ANGUILLA

REVISED REGULATIONS OF ANGUILLA

under

CONTROL OF EMPLOYMENT ACT
R.S.A. c. C105

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

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Act 6/2010, in force 1 November 2010		
Act 7/2010, in force 1 November2010		
U.K. S.I. 2019 No. 852, in force 14 May 2019	*(31/12/2022)*	

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Revised Regulations of Anguilla: C105-1

CONTROL OF EMPLOYMENT ACT (R.S.A. c. C105)

WORK PERMIT REGULATIONS

Note: These Regulations are enabled under section 5 of the Control of Employment Act, R.S.A. c. C105.

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Interpretation

1. In these Regulations—

"Anguillian" means a person who is regarded as an Anguillian under section 80(2) of the Constitution of Anguilla;

(U.K. S.I. 2019 No. 852, s. 13(c))

"Form" means a form set out in the Schedule;

"tourism establishment" means any premises offering accommodation for reward, not intended to be permanently occupied as a dwelling and includes a private home with rental rights.

(R.A. 11/2007, s. 2)

Application for work permit for a person to be employed

2. Every application for a work permit made by an employer for a work permit in respect of a person who is to be employed by him shall be in Form 1 and shall be submitted in triplicate, together with 4 recent passport-size photographs of the person to be employed.

Application for work permit to engage in an occupation

3. Every application for a work permit to engage in an occupation shall be in Form 2 and shall be submitted in triplicate, together with 4 recent passport-size photographs of the applicant.

Form of work permit

4. A work permit issued under the Act shall be in Form 3.

Time for payment of fees

5. (1) There shall be payable in relation to every application for the issue, replacement or variation of a work permit a non-refundable processing fee of $100.

(R.A. 11/2007, s. 3)

(2) Subject to the provisions of section 9(3), every applicant shall, prior to the submission of any application for the issue, replacement or variation of a work permit pay the fees prescribed in subsection (1) and section 10 to the Comptroller of Inland Revenue and every application shall be accompanied by an official receipt of payment.

(Act 6/2010, s.41)

(3) Without prejudice to subsection (2), an employer may require that prior to the submission of an application for the issue, replacement or variation of a work permit, the person to be employed by him contributes up to 50% of the fee prescribed in section 10.

(R.A. 16/2007, s. 2)

(4) Where any application for the issue or variation of a work permit is not granted, the fee prescribed in section 10 shall be refunded to the applicant within a reasonable time and the applicant, if an employer, shall as soon as practicable refund to the person to be employed by him, any contribution made by that person to the fee prescribed in section 10.

(R.A. 16/2007, s. 2)

Returns to be made by employer

6. (1) An employer who has in his employment any holder of a work permit, or any other person to whom the Act applies, shall between the 1st day of January and the 15th day of January in each year furnish to the Minister a return in the form set out as Form 4.

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(2) Notwithstanding the provisions of this section, the Minister may at any time require an employer to submit to him a return and every employer shall comply with such requirement.

Certificates of exemption

7. Any person exempt from the provisions of the Act by virtue of section 3 of the Act may, if he so desires, apply to the Governor for a Certificate of Exemption which shall be in Form 5.

Register of work permits

8. (1) There shall be established and maintained by the Chief Immigration Officer a register, together with an alphabetical index thereto, of persons to whom, or in respect of whom, work permits have been issued and such register shall be in the form set out as Form 6.

(2) Where, in exercise of the powers conferred by section 4 of the Act, the Minister revokes or varies a permit, the entry in the register shall be amended accordingly.

(3) A person to whom, or in relation to whom, a work permit has been issued shall, within 14 days, notify the Minister in writing of any change of circumstances affecting the particulars of such person recorded in the register of work permits.

Replacement or variation of work permits

9. (1) Where a work permit has been lost, damaged or defaced, the person to whom such permit was issued may apply in writing for a replacement to the Minister and shall set out the circumstances, and the Minister shall, if he thinks fit, issue a replacement.

(2) Where the holder of a permit desires to have it varied, he shall apply to the Minister in writing setting out the details of the proposed variation and the reasons therefor and submitting the permit; and the Minister may vary the permit as he may think fit.

(3) The Minister may, in his discretion, direct that the fee payable in respect of the replacement or variation of a permit under this section be waived.

Fees for work permits

10. The fees for the issue, replacement or variation of work permits shall be as follows—

(a) for the issue of work permits for the categories of employment set out in column 1 of the Table, the fee set out opposite in column 2—

	COLUMN 1	COLUMN 2
	Category	***Fees per annum***
(i)	ministers of religion	$525
(ii)	domestic servants employed in private homes	$840
(iii)	domestic workers employed for care of the elderly or disabled	$525
(iv)	housekeepers in tourism establishments	$1,050
(v)	waiters and waitresses—	
	(a) employed in restaurants in tourism establishments or in restaurants serving wholly or mainly international cuisine	$2,100
	(b) employed in other restaurants	$1,575

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(vi)	other tourism establishment service staff not otherwise provided for	$1,260
(vii)	bakers employed in non-tourism establishments—	
	(a) baker	$1,575
	(b) assistant baker	$1,575
	(c) unskilled bakery assistant	$840
(viii)	nurses and teachers including nursery school teachers	$1,050
(ix)	unskilled manual workers, including labourers, gardeners and construction helpers	$1,575
(x)	clerical workers, sales clerks and attendants for stores and supermarkets	$1,575
(xi)	clerical workers for professional establishments	$2,625
(xii)	secretarial workers for professional establishments	$3,150
(xiii)	semi-skilled or skilled manual workers or tradesmen including carpenters, masons, steel benders, electricians, plumbers and truck drivers	$2,625
(xiv)	semi-professional tailors, seamstresses and hairdressers	$2,625
(xv)	technicians and semi-professionals including engineers without professional accreditation and air condition, refrigeration and swimming pool technicians	$4,200
(xvi)	professionals including engineers with professional accreditation, managers, senior administrators, lawyers, doctors and chefs	$8,400
(xvii)	chief executive officers, managing directors and general managers	$10,500
(xviii)	self-employed—	
	(a) professionals including engineers with professional accreditation, lawyers, doctors, architects, spa therapists and reflexologists	$15,750
	(b) semi-professional, technical or skilled workers including tailors, seamstresses, barbers and hairdressers	$6,300
	(c) semi-skilled, manual and unskilled persons	$6,300

(b) for the issue of temporary work permits for any of the categories listed in paragraph (a) for a period not exceeding 30 days, one third of the fees prescribed in paragraph (a), but in case of any performing group in Arts the fee shall be $100 for each member of the group subject to a minimum total fee of $500;

(c) for replacement or variation of a work permit $200.

(R.A. 7/2003, s. 1, R.A. 11/2007, s. 4 and R.A. 14/2010, s. 1)

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Security deposit

11. The Minister may, if he thinks fit, require the applicant for a work permit to deposit with the Accountant General such sum as the Minister may consider sufficient to ensure the applicant's return to his country of origin on termination of the period for which he was permitted to remain in Anguilla under the provisions of the Immigration and Passport Act.

(Act 7/2010, s. 26)

Offences and penalties

12. Any person who fails to comply with any of the provisions of these Regulations is guilty of an offence and is liable on summary conviction to a fine of $5,000 or to a term of imprisonment of 6 months.

Citation

13. These Regulations may be cited as the Work Permit Regulations, Revised Regulations of Anguilla, C105-1.

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SCHEDULE

FORMS

FORM 1

(Section 2)

Anguilla

CONTROL OF EMPLOYMENT ACT

APPLICATION BY EMPLOYER FOR WORK PERMIT

Date application received ……...

Notes for guidance of applicants.

1. This application, together with 4 passport-size photographs of the person in respect of whom the permit is applied for, must be submitted in triplicate to the Labour Officer, at the Secretariat, The Valley, Anguilla.
2. All parts of this application must be completed in block letters and in ink. Leave no blanks.
3. If you are unable to complete any part of the application, or any part is not applicable, write "not known" or "not applicable", as the case may be.
4. You must explain why, if any of the supporting documents mentioned in item 30 is not submitted with the application.
5. Failure to give all the information required may result in the delay or refusal of the application.

WARNING: Any person who knowingly makes any false statement in an application for a work permit commits an offence and on conviction is liable to be fined up to $5,000 or sent to prison for up to 6 months.

To the Minister:

* I/We, the undersigned, hereby apply for a work permit in respect of the undermentioned person:

PART 1

Information as to the person for whom the work permit is applied for:

1. Full name ……...……...…….…….….

2. Sex ……..… 3. Age and date of birth …….……...

4. Place of birth ……..…….…….……..

5. Nationality …….……..

6. Passport number …….…….…..……..

* *Delete as appropriate*

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7. Permanent address outside Anguilla ……..…….……...
……..

8. Last address if different from item 7 ……..…….…….……...
….…….

9. Marital status ……..……..

10. Is it intended that the person's spouse will live in Anguilla? …….
If yes, give name and age of spouse……..…..…….……...……..
……..……..……..……

11. Give details of any dependants, other than a spouse, who are intending to live in Anguilla with the person:

Name Age Relationship

……..……...
……..…….……...
……...……...

12. Academic qualifications ……...……...…….
..……..……

13. Professional qualifications ……..…….
..……..……...……

14. Names and addresses of previous employers during last five years
..……..……..……
…. ……..…..……..……..……...
……..…….

15. Last position held ..……..……..

16. Reason for leaving last employment ..……...…….……
……..

17. May any of the previous employers be approached to provide references? ……....
……..…

18. Description of job which the person is to be employed to do in Anguilla……...
……..…...

19. Is the person to be employed full-time or part-time? ……..…...
……..

20. Wage/salary or other remuneration of person employed EC $ …….……. per week/per annum

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21. Other benefits of employment (e.g. housing allowance, transport, gratuity, etc.) ...……...
……..…….

22. Is the person to be employed on fixed-term contract? ……. . If so for how long?……..

23. Period for which permit is applied for …….

24. Date on which employment is expected to commence …….…….……..

25. Date of arrival in Anguilla ……..……..

26. Intended place of residence in Anguilla …….…….

27. Address at which person will be employed …….……

28. Is the person suffering from, or have they had, during the past five years any serious physical or mental illness, disease or disability? ……..… If so, give details ……..…….……..
…...…….……..

29. Has the person been convicted of any criminal offence punishable with imprisonment in any jurisdiction? ……. . If so, give details:

Date	Offence	Sentence
……..…….…….……..		
…….		
..…….……...		

30. The following documents are to be submitted in support of this application:

(a) birth certificate or passport

(b) police records covering last 10 years at least

(c) medical examination report

(d) evidence of academic or professional qualifications

(e) certificate from Anguilla Social Security Board that employer's Social Security contributions are paid fully up to date.

Give reasons why any of these documents are not submitted:

……..……..……

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PART 2

INFORMATION RELATING TO THE EMPLOYER

1. Full name of employer……..…….

2. Place of business…….

3. Nature of business…….……..

4. Number of persons employed…….

(please (✓) appropriate box) Anguillian ❑

Non-Anguillian ❑

5. Why is it necessary to employ a non-Anguillian to fill the position to which this application relates?

…….

6. What steps have been taken to recruit an Anguillian to fill the position? (*Provide proof of any advertisement of the vacancy*)

…….

……. ……...……

7. What steps will be taken to train an Anguillian to fill the vacancy on the expiry of a permit, if one is granted? …….…….

I certify that the information in this application is true to the best of my knowledge and belief.

Date:…….…… Signature……..…….

*Employer

* Note: If the employer is a limited company, the person signing this application should state the position he holds in the company.

FOR OFFICIAL USE

Application approved/refused

Fee Paid ……

Signature……

Date……

(U.K. S.I. 2019 No. 852, s. 13(c))

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FORM 2

(Section 3)

Anguilla

CONTROL OF EMPLOYMENT ACT

APPLICATION FOR WORK PERMIT TO ENGAGE IN AN OCCUPATION IN ANGUILLA

Date application received…….

Notes for guidance of applicants—

1. This application, together with 4 recent passport-sized photographs of the applicant, must be submitted in triplicate to the Labour Officer, at the Secretariat, The Valley, Anguilla.

2. All parts of this application must be completed in block letters and in ink. Leave no blanks.

3. If you are unable to complete any part of the application, or any part is not applicable, write "not known" or "not applicable", as the case may be

4. You must explain why, if any of the supporting documents mentioned in item 1 is not submitted with the application.

5. Failure to give all the information required may result in the delay or refusal of the application.

WARNING: Any person who knowingly makes any false statement in an application for a work permit commits an offence and on conviction is liable to be fined up to $5,000 or sent to prison for up to 6 months.

To the Minister:

I hereby apply for a work permit to enable me to engage in the occupation mentioned below.

PART 1

PERSONAL INFORMATION

1. Full name of applicant ……..…….

2. Sex ……..……...

3. Age and date of birth ……...…….

4. Place of birth ……...……..

5. Nationality ……...……...……...

6. Passport number ……..…….

7. Permanent address outside Anguilla ……..……...

……...…….

8. Last address if different from item 7 ……..……...

……..……..…….

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9. Marital status ……...……...

10. Is it intended that your spouse will live in Anguilla?

……...…….

If yes, give name and age of spouse …….…….

11. Give details of any dependants, other than spouse, who are intending to live with you in Anguilla:

Name	Age	Relationship
……		
……		
……		

12. Period for which permit is applied for……

13. When do you intend to commence working in Anguilla?

……...…….

14. When do you intend to arrive in Anguilla?……...…….

15. Where do you intend to live in Anguilla?……...

……...…….

16. Are you suffering from, or have you had, during the past five years, any serious illness, disease or disability? …… . If so, give details …….……

……...……..

17. Have you been convicted of any criminal offence punishable with imprisonment in any jurisdiction?

……...…….

If so, give details:

Date	Offence	Sentence
……		
……		

18. The following documents are submitted in support of this application:

(a) birth certificate or passport

(b) police records covering last 10 years

(c) medical examination report

(d) evidence of academic and professional qualifications

(e) two character references from persons in positions of responsibility (e.g. ministers of religion, professional persons, such as doctors, lawyers, etc.) who have known you for at least three years.

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PART 2

INFORMATION AS TO OCCUPATION AND WORK EXPERIENCE

1. Nature of the occupation to be engaged in……..…..……..
……..……..…….

2. Address in Anguilla at which you will work…….…..……...
……...…….

3. Reasons for wishing to work in Anguilla……...……
……..…….

4. If a work permit is granted will you be able to offer employment to other persons?……..……..…
If so, how many jobs and of what type are likely to be available and when?
……...…….

5. Do you expect to make a financial investment in Anguilla to set up your intended occupation?
……...……...……
If so, give an estimate of the nature and amount of your investment and the source of funding
……..…….

6. What benefits apart from employment and investment do you envisage for Anguilla from your being granted a work permit?
……...…….

7. Academic qualifications……...……..
……...…….

8. Professional qualifications……..……..……..
……...…….

9. Give details of your previous work experience……...……...
……
……
……

10. Reasons for leaving last occupation/employment ……..…….
……...…….

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I certify that the information in this application is true to the best of my knowledge and belief.

Date……. Signature……..

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Application approved/refused

Fee paid $……..

Signature ……..

Date ……..

_____

FORM 3

(Section 4)

Anguilla

CONTROL OF EMPLOYMENT ACT

WORK PERMIT

No.……..……..

Name ……... a citizen of ……..……

is hereby permitted

*(a) to be employed in the capacity of …….……...…...…… by …..…….……..… or

*(b) to engage in occupation as……..…… .

This work permit is valid for a period of …… with effect from ……...

and is subject to the following conditions:

*I agree to the above conditions, and I clearly understand that any breach of them will render me liable to be further dealt with according to law.

Signature of holder ……..……..……...

Address of holder …….……..…….….

Dated this ……. day of ……, 20…….. .

……
Minister

** Delete where inapplicable.*

_____

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FORM 4

(Section 6)

Anguilla

CONTROL OF EMPLOYMENT ACT

RETURN BY EMPLOYER OF HOLDER(S) OF WORK PERMIT(S)

1. Name of employer ……..……..

2. Business address ……...…….…….……..

3. Number of employees ……..…….…..……..

4. Number of employees who are Anguillian ……..……..…….

5. List below names, etc. of employees other than those mentioned in item 4 above:

Name	Address	Nationality
……	……..……	……..
……	……..……	……..
……	……..……	……..
……	……..……	……..

Signature……..……

Date……...……..

(U.K. S.I. 2019 No. 852, s. 13(c))

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FORM 5

(Section 7)

Anguilla

CONTROL OF EMPLOYMENT ACT

CERTIFICATE OF EXEMPTION

Name ……...…….……...……..

Nationality ……

Permanent address ……..……..

…….…….…….……

Address in Anguilla ……..……...……..

..……...

Occupation ……..…….….

The holder of this Certificate is hereby exempted under the provisions of section 3 of the Control of Employment Act.

This Certificate shall expire on the change of status of the holder thereof.

Dated this …….. day of ……., 20…….. .

……
Governor in Anguilla

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FORM 6

(Section 8)

Anguilla

CONTROL OF EMPLOYMENT ACT

REGISTER OF WORK PERMITS

Serial Number	Date of Issue	To Whom Issued			Name and Address of Employer	Nature of Employment or Occupation	Period of validity of Permit	Conditions	Fees
		Name	Nationality	Address in Anguilla					

———————

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