

**MONTSERRAT**

**STATUTORY RULES AND ORDERS**

**S.R.O. 33 OF 2019**

**IMMIGRATION (PERMANENT RESIDENCE PERMITS)  
(TEMPORARY) REGULATIONS 2019**

**ARRANGEMENT OF REGULATIONS**

1.	Citation.....	2
2.	Interpretation .....	2
3.	Temporary eligibility for permanent residence permit based on 12 years of residence.....	2
4.	Form of application and fees .....	3
5.	Expiration.....	3



Montserrat  
Immigration (Permanent Residence Permits) (Temporary)  
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**THE IMMIGRATION (PERMANENT RESIDENCE PERMITS)  
(TEMPORARY) REGULATIONS 2019 MADE BY THE GOVERNOR  
ACTING ON THE ADVICE OF CABINET UNDER SECTION 40 OF  
THE IMMIGRATION ACT (CAP. 13.01).**

**1. Citation**

These Regulations may be cited as the Immigration (Permanent Residence Permits) (Temporary) Regulations, 2019.

**2. Interpretation**

In these Regulations—

“**Act**” means the Immigration Act; Cap 13.01

“**dependant**” means, in relation to an applicant for a permit of permanent residence, a—

- (a) spouse who is not living apart from the applicant under a decree of a competent court or a deed of separation; or
- (b) child, step-child or adopted child who is under the age of eighteen years;

“**Governor**” means the Governor acting on the advice of Cabinet; and

“**ordinarily resident**” means living in Montserrat without being absent from Montserrat for more than ninety days during any one calendar year.

**3. Temporary eligibility for permanent residence permit based on 12 years of residence**

Despite the Immigration (Permanent Residence Permits) Regulations Cap 13.01, a person is eligible for a permit of permanent residence under these Regulations if the person—

- (a) applies to the Governor before these Regulations expire;

Montserrat  
Immigration (Permanent Residence Permits) (Temporary)  
Regulations  
S.R.O. 33 of 2019

---

- (b) was ordinarily resident in Montserrat for a period of twelve or more consecutive years immediately before the application for the permit of permanent residence under these Regulations;
- (c) provides proof, to the satisfaction of the Governor, that he or she has consistent and adequate income from employment or any other source, to maintain himself or herself and dependants who live in Montserrat;
- (d) produces a valid health certificate which certifies that he or she is free from all notifiable communicable diseases specified in Schedule 1 to the Immigration (Health Certificate) Regulations, Cap. 13.01, from a medical practitioner who is—
  - (i) registered in Montserrat under the Medical Act, Cap. 14.02; or
  - (ii) registered in a country other than Montserrat, in exceptional cases and at the discretion of the Governor; and
- (e) produces a good character certificate from the Royal Montserrat Police Service.

**4. Form of application and fees**

- (1) An application for a grant of a permit of permanent residence under these Regulations shall—
  - (a) be in the form set out as Form S to the Immigration (Permanent Residence Permits) Regulations Cap 13.01;
  - (b) include all the documents and information necessary to prove, to the satisfaction of the Governor, eligibility for a permit of permanent residence for—
    - (i) the applicant; and
    - (ii) any dependant the applicant wants to be endorsed on the permit under section 23(2) of the Act.
- (2) The fees prescribed in the Immigration (Permanent Residence Permits) (Fees) Regulations, 2013 for an application and permit of permanent residence apply to an application under these Regulations.

**5. Expiration**

- (1) These Regulations expire on 1 June 2020 or on a later date that the Legislative Assembly, prior to 1 June 2020, appoints by resolution.

Montserrat  
Immigration (Permanent Residence Permits) (Temporary)  
Regulations  
S.R.O. 33 of 2019

---

- (2) On the expiration of these Regulations, sections 71 and 72 of the Interpretation Act, Cap. 1.02 apply as if these Regulations had been repealed.

Made by the Governor acting on the advice of Cabinet this 16<sup>th</sup> day of May, 2019

(Sgd.) Marjorie Smith  
**CLERK OF CABINET**

Published by exhibition by the Clerk of Cabinet at the Office of the Legislature, Farara Plaza, Brades this 7<sup>th</sup> day of October, 2019.

(Sgd.) Marjorie Smith  
**CLERK OF CABINET**