration of Committee members**

**15I.** (1) A member of the Committee who is not a public officer may be paid such remuneration as Cabinet may determine.

(2) A person co-opted to a meeting of the Committee pursuant to section 15D(7), or any person not being a member of the Committee shall be paid such remuneration as the Cabinet may determine in consultation with the Committee.

### **Section 16 amended**

7. The principal Act is amended in section 16

- (a) in subsection (3)(c) by deleting the reference to the number “10” and substituting with the number “20”;
- (b) by inserting immediately after subsection (7), the following new provision:
  - “(7a) A spouse who obtains belonger status under subsection (6) or (7) is prohibited from passing that belonger status to a new spouse.”
- (c) in subsection (8), by inserting immediately after paragraph (b) the following new paragraphs:
  - “(ba) the applicant is committed to protecting the environment and sustainable practices dedicated to preserving the natural beauty and ecological balance of the Virgin Islands;

- (bb) the applicant has undergone comprehensive background checks to ensure that the security and safety of the Territory;
  - (bc) the applicant has exhibited community participation and solidarity;
  - (bd) the applicant is committed to respect for cultural heritage and integration and has exhibited a willingness to engage in cultural and social orientation;
  - (be) the applicant is law abiding;
  - (bf) the applicant has demonstrated inclusivity and respect for diversity; and
  - (bg) the applicant is supported by positive personal and professional references.”
- (d) by inserting immediately after subsection (10) the following new subsections:
- “(11) A person who submits false or altered documents in support of an application for belonger status under section 16(1) commits an offence and shall on summary conviction be liable to pay a fine of \$1,000.
- (12) The Department of Immigration shall publish an annual report on decisions made by the Cabinet regarding the grant or refusal to grant belonger and residence status.
- (13) The report referred to in subsection (12) shall include the justifications for the grant or refusal to grant belonger status to applicants and any other justifications that Cabinet deems proper.
- (14) A certificate issued under this section shall be renewed in accordance with regulations made under this Act.”

**Section 16A inserted**

8. The principal Act is amended by inserting immediately after section 16 the following new section:

**“Certificate that a child born in Territory to non-Belonger Parents belongs to the Territory**

**16A.** The Cabinet after consultation with the Board, may upon application being made in the manner prescribed grant a certificate certifying that a person who is granted a certificate of residence under section 18(5), upon attaining the age of 18 years, belongs to the Territory.”

**Section 17 amended**

9. The principal Act is amended in section 17
- (a) by deleting subsection (4);
  - (b) by inserting immediately after subsection (5) the following new subsection:



“(5a) A person who is aggrieved by an Order of the Cabinet under subsection (2) may appeal to the Immigration Appeals Board.”

### **Section 18 amended**

**10.** The principal Act is amended in section 18 by inserting immediately after subsection (4) the following new subsections:

“(5) Subject to the other provisions of this section, the Cabinet after consultations with the Board may, upon application being made by a non-belonger parent of a child in the manner prescribed, grant a certificate of residence to the child where

- (a) the child was born in the Territory to non-belonger parents;
- (b) the parents of the child ordinarily reside in the Territory;
- (c) the child has attained the age of 10 years; and
- (d) the child qualifies under this Act and regulations made under the Act.

(6) Where Cabinet refuses to grant a certificate of residence to a person under subsection (1) or (5) or refuses to endorse the certificate to relate to a spouse or dependent child of the person under subsection (2), the person may appeal to the Immigration Appeals Board.

(7) The appeal shall be made within 7 days of the decision of Cabinet and in a form approved by the Immigration Appeals Board.

(8) A person who submits false or altered documents in support of an application for residence under section 18(1), (2) or (5) commits an offence and is on summary conviction liable to pay a fine of \$1,000.”

(9) A certificate issued under this section shall be renewed in accordance with regulations made under this Act.”

### **Sections 18A-18D inserted**

**11.** The principal Act is amended by inserting immediately after section 18 the following new sections:

#### **“Certificate of residence direct investment**

**18A.** (1) Subject to the provisions of this section and regulations made under this Act, the Cabinet may, after consultation with the Minister to whom responsibility for trade and investment promotion is assigned grant a certificate of residence by direct investment to any person who applies for the same in the prescribed manner and who

- (a) is of good character;
- (b) qualifies under this Act and regulations made under the Act;

(2) For the purposes of this section

“certificate of residence by direct investment” means a certificate allowing a foreign investor to reside in the Territory;

### **Certificate of residence substantial business presence**

**18B.** (1) Subject to the provisions of this section and regulations made under this Act, the Cabinet may, after consultation with the Minister to whom responsibility for trade and investment promotion is assigned grant a certificate, in this section referred to as “certificate of residence for substantial business presence” to any person who applies for the same in the prescribed manner and who

- (a) is of good character;
- (b) qualifies under this Act and regulations made under the Act;

(2) For the purposes of this section

“certificate of residence for substantial business presence” means a certificate allowing a foreign investor to reside in the Territory;

### **Certificate of residence persons of independent means**

**18C.** (1) Subject to the provisions of this section and regulations made under this Act, the Cabinet may, after consultation with the Minister to whom responsibility for trade and investment promotion is assigned grant a certificate, in this section referred to as “certificate of residence for a person of independent means”, who applies for the same in the prescribed manner and who

- (a) is of good character;
- (b) qualifies under this Act and regulations made under the Act;

(2) For the purposes of this section

“certificate of residence for person of independent means” means a certificate allowing a foreign investor to reside in the Territory;

### **Definition of foreign investor**

**18D.** For the purposes of this section and sections 18A, 18B and 18C

“foreign investor” means

- (a) a natural person who is not a believer that has made or is seeking to make an investment into the Territory;
- (b) a company incorporated, registered or constituted in accordance with the laws of
  - (i) the Territory; or

- (ii) any country other than the Territory, that is not directly or indirectly owned or controlled by a believer, in accordance with this Act and that has made or is seeking to make an investment into the Territory in terms of this Act.”

## **Section 19 amended**

### **12. The principal Act is amended in section 19**

- (a) by renumbering the provision as subsection (1)
- (b) in paragraph (a), by deleting the number “3” and substituting with the number “1”;
- (c) by inserting immediately after paragraph (c) the following new paragraphs:
  - “(d)has been found to organise or engage in subversive political activity or promotes discriminatory behaviour within the Territory or elsewhere;
  - (e) provided false information in a material particular or concealed a material fact in the application for residence;
  - (f) has become destitute through their own fault;
  - (g) has been medically certified to be suffering from a communicable disease that makes his or her continued residence in the Virgin Islands dangerous to the community;
  - (h) has failed to maintain the level of financial investment stated in his or her application for permission to remain permanently in the Islands;
  - (i) has failed to make the required declaration and renewal of the certificate of residence in respect of himself or herself, his or her dependents, and other prescribed matters every 5 years;
  - (j) has been working in an occupation not specified in the certificate of residence;
  - (k) is either no longer supporting, or able to support, a dependent previously endorsed in the certificate of residence;
  - (l) is delinquent, for a period of more than 90 days, with respect to the payment of prescribed fees relating to the right to reside permanently in the Virgin Islands; or
  - (m) is deemed by the Cabinet to be an undesirable inhabitant of the Virgin Islands.”
- (d) by inserting the following new subsections:
  - “(2) Where the Cabinet revokes the certificate of residence of a person or an endorsement on the certificate, the person may appeal to the Immigration Appeals Board within 7 days of the revocation.

(3) The criteria for revoking a certificate of residence by direct investment, a certificate of residence of a person of substantial business presence and a certificate of residence of a person of independent means by Cabinet shall be prescribed by regulations made under this Act.”

**Section 23 amended**

13. The principal Act is amended in section 23 by inserting immediately after subsection (4), the following new subsections:

“(5) Where a person is not granted leave to land under subsection (1) by the immigration officer or the Chief Immigration Officer, after exercising his or her discretion under subsection (3), confirms the decision of the immigration officer under subsection (1), the person may appeal to the Immigration Appeals Board, within 7 days of the refusal to grant leave to land in such form as the Immigration Appeals Board shall determine.

(6) The person may appeal to the Immigration Appeals Board on the ground that

- (a) the immigration officer or Chief Immigration Officer misinterpreted or misapplied the provisions of the law;
- (b) or any other ground that the person considers reasonable.”

**Section 24 amended**

14. The principal Act is amended in section 24 by renumbering the provision as subsection (1) and inserting the following new subsection:

“(2) Where a person is not granted leave to land in the Territory by an immigration officer under section 23 and the Chief Immigration Officer, after exercising his or her discretion under subsection (1) confirms the decision of the immigration officer, the person may appeal the decision of both the immigration officer and the Chief Immigration Officer to the Immigration Appeals Board within 7 days of the refusal to grant leave to land on the ground that the immigration officer or Chief Immigration Officer misinterpreted or misapplied the law, made a procedural error or other reasonable ground.”

**Part VIIIA inserted**

15. The principal Act is amended by inserting immediately after section 44 the following new Part:

“PART VIIIA

IMMIGRATION APPEALS BOARD

**Establishment of the Immigration Appeals Board**

44A. (1) There is established, for the purposes of this Act, a board to be known as the Immigration Appeals Board.

(2) The Immigration Appeals Board shall not be subject to the direction or control of any authority or body in the performance of its functions under this Act.

### **Composition and appointment**

**44B.** (1) The Immigration Appeals Board shall comprise 3 persons appointed by the Cabinet on the recommendation of the Minister, one of whom shall be the Chairperson with 10 years' experience in legal practice.

(2) The other 2 persons appointed under subsection (1) shall be persons with 10 years' experience in immigration law, human rights and administrative law respectively.

### **Disqualification for appointment**

**44C.** A person shall be disqualified from appointment as a member of the Immigration Appeals Board where the member

- (a) is a member of the House of Assembly;
- (b) is not a believer or does not hold a certificate of believer status of twenty five years or more;
- (c) is an undischarged bankrupt;
- (d) has been convicted of an offence other than a road traffic offence;
- (e) has been certified by a medical practitioner to be of unsound mind; and
- (f) is considered by the Minister, on reasonable grounds, to warrant a disqualification.

### **Functions of Immigration Appeals Board**

**44D.** (1) The Immigration Appeals Board shall be responsible for hearing appeals by any person aggrieved by a decision made against him or her under this Act.

(2) Without prejudice to the generality of subsection (1), the Immigration Appeals Board shall hear appeals relating to

- (a) refusal by the Cabinet to grant a certificate that a person belongs in the Territory;
- (b) refusal by the Cabinet to grant a certificate of residence;
- (c) revocation of a certificate of residence or believer status;
- (d) misapplication of the provisions of the Act by the immigration officer or Chief Immigration Officer;
- (e) procedural errors made by the immigration officer or Chief Immigration Officer in the performance of their functions under the Act;

- (f) abuse of any discretionary powers by the Chief Immigration Officer or the Minister;
- (g) deportation orders issued by the Governor; and
- (h) decisions of the immigration or Chief Immigration Officer under the Act which in the opinion of the Immigration Appeals Board do not compromise national security.

(3) The Immigration Appeals Board shall not consider any appeal which in the opinion of the Immigration Appeals Board is frivolous and vexatious.

(4) The Immigration Appeals Board shall make rules relating to hearing of appeals by the Immigration Appeals Board.

### **Disclosure of interests**

**44E.** (1) Where an appeal is to be decided by the Immigration Appeals Board at a hearing, any member present at the hearing who has an interest in the appeal shall, before the hearing, disclose the nature of the interest in advance of any consideration of the appeal.

(2) Where a member discloses an interest under this section

- (a) the disclosure shall be recorded in the record of the Immigration Appeals Board; and
- (b) the member shall not, unless the Immigration Appeals Board otherwise determines
  - (i) be present during any deliberations by the Immigration Appeals Board relating to the appeal; or
  - (ii) take part in any decision of the Immigration Appeals Board relating to the appeal.

### **Procedure for appeal**

**44F.** (1) A person who is aggrieved by a decision of the Cabinet, the Minister, immigration officer or Chief Immigration Officer under section 44D or any other decision made under this Act may, within 7 days from the date of the decision file a notice of appeal to the Immigration Appeals Board in the form prescribed by rules made by the Immigration Appeals Board.

(2) A notice of appeal shall be filed in the form approved by the Immigration Appeals Board stating the grounds of appeal.

(3) Upon receipt of a notice of appeal, the Immigration Appeals Board shall proceed to hear the appeal in accordance with this Act and rules of appeal made under this Act.

(4) In hearing an appeal relating to a matter under section 44D or any other provisions of this Act, the Immigration Appeals Board shall reassess the decision and

- (a) have regard to the record of any oral, documentary or other evidence which the Cabinet, Minister or Chief Immigration Officer had relied upon in arriving at its decision;
  - (b) have regard to the written decision of either the Cabinet, Minister or the Chief Immigration Officer and the reasons for the decision;
  - (c) have regard to any documentary or other evidence provided by the appellant;
  - (d) have regard to any submissions provided by the appellant, the Cabinet, the Minister or the Chief Immigration Officer; and
  - (e) allow the appellant, the Cabinet, the Minister or the Chief Immigration Officer if any of them wish to do so, to be represented by a legal practitioner or other representative of their choice.
- (5) In hearing an appeal referred to under subsection (1), the Immigration Appeals Board may
- (a) permit oral or written submissions, or both;
  - (b) permit the introduction of evidence, oral or otherwise, if it is satisfied that new evidence has become available or has been discovered that
    - (i) is substantial and material to the decision of Cabinet, the Minister or the Chief Immigration Officer; and
    - (ii) did not exist at the time the Cabinet, the Minister or the Chief Immigration Officer made its decision, or was not discovered or could not reasonably have been discovered at the time of the decision;
  - (c) consider evidence related to the appeal, whether or not that evidence would be permissible in court; and
  - (d) proceed with the hearing of the appeal in the absence of the appellant if the appellant has been given at least 7 days' notice of the hearing.
- (6) On completion of hearing of an appeal against a decision made by the Cabinet, the Minister, the immigration officer or the Chief Immigration Officer under this Act, and the reassessment of its decision on appeal, the Immigration Appeals Board shall proceed to make a decision.

### **Decision of Immigration Appeals Board**

**44G.** (1) The Immigration Appeals Board may after hearing an appeal

- (a) confirm the decision of the immigration officer, the Chief Immigration Officer, the Minister or the Cabinet;
  - (b) vary the decision in such manner and to such extent as the Immigration Appeals Board considers proper; or
  - (c) set aside the decision appealed against in accordance with such direction as the Immigration Appeals Board may specify.
- (2) A decision of the Immigration Appeals Board shall
- (a) be in writing;
  - (b) state the reasons for the decision; and
  - (c) be binding on the parties to the appeal.
- (3) The Immigration Appeals Board shall provide electronic copies of the decision to the parties to the appeal at no cost.
- (4) The Immigration Appeals Board shall not award costs to any party in respect of an appeal heard by the Immigration Appeals Board.

#### **Rules of evidence**

**44H.** The Immigration Appeals Board is not bound by the rules of evidence in the hearing of any appeal, and it may inform itself of any matter that is before it in any way it reasonably believes to be appropriate and in accordance with the provisions of this Act and the rules of appeal made under this Act.

#### **Appeal of decision of Immigration Appeals Board**

**44I.** A person who is aggrieved by the decision of the Immigration Appeals Board may appeal to a court of competent jurisdiction.

#### **Decisions of Immigration Appeals Board to be published**

**44J.** The Immigration Appeals Board may publish its decisions in the *Gazette*.

#### **Annual report**

**44K.** (1) The Immigration Appeals Board shall within 6 months of the end of each year prepare a report of its activities and work undertaken for that year.

- (2) A report prepared under subsection (1) shall
- (a) be made available to the Minister by the Chairperson of the Immigration Appeals Board;
  - (b) be submitted to Cabinet for information by the Minister within 1 month from the date the report is made available to the Minister.



( 3) The Cabinet shall direct the Minister to publish the report referred to in subsection (1) on the Virgin Islands Government website and other media as it may deem proper.

### **Rules of procedure**

**44L.** (1) The Immigration Appeals Board may in addition to the rules of procedure made under section 45 make such other rules relative to its functions as it may consider proper for the purpose of facilitating the receipt of appeals under this Act.”

### **Section 45 amended**

**16.** The principal Act is amended in section 45 by deleting the word “and” immediately after paragraph (m) and inserting the following new paragraphs:

- “(ma) prescribing the criteria for renewal of applications for belonger and residence status;
- (mb) prescribing the criteria and conditions for applying for, grant and revocation of certificates of residence by investment, certificates of residence of persons of substantial business presence and certificates of persons of independent means;
- (mc) prescribing the rules by which appeals shall be made to Immigration Appeals Board including notices of appeal and the format for appeals;
- (md) prescribing the costs associated with appeals made under the Act;
- (md) prescribing the point-based system for obtaining belonger and residence status;
- (me) prescribing the annual cycle for consideration of applications for residence and belonger status;
- (mf) prescribing the eligibility criteria and qualifications for categories of immigration quotas;
- (mg) prescribing the guiding factors in consideration of applications for grant of belonger and residence status; and”.

### **Section 49 amended**

**17.** The principal Act is amended in section 49 by substituting for the fine of “\$1,000”, with the fine of “\$5,000”.

### **Section 50 amended**

**18.** The principal Act is amended in section 50 by deleting the word “alien” wherever the word appears and substituting with the word “person”.

Passed by the House of Assembly this      day of                              2024.

Speaker.

Clerk of the House of Assembly.

## **OBJECTS AND REASONS**

The Bill seeks to amend the Immigration and Passport Act, Revised Edition 2013, (hereafter referred to as “the principal Act”) to give effect to Recommendation B33 of the Commission of Inquiry Report which required that there should be a review of processes for the grant of residence and belonger status, the establishment of published guidance on the powers to grant residence and belonger status and the clarification of the length of residence required for applications for belonger status.

The Bill also seeks to give effect to the Belonger Status and Permanent Residence Policy for the Virgin Islands by introducing provisions for the establishment of an immigration quota-setting Committee, a pathway to residence and belonger status for children born in the Territory to non-belonger parents, grant of certificates of residence by investment and establishment of an Immigration Appeals Board.

Clause 1 would set out the short title.

Clause 2 would provide for the amendment of section 2 of the principal Act by introducing the definition of the words “Committee” to reflect that a Committee entitled immigration quota-setting Committee has been introduced and “spouse” which has been used in the Bill.

Clause 3 would provide for the amendment of section 7 of the principal Act to introduce additional penalties for failing to answer questions posed by an immigration officer.

Clause 4 would provide for the amendment of section 13 of the principal Act by substituting the word “Governor” with the word “Minister”.

Clause 5 would provide for the amendment of section 14 of the principal Act by introducing additional functions of the Board.

Clause 6 would provide for the insertion of Part IIIA in the principal Act which introduces an Immigration Quota-setting Committee” to give effect to the Policy.

Clause 7 would provide for the amendment of section 16 of the principal Act by increasing the period of residency from 10 years to 20 years, by introducing provisions relating to passing of belonger status by spouses and by introducing additional requirements for application for belonger status.

Clause 8 would provide for the insertion of section 16A of the principal Act to address the status of children born in the Territory to non-belonger parents.

Clause 9 would provide for the amendment of section 17 of the principal Act by providing that persons aggrieved by an Order may appeal to the Immigration Appeals Board.

Clause 10 would provide for the amendment of section 18 of the principal Act by introducing the requirements for application for residence by children born in the Territory to non-belonger parents.

Clause 11 would provide for the insertion of sections 18A-18D in the principal Act to provide for provisions relating to acquiring certificates of residence by direct investment.

Clause 12 would provide for the amendment of section 19 of the principal Act by introducing additional provisions that warrant revocation of certificates of residence.

Clause 13 would provide for the amendment of section 23 of the principal Act by introducing the right to appeal to the Immigration Appeals Board.

Clause 14 would provide for the amendment of section 24 of the principal Act by introducing the right to appeal to the Immigration Appeals Board.

Clause 15 would provide for the insertion of Part VIIIA in the principal Act which introduces the Immigration Appeals Board.

Clause 16 would provide for the amendment of section 45 of the principal Act by introducing additional provisions which will require the making of regulations under the Act.

Clause 17 would provide for the amendment of section 49 of the principal Act by increasing the fine for which no penalty is provided.

Clause 18 would provide for the amendment of section 50 of the principal Act by deleting the word "alien" wherever the word appears and substituting with the word "person".

Premier.