

BELIZE:

BELIZEAN NATIONALITY (AMENDMENT) ACT, 2022

ARRANGEMENT OF SECTIONS

1. Short title.
2. Insertion of new sections.
3. Insertion of new Part IV B.

SCHEDULE II



No. 16 of 2022

I assent,

(H.E. MS. FROYLA TZALAM)
Governor-General

8th August, 2022.

AN ACT to amend the Belizean Nationality Act, Chapter 161 of the Substantive Laws of Belize, Revised Edition 2020; to provide for an amnesty program for irregular migrants; and to provide for matters connected therewith or incidental thereto.

(Gazetted 13th August, 2022).

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

1. This Act may be cited as the

Short title.

BELIZEAN NATIONALITY (AMENDMENT)
ACT, 2022,

CAP. 161.

and shall be read and construed as one with the Belizean Nationality Act, which is hereinafter referred to as the principal Act.

Insertion of
new sections.

2. The principal Act is amended by inserting immediately after 21A the following new sections—

“Application
for permanent
residency
under an
amnesty
program.

21AA.—(1) Notwithstanding section 21A, a qualified person may during the amnesty period apply for permanent residency.

(2) A qualified person who, during the amnesty period, completes and submits the prescribed application form and pays the application fee and who satisfies the relevant requirements prescribed in the amnesty regulations shall be granted permanent residence.

(3) Any person who is not legally resident in Belize and is within any of the categories set out in this sub-section is qualified to apply under sub-section (1)—

- (a) an asylum seeker during the amnesty period as prescribed in the amnesty regulations;
- (b) a person who has been continuously in Belize during the amnesty period as prescribed in the amnesty regulations;
- (c) a person having at least one child born in Belize during the amnesty period as prescribed in the amnesty regulations;

- (d) a person married to a Belizean for a period of at least one year;
 - (e) a person in a common-law union with a Belizean;
 - (f) a person who has completed primary secondary or tertiary school in Belize;
 - (g) a person who has been in continuous employment in Belize for at least 5 years;
 - (h) a child referred to the Director of Nationality and Passports by the Ministry of Human Development, being a minor or a minor victim of human trafficking.
- (4) Where an applicant under subsection (1)–
- (a) is an asylum seeker, that person shall submit a formal sealed letter, under the hand of the Director of Refugees or an authorized person acting in that behalf, certifying that the applicant is a registered asylum seeker under the Refugees Act and giving all relevant details and particulars in respect of the applicant and any persons applying under him;

- (b) is a person who has been continuously in Belize during the amnesty period as prescribed in the amnesty regulations; that person shall submit –
- (i) copy of all pages of passport showing entry into Belize; or
 - (ii) copy of all pages of relevant travel document used to enter Belize; and
 - (iii) any temporary document obtained during the relevant period prescribed in amnesty regulations;
 - (iv) any form of legal document obtained during the period of time that person is residing in Belize, including, but not limited to, land title or lease, trade licences, company or business documents;
 - (v) where applicable, proof of having attended school, including certificates, diplomas or degrees awarded by any institution of

learning, or a certified copy of a letter from the institution of learning, along with report cards and certified transcripts;

- (vi) where applicable, referral letters by the Department of Human Services in sealed form signed by the Chief Executive Officer or Director of Human Services;
- (c) has at least one child born in Belize during the relevant period prescribed in amnesty regulations, that person shall submit—
- (i) a copy of the birth certificate of the child showing the applicant's name as parent; and
 - (ii) proof that the applicant has been residing in Belize such as travel documents, temporary travel permits, or other legal document;
- (d) is married to a Belizean for a period of at least one year, that person shall submit—

- (i) a copy of the marriage register certifying that the parties have been married for a period of at least one year;
 - (ii) where the spouse was born in Belize, a copy of the birth certificate of that person's spouse;
 - (iii) where the spouse is a citizen of Belize but is since deceased, a copy of the death certificate;
 - (iv) where the spouse is a naturalized Belizean, a copy of the Belize Nationality Certificate;
 - (v) a valid photo identification of the spouse;
- (e) is in a common-law union with a Belizean, that person shall submit—
- (i) a Common-Law Union Reference Form prescribed in Schedule II along with a photo identification and proof of relationship from either parent or sibling of the Belizean spouse attesting knowledge of union;

CAP. 91.

- (ii) a statutory declaration by each party to the union attesting that each is single for the purposes of qualifying for a common-law union under the Supreme Court of Judicature Act;
- (iii) where the spouse is a born Belizean, a copy of the birth certificate of the spouse along with a photo identification;
- (iv) where the spouse is a naturalized Belizean, a copy of the Belize Nationality Certificate along with a photo identification;
- (v) where applicable, record of any joint business ventures undertaken between the spouses;
- (f) is a person who has completed primary, secondary or tertiary school in Belize, that person shall submit a copy of any one or more of the following—
 - (i) primary school certificate;

- (ii) high school diploma;
 - (iii) certified letter from an education institution, along with report cards;
 - (iv) certified school transcript;
- (g) is a person who has been in continuous employment in Belize for at least 5 years, that person shall submit—
 - (i) Temporary Employment Permits along with social security contribution history; or
 - (ii) salary slips along with social security contribution history, a statutory declaration from the applicant and employer(s) and a photo identification of employer(s);
- (h) is a child referred to the Director of Nationality and Passports by the Ministry of Human Development, being a minor or a minor victim of human trafficking, the applicant shall submit referral letters by the Department of Human Services in sealed form signed by the Chief

Executive Officer or Director
of Human Services.

(6) For the purposes of this section, a valid photo identification includes a—

- (a) Belize Social Security Card;
- (b) Belize Voter's Registration Card;
- (c) Belize Passport;
- (d) national photo identification.

(7) For the purposes of this section, a qualified person means a person who falls within one of the categories in sub-section (3) and who satisfies the relevant regulations made pursuant to section 21AC.

“Dis-
qualification.”

21AB. For the purpose of eligibility of application for permanent residency, a person who has not received a free pardon or who, in any country, has been convicted of an offence for which a sentence of imprisonment of more than twelve months has been passed, is disqualified from an application under section 21AA.”

Insertion of
new Part IV B.

3. The principal Act is amended by inserting immediately after Part IVA, the following new Part—

“PART IV B

Amnesty Program

Amnesty
program.

21AC.-(1). The Minister may, by Notice published in the *Gazette*, declare that an amnesty program shall be implemented.

(2) The Minister may make regulations generally in relation to an amnesty program and in particular—

- (a) to declare the period of, and the considerations governing, an amnesty program declared under sub-section (1);
- (b) to prescribe fees to be charged in relation to an amnesty program;
- (c) to prescribe anything needed to be prescribed in relation to an amnesty program declared under sub-section (1);
- (d) generally for carrying out the provisions in relation to an amnesty program declared under this Part.”

SCHEDULE II

Common Law Union Reference Form

[sec. 21AA (4) (e) (i)]



BELIZE
NATIONALITY & PASSPORTS DEPARTMENT



Supplement Amnesty Form - Common-Law Union Reference
FORMULARIO SUPLEMENTARIO DE AMNISTIA - REFERENCIA PARA LA UNION CONSENSUAL

I, undersigned, declare that I am a citizen of [NATIONALITY] and that
I am the [RELATIONSHIP] of [NAME OF BELIZEAN COMMON LAW SPOUSE].
I have known [NAME OF APPLICANT] for [NUMBER OF YEARS] years. I hereby
attest to the best of my knowledge that [NAME OF APPLICANT]
has been in a common law relationship of at least five (5) years
with [NAME OF BELIZEAN COMMON LAW SPOUSE].

I am aware of the penalties punishable by law for providing false information.

NAME
NOMBRE

SIGNATURE
FIRMA

DOCUMENT NUMBER
NUMERO DE DOCUMENTO

- PASSPORT PASAPORTE
SOCIAL SECURITY SEGURO SOCIAL
VOTER'S ID SEGURO SOCIAL

STREET ADDRESS
CALLE

CITY/TOWN/VILLAGE
ALDEA/MUNICIPIO/CIUDAD

DISTRICT
DISTRITO

- BELIZE
CAVO
COROZAL
ORANGE WALK
STANN CREEK
TOLEDO

The above named individual(s) appeared before me, being duly sworn, deposes and
says that he/she executed the above instrument and that the statements and answers
contained therein are true and correct to the best of his/her knowledge and belief.

La(s) persona(s) mencionada(s) anteriormente compareció ante mí, siendo debidamente juramentada, declara y dice que al/ella ejecutó el instrumento
mencionado arriba y que las declaraciones y respuestas allí contenidas son verdaderas y correctas a lo mejor de su conocimiento y creencia.

Subscribed and sworn before me this [] day of [] 20 []
Suscrito y jurado ante mí este día de 20

COMMISSIONER OF SUPREME COURT/JUSTICE OF THE PEACE/
COMMUNITY LEADER
COMISIONADO DE LA CORTE SUPREMA/JUEZ DE PAZ/
LIDER DE COMUNIDAD

SIGNATURE
FIRMA

\$1.50 postage stamps goes here
Estampilla de \$1.50 va aquí