

IMMIGRATION (ECONOMIC RESIDENCE PERMIT) REGULATIONS

– SECTION 39

(S.R.O. 8/1998)

Commencement

[24 February 1998]

Short title

1. These Regulations may be cited as the Immigration (Economic Residence Permit) Regulations.

Interpretation

2. In these Regulations—

“dependant” in relation to a person who has been granted a permit of economic residence means—

- (a) the spouse of that person provided they are not living apart under a decree of a competent court or a deed of separation;
- (b) a child or step-child under the age of sixteen years, of that person; or
- (c) an adopted child under the age of sixteen years having been adopted by that person in a manner recognised by law.

Eligibility for grant

3. An applicant is eligible for the grant of a permit of economic residence if he satisfies the Governor in Council of his intention to make a commercial investment in Montserrat and—

- (a) (i) maintains a property investment in Montserrat of at least the equivalent of 400,000 Eastern Caribbean dollars; or
- (ii) maintains a deposit of at least the equivalent of 400,000 Eastern Caribbean dollars at a commercial bank operating in Montserrat; or
- (iii) holds Montserrat government securities to the value of at least the equivalent of 400,000 Eastern Caribbean dollars; and
- (b) is a fit and proper person to be granted a right to reside in Montserrat.

Conditions of grant

4. (1) The Governor in Council may, as a condition of the grant of a permit of economic residence under these Regulations impose such conditions as the Governor in Council thinks fit.

(2) Without restricting the generality of subregulation (1) the Governor in Council may require that a person to whom a permit of economic residence is being granted create employment in Montserrat for a specified number of persons within a specified period.

(3) A permit of economic residence is subject to revocation for failure to fulfill a condition of its grant.

Permit issued in the national interest

5. Notwithstanding the provisions of regulation 3, the Governor in Council may in any case in which it deems it expedient in the national interest grant a permit of economic residence to any person on such conditions as it may specify.

Exemption

6. A person granted a permit of economic residence under these Regulations is exempt from the provisions of section 21 of the Immigration Act for the period of validity of the permit of economic residence.

Eligibility of dependants for permanent residence permit

7. (1) A dependant of a person to whom a permit of economic residence has been granted is eligible for the grant of a permit of permanent residence if—

- (a) at the time of application he resides in Montserrat; and
- (b) in the opinion of the Governor in Council he is a fit and proper person to be granted a right to permanently reside in Montserrat.

(2) A permit of permanent residence granted under this Regulation is valid only for the period of validity of the permit of economic residence to which it relates.

Form of application and form of permit

8. (1) An application for a permit of economic residence shall be made to the Governor in Council through the Financial Secretary in the form set out as Form A in the Schedule.

(2) Upon receipt by the Applicant of a notice issued by or on behalf of the Governor in Council that his application for a permit of economic residence has been approved, the applicant shall pay the prescribed fee to the Accountant General and upon the production of the receipt the Governor in Council shall cause to be issued to the applicant a permit of economic residence in the form set out as Form B in the Schedule.

(3) An application by a dependent for a permanent residence permit shall be in the form set out as Form C in the Schedule, and the procedure for application shall be that specified in regulation 6 of the Immigration (Permanent Residence Permits) Regulations.
