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***For more details, please see the provided Memorandum.***

<b>Is there a refugee protection program? Please describe it.</b>	The government has not yet adopted legislation or regulations governing asylum procedures or the rights of refugees in Antigua and Barbuda. As a result, UNHCR, through its partnership with the Antigua and Barbuda Red Cross, registers asylum-seekers and advises the Government on refugee status determination. <sup>1</sup> The closest thing to a refugee protection program would be the Eligibility Committee that was assembled by the Governor-General. The Eligibility Committee reviews refugees and asylum applications on an <i>ad hoc</i> basis. <sup>2</sup>
<b>Who runs any available refugee protection program? Who determines which applicants qualify for refugee protection?</b>	The Eligibility Committee that was assembled by the Governor-General includes representation from multiple government agencies, the Red Cross, and the UNHCR (in an advisory capacity). <sup>3</sup> The UNHCR expresses hope that the creation of this committee represents a forward step in creating and establishing a stronger asylum system in Antigua and Barbuda. Since the Eligibility decides applications on an <i>ad hoc</i> basis, the government (along with those serving in an advisory capacity) determine which applicants qualify for refugee protection.

<sup>1</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS' COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COL,UNHCR,,ATG,,595f9a7a4,0.html>.

<sup>2</sup> U.S. Dep't of State, Bureau of Democracy, H.R. and Lab., 2020 Country Reports on Human Rights Practices: Antigua and Barbuda (Mar. 30, 2021), <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/antigua-and-barbuda/>

<sup>3</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS' COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COL,UNHCR,,ATG,,595f9a7a4,0.html>.

<p><b>Is the refugee protection program functional? For example, how long does it take for decisions to be issued? What percentage of applications are granted?</b></p>	<p>The refugee protection program (or lack thereof) in Antigua and Barbuda does not seem to be functioning very well – or at least not publically. Seeking Asylum in Antigua &amp; Barbuda is a rare and difficult process. In almost all cases, it is granted at the discretion of the Government, and only then if it can be proven that the applicant faces financial destitution, harassment or physical danger in returning to their home country.<sup>4</sup></p> <p>There is very little information reported on the number of refugees yearly in Antigua and Barbuda. In 2012, there were no refugees recorded.<sup>5</sup> In 2013, there is a record of one asylum application.<sup>6</sup> In 2014, there were no refugees recorded.<sup>7</sup> In 2015, there were 15 refugees recorded and in 2016, there were 5 refugees recorded.<sup>8</sup> In the UNHCR report covering 2016-2017, there were a total of 4 refugees, all of whom were assisted by the UNHCR and non with pending asylum-seeking cases.<sup>9</sup></p>
<p><b>Do refugees have a right to work? A right to education? A right to medical care? Please describe.</b></p>	<p>There are no details on whether refugees have a right to work, a right to education, or a right to medical care.</p>
<p><b>Are those seeking refugee protection free to live freely or forced to reside in camps?</b></p>	<p>There have been multiple reports regarding Antigua and Barbuda’s treatment of refugees/asylum-seekers and the state of the country’s detention system. In 2017, the Committee against Torture (“CAT”) expressed concern over their findings of</p>

<sup>4</sup> *Antigua and Barbuda – Asylum & Illegal – Asylum*, Sable International (2021), [https://www.whatpassport.com/countries/Antigua-and-Barbuda/Asylum\\_and\\_Illegal/Asylum](https://www.whatpassport.com/countries/Antigua-and-Barbuda/Asylum_and_Illegal/Asylum).

<sup>5</sup> *Antigua and Barbuda: Migration Profiles*, UNICEF (2013), <https://esa.un.org/migmgmprofiles/indicators/files/AntiguaBarbuda.pdf>.

<sup>6</sup> *Antigua and Barbuda*, GLOBAL DETENTION PROJECT (April 11, 2021), <https://www.globaldetentionproject.org/countries/americas/antigua-and-barbuda>

<sup>7</sup> *Antigua and Barbuda*, GLOBAL DETENTION PROJECT (April 11, 2021), <https://www.globaldetentionproject.org/countries/americas/antigua-and-barbuda>

<sup>8</sup> *Antigua and Barbuda AG: Refugee Population: by Country or Territory of Asylum*, CEIC (2021), <https://www.ceicdata.com/en/antigua-and-barbuda/population-and-urbanization-statistics/ag-refugee-population-by-country-or-territory-of-asylum>.

<sup>9</sup> REP. OF THE UNHCR, covering the period of 1 July 2016-30 June 2017, U.N. DOC. A/72/12 (2017), <https://www.refworld.org/cgi-bin/tehis/vtx/rwmain?page=publisher&docid=59c8d9594&skip=0&publisher=UNHCR&querysi=Antigua&searchin=fulltext&sort=date>.

Antigua and Barbuda’s practice of detaining migrants and asylum seekers, particularly over the lack of information available about migrants detained at the country’s detention and removal center at St. John’s police station. The committee stated a formal recommendation that the “State party should refrain from detaining refugees, asylum seekers and undocumented migrants for prolonged periods, especially when they are not charged with any offence under the law; use detention only as a measure of last resort and for as short a period as possible; and promote alternatives to detention.” Their report centered around the same issue involving the Syrian men from 2015.

The government of Antigua and Barbuda replied to CAT’s concerns in a state party reply in 2017. On the topic of asylum-seekers and refugees, the Antigua and Barbuda government expressed the following:

“The state has immigration laws and policy which must be adhered to protect its borders and keep its citizens safe. If an individual is seeking asylum, an investigation will have to be carried out to ensure that they are bona fide asylum seekers. The records indicate that the individuals seeking asylum were all Syrian males. Some of the men had come into Antigua and Barbuda with a sponsor; however the immigration department had some concerns about the men. The sponsor then contacted the Red Cross organization in Antigua. The Red Cross has signed a MOU with United Nations High Commission for Refugees to be a partner organization dealing with refugees. The Red Cross was very instrumental in assisting the men with their applications for refugee status and ensure that they were comfortable and being treated properly throughout the whole process.

Antigua and Barbuda

	<p>The Eligibility Committee that was established by the Governor-General conducted the review of the asylum applications and found that most men were bona fide asylum seekers [...] The Eligibility committee recommended that a standing committee be permanently established to deal with refugee matters on an ongoing basis in Antigua and Barbuda; and that operational guidelines of best practice and standards be drawn up to govern all hearings on the part of the state under the Refugee Convention.”<sup>10</sup></p>
<p><b>Does a grant of refugee protection result in a pathway to permanent status? In other words, can a refugee eventually become a citizen? Is there another form of legal permanent status available for people with refugee status?</b></p>	<p>There are no details from the Antigua and Barbuda government that states whether there are other pathways to permanent status or another form of legal permanent status available for people with refugee status. Please see below for the different ways of immigrating to Antigua and Barbuda.</p>
<p><b>Does the country offer temporary protections available other than refugee status? If so, what are they?</b></p>	<p>The country does not seem to offer any temporary protections for people who are in a refugee type situation. However, they do have the following visa/residency options:</p> <p>1) <u>Entry Visa</u> – The entry visa is valid for a stay no longer than six months for reasons dealing with holiday or business. A person must show proof of purchasing a return ticket for exiting the country within that time period, have proof of accommodations during their stay, a valid passport, and proof of financial stability. There are a list of countries on Antigua and Barbuda’s immigration website that do not require a visa – note that Afghanistan is not on that list.<sup>11</sup></p> <p>2) <u>Multiple Entry Visa</u> – This visa is for those who need to come</p>

<sup>10</sup> United Nations Human Rights Treaty Bodies, *Written Replies of the State Party – Antigua and Barbuda*, (Aug. 4, 2017), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fSRY%2fATG%2f28373&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fSRY%2fATG%2f28373&Lang=en).

<sup>11</sup> Countries Exempt from Visa, ANT. & BARB. DEP’T OF IMMIGRATION, <https://immigration.gov.ag/visa-services/countries-exempt-from-visa/>.

	<p>and go throughout a 12 month period. This visa has the same requirements as an Entry Visa.</p> <p>3) <u>Permanent Residency</u> – The government of Antigua and Barbuda created this program in June 1995, mostly to encourage wealthy businessmen to relocate. This program includes freedom from local taxes (i.e. income tax, capital gains tax, inheritance tax, and wealth tax). The requirements of permanent residency is to maintain an address in Antigua and/or Barbuda (renting or purchasing property) which requires an annual cost of \$20,000 USD per year and the person must remain in the country for 30 days of the year. A person must also provide a certificate of income, a bank reference, and two personal references.<sup>12</sup></p> <p>4) <u>Residency Permit</u> – If a person live in Antigua and Barbuda for no less than four years, that person can apply for residency status which allows them to not pay the \$20,000 USD levy. This permit is valid for three years and includes the following requirements: a police certificate showing no criminal activity for 6 months, a health certificate, a letter from the Statutory Boards to prove necessary taxes have been paid during the residency period, a valid passport, and birth and marriage certificates. At this point, the Chief Immigration Officer has the option of asking for more documentation as well.</p> <p>5) <u>Naturalization</u> – After residing in Antigua and Barbuda for seven years, a person may apply for naturalization.<sup>13</sup></p> <p>5) <u>Citizenship by Investment Program</u> – This program was created for investors in Antigua and Barbuda, where citizenship</p>
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<sup>12</sup> Residency Options in Antigua and Barbuda, INTERNATIONAL STRATEGIES FOR THE GLOBALLY MINDED (Sep. 19, 2020), <https://www.escapeartist.com/blog/residency-options-antigua-barbuda/#:~:text=In%20order%20to%20qualify%20for,least%2030%20days%20per%20year.>

<sup>13</sup> Antigua and Barbuda, CENTRAL INTELLIGENCE AGENCY (July 29, 2021), [https://www.cia.gov/the-world-factbook/countries/antigua-and-barbuda/.](https://www.cia.gov/the-world-factbook/countries/antigua-and-barbuda/)

	<p>and a second passport are granted. The eligibility requirements needed are to invest in one of three approved investment types – as well as the standard application materials needed for a residency permit. The three investment options include a minimum of \$200,000 USD into the National Development Fund of Antigua and Barbuda, making a real estate investment following the Citizenship by Investment Unit guidelines, or making a business investment according to the Unit’s guidelines.<sup>14</sup></p>
<p><b>What, if any, penalties are there for people without status or people who are denied refugee protection?</b></p>	<p>Antigua and Barbuda’s immigration laws are harsh for violators that are in the country illegally or have violated a specific law. If an immigration officer suspects that a person is there illegally or has committed an offense, the officer may detain that person without warrant for a period not exceeding 48 hours except by an order of a court of law.<sup>15</sup> That person may be detained on the vehicle that they arrived in or as a prisoner in Her Majesty’s Prison, in the Immigration Detention Centre, or a place of detention in Antigua and Barbuda approved by the Minister for the purpose.<sup>16</sup></p>
<p><b>What organizations exist in-country that can help displaced people seek available protections? What other organizations in the country may be able to help displaced people access services and rights, even if their mission is not to specifically work with refugees and displaced people?</b></p>	<p>The UNHCR and the Red Cross have been active in helping with refugee and asylum issues within Antigua and Barbuda.</p> <p><b><u>Antigua and Barbuda Red Cross Society</u></b><sup>17</sup>  <b>Address:</b></p>

<sup>14</sup> Citizenship by Investment Unit, GOV’T OF ANT. & BARB., <https://cip.gov.ag/>.

<sup>15</sup> Ant. & Barb. *The Immigration and Passport Act*, (2014) No. 6. (Official Gazette Vol. XXXIV No. 41 dated Jun. 19, 2014) <http://laws.gov.ag/wp-content/uploads/2019/03/Immigration-and-Passport-Act-no.-6-2014.pdf>.

<sup>16</sup> Ant. & Barb. *The Immigration and Passport Act*, (2014) No. 6. (Official Gazette Vol. XXXIV No. 41 dated Jun. 19, 2014) <http://laws.gov.ag/wp-content/uploads/2019/03/Immigration-and-Passport-Act-no.-6-2014.pdf>.

<sup>17</sup> Antigua and Barbuda, INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES (2021), <https://www.ifrc.org/en/what-we-do/where-we-work/americas/antigua-and-barbuda-red-cross-society/>.

## Antigua and Barbuda

	<p>Red Cross Headquarters Old Parham Road P.O. Box 727 St Johns, Antigua W.I T: (1) (268) 462-0800 / 460-9599 F: (1) (268) 460-9595 Email: <a href="mailto:info@abredcross.org">info@abredcross.org</a> Website: <a href="http://www.abredcross.org/">http://www.abredcross.org/</a> Facebook: <a href="https://www.facebook.com/AntiguaBarbudaRedCross">https://www.facebook.com/AntiguaBarbudaRedCross</a></p> <p>Antigua and Barbuda is covered by the following UNHCR office:<sup>18</sup></p> <p><b><u>UNHCR Office</u></b> <b>Address:</b> 1800 Massachusetts Ave NW Suite 500, 20036 Washington, DC United States T: (202) 296-5191 F: (202) 296-5660 Email: <a href="mailto:USAWA@UNHCR.ORG">USAWA@UNHCR.ORG</a> Website: <a href="https://www.unhcr.org/en-us/antigua-and-barbuda.html">https://www.unhcr.org/en-us/antigua-and-barbuda.html</a></p> <p>Two additional NGO's that are located in Antigua and Barbuda are listed below.</p> <p><b><u>Ombudsman Antigua and Barbuda</u></b> <b>Address:</b> Prime Minister's Drive St. Johns, Antigua Email: <a href="mailto:ombudsman@antigua.gov.ag">ombudsman@antigua.gov.ag</a></p>
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<sup>18</sup> Antigua and Barbuda, UNHCR, <https://www.unhcr.org/en-us/antigua-and-barbuda.html>.

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	<p><b>Website:</b> <a href="http://www.ombudsman.gov.ag">www.ombudsman.gov.ag</a> <b>Phone:</b> +268 462 9364</p> <p><b><u>Amnesty International Antigua and Barbuda</u></b> <b>Address:</b> Calle Luz Saviñon 519 Colonia del Valle, 03100 Ciudad de Mexico, Mexique <b>Email:</b> <a href="mailto:duncan.tucker@amnesty.org">duncan.tucker@amnesty.org</a> <b>Website:</b> <a href="https://www.amnesty.org/en/countries/americas/antigua-and-barbuda/">https://www.amnesty.org/en/countries/americas/antigua-and-barbuda/</a></p>
<p><b>Is there other information that might be valuable for displaced people arriving in that country to know?</b></p>	<p>Overall, Antigua and Barbuda does not seem like a great option for Afghan refugees, especially with how little information is available to the public. The only similar documented situation is the incident with the Syrian refugees referenced in this document and detailed in the associated Memorandum. Antigua and Barbuda has not had many refugees or asylum applications known to the public and has shown that they are unlikely to accept more, especially with the ongoing lack of legislation relating to refugees.</p>



Antigua and Barbuda

## MEMORANDUM

**TO:** International Refugee Assistance Program

**Date:** August 6, 2021

**Re:** Antigua and Barbuda

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### A. Basics of Antigua and Barbuda's Refugee Protection Program

Antigua and Barbuda is a multiparty parliamentary democracy and constitutional monarchy. There is a prime minister—currently, Gaston Browne—with the British monarch as the nominal head of state, represented by a Governor-General.<sup>19</sup> The country is small, with a population of less than 100,000. Antigua and Barbuda law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection for refugees. However, despite the lack of domestic legal framework, the government handles asylum requests on an *ad hoc* basis and has cooperated with the Office of the United Nations High Commissioner for Refugees (the “UNHCR”), the International Organization for Migration, and other humanitarian organizations in assisting refugees and asylum seekers.<sup>20</sup>

Despite the government not adopting legislation or regulations governing asylum procedures or the rights of refugees, Antigua and Barbuda acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol in September 1995.<sup>21</sup> Antigua and Barbuda also participated in the Ministerial Meeting held in Brasilia in December 2014; this high-level event demonstrated Antigua and Barbuda's commitment to paying a constructive role in strengthening regional cooperation on protection of refugees and stateless persons.<sup>22</sup> However, there is little data showing that the participation in this event influenced Antigua and Barbuda's legislation in any way.

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<sup>19</sup> The current Governor-General is Sir Rodney Williams and the head of State is Queen Elizabeth II. *The Local Government of Antigua and Barbuda* (2018) [http://www.clgf.org.uk/default/assets/File/Country\\_profiles/Antigua\\_and\\_Barbuda.pdf](http://www.clgf.org.uk/default/assets/File/Country_profiles/Antigua_and_Barbuda.pdf).

<sup>20</sup> U.S. Dep't of State, Bureau of Democracy, H.R. and Lab., 2020 Country Reports on Human Rights Practices: Antigua and Barbuda (Mar. 30, 2021), <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/antigua-and-barbuda/>.

<sup>21</sup> Antigua and Barbuda succeeded to the 1954 convention relating to the Status of Stateless Persons in 1988 and is not yet a party to the 1961 Convention on the Reduction of Statelessness. <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=country&docid=595f9a7a4&skip=0&coi=ATG&querysi=UNHCR&searchin=fulltext&sort=date>

<sup>22</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS' COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COL,UNHCR,,ATG,,595f9a7a4,0.html>.

## Antigua and Barbuda

It is noted in the most recent UNHCR report that Antigua and Barbuda established an *ad hoc* eligibility Committee to review incoming asylum applications.<sup>23</sup> The Eligibility Committee was assembled by the Governor-General and includes representation from multiple government agencies, the Red Cross, and the UNHCR (in an advisory capacity).<sup>24</sup> The UNHCR expresses hope that the creation of this committee represents a forward step in creating and establishing a stronger asylum system in Antigua and Barbuda.

### **B. Functionality of Antigua and Barbuda's Refugee Protection Program**

Seeking Asylum in Antigua & Barbuda is a rare and difficult process. In almost all cases, it is granted at the discretion of the government, and only then if it can be proven that the applicant faces financial destitution, harassment or physical danger in returning to their home country.<sup>25</sup>

There is very little information reported on the number of refugees yearly in Antigua and Barbuda. In 2012, there were no refugees recorded.<sup>26</sup> In 2013, there is a record of one asylum application.<sup>27</sup> In 2014, there were no refugees recorded.<sup>28</sup> In 2015, there were 15 refugees recorded and in 2016, there were 5 refugees recorded.<sup>29</sup> In the UNHCR report covering 2016-2017, there were a total of 4 refugees, all of whom were assisted by the UNHCR and non with pending asylum-seeking cases.<sup>30</sup>

In a specific instance detailed in the Submission by the United Nations High Commissioner of Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Period Review, the Red Cross and the UNHCR initially identified a group of 10 Syrian asylum-seekers who were detained in Antigua and Barbuda in 2015.<sup>31</sup> These asylum-seekers were

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<sup>23</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS' COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COL,UNHCR,,ATG,,595f9a7a4,0.html>.

<sup>24</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS' COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COL,UNHCR,,ATG,,595f9a7a4,0.html>.

<sup>25</sup> *Antigua and Barbuda – Asylum & Illegal – Asylum*, Sable International (2021), [https://www.whatpassport.com/countries/Antigua-and-Barbuda/Asylum\\_and\\_Illegal/Asylum](https://www.whatpassport.com/countries/Antigua-and-Barbuda/Asylum_and_Illegal/Asylum).

<sup>26</sup> *Antigua and Barbuda: Migration Profiles*, UNICEF (2013), <https://esa.un.org/migmgmprofiles/indicators/files/AntiguaBarbuda.pdf>.

<sup>27</sup> *Antigua and Barbuda*, GLOBAL DETENTION PROJECT (April 11, 2021), <https://www.globaldetentionproject.org/countries/americas/antigua-and-barbuda>

<sup>28</sup> *Antigua and Barbuda*, GLOBAL DETENTION PROJECT (April 11, 2021), <https://www.globaldetentionproject.org/countries/americas/antigua-and-barbuda>

<sup>29</sup> *Antigua and Barbuda AG: Refugee Population: by Country or Territory of Asylum*, CEIC (2021), <https://www.ceicdata.com/en/antigua-and-barbuda/population-and-urbanization-statistics/ag-refugee-population-by-country-or-territory-of-asylum>.

<sup>30</sup> REP. OF THE UNHCR, covering the period of 1 July 2016-30 June 2017, U.N. DOC. A/72/12 (2017), <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=publisher&docid=59c8d9594&skip=0&publisher=UNHCR&querysi=Antigua&searchin=fulltext&sort=date>.

<sup>31</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS' COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COL,UNHCR,,ATG,,595f9a7a4,0.html>.

## Antigua and Barbuda

threatened with removal to their country of origin, a place of ongoing armed conflict and mass forced displacement.<sup>32</sup> Despite their expressed fear of return to Syria—their home country—they were not provided with information about or access to a refugee status determination (“RSD”) procedure by the Antigua and Barbuda government.<sup>33</sup> These asylum-seekers were detained together with other Syrian nationals in response to concerns expressed by government officials that Antigua and Barbuda was being used as a transit point for irregular migration.<sup>34</sup> Once the UNHCR and the Red Cross got involved, they realized there were actually a total of 17 Syrian nationals who were detained, and 15 had sought asylum in Antigua and Barbuda as of August 2015.<sup>35</sup>

The Prime Minister and Cabinet at the time designated the detained Syrians as *persona non grata* – through a group determination process – and stated the government’s authority to remove them from Antigua and Barbuda even if they were eventually found to be refugees.<sup>36</sup> The UNHCR registered, interviewed, and engaged in an advisory role regarding their eligibility for refugee protection in Antigua and Barbuda all during this time where they remained under the threat of expulsion.<sup>37</sup> In response, the Governor-General of Antigua and Barbuda convened an Eligibility Committee to conduct RSD, with the Red Cross and UNHCR serving in an advisory role.<sup>38</sup> In August 2015, the Eligibility Committee had examined 10 out of the 15 Syrian asylum-seekers’ cases and recommended that they be granted asylum in Antigua and Barbuda as refugees under the 1951 Convention.<sup>39</sup> Although this was a positive action that the government took, the legal and practical effect of this designation remains uncertain, given the lack of any legislative framework governing refugee protection and asylum in Antigua and Barbuda.

While to the UNHCR’s knowledge, Antigua and Barbuda has not violated the principle of non-refoulement—which guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment,

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<sup>32</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS’ COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COI,UNHCR,,ATG,,595f9a7a4,0.html>.

<sup>33</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS’ COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COI,UNHCR,,ATG,,595f9a7a4,0.html>.

<sup>34</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS’ COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COI,UNHCR,,ATG,,595f9a7a4,0.html>.

<sup>35</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS’ COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COI,UNHCR,,ATG,,595f9a7a4,0.html>.

<sup>36</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS’ COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COI,UNHCR,,ATG,,595f9a7a4,0.html>.

<sup>37</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS’ COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COI,UNHCR,,ATG,,595f9a7a4,0.html>.

<sup>38</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS’ COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COI,UNHCR,,ATG,,595f9a7a4,0.html>.

<sup>39</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS’ COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COI,UNHCR,,ATG,,595f9a7a4,0.html>.

## Antigua and Barbuda

etc.— the UNHCR still recommends that increased safeguards and minimum due process guarantees in removal proceedings are needed to prevent the refoulement of persons in need of international protection from Antigua and Barbuda.<sup>40</sup> The UNHCR has reportedly shared sample legislation and is prepared to continue to provide support to the government of Antigua and Barbuda to draft legislation to translate its international refugee protection obligations into domestic law, and to develop and implement RSD procedures that meet minimum due process guarantees.<sup>41</sup> It is also the recommendation of the UNHCR that even in the absence of refugee legislation, Antigua and Barbuda should formalize the mandate and authority of the Eligibility Committee, adopt procedures for the identification and referral of asylum-seekers, and train government officials likely to come into contact with asylum-seekers on these procedures.<sup>42</sup>

### C. Antigua and Barbuda’s Refugee Laws and Additional Alternatives to Refugee Status

Antigua and Barbuda is a common law state with the governing immigration law being the Immigration and Passport Act of 2014.<sup>43</sup> Antigua and Barbuda has specific criminal penalties for immigration-related violations that include fines and incarceration.<sup>44</sup> Antigua and Barbuda opened its first immigration detention center in 2012.<sup>45</sup> A government press release at the time stated: “The opening of the Detention Center is an effort to improve the current manner in which persons are detained. The Chief of Immigration says he expects that there will be some criticism with regard to the size and appearance of the facility but says that ‘something is better than nothing.’”<sup>46</sup>

In 2017, the Committee against Torture (“CAT”) expressed concern over their findings of Antigua and Barbuda’s practice of detaining migrants and asylum seekers, particularly over the lack of information available about migrants detained at the country’s detention and removal center at St. John’s police station. The committee stated a formal recommendation that the “State party should refrain from detaining refugees, asylum seekers and undocumented migrants for prolonged periods, especially when they are not

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<sup>40</sup> *The Principle of Non-Refoulement under International Human Rights Law*, OHCHR (2021),

<https://www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf>; SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS’ COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COI,UNHCR,,ATG,,595f9a7a4,0.html>.

<sup>41</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS’ COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COI,UNHCR,,ATG,,595f9a7a4,0.html>.

<sup>42</sup> SUB. BY THE UNHCR FOR THE OFF. OF THE HIGH COMM. FOR HUMAN RIGHTS’ COMPILATION REP. UNIV. PERIODIC REV., 2<sup>nd</sup> Cycle, 25<sup>th</sup> Session, *Antigua and Barbuda*, <https://www.refworld.org/country,COI,UNHCR,,ATG,,595f9a7a4,0.html>.

<sup>43</sup> Ant. & Barb. *The Immigration and Passport Act*, (2014) No. 6. (Official Gazette Vol. XXXIV No. 41 dated Jun. 19, 2014) <http://laws.gov.ag/wp-content/uploads/2019/03/Immigration-and-Passport-Act-no.-6-2014.pdf>.

<sup>44</sup> *Antigua and Barbuda*, GLOBAL DETENTION PROJECT (April 11, 2021), <https://www.globaldetentionproject.org/countries/americas/antigua-and-barbuda>

<sup>45</sup> *Antigua and Barbuda*, GLOBAL DETENTION PROJECT (April 11, 2021), <https://www.globaldetentionproject.org/countries/americas/antigua-and-barbuda>

<sup>46</sup> *Antigua and Barbuda*, GLOBAL DETENTION PROJECT (April 11, 2021), <https://www.globaldetentionproject.org/countries/americas/antigua-and-barbuda>

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charged with any offence under the law; use detention only as a measure of last resort and for as short a period as possible; and promote alternatives to detention.” Their report centered around the same issue involving the Syrian men from 2015.

That same year, the Committee on the Rights of the Child (“CRC”) released a statement of their findings that while Antigua and Barbuda have established an *ad hoc* committee to deal with asylum, CRC remained concerned about the absence of any legislation or specific regulation that governs asylum procedures. This leaves refugee children vulnerable to trafficking for the purpose of sexual exploitation. The CRC’s formal recommendation stated that “the State party accede to the 1961 Convention on the Reduction of Statelessness and establish referral mechanisms to ensure the proper identification and protection of victims of trafficking, especially unaccompanied children, and to provide victims of trafficking, including children, an effective opportunity to seek asylum.”<sup>47</sup>

The government of Antigua and Barbuda replied to CAT’s concerns in a state party reply in 2017. On the topic of asylum-seekers and refugees, the Antigua and Barbuda government expressed the following:

The state has immigration laws and policy which must be adhered to protect its borders and keep its citizens safe. If an individual is seeking asylum, an investigation will have to be carried out to ensure that they are bona fide asylum seekers.

The records indicate that the individuals seeking asylum were all Syrian males. Some of the men had come into Antigua and Barbuda with a sponsor; however the immigration department had some concerns about the men. The sponsor then contacted the Red Cross organization in Antigua. The Red Cross has signed a MOU with United Nations High Commission for Refugees to be a partner organization dealing with refugees. The Red Cross was very instrumental in assisting the men with their applications for refugee status and ensure that they were comfortable and being treated properly throughout the whole process.

The Eligibility Committee that was established by the Governor-General conducted the review of the asylum applications and found that most men were bona fide asylum seekers [...] The Eligibility committee recommended that a standing committee be permanently established to deal with refugee matters on an ongoing basis in Antigua and Barbuda; and that operational guidelines of best practice and standards be drawn up to govern all hearings on the part of the state under the Refugee Convention.<sup>48</sup>

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<sup>47</sup> *Antigua and Barbuda*, GLOBAL DETENTION PROJECT (April 11, 2021), <https://www.globaldetentionproject.org/countries/americas/antigua-and-barbuda>

<sup>48</sup> United Nations Human Rights Treaty Bodies, *Written Replies of the State Party – Antigua and Barbuda*, (Aug. 4, 2017), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fSRY%2fATG%2f28373&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fSRY%2fATG%2f28373&Lang=en).

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Although Antigua and Barbuda acknowledged that there was a need to have operational guidelines and standards in relation to refugee proceedings, there has yet to be any record of the government setting this up, nor has there been any additional known refugees documented since 2018.

### D. Conclusion

Antigua and Barbuda is a small island with a population of approximately 100,000 people.<sup>49</sup> With its archipelago geography, Antigua and Barbuda's economy relies heavily on tourism.<sup>50</sup> This may be why the country seems so hesitant to accept and encourage refugees to come to their country. Even immigration to the country is difficult, unless you are from certain countries that are detailed on their immigration website—notably, the same countries that do not require a visa.<sup>51</sup> The following information relates the types of visa/residency options offered by Antigua and Barbuda.

- 1) Entry Visa – The entry visa is valid for a stay no longer than six months for reasons dealing with holiday or business. A person must show proof of purchasing a return ticket for exiting the country within that time period, have proof of accommodations during their stay, a valid passport, and proof of financial stability. There are a list of countries on Antigua and Barbuda's immigration website that do not require a visa – note that Afghanistan is not on that list.<sup>52</sup>
- 2) Multiple Entry Visa – This visa is for those who need to come and go throughout a 12 month period. This visa has the same requirements as an Entry Visa.
- 3) Permanent Residency – The government of Antigua and Barbuda created this program in June 1995, mostly to encourage wealthy businessmen to relocate. This program includes freedom from local taxes (i.e. income tax, capital gains tax, inheritance tax, and wealth tax). The requirements of permanent residency is to maintain an address in Antigua and/or Barbuda (renting or purchasing property) which requires an annual cost of \$20,000 USD per year and the person must remain in the country for 30 days of the year. A person must also provide a certificate of income, a bank reference, and two personal references.<sup>53</sup>
- 4) Residency Permit – If a person live in Antigua and Barbuda for no less than four years, that person can apply for residency status which allows them to not pay the \$20,000 USD levy. This permit is valid for three years and includes the following requirements: a police certificate showing no criminal activity for 6 months, a health certificate, a letter from the Statutory

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<sup>49</sup> *Antigua and Barbuda*, GLOBAL DETENTION PROJECT (April 11, 2021), <https://www.globaldetentionproject.org/countries/americas/antigua-and-barbuda>

<sup>50</sup> *Antigua and Barbuda*, GLOBAL DETENTION PROJECT (April 11, 2021), <https://www.globaldetentionproject.org/countries/americas/antigua-and-barbuda>

<sup>51</sup> ANT. & BARB. DEP'T OF IMMIGRATION, <https://immigration.gov.ag/>.

<sup>52</sup> Countries Exempt from Visa, ANT. & BARB. DEP'T OF IMMIGRATION, <https://immigration.gov.ag/visa-services/countries-exempt-from-visa/>.

<sup>53</sup> Residency Options in Antigua and Barbuda, INTERNATIONAL STRATEGIES FOR THE GLOBALLY MINDED (Sep. 19, 2020), <https://www.escapeartist.com/blog/residency-options-antigua-barbuda/#:~:text=In%20order%20to%20qualify%20for,least%2030%20days%20per%20year.>

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Boards to prove necessary taxes have been paid during the residency period, a valid passport, and birth and marriage certificates. At this point, the Chief Immigration Officer has the option of asking for more documentation as well.

5) Naturalization – After residing in Antigua and Barbuda for seven years, a person may apply for naturalization.<sup>54</sup>

5) Citizenship by Investment Program – This program was created for investors in Antigua and Barbuda, where citizenship and a second passport are granted. The eligibility requirements needed are to invest in one of three approved investment types – as well as the standard application materials needed for a residency permit. The three investment options include a minimum of \$200,000 USD into the National Development Fund of Antigua and Barbuda, making a real estate investment following the Citizenship by Investment Unit guidelines, or making a business investment according to the Unit's guidelines.<sup>55</sup>

It should be noted that on Antigua and Barbuda's immigration website that Afghanistan is among the countries that require a visa to enter.<sup>56</sup>

Antigua and Barbuda's immigration laws are harsh for violators that are in the country illegally or have violated a specific law. If an immigration officer suspects that a person is there illegally or has committed an offense, the officer may detain that person without warrant for a period not exceeding 48 hours except by an order of a court of law.<sup>57</sup> That person may be detained on the vehicle that they arrived in or as a prisoner in Her Majesty's Prison, in the Immigration Detention Centre, or a place of detention in Antigua and Barbuda approved by the Minister for the purpose.<sup>58</sup> Overall, Antigua and Barbuda does not seem like a great option for Afghan refugees, especially with how little information is available to the public.

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<sup>54</sup> Antigua and Barbuda, CENTRAL INTELLIGENCE AGENCY (July 29, 2021), <https://www.cia.gov/the-world-factbook/countries/antigua-and-barbuda/>.

<sup>55</sup> Citizenship by Investment Unit, GOV'T OF ANT. & BARB., <https://cip.gov.ag/>.

<sup>56</sup> Countries Exempt from Visa, ANT. & BARB. DEP'T OF IMMIGRATION, <https://immigration.gov.ag/visa-services/countries-exempt-from-visa/>.

<sup>57</sup> Ant. & Barb. *The Immigration and Passport Act*, (2014) No. 6. (Official Gazette Vol. XXXIV No. 41 dated Jun. 19, 2014) <http://laws.gov.ag/wp-content/uploads/2019/03/Immigration-and-Passport-Act-no.-6-2014.pdf>.

<sup>58</sup> Ant. & Barb. *The Immigration and Passport Act*, (2014) No. 6. (Official Gazette Vol. XXXIV No. 41 dated Jun. 19, 2014) <http://laws.gov.ag/wp-content/uploads/2019/03/Immigration-and-Passport-Act-no.-6-2014.pdf>.

## Antigua and Barbuda

Below please find contact information for Non-Governmental Organizations (“NGOs”) that are located in Antigua and Barbuda.

### **1. Antigua and Barbuda Red Cross Society**<sup>59</sup>

**Address:**

Red Cross Headquarters Old Parham Road

P.O. Box 727

St Johns, Antigua W.I

**T:** (1) (268) 462-0800 / 460-9599

**F:** (1) (268) 460-9595

**Email:** [info@abredcross.org](mailto:info@abredcross.org)

**Website:** <http://www.abredcross.org/>

**Facebook:** <https://www.facebook.com/AntiguaBarbudaRedCross>

Antigua and Barbuda is covered by the following UNHCR office:<sup>60</sup>

### **2. UNHCR Office**

**Address:**

1800 Massachusetts Ave NW

Suite 500, 20036

Washington, DC United States

**T:** (202) 296-5191

**F:** (202) 296-5660

**Email:** [USAWA@UNHCR.ORG](mailto:USAWA@UNHCR.ORG)

**Website:** <https://www.unhcr.org/en-us/antigua-and-barbuda.html>

### **3. Ombudsman Antigua and Barbuda**

**Address:**

Prime Minister’s Drive

St. Johns, Antigua

**Email:** [ombudsman@antigua.gov.ag](mailto:ombudsman@antigua.gov.ag)

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<sup>59</sup> Antigua and Barbuda, INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES (2021), <https://www.ifrc.org/en/what-we-do/where-we-work/americas/antigua-and-barbuda-red-cross-society/>.

<sup>60</sup> Antigua and Barbuda, UNHCR, <https://www.unhcr.org/en-us/antigua-and-barbuda.html>.



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**Website:** [www.ombudsman.gov.ag](http://www.ombudsman.gov.ag)

**Phone:** +268 462 9364

**4. Amnesty International Antigua and Barbuda**

**Address:**

Calle Luz Saviñon

519 Colonia del Valle,

03100 Ciudad de Mexico, Mexique

**Email:** [duncan.tucker@amnesty.org](mailto:duncan.tucker@amnesty.org)

**Website:** <https://www.amnesty.org/en/countries/americas/antigua-and-barbuda/>

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**Please find below a list of all sources used in this chart and the associated memorandum.**

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