

BELIZE:

IMMIGRATION (AMENDMENT) ACT, 2023

ARRANGEMENT OF CLAUSES

1. Short title.
2. Insertion of definition.
3. Amendment of section 19D
4. Amendment of section 19E.
5. Amendment of section 19F.
6. Amendment of section 19G.
7. Amendment of section 19I.
8. Amendment of section 19J.

BELIZE:

BILL

AN ACT to amend the Immigration Act Chapter 156 of the Substantive Laws of Belize, Revised Edition 2020 in relation to the movement of nationals of Caribbean Community States; the clarification of the period of definite and indefinite stay for nationals of Caribbean Community States; and to provide for matters connected therewith or incidental thereto.

(Gazetted, 2023)

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:

Short title.

1. This Act may be cited as the

IMMIGRATION (AMENDMENT) ACT, 2023

CAP. 156.

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

Insertion of definition.

2. The principal Act is amended by inserting the following new definitions in the appropriate alphabetical sequence—

““definite stay” means a stay of six months.; and

S.I. No. 11 of 2022.

“economic enterprise” has the meaning assigned to it under the Belize Companies Act”.

Amendment of section 19D.

3. The principal Act is amended in section 19D by repealing sub-section (4) and replacing it with following—

“(4) An applicant shall remain in Belize for a period not exceeding the expiration of the provisional period of entry stated under section 3(1) of the Caribbean Community (Free Movement of Skilled Persons) Act.”.

CAP. 17:02.

Amendment of
section 19E.

4. The principal Act is amended by repealing section 19E and replacing it with following—

”Application for indefinite stay to engage in gainful employment. **19E.**—(1) Subject to section 19C, a national who seeks to enter or remain in Belize, for the purpose of engaging in or finding gainful employment with an employer or as a self-employed person, shall be granted definite stay for a period of six months to remain in Belize.

(2) A national under sub-section (1) may, within thirty days from the date of expiration of the period stated in that sub-section, apply to the department in the approved form, for indefinite stay for the purpose of engaging in or finding gainful employment with an employer or as a self-employed person.

(3) A national under sub-section (1), the spouse, or any dependant of the national, shall have the right to—

- (a) the freedom of movement and to work, during the period of definite stay; and
- (b) engage in gainful employment with an employer or as a self-employed person,

pending the verification of validity of the qualifying certificate.

CAP. 17:02. (4) Subject to section 5 of the Caribbean Community (Free Movement of Skilled Persons) Act, the department shall, within thirty days of submission of an application under sub-section (2), grant indefinite stay to the applicant, or the spouse or any dependant of that applicant.

(5) Where an application under sub-section (2) is approved, the department shall grant indefinite stay to, the applicant, the spouse or any dependent of that applicant,.

(6) Where an application under sub-section (2) is refused, the department shall notify the applicant of the refusal.”

- Amendment of section 19F.
- 5.** The principal Act is amended in section 19F by deleting the chapeau and substituting it with following–
- “**19F.** Notwithstanding the provisions of any other law, a Caribbean skilled person, the spouse or any dependant of the Caribbean skilled person, permitted to enter Belize under this Act shall not be subject to any restriction on–”.
- .Amendment of section 19G.
- 6.** The principal Act is amended in section 19G by deleting sub-section (4) and substituting it with following–
- “**19G.** Notwithstanding the provisions of any other law, permission granted under this Act to a Caribbean skilled person to enter Belize and the rights conferred on that person under section 8 of the Caribbean Community (Free Movement of Skilled Persons) Act, shall not be revocable except for cause.”.
- Amendment of section 19I.
CAP. 17:02.
- 7.** The principal Act is amended by repealing section 19I and replacing it with the following sections–
- “Procedure after entry to establish or operate an economic enterprise. **19I.**–(1) Notwithstanding the provisions of any other law, a national who is permitted to enter into Belize under section 19H, shall as soon as practicable after entry, submit to the department–
- (a) a valid passport, valid for at least six months from the date of entry, issued to the national by a qualifying Caribbean Community State; and
 - (b) proof of financial resources sufficient to establish the economic enterprise;
- (2) A national who is permitted to enter into Belize under section 19H, shall as soon as practicable after entry–
- (a) register the name of the economic enterprise or incorporate the economic enterprise, in accordance with the Belize Companies Act;
 - (b) submit proof of registration of the business name or the articles, for the economic enterprise, to the department; and
- S.I. No. 11 of 2022.

- (c) where applicable, submit to the department, all relevant trade or professional licences required for the operation of the economic enterprise.

(3) Notwithstanding the provisions of any other law, the department may request a police record for—

- (a) a national who is permitted entry into Belize under section 19H;
- (b) the spouse of the applicant; or
- (c) any dependant, above the age of seventeen, of the applicant.

Application for indefinite stay to establish an economic enterprise.

19J.—(1) Notwithstanding the provisions of any other law, a national who seeks to remain in Belize beyond the period stated under section 19H, may within thirty days from the date of expiration of that period apply, to the department for indefinite stay, in the approved form and pay the approved fee.

(2) An application under sub-section (1) may include the spouse or any dependant of the national and any spouse or dependant of the national so included, shall be permitted to remain in Belize for the same period as stated under section 19H.

(3) The spouse or any dependant of the national included in an application under sub-section (2), may engage in employment with an employer or as a self-employed person.

CAP. 17:02.

(4) Subject to section 5 of the Caribbean Community (Free Movement of Skilled Persons) Act, the department shall, within thirty days of submission of an application, under sub-section (1), approve or refuse the application.

(5) Where an application is approved, the department shall grant indefinite stay to—

- (a) the national; and
- (b) where applicable, the spouse or any dependant of the national.

(6) Where an application under sub-section (1) is refused, the national, the spouse or any dependant of the national, shall be permitted to remain in Belize for a period not exceeding the expiration of the provisional period of entry stated under section 19H(1) or any extension period approved under sub-section (13).

(7) A national who is granted indefinite stay under sub-section (5), may request, in writing, to the department, for any managerial, supervisory or technical staff employed with the economic enterprise, to be permitted to enter and remain in Belize during the period of employment with the economic enterprise.

(8) A request under sub-section (7), shall—

- (a) be in relation to a person who is a national of a qualifying Caribbean Community State; and
- (b) include the employment contract of the managerial, supervisory or technical staff.

(9) The department may approve or refuse a request under sub-section (7), and where the request is approved, the department shall grant indefinite stay and endorse the passport of the managerial, supervisory or technical staff, within thirty days of submission of the passport.

(10) A national who was granted definite stay under sub-section (5), and does not established the economic enterprise within the required time period, may submit an application to the department, for an extension of time to establish the economic enterprise, together with a letter outlining the steps taken by the national to establish the economic enterprise and indicating the reasons the economic enterprise is not established.

(11) Where the department is satisfied with the explanation and reasons provided by a national under sub-section (10), the department shall approve an extension of no more than three months.

(12) A national who—

- (a) does not establish the economic enterprise within the provisional period for entry or any extension period granted; or
- (b) is no longer operating, the economic enterprise;

shall immediately upon the occurrence of the circumstance under paragraph (a) or (b), inform the department of the change in circumstance, to register the change in the status.

(13) A person who was granted indefinite stay based on a request by a national, for the person to be employed as managerial, supervisory or technical staff, and who is no longer employed with the national who made the request, shall immediately upon the change in circumstance inform the department of same for the department to register the change in the status.

(14) The department shall revoke the indefinite stay granted to a national under sub-sections (4) or (9) where the reasons for the grant of indefinite stay or the permission no longer exists or has changed.”

Amendment of
section 19J.

- 8.** The principal Act is amended in section 19J–
- (a) by renumbering the section as section 19K; and
 - (b) in the chapeau by deleting the word “19I(13)” and replacing it with the word “19J(10).