

No. 12 of 2025

VIRGIN ISLANDS

IMMIGRATION AND PASSPORT (AMENDMENT) ACT, 2025

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No. 12 of 2025

**Immigration and Passport
(Amendment) Act, 2025**

**Virgin
Islands**

I ASSENT

**(Sgd.) Daniel Pruce,
Governor,
8th May, 2025**

VIRGIN ISLANDS

No. 12 of 2025

AN ACT TO AMEND IMMIGRATION AND PASSPORT ACT, REVISED EDITION 2013.

[Gazetted 13th May, 2025]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title and commencement

1. This Act may be cited as the Immigration and Passport (Amendment) Act, 2025 and shall come into force on the day after the Immigration and Passport (Amendment) Act, 2024, No. 6 of 2024, comes into force.

Section 2 amended

2. The Immigration and Passport Act, Revised Edition 2013 (hereafter referred to as the “principal Act”) is amended in section 2 by inserting in the appropriate order, the following definition:

““ordinarily resident”, without prejudice to section 16(9), means the place of abode of a person in a particular place or country which he or she has legally adopted voluntarily and for settled purposes as part of the regular order of his or her life for the time being, consecutively, whether of short or long duration;”.

Section 5A inserted

3. The principal Act is amended by inserting immediately after section 5 the following new section:

“Hospital treatment medical attention and funeral allowances

5A. All immigration officers are entitled to hospital treatment and medical and surgical attention and funeral allowances in accordance with a policy to be formulated by the Cabinet”.

Section 13 amended

4. The principal Act is amended in section 13 by substituting subsection (1a) with the following new subsection:

“(1a) The members of the Board shall consist of

- (a) Virgin Islanders as defined under section 65(2) of the Virgin Islands Constitution Order;
- (b) persons who are deemed to belong to the Territory under section 2(2) of the Virgin Islands Constitution Order; or
- (c) persons who hold certificates of Belonger status under section 16 of the Act for 20 years or more.”.

Section 16 amended

5. The principal Act is amended in section 16

- (a) in subsection (3), by substituting paragraphs (c) and (d) with the following new paragraphs:

“(c) has held a certificate of residence granted under section 18 for a period of not less than 12 months immediately preceding the date of the application;

(d) immediately prior to his or her application for a certificate under this section, has been ordinarily resident in the Territory for a period not less than 20 years inclusive of the period required to qualify for a residence certificate; and”

- (b) in subsection (10) by substituting the word “study” with the words “post-secondary education and inserting immediately after the words “post-secondary education”, the words “business travel,”;

- (c) by inserting immediately after subsection (10) the following new subsection:

“(11) An applicant who owns property in the Territory shall be deemed to be ordinarily resident in the Territory where he or she proves to the satisfaction of the Cabinet that he or she had been absent from the Territory on grounds of business travel for a period not exceeding two months in addition to the period referred to in subsection (9)(b) in any 12 months period”.

Section 18 amended

6. The principal Act is amended in section 18

- (a) by inserting immediately after paragraph (b) the following new paragraphs:

“(c) has not been ordinarily resident outside the Territory for more than one year consecutively;

(d) in his or her application has stated an intention to reside permanently in the Territory; and

- (e) the number of days on which he or she is absent from the Territory in the period of 12 months so ending does not exceed 90”;
- (b) by inserting immediately after subsection (8) the following new subsection:

“(9) Notwithstanding the definition of “ordinarily resident”, an applicant shall be deemed to be ordinarily resident in the Territory where he or she proves to the satisfaction of the Cabinet that he or she had been absent from the Territory on grounds of illness, post-secondary education, Government service or service in the armed forces of Her Majesty’s Government.”.

Section 20 amended

7. The principal Act is amended in section 20(2)(b) by substituting the phrase “21(1)(a) or (b)”, with the phrase “21(1)(a), (b) or (j)”.

Section 23 amended

8. The principal Act is amended in section 23
- (a) in subsection (1) by substituting the phrase “21(1)(c) to (i)”, with the phrase “21(1)(c) to (j)”;
 - (b) in subsection (2)(b) by substituting the words “10 months” with the words “six months”;
 - (c) in subsection (2)(c) by substituting the phrase “21(1)(c) to (i)” wherever it appears with the phrase “21(1)(c) to (j)”;
 - (d) by inserting immediately after subsection (2)(c) the following new paragraph:

“(d) where such person is a person who holds a valid Non-Belonger Land Holder’s licence, a period of 10 months.”.

Section 29A inserted

9. The principal Act is amended by inserting immediately after section 29 the following new section:

“Enabling the Commission of an offence

29A. An employer who enables a person to commit an offence under section 29 commits an offence and is liable on summary conviction to a fine of \$5000.”.

Section 30 amended

10. The principal Act is amended
- (a) in section 30(2) by substituting the phrase “21(1)(a), (c), (d), (e), (f) and (g)” with the phrase “21(a), (c), (d), (e), (f), (g) and (j)”;
 - (b) by inserting immediately after subsection (3) the following subsection:

“(4) An employer who enables a person to commit an offence under this section commits an offence and is liable on summary conviction to a fine of \$5000.”.

Section 31 amended

11. The principal Act is amended in section 31(1)

(a) by inserting immediately after paragraph (a) the following new paragraph:

“(aa) where such person is the spouse of a Virgin Islander or a Belonger, to remain in the Territory, upon meeting a three months period, on a conditional permit; or”;

(b) by inserting immediately after paragraph (c) the following new paragraph:

“(d) where the person referred to in subsection (1)(c) is in the process of transitioning from gainful employment to a dependant of a spouse or a parent, the Chief Immigration Officer may permit the person to remain in the Territory for the purposes of transitioning from gainful employment to a dependant of the spouse or parent.”.

Section 32 amended

12. The principal Act is amended in section 32(1) by inserting immediately after paragraph (c) the following new paragraph:

“(cc) may be cancelled by the Chief Immigration Officer in the event of being satisfied that the presence of the person in the Territory would in the opinion of the Chief Immigration Officer and on the direction of the Minister be undesirable and not conducive to the public good;”.

Section 45 amended

13. The principal Act is amended in section 45 by inserting immediately after paragraph (ma) the following new paragraph:

“(maa) prescribing the procedure for obtaining permission to remain in the Territory under section 18(4)(b);”.

Passed by the House of Assembly this 24th day of April, 2025.

(Sgd.) Corine George-Massicote,
Speaker.

(Sgd.) Bethsaida Smith-Hanley,
Clerk of the House of Assembly.