

**A COMPREHENSIVE REVIEW OF IMMIGRATION POLICY  
AND PROPOSALS FOR LEGISLATIVE REFORM  
EXECUTIVE SUMMARY**

This Policy document is divided into three sections.

**Section I**

Section 1 sets out several key issues necessitating reform, including the following:

- freedom of movement within the context of the CARICOM Single Market and Economy
- management of labour migration
- border control and national and regional security
- public health, and public policy

**Treaty of Chaguaramas**

Having regard to the relevant articles in the Revised Treaty of Chaguaramas providing for freedom of movement of CARICOM nationals, this section examines the country's achievements thus far and looks to the way forward.

**Investors**

The document is recommending a reshaping of immigration policy to achieve the following:

- a ready response to the dynamics of business, enabling businesses to attract and retain highly qualified and skilled immigrants to make a competitive difference to the country
- a shift in the selection process from that based purely on occupational grounds to a system that embraces and rewards

flexible transferable skills thereby allowing timely transformation into a knowledge based economy

- priority treatment for investors who not only plan to make significant monetary investments in the country, but are also able to contribute to the transfer of essential skills and technology.

### **Criminal Deportees from Outside the Region:**

Section I emphasizes the need for a review, at the regional level, of the administrative and procedural guidelines that govern the receipt of criminal deportees. Considering that the problem of deportation of criminal offenders is one of relevance to regional states, an appropriate response will require a coordinated effort at both the national and regional levels to effectively address this problem. This will involve the retraining of immigration officers and further enhancement of policies and procedures governing regional intelligence facilities.

### **Guest Worker Programme:**

The guest worker programme has been proposed as a solution to the labour migration problem. It is designed to achieve a drastic reduction in the number of CARICOM nationals who regularly violate the terms of their status as visitors and others who remain illegally in the country after their work permits have expired. Specific incentives have been outlined for those persons who participate in the programme and satisfy the outlined requirements. It also enables the Immigration Department to effectively track the movements of these workers and minimize the administrative burden of finding and removing them.

### **Border Security:**

- It is proposed that border security, an essential element of any immigration policy, must have a wider scope as Barbados attempts to honour regional, hemispheric and international commitments with regard to the movement of capital and people.
- it is important that a better balance be created to achieve greater flexibility in the promotion of services without compromising the border security system in any way.

- Freedom to travel is currently facilitated by the use of the Advanced Passenger Information System. This allows the prescreening of all passengers arriving by sea or air. It is proposed that non-compliance with the requirement for airlines or ships to provide passenger and crew manifests either before arrival or departure result in a fine forthwith.
- Section 1 also looks at issues pertaining to terrorism and false documentation, which affect border security.

### **Section 11:**

Section II raises the following issues:

- the role of the Immigration Department in national development
- the need of the Department to adopt a more strategic approach to enable it to continue to contribute to government's economic growth targets and security objectives
- the need to build on measures to improve service standards and delivery. In this regard, it is proposed that there be increased use of information technology and a revamping of existing human resource management and development practices.
- The pursuit of these objectives should take account of the need to realign policies, systems and procedures in order to fulfill the Immigration Department's changing role. This role involves the implementation and enforcement of new programmes and effective response to the freer movement of people and the challenges this brings, especially in the maintenance of national security.

### **Section III:**

This section deals with the Department's proposals for legislative and policy reform and is intended to address the following issues:

- It outlines the amendments that are considered necessary if the Department is to continue to participate in the country's economic growth and national development generally; if it is to continue to play a major role in securing the country against, terrorism,

transnational crime, human trafficking, narco-trafficking and other criminal activity, in this age of increased movement of people.

- The cataloguing of the amendments has been done mindful of the international and regional obligations of the Government of Barbados and mindful of the interests of national security and public policy.
- Amendments are necessary and are recommended to the entire body of legislation that governs the Department, namely:
  - The Constitution of Barbados
  - The Barbados Citizenship Act, Cap. 186, and the Regulations
  - The Immigration Act, Cap. 190 and the Immigration Regulations
  - the Caribbean Community (Movement of Skilled Nationals) Act 2004-12, and
  - the Passports and Travel Documents (Fees) Act, Cap. 81.
- The recommended amendments to the Citizenship Act, Cap 186 include:
  - defining of various terms for clarification and the avoidance of ambiguity
  - repealing of sections that are no longer relevant
  - prescription of various exceptions or qualifications as required by the Constitution of Barbados
  - legislating a standard procedure for the reclamation of Barbados citizenship after renunciation
  - provision for the children adopted abroad by citizens of Barbados by birth

- prescription of the period (two years) of cohabitation of Barbadians and their non-Barbadian spouses before the grant of citizenship, as specified in the Constitution of Barbados.
  
- Amendments to the Constitution of Barbados include:
  - amendments to ensure the reduction of abuse of the right to citizenship by virtue of marriage;
  - A key amendment to the Constitution would see the rectifying of an apparent oversight with respect to subsection 5(2) of the Constitution, which excludes from qualifying for citizenship by descent, a small group of persons born abroad before 29 November 1966 to a Barbadian parent.
  - An amendment to the Constitution would stipulate that children born in Barbados where neither parent enjoys the status of immigrant, permanent resident or citizen, will not be entitled to citizenship at birth unless one parent qualifies to move under the Revised Treaty and fulfills the residency requirement applicable.
  
- Amendments to the Immigration Act, Cap. 190 include:
  - an adjustment that would reflect prevailing practice by excluding persons granted immigrant status in retirement from progressing to citizenship;
  - repealing of sections that are no longer pertinent;
  - specifying clear conditions for potential business investors seeking immigrant status;
  - the revocation of immigrant status and permanent residence for persons who harbour illegal immigrants;

- clearly defined standards for the granting of certificates of absence;
  - legislating “reside and work”;
  - legislating “special entry permits”;
  - major adjustments to the conditions for granting work permits with greater responsibility demanded from employers.
- Section III outlines in detail the amendments to the Immigration Act, Cap. 190 that are required in order to satisfy the Governments obligations under the Economic Partnership Agreement between CARIFORUM States and the European Community, which was signed in 2008.
  - Section 17 of Cap. 190 which authorizes work permits, requires amendment and various definitions must be added to the legislation to ensure compliance.
  - The Guest Worker Programme is expected to regulate migrant labour while at the same time ensuring that the rights of migrants are protected.
  - The obligations of the employer are clearly articulated. A greater degree of accountability will be demanded from any employer who wishes to benefit from the programme.
  - In addition, Section III outlines the changes recommended to Cap. 190 with respect to appeals, penalties resulting from immigration infractions, changes to the numbers and composition of Immigration Review Committee removal from Barbados and deportation.
  - There are recommendations with respect to legislation for the capturing and storing of fingerprints.
  - Amendments to the Caribbean Community (Movement of Skilled Nationals) Act 2004-13 recommends a review of the definition of

“spouse” to exclude common-law spouses, so that the definition is in line with that of other CARICOM countries.

- Amendments are also recommended to allow for the addition of those categories of CARICOM Skilled Nationals allowed free movement since the Act was passed in 2004.

The policy document recommends amendments intended to strengthen the legislation and empower the Department in areas that have been in past overlooked. Amendments will not only address gaps in the legislation, but they will allow for a clearer mandate that will promote fairness and transparency while facilitating economic activity.