

CHAPTER 185

ALIENS

ARRANGEMENT OF SECTIONS

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(This Chapter comprises a consolidation of the Aliens Restriction Act, 1939-15 and the Aliens Act, 1883-3.)

CHAPTER 185

ALIENS

An Act to impose restrictions on aliens and make such provision as appears necessary or expedient for carrying such restrictions into effect, and to amend the law relating to the legal condition of aliens.

1883-3.
1939-15.
1949-53.
1958-55.
1965-43.
1967-42.
1968-8.
L.N. 168/
1967.
2004-24.

[1st March, 1941-Part I
31st December, 1883-Part II] Commence-
ment.

1. This Act may be cited as the *Aliens Act*.

Short title.
1939-15.

PART I¹

Aliens' Restriction

2. For the purposes of this Act, the expression

Interpreta-
tion.

"alien" means a person who is not

2004-24.

(a) a national of a Member State of the Caribbean Community;
or

(b) a Commonwealth citizen, a British protected person or a
citizen of the Republic of Ireland;

"Caribbean Community" means the Caribbean Community established
by the Treaty;

2004-24.

"Minister" means the Minister responsible for Home Affairs;

¹ This Part was kept in force annually until made permanent by the Expiring Law Act, 1968-8.

- 2004-24. "national of a Member State" means a person who
- (a) is a citizen of a Member State;
 - (b) has a connection with that State of a kind which entitles him to be regarded as belonging to, or, if it be so expressed, as being a native or resident of, the State for the purposes of the laws thereof relating to immigration; or
 - (c) is a company or other legal entity constituted in the Member State in conformity with the laws thereof and which that State regards as belonging to it, provided that such company or other legal entity has been formed for gainful purposes and has its registered office and central administration, and carries on substantial activity, within the Community and is substantially owned and effectively controlled by persons mentioned in paragraphs (a) and (b),
- but does not include a person who has attained nationality by virtue of an economic connection;
- 2004-24. "Treaty" means the Revised Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy, that was signed in the Bahamas on 5th July, 2001.
- Powers of Minister with respect to aliens.
- 3.** (1) The Minister may by order impose restrictions on aliens, and provision may be made by the order
- (a) for prohibiting aliens from landing in Barbados, either generally or at certain places, and for imposing restrictions or conditions on aliens landing or arriving at any port in Barbados;
 - (b) for prohibiting aliens from embarking in Barbados, either generally or at certain places, and for imposing restrictions and conditions on aliens embarking or about to embark in Barbados;
 - (c) for the deportation of aliens from Barbados;

- (d) for requiring aliens to reside and remain within certain places or districts;
 - (e) for prohibiting aliens from residing or remaining in any areas specified in the order;
 - (f) for requiring aliens residing in Barbados to comply with such provisions as to registration, change of abode, travelling or otherwise, as may be made by the order;
 - (g) for the appointment of officers to carry the order into effect and for conferring on such officers such powers as may be necessary or expedient for the purposes of the order;
 - (h) for imposing such obligations and restrictions on masters of ships or any other persons specified in the order as appear necessary or expedient for giving full effect to the order;
 - (i) for conferring upon such persons as may be specified in the order such powers with respect to arrest, detention, search of premises or persons and otherwise as may be specified in the order, and for any other ancillary matters for which it appears expedient to provide with a view to giving full effect to the order;
 - (j) for determining what nationality is to be ascribed to aliens in doubtful circumstances, and for disregarding, in the case of any person against whom a deportation or expulsion order has been made, any subsequent change of nationality;
 - (k) for any other matters which appear necessary or expedient with a view to the better carrying into effect of the purposes of this Part or of any order.
- (2) Any provision of any order made under this section with respect to aliens may relate either to aliens in general or to any class or description of aliens.

(3) If any question arises on any proceedings under any such order, or with reference to anything done or proposed to be done under any such order whether any person is an alien or not or is an alien of a particular class or not, the onus of proving that that person is not an alien or, as the case may be, is not an alien of that class shall lie upon that person.

(4) Any powers given under this section or under any order shall be in addition to, and not in derogation of, any other powers with respect to the expulsion of aliens or the prohibition of aliens from entering Barbados, and shall be without prejudice to the exercise of any right or prerogative of the Crown.

Incitement
to sedition
and
industrial
unrest.

4. (1) Any alien who attempts or does any act calculated or likely to cause sedition or disaffection amongst any of Her Majesty's Forces or amongst the civilian population shall be liable on conviction on indictment to imprisonment for 10 years or on summary conviction to imprisonment for 3 months.

(2) Any alien who promotes or attempts to promote industrial unrest in any industry in which he has not been *bona fide* engaged for at least 2 years immediately preceding in Barbados shall be liable on summary conviction to imprisonment for 3 months.

Pilotage
licences.

5. No alien shall hold a pilotage licence in Barbados.

Offences
and
penalties.

6. (1) Any person who acts in contravention of or fails to comply with this Part or any order or any rules made or conditions imposed under any such order shall be guilty of an offence against this Act.

(2) Any person who aids or abets any person in any contravention of this Part or of any order, or knowingly harbours any person whom he knows or has reasonable ground for believing to have acted in contravention of this Part or of any order, shall be guilty of an offence under this Act.

(3) Where a person lands in Barbados in contravention of this Part or of any order, the master of the ship or the pilot or commander of the aircraft from which he lands shall, unless he proves to the contrary, be deemed to have aided and abetted the offence.

(4) A person who is guilty of an offence against this Act shall be liable on summary conviction to a fine of \$480 or to imprisonment for 6 months or, on a second or subsequent conviction, 12 months or, in either case, to both such fine and imprisonment.

(5) Where any person, having acted in contravention of, or having failed to comply with, any provisions of any order, is convicted of an offence against this Act, the court before which he is convicted may, either in addition to or *in lieu* of any punishment which may be awarded under subsection (4) require that person to enter into recognisances with or without sureties to comply with the provisions of the said order or such provisions thereof as the court may direct.

(6) Where any such person fails to comply with an order of the court requiring him to enter into recognisances, the court may order him to be imprisoned for 6 months.

7. Nothing in this Act shall be construed as imposing any restriction or disability on any duly accredited member of a mission within the meaning of the *Diplomatic Immunities and Privileges Act* or any person who is a member of the family, and forms part of the household, of such a member.

Saving for
diplomatic
persons.
Cap. 18.

PART II

Aliens' Property Holding

Alien may take and dispose of real and personal property, and title may be derived through alien.
L.N. 168/1967.

8. (1) Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a Commonwealth citizen, and a title to real and personal property of every description may be derived through, from or in succession to an alien in the same manner in all respects as through, from or in succession to a Commonwealth citizen.

(2) This section shall not qualify an alien for any office.

(3) This section shall not entitle an alien to any right or privilege as a Commonwealth citizen, except such rights and privileges in respect of property as are hereby expressly given to him.

(4) This section shall not qualify an alien to be the owner of a ship registered in Barbados.

(5) This section shall not affect any estate or interest in real or personal property to which any person has or may become entitled either mediately or immediately in possession or expectancy in pursuance of any disposition made before 31st December, 1883¹ or in pursuance of any devolution by law on the death of any person dying before that date.

¹ The date of commencement of this Part.