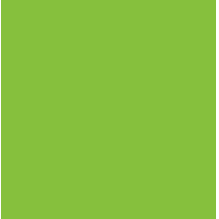




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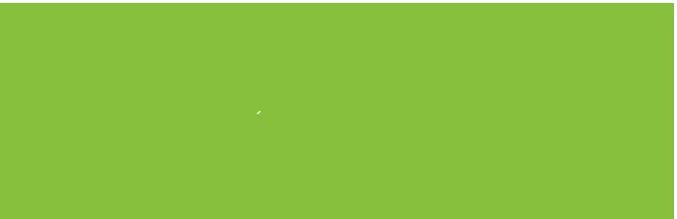
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# COMPARATIVE REGIONAL REPORT ON CITIZENSHIP LAW: ANGLOPHONE CARIBBEAN



AUTHORED BY

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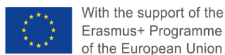
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# Comparative regional report on citizenship law: Anglophone Caribbean

*Kristy A. Belton*

## 1. Introduction

This report compares and evaluates the citizenship provisions of the Anglophone Caribbean based on information found in the Global Citizenship Observatory (GLOBALCIT) database.<sup>1</sup> The countries of this subregion include: Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago.

With one exception, *ius soli* provisions characterise the subregion. Nearly half of the countries allow for citizenship by investment (CBI) and many of them have different citizenship provisions depending on whether pre- or post-Independence conditions apply. Only half of the countries provide pathways to citizenship for refugees, stateless people and foundlings, but all extend citizenship to noncitizen spouses and most provide special registration procedures for Commonwealth citizens.

This report is structured as follows. After this introduction, section 2 outlines some of the main characteristics of citizenship law in the subregion, such as a shared colonial heritage, which has translated into similar pre- and post-Independence citizenship provisions. Subsequently, section 3 compares the subregion's citizenship acquisition laws, as well as the laws on citizenship loss, showing how citizenship may be lost on grounds as varied as fraud in acquisition to residing abroad. The final section highlights the main debates and trends regarding citizenship matters in the Anglophone Caribbean.

## 2. Regional specificities

Three general features characterise the Anglophone Caribbean's citizenship laws. The first is the region's shared colonial heritage. The second is gender bias and the third is openness toward economic investment as a path toward citizenship.

Due to their shared British colonial heritage, the countries of the Anglophone Caribbean share similar citizenship acquisition and loss provisions. In some cases, such as that of The Bahamas and Barbados, the phrasing of certain citizenship provisions within their Constitutions and nationality laws are almost identical. A few countries, like St. Kitts and Nevis and St. Lucia, may offer more pathways to citizenship registration than others, but, generally speaking, the region is consistent in its approach to providing citizenship to (and to withdrawing it from) individuals.

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<sup>1</sup> The GLOBALCIT database on citizenship acquisition is available at: <http://globalcit.eu/acquisition-citizenship/>, and the one on citizenship loss is available at: <http://globalcit.eu/loss-of-citizenship/>.

The shared colonial heritage also makes the region have distinct provisions for individuals who were born prior to, and after Independence. Typically, the ability to acquire citizenship (especially for the relatives and spouses of a citizen) was automatic during the Independence era, but became a process of registration in the post-Independence era. Throughout the subregion, with very limited exceptions, Commonwealth citizens also enjoy special registration procedures because of this colonial legacy as well.

The colonial influence also impacts the gendered nature of some nationality provisions, especially in countries like The Bahamas and, to a lesser degree, Barbados and others in the area. As has been posited by scholars, the non-white, male political elite who inherited the Westminster-style systems and laws in these countries did not necessarily espouse gender equality at Independence. In fact, “West Indian progress and readiness for self-government depended on black men behaving like men: leading their families, under the aegis of marriage, and containing what was seen as the capaciousness of black womanhood” (Robinson 2008, 748).<sup>2</sup> Thus, making gender equality a political non-issue among most male elites at the time.

Although The Bahamas contains the most glaring gender discriminatory provisions in its laws (especially with regard to the inability of Bahamian women to pass their nationality on to their children and foreign husbands on an equal footing to their male counterparts), the report illustrates how other countries in the subregion continue to allow for gender discrimination in their laws (whether in cases of joint adoption, the extension of citizenship to noncitizen husbands, or transfer of citizenship through a deceased parent).

While some countries in the subregion are restrictive when it comes to women’s rights to pass on citizenship, the Anglophone Caribbean is far more open in providing noncitizens’ access to citizenship via CBI programmes. Although only five countries have operational CBI programmes, as a proportion of the world’s total number of such programmes, the Anglophone Caribbean accounts for the majority of countries at 38%.<sup>3</sup>

Although not a characteristic of the region’s citizenship laws per se, the Anglophone Caribbean experiences mixed migratory movement and is a high-volume tourist destination. These two features make for circumstances wherein the “noncitizen Other” is present on its territories in varying degrees throughout the year. As noted later in the report, with the exception of The Bahamas, the subregion has strong *ius soli* provisions, ensuring, in theory at least, that children born of noncitizens are provided a nationality at birth, regardless of their parent(s)’ citizenship status. That said, transparent and publicly available data is generally lacking on citizenship acquisition (by immigration status or by parent(s)’ country of nationality). Thus, it is unclear how these *ius soli* provisions apply in practice to the children born of undocumented or “unauthorised” migrants.

Similarly, publicly available and transparent data is generally unavailable on the number of citizenship grants provided to (“political”) refugees and stateless persons in those countries that have provisions for their registration. Of the 12 countries, only three (Guyana, Jamaica and St. Vincent and the Grenadines) have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (United Nations 1990), which stipulates, “Each child of a migrant worker shall have the right to a

<sup>2</sup> See also Kamugisha (2007).

<sup>3</sup> Thirteen countries have CBI programmes globally. See Financial Times, Ltd. (2019) for further information.

name, to registration of birth and to a nationality” (Article 9). This provision is to apply in a Member Party State regardless of the immigration status of the parent(s). Again, however, it is often difficult to secure data on how well these countries provide for citizenship to children born of migrants in irregular situations.

### 3. Comparative analysis of citizenship laws

#### 3.1 Acquisition of citizenship at birth

Like the majority of countries in the Americas, citizenship acquisition via *ius soli* at birth prevails in the Anglophone Caribbean. The exception is The Bahamas, which does not allow a child to acquire citizenship automatically via *ius soli* unless one parent is a Bahamian citizen.<sup>4</sup> In addition to *ius soli* provisions, countries in the subregion provide for automatic citizenship acquisition at birth through descent (*ius sanguinis*), although it may be qualified in some contexts.

##### 3.1.1 *Ius soli*

With the exception of The Bahamas, which requires one parent to be a Bahamian citizen, all countries of the Anglophone Caribbean permit *ius soli* citizenship acquisition at birth automatically. The eleven *ius soli* countries place restrictions on this provision, however, in the following areas: 1. a child is born to a foreign diplomat and neither parent is a citizen,<sup>5</sup> and 2. one of the parents is an enemy alien and the child is born in a place under enemy occupation.

##### 3.1.2 *Ius sanguinis*

All Anglophone Caribbean countries provide for citizenship via descent, but qualifications exist in some instances. These qualifications may either be gender based or require that a parent be born on the soil to transfer citizenship to a child.

Whereas the majority (ten) of the Anglophone Caribbean countries allow for their male and female citizens to pass citizenship automatically to their children born abroad, in The Bahamas and Barbados restrictions exist. Under Bahamian law, children born abroad to a female citizen cannot acquire Bahamian citizenship at birth unless the child is born out of wedlock. If the child is born abroad to a Bahamian mother who is married to a noncitizen father, the child is denied Bahamian citizenship. The child has the right to register for Bahamian citizenship between the ages of 18 and 21.<sup>6</sup>

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<sup>4</sup> The Bahamas is an exception to the *ius soli* rule in the Anglophone Caribbean.

<sup>5</sup> This provision is gendered in Barbados and St. Lucia where the *ius soli* limitation is placed only on the father. While the Constitution of St. Vincent and the Grenadines states that every person born on its territory becomes a citizen (Article 91), the Citizenship Act states that the mother must be a citizen (Article 4).

<sup>6</sup> Residency is not required as part of registration. Also note that while the Constitution stipulates registration occurs between the ages of 18 and 21, Form 4 of Regulation 5 states the child must be under 16.

In the case of Barbados, both the gender and *ius soli* qualifications intersect in that Barbadian law states that a child born abroad and out of wedlock will only acquire citizenship *ius sanguinis* via the mother if the latter was born in Barbados. No such stipulation exists for the male citizen. Additionally, if a child is born abroad to a citizen mother, married to a noncitizen father, the mother must have acquired citizenship *ius soli* to pass her citizenship via descent to the child. Again, no such stipulation exists for the male citizen.

Several other countries also allow for differences in the acquisition of citizenship via *ius sanguinis* based on whether or not the citizen parent obtained his or her citizenship via birth on the soil. Thus, in Dominica, Grenada, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago, the citizen parent must have acquired citizenship otherwise than by descent in order to pass on his or her citizenship to their child born abroad. *Ius sanguinis* is thus qualified in several countries in the area.

### 3.1.3 Special rules for citizenship acquisition at birth

Special rules for citizenship acquisition at birth exist in a limited number of countries when it comes to foundlings and children at risk of statelessness. Generally, Anglophone Caribbean countries have few safeguards in place to protect against statelessness<sup>7</sup> at birth. Of the 12 countries, only half provide citizenship to foundlings and only four have clear provisions for citizenship acquisition by stateless children born on the territory (Table 1). In both Barbados and St. Kitts and Nevis, citizenship acquisition via registration is only provided to those who are born on the territory with the additional restriction that the person “has always been stateless.”<sup>8</sup>

Guyana is the only country to discriminate against male citizens in the special provision of citizenship to stateless children. That is, only children born to female citizens at risk of statelessness can acquire citizenship through this special measure.<sup>9</sup> The provision of citizenship to a stateless child can be withheld in Guyana and the other three countries based on concerns to national security, public defence, safety and order.

Jamaica, which has been Party to the 1961 Convention on the Reduction of Statelessness<sup>10</sup> since 2003 has yet to produce publicly available criteria on the citizenship acquisition process for stateless individuals on its territory.

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<sup>7</sup> Statelessness is the condition of not being recognised by any state as a citizen according to the operation of its law.

<sup>8</sup> This restriction also exists in the Guyanese Citizenship Act (Article 4.2), but is not reiterated in Article 8 of the same Act, which also deals with statelessness.

<sup>9</sup> The Guyanese constitution (Article 43) allows for automatic *ius soli* citizenship acquisition, but the Guyanese Citizenship Act (Article 8) stipulates that only a stateless person born to a Guyanese *mother* may acquire Guyanese citizenship. Article 4 of the Act further declares that a person must have always been stateless.

<sup>10</sup> Article 1 of the 1961 Convention states that a Contracting Party must grant its nationality, subject to certain limitations, to an individual born on its territory who would otherwise be stateless (UNHCR 1961).

Table 1 Citizenship acquisition by foundlings and stateless children

	<b>Foundlings</b>	<b>Stateless at birth</b>
<b>Antigua and Barbuda</b>	n.a.	Registration (entitlement)
<b>Bahamas</b>	n.a.	n.a.
<b>Barbados</b>	Automatic	Registration (entitlement)
<b>Belize</b>	Automatic	n.a.
<b>Dominica</b>	n.a.	n.a.
<b>Grenada</b>	Automatic	n.a.
<b>Jamaica</b>	n.a.	n.a.
<b>Guyana</b>	Automatic	Registration
<b>St. Kitts and Nevis</b>	Automatic	Registration (entitlement)
<b>St. Lucia</b>	Registration (discretionary)	Registration <sup>11</sup> (discretionary)
<b>St. Vincent and the Grenadines</b>	n.a.	n.a.
<b>Trinidad and Tobago</b>	n.a.	n.a.

Dominica is the only country that allows for children who are born on an unregistered ship in Dominican waters, or in an unregistered aircraft in Dominican airspace, to automatically acquire citizenship at birth.

### 3.2 Acquisition of citizenship after birth

Various provisions exist for citizenship acquisition after birth in the Anglophone Caribbean. These include naturalisation, registration for relatives, special provisions for Commonwealth citizens, refugees and stateless persons, as well as CBI programmes in a few countries. In several cases, as noted below, special registration provisions may be gender discriminatory, favouring male citizens over female citizens in citizenship extension.

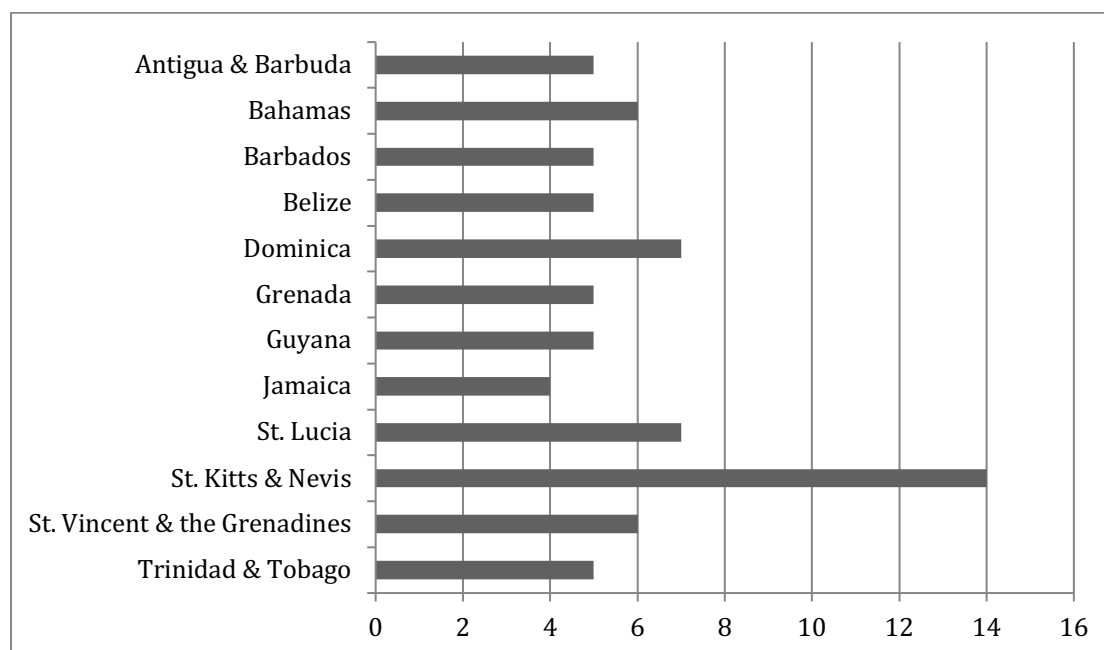
<sup>11</sup> Note that birth on the territory is not necessary, but the individual must be a minor.



### 3.2.1 Ordinary naturalisation<sup>12</sup>

All Anglophone Caribbean countries allow for individuals who meet certain residency, and other, requirements to naturalise. They all require a minimum of 12 months residency prior to submitting an application for naturalisation, but they vary in the number of consecutive years residence required prior to submitting said application. For instance, at the short end of the range, Jamaica requires 4 years residency, while at the long end of the range, St. Kitts requires 14 years (Figure 1).<sup>13</sup>

Figure 1 Ordinary naturalisation: residency requirements (years prior to application)



Half of the countries require knowledge of English and half allow for applicants to fulfil the residency requirement through some combination of residency and government service. Most countries ask the applicant to acknowledge their intent to continue to reside in the country post-naturalisation and all require the applicants be of good character and profess an oath of allegiance. No country requires the applicant to prove self-sufficiency and only The Bahamas, St. Lucia and St. Vincent and the Grenadines ask the applicant to renounce their original country of citizenship (and in the latter case, it is at the Minister's discretion).<sup>14</sup> Finally, Belize is the only country that does not have an explicit provision that the Minister in charge of naturalisations may waive any naturalisation requirements.

<sup>12</sup> A good faith effort was made to find cases of special naturalisation, but none were found. British Protected Persons fall under the ordinary naturalisation provisions within these countries and those that have CBI programmes allow for citizenship acquisition via registration, and not naturalisation, procedures.

<sup>13</sup> This residency requirement does not apply to those who acquire citizenship by investment.

<sup>14</sup> In the case of The Bahamas, individuals are rendered stateless during this period. See Belton (2017b), especially chapter 3. It is likely the same occurs in St. Lucia and St. Vincent and the Grenadines, but research is needed to corroborate this assumption.

Table 2 Ordinary naturalisation: additional requirements

	Resident 1 year prior to application	Renunciati on original citizenship	Knowledge of English	Oath of allegiance <sup>15</sup>	Good character	Full capacity	Self sufficiency <sup>16</sup>	Intent to reside	Government service considered
<b>Antigua &amp; Barbuda</b>	Y	N	N	Y	Y	Y	N	Y	N <sup>17</sup>
<b>Bahamas</b>	Y	Y	Y	Y	Y	Y	N	Y	Y
<b>Barbados</b>	Y	N	N	Y	Y	Y	N	Y	N
<b>Belize</b>	N <sup>18</sup>	N	N	Y	Y	Y	N	N	N
<b>Dominica</b>	Y	N	Y	Y	Y	Y	N	Y	Y
<b>Grenada</b>	Y	N	Y	Y <sup>19</sup>	Y	Y	N	Y	Y
<b>Guyana</b>	Y	N	N	Y	Y	N	N	Y	N
<b>Jamaica</b>	Y	N	N	Y	Y	Y	N	Y	N
<b>St Kitts &amp; Nevis</b>	Y	N	N	Y	Y	Y	N	Y	N
<b>St Lucia</b>	Y	Y	Y	Y	Y	Y	N	Y	Y
<b>St Vincent &amp; the Grenadines</b>	Y	Y <sup>20</sup>	Y	Y	Y	Y	N	Y	Y
<b>Trinidad &amp; Tobago</b>	Y	N	Y	Y	Y	Y	N	N	Y

<sup>15</sup> In some countries, this is called an “Oath of loyalty.”

<sup>16</sup> The financial self-sufficiency stipulation is only present in some countries for those who are eligible to register (and not naturalise) as citizens.

<sup>17</sup> Antigua and Barbuda, as well as Barbados, consider government service, or a combination of residency and government service, for those who are eligible for citizenship acquisition via registration, not naturalisation.

<sup>18</sup> The individual must be resident five years prior to the date of application.

<sup>19</sup> The oath of allegiance is only necessary for those who are not Commonwealth citizens and/or who are British protected persons.

<sup>20</sup> Note that renunciation is not mandatory, but the Minister may at her or his “discretion” request renunciation of original citizenship.

### 3.2.2 *Special registration*

Most cases of special registration exist for individuals who are relatives of citizens, although a few cases of citizenship acquisition via investment also exist (for both the primary applicant and her/his relatives). In less than half of the countries, provisions exist for citizenship acquisition via special registration for specific populations such as “political” refugees and stateless persons.

In a limited number of countries, special provisions exist for individuals born in the country, but who do not meet the criteria for citizenship acquisition automatically at birth. Namely, in Antigua and Barbuda, Barbados, and St. Kitts and Nevis, those individuals who were born in the territory prior to Independence, but who were not recognised UK & Colonies citizens, are able to register for citizenship as long as they meet other conditions (such as not being a threat to public order and safety, etc.). In The Bahamas, where *ius soli* provisions do not exist for children born of noncitizens, individuals born in the territory to noncitizens are entitled to register for Bahamian citizenship as long as they apply within a one-year time frame upon reaching age 18.

#### *Spouses*

Throughout the Anglophone Caribbean, countries allow for the spouse of a citizen to register as a citizen. Only in The Bahamas and Barbados is gender discrimination evident in that it is the male citizen’s noncitizen spouse who can acquire citizenship via registration; the female citizen’s noncitizen spouse is unable to register via a special provision.

With the exception of Belize and Dominica, where registration via a special procedure is discretionary, the other countries provide that a person married to a citizen<sup>21</sup> is entitled to register for citizenship via the special procedure. Only in The Bahamas and Trinidad and Tobago does the law stipulate that the individual who is registering for citizenship must renounce her foreign citizenship as part of the procedure.<sup>22</sup> As Table 3 shows, less than half the countries have explicit residency requirements for the noncitizen spouses.

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<sup>21</sup> The citizen must explicitly be “male” in the aforementioned cases of The Bahamas and Barbados.

<sup>22</sup> The Bahamas asks that the female foreign spouse renounce her foreign citizenship unless, by the law of that country, she is unable to do so. Foreign spouses who wish to register as Trinidadian citizens must first renounce their foreign citizenship (1962 Constitution, Article 10(6), which is honoured in the present rendition of the Constitution via Article 16 [amended through 2009]).

Table 3 Spouses of citizens – Special Registration

	<b>Procedure</b>	<b>Residency</b>	<b>Knowledge of English</b>	<b>Oath</b>	<b>Other Conditions<sup>23</sup></b>
<b>Antigua &amp; Barbuda</b>	Entitlement	3 years <sup>24</sup>	N	Y	N
<b>Bahamas</b>	Entitlement (noncitizen spouse of male citizen only)	N	N	N	Y <sup>25</sup>
<b>Barbados</b>	Entitlement (noncitizen spouse of male citizen only)	N	N	Y (unless a CW citizen)	Y
<b>Belize</b>	Discretionary	1 year	N	N	Y
<b>Dominica</b>	Discretionary	3 years	Y	Y	Y
<b>Grenada</b>	Entitlement	5 years	Y	Y (unless a CW citizen)	Y
<b>Guyana</b>	Entitlement	N	N	Y	Y
<b>Jamaica</b>	Entitlement	N	N	Y (unless a CW citizen)	Y
<b>St. Kitts &amp; Nevis</b>	Entitlement	N <sup>26</sup>	N	Y (unless a CW citizen)	Y
<b>St. Lucia</b>	Entitlement	Y <sup>27</sup>	N	Y (unless a CW citizen)	Y
<b>St. Vincent &amp; the Grenadines</b>	Entitlement	N	N	Y (unless a CW citizen)	Y
<b>Trinidad &amp; Tobago</b>	Entitlement	N	N	Y (unless a CW citizen)	Y <sup>28</sup>

CW citizen = Commonwealth citizen

<sup>23</sup> “Other conditions” typically refer to the ability of the Minister to deny the citizenship registration application due to national security concerns, the individual’s lack of a “sound mind,” etc.

<sup>24</sup> The foreign spouse must have been living with the citizen spouse for the duration of this period.

<sup>25</sup> Spouse must renounce original citizenship.

<sup>26</sup> Three years residency is required only for those spouses who are now divorced from the citizen spouse, but who had lived for at least three years with the citizen spouse prior to Independence.

<sup>27</sup> No specific number of years listed for spouses who acquire citizenship via registration, and the Citizenship Act only states that the Minister may deny the application if the applicant does not reside in the country.

<sup>28</sup> Spouse must renounce original citizenship.

With the exception of Trinidad and Tobago, these countries also allow for the spouses of individuals who become citizens to acquire citizenship (spousal extension). Thus, whereas the previous Table illustrates the similarities and differences in approach to the spouses of people who are already citizens of a particular country, the comments here relate to the registration of spouses of individuals who become citizens later in life. For the most part, a spouse may register for citizenship once her or his spouse has already acquired citizenship. In The Bahamas and Barbados, this stipulation is once again gendered as it only applies to the wives of noncitizen men who become citizens. In half of the countries, an oath is required, but with the exception of Antigua and Barbuda, no residency requirements are stipulated.

All Anglophone Caribbean countries also provide for the spouses of their deceased citizens to acquire citizenship, but only within the context of the immediate Independence period. That is, the widow(er)'s spouse must have been, or could have become, but for her or his death, a citizen upon Independence. It is of note that, in many cases, these Independence-era procedures are gendered; only the deceased husband's noncitizen wife may register for citizenship. The noncitizen husband of the deceased female citizen (or female who would have become a citizen at Independence, but for her death) is not always afforded the same entitlement.

### *Children*

In those cases where the child is born to a deceased parent, the countries differ in their pre-Independence and post-Independence provisions. While five countries stipulate that the transfer of citizenship to the child of a deceased parent may only take place when the child is born overseas, all countries contain an interpretive article that basically reads, as follows:

Any reference...to the national status of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the national status of the father at the time of the father's death.

The existence of such an interpretive article should allow for the other nationality provisions in the transmission of citizenship from parent to child to have effect. Thus, although several countries are noted as having the "birth abroad" restriction, the aforementioned interpretive article in every country's Constitution tempers the qualification. Moreover, it is of note that the interpretive provision is gendered in half of the countries; that is, it refers only to the deceased male parent.<sup>29</sup>

Table 4 provides an overview of existing provisions. Three of the countries (Antigua and Barbuda, Belize, and St. Kitts and Nevis) also allow a grandparent to transfer citizenship if the grandparent would have become a citizen at Independence, but for her or his death.

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<sup>29</sup> The countries with a gender discriminatory interpretive article are: The Bahamas, Barbados, Belize, Dominica, Grenada and St. Kitts and Nevis. The latter country, however, also has explicit constitutional citizenship transfer provisions for the child born to any citizen parent, regardless of sex.

Table 4 Special registration: children of deceased citizens

	<b>Procedure</b>	<b>Born abroad</b>	<b>Residency</b>	<b>Knowledge of English</b>	<b>Oath</b>
<b>Antigua &amp; Barbuda</b>	Automatic	Y <sup>30</sup>	N	N	N
<b>Bahamas</b>	Automatic	Y <sup>31</sup>	N	N	N
<b>Barbados</b>	Automatic	Y <sup>32</sup>	N	N	N
<b>Belize</b>	Automatic	N	N	N	N
<b>Dominica</b>	Registration	N	Y (3 years)	N	Y
<b>Grenada</b>	Automatic	Y <sup>33</sup>	N	N	N
<b>Guyana</b>	Automatic	N	N	N	N
<b>Jamaica</b>	Automatic	N	N	N	N
<b>St. Kitts &amp; Nevis<sup>34</sup></b>	Automatic	N	N	N	N
<b>St. Lucia</b>	Automatic	N	N	N	N
<b>St. Vincent &amp; the Grenadines</b>	Automatic	N	N	N	N
<b>Trinidad &amp; Tobago</b>	Automatic	Y	N	N	N

<sup>30</sup> Note that this provision holds for children born outside of the country (Constitution Article 113(b-c)) to a father who would have become a citizen upon Independence. However, the Constitution does not explicitly note the child must be born outside of the country in Article 118. Article 118 states that “the national status” of a child born to a deceased father is whatever the father’s national status was at the time of the father’s death.

<sup>31</sup> Note that this provision holds for children born outside of the country (Constitution Article 3(2)) to a father who would have become a citizen upon Independence, but the Constitution does not explicitly state the child must be born outside of the country in Article 14(3). Article 14 states that “the national status” of a child born to a deceased father is whatever the father’s national status was at the time of the father’s death.

<sup>32</sup> Note that this provision holds for children born outside of the country (Constitution Article 2(2)) to a father who would have become a citizen upon Independence, but the Constitution does not explicitly state the child must be born outside of the country in Article 10(4). Article 10(4) states that “the national status” of a child born to a deceased father is whatever the father’s national status was at the time of the father’s death.

<sup>33</sup> Note that this provision holds for children born outside of the country (Constitution Article 94(3)) to a mother or a father who would have become a citizen upon Independence, but the Constitution does not explicitly state the child must be born outside of the country in Article 100(4). Article 100(4) states that “the national status” of a child born to a deceased father is whatever the father’s national status was at the time of the father’s death. Note that the interpretive article only refers to the national status of the father and not of the mother, and the amended 2016 Constitution does not alter the 1973 Constitution in this regard.

<sup>34</sup> Out of all the countries, St. Kitts and Nevis has the most varied provisions for citizenship acquisition for the spouses and children of deceased citizens, although St. Lucia also has many distinctions. See the GLOBALCIT database for further differences.

With regard to filial extension, wherein a child's parents were not citizens of a country at the time of the child's birth, but who have since acquired it, Guyana and Jamaica presently<sup>35</sup> allow for the minor child of "any citizen" parent to register as a citizen at the Minister's discretion. This provision would accommodate the children born to parents who naturalise or register for citizenship later in life. Filial extension also exists in countries that allow for citizenship by investment (CBI), such as Antigua and Barbuda, Dominica, Grenada, St. Lucia and St. Kitts and Nevis.<sup>36</sup> Citizenship extension also applies to other relatives in CBI countries (see below, Table 5).

Beside countries with CBI programmes, a number of countries contain provisions that declare that the child of "a citizen" is able to acquire citizenship via procedures that do not fall under *ius soli* and *ius sanguinis* provisions. The language of these provisions typically takes the form, "The Minister may at his discretion cause the minor child of any citizen of [name of country] to be registered as a citizen of [name of country]." Of the 12 countries, only Trinidad and Tobago and Grenada do not have such explicit registration procedures for the minor child of a citizen.<sup>37</sup>

While this special registration language is broad enough to include a parent who acquires citizenship through registration or naturalisation, Belize is explicit that the special registration procedure for minors of citizens only applies to those whose parent acquired Belizean citizenship via registration.

In all cases where this language exists, the child must be a minor (18 or younger), except for those who are entitled to register under this provision in St. Lucia or St. Vincent and the Grenadines (where the individual can register under this provision until age 21). Finally, only Dominica and St. Kitts and Nevis<sup>38</sup> ask for the minor to take an oath of allegiance, and only Dominica stipulates a 3-year residency requirement for the child.

In addition to special registration procedures for the children of individuals who become citizens, the majority of countries allow for citizenship acquisition after birth once the paternity of the citizen father is established (filial transfer). Only Belize, Grenada and St. Lucia have no such provisions. In Dominica, the child must be under 18 to acquire citizenship via registration once paternity is established and it is a discretionary process.<sup>39</sup> In Guyana and Antigua and Barbuda, registration is an entitlement once paternity is established.

It seems that Jamaica, St. Kitts and Nevis, St. Vincent and the Grenadines, and Trinidad and Tobago allow for the automatic acquisition of citizenship once paternity is

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<sup>35</sup> Other Anglophone Caribbean countries contain Independence-era provisions that allow for filial transfer in cases where, at Independence, the parent "becomes" or "would have become" (if not for death) a citizen upon Independence.

<sup>36</sup> Conditions on the limit of filial transfer include age (typically the child is less than 18 or, if between ages 18 and 26, must be actively enrolled in school and still a dependent of the citizenship-by-investment applicant parent). Note that Belizean nationality law continues to state that a "dependent" relative of an "economic citizen" may receive citizenship, which includes the economic citizen's father and mother as well as her/his father-in-law and mother-in-law in cases where they are incapacitated or unable to work. However, it is likely that this legal provision is no longer applied as Belize ended its citizenship by investment programme in 2002.

<sup>37</sup> Both Grenada and Trinidad and Tobago have a provision for the acquisition of citizenship by minors in general, regardless of parental citizenship status.

<sup>38</sup> In St. Kitts and Nevis, this can be waived if the minor is a Commonwealth citizen.

<sup>39</sup> A Bill is currently under review in Dominica on the guidelines surrounding the establishment of paternity. Please see Government of Dominica (2016).

established. However, The Bahamas and Barbados, while providing that all children are equal in their respective Status of Children Acts, appear to stipulate that citizenship acquisition is automatic only when the father marries the mother. In all other cases where paternity is established after the birth of the child, it is unclear whether citizenship is acquired via registration or automatically.

With the exception of Belize, Anglophone Caribbean countries have clear provisions for the acquisition of citizenship for children adopted by their citizens. In Grenada, Jamaica, St. Kitts and Nevis, and Trinidad and Tobago, citizenship is automatically conferred as long as at least one parent is a citizen and the child is a minor. While citizenship acquisition is also automatic for children adopted in Antigua and Barbuda, The Bahamas and Barbados (provided they are minors), it is tempered by a gender discriminatory provision. That is, in cases of joint adoption, the citizen parent must be a male.

In Guyana, adopted children may acquire Guyanese citizenship via registration, but it is a discretionary process. In post-Independence Dominica, it is also a discretionary registration process, and conditional on three years residency and the possession of the status of a minor. In St. Lucia and St. Vincent and the Grenadines, registration for citizenship is considered an entitlement and they are the only two countries with citizenship provisions for adopted children where the age of registration goes up to 21. In all other countries, the child who acquires citizenship via adoption can be no older than 18.

It should be noted that two thirds of the countries also provide for citizenship acquisition for minors in “special circumstances”<sup>40</sup> via a discretionary registration procedure. These countries include The Bahamas, Barbados, Grenada, Guyana, Jamaica, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago.

### *Special achievements*

In no country of the Anglophone Caribbean are individuals’ citizenship rights restricted such that legal provisions of citizenship acquisition do not apply to them.<sup>41</sup> Furthermore, no country has special constitutional or nationality law provisions wherein individuals are able to acquire citizenship outside of the normal naturalisation processes because they have “a cultural affinity to a country”,<sup>42</sup> or because they “acted as a citizen of a country in good faith and/or was presumed to be a citizen for some time”,<sup>43</sup> or because they “resided in a country for a very long time.”<sup>44</sup>

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<sup>40</sup> These countries’ laws are not explicit that these “special circumstances” refer to a minor’s citizenship acquisition for “a certain period of residence or schooling as a minor in a country” (mode A07 in the GLOBALCIT database on modes of acquisition of citizenship). They thus have been identified under mode A27 in the database, “Person who acquires citizenship for other reasons.”

<sup>41</sup> See mode A17 in the GLOBALCIT database on modes of citizenship acquisition.

<sup>42</sup> This refers to mode A19 in the GLOBALCIT database on modes of acquisition of citizenship. Please note that Commonwealth citizenship is treated below under mode A18, which addresses people with citizenship from a specific country.

<sup>43</sup> See mode A20 in the GLOBALCIT database on modes of citizenship acquisition.

<sup>44</sup> See mode A21 in the GLOBALCIT database on modes of citizenship acquisition.



With regard to a person who has made “special achievements for a country,”<sup>45</sup> only St. Vincent and the Grenadines provides that a person who has made “substantial contributions” to the cultural development/growth of St. Vincent and the Grenadines may receive citizenship through a discretionary registration process.<sup>46</sup>

### *Refugees and stateless persons*

Beside the aforementioned special populations, the Anglophone Caribbean is also limited in offering special registration for refugees and stateless persons. Of the 12 countries, less than a handful provide the possibility of citizenship for refugees and/or stateless persons and, even then, what the particular procedure is for the refugee or stateless person to follow to acquire citizenship is not always clear. The cases of Belize and Jamaica are illustrative.

Both Belize and Jamaica are Member Parties to the 1951 Convention relating to the Status of Refugees, but neither has a publicly available and clear citizenship acquisition path for these populations. Furthermore, while neither the Belizean Constitution nor Nationality Act mentions refugees specifically when it comes to citizenship acquisition, its Refugee Act acknowledges “a person shall cease to be a refugee” if “he becomes a citizen of Belize” (Article 4[3c]). Similarly, in its 2009 Refugee Status Determination Procedure Jamaica stipulates that refugee status is removed for those individuals who acquire Jamaican citizenship (Article 23(a)iii), but no clear registration or naturalisation process is evident.<sup>47</sup>

As Table 5 illustrates, other countries are also party to the 1951 Convention, yet do not appear to have any explicit and/or standardised process in place for refugees to acquire citizenship. Only Grenada and St. Vincent and the Grenadines state that “political refugees”<sup>48</sup> are able to acquire citizenship through discretionary procedures. Further discussion of refugees and citizenship acquisition is addressed in the fourth section of this report.

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<sup>45</sup> See mode A24 in the GLOBALCIT database on modes of citizenship acquisition.

<sup>46</sup> The individual must also be of good character, possess adequate knowledge of the English language, acknowledge citizenship responsibilities, and have offered these special achievements over the past five years prior to the application.

<sup>47</sup> Refer to Government of Jamaica (2009) for the text of the refugee status determination procedure.

<sup>48</sup> The scope of who falls under the definition of a refugee is not limited to those who have escaped persecution due to political reasons. The 1951 Convention is clear that reasons of “race, religion, nationality, membership of a particular social group” also are grounds upon which people are persecuted. Since that Convention, numerous Declarations and studies have further expanded the scope of refugeehood, yet the term “political” refugee continues in some of these Anglophone Caribbean countries.

Table 5 Special registration: refugees and stateless persons

	<b>Party to the 1951 Refugee Convention (year ratification)</b>	<b>Special procedure for refugees</b>	<b>Party to the 1961 Statelessness Convention (year ratification)</b>	<b>Special procedure for stateless (type of procedure)</b>
<b>Antigua &amp; Barbuda</b>	Y (1995)	N	N	N
<b>Bahamas</b>	Y (1993)	N	N	N
<b>Barbados</b>	N	N	N	Y (registration, entitlement)
<b>Belize</b>	Y (1990)	?	Y (2015)	Y (registration, discretionary) N
<b>Dominica</b>	Y (1994)	N	N	Y (special naturalisation and registration, entitlement)
<b>Grenada</b>	N	Y	N	Y (registration, entitlement)
<b>Guyana</b>	N	N	N	Y (registration, entitlement)
<b>Jamaica</b>	Y (1964)	?	Y (2013)	? <sup>49</sup>
<b>St. Kitts &amp; Nevis</b>	Y (2002)	N	N	N
<b>St. Lucia</b>	N	N	N	Y (registration, discretionary)
<b>St. Vincent &amp; the Grenadines</b>	Y (2003)	Y	N	Y (registration, discretionary)
<b>Trinidad &amp; Tobago</b>	Y (2000)	N	N	N

Source: United Nations Treaty Collection (2020).

<sup>49</sup> While Jamaica is a Member Party to the 1961 Statelessness Convention, it does not have any clear and publicly available information on its citizenship practices regarding stateless persons on its territory.

Interestingly, while the majority of Anglophone Caribbean countries have not ratified the 1961 Convention on the Reduction of Statelessness, several have provisions in place for stateless persons, or individuals with unclear citizenship status, to acquire citizenship.<sup>50</sup> For instance, in Barbados, a person must have always been stateless and be born to a citizen parent to fall under the country's citizenship acquisition procedure, while in St. Lucia the stateless person must be a minor.

Both Grenada and Guyana provide two distinct paths to citizenship acquisition for stateless persons. In Grenada, a stateless person who is not married to a citizen must go through a discretionary naturalisation procedure, whereas a stateless person who is married to a Grenadian citizen is entitled to register for citizenship. In Guyana, a stateless person born to a citizen mother after the Citizenship Act became law automatically becomes a citizen by birth if "his mother was a citizen of Guyana at the time when he was born" and the child would otherwise be stateless. For stateless persons who do not fall under this provision, and who were born before the commencement of the Act and who have always been stateless, they are entitled to register for citizenship as long as their mother was an UK & Colonies citizen (pre-Independence provision).

### *Commonwealth citizens*

Another class of individuals who receive special consideration in registration procedures are Commonwealth citizens.<sup>51</sup> With the exception of Belize,<sup>52</sup> all Anglophone Caribbean countries provide for citizenship acquisition via registration for Commonwealth citizens.<sup>53</sup> Furthermore, a few Anglophone Caribbean countries have different registration provisions for individuals from Commonwealth countries depending on whether or not they were resident at the time of Independence. In these cases, those who were resident at the time of Independence are typically entitled to register for citizenship, while post-Independence Commonwealth residents must go through a discretionary registration process.

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<sup>51</sup> The Commonwealth is made up of 54 former colonies of the former British Empire.

<sup>52</sup> Neither Belize's Constitution nor Nationality Act contains provisions related to Commonwealth citizens' citizenship acquisition, although their right to vote is addressed in the Constitution.

<sup>53</sup> Note that in the citizenship acquisition Schedules for the majority of these countries, some Commonwealth countries may not be explicitly mentioned because at the time of the Anglophone Caribbean country's independence from the UK, a particular Commonwealth country was not yet independent. For instance, the Schedules of many of these countries do not explicitly identify Namibia because it secured its Independence at a later time. Also note that Trinidad and Tobago's Citizenship Act states that "registration" is a discretionary procedure in Article 7, but its schedule of fees to this Act uses the term "naturalisation."

Table 6 Special registration: Commonwealth citizens

	Pre-and post independence distinction	Minimum residency <sup>54</sup> (years)	Conditions
<b>Antigua &amp; Barbuda</b>	Y	7	Y
<b>Bahamas</b>	N	6	Y
<b>Barbados</b>	Y	5	Y
<b>Belize</b>	n.a.	n.a.	n.a.
<b>Dominica</b>	Y	5	Y
<b>Grenada</b>	N	5	Y
<b>Guyana</b>	N	5	Y
<b>Jamaica</b>	N	5	Y
<b>St. Kitts &amp; Nevis</b>	N	14	Y
<b>St. Lucia</b>	Y	7	Y
<b>St. Vincent &amp; the Grenadines</b>	N	7	Y
<b>Trinidad &amp; Tobago</b>	N	5	Y

<sup>54</sup> This column includes information only on the Post-Independence residency provision for each country.

Given the discretionary nature of the registration process for resident Commonwealth citizens, certain conditions apply to their ability to acquire citizenship. Outside of residency requirements, the most common conditions placed on Commonwealth residents' citizenship acquisition include: being of good character, full capacity or age; possessing sufficient funds to support her/himself; not presenting a threat to national security and defence, public order and/or safety; and not being sentenced to death or to prison for more than 12 months.

### *Former citizens*

Another special population to which distinct citizenship provisions apply in many Anglophone Caribbean countries is former citizens who want to reacquire citizenship. Only The Bahamas, Barbados, Grenada and Guyana lack special provisions in their nationality law or Constitution to provide for these individuals, while the rest provide for it via registration processes.

Table 7 Special registration: former citizens

	Procedure	Only if renounced citizenship to acquire another citizenship	Only if a particular type of former citizen	Oath
<b>Antigua &amp; Barbuda</b>	Entitlement	Y	N	Y
<b>Bahamas</b>	n.a.	n.a.	n.a.	n.a.
<b>Barbados</b>	n.a.	n.a.	n.a.	n.a.
<b>Belize</b>	Discretionary	N	Y (ius sanguinis)	Y <sup>55</sup>
<b>Dominica</b>	Entitlement	Y	N	Y
<b>Grenada</b>	n.a.	n.a.	n.a.	n.a.
<b>Guyana</b>	n.a.	n.a.	n.a.	n.a.
<b>Jamaica</b>	Discretionary	N	Y (ius soli, ius sanguinis, adoption)	N <sup>56</sup>
<b>St. Kitts &amp; Nevis</b>	Entitlement	N	N	N
<b>St. Lucia</b>	Entitlement	Y	N	Y
<b>St. Vincent &amp; the Grenadines</b>	Entitlement	Y	N	Y
<b>Trinidad &amp; Tobago</b>	Discretionary	Y	N	Y

<sup>55</sup> Belize also requires the renunciation of any other citizenship before citizenship restoration is allowed.

<sup>56</sup> Jamaica also requires the renunciation of any other citizenship before citizenship restoration is allowed.

*Noncitizen Public/Government Workers*

Another group to which special registration procedures apply are those who work in the public service. Among the Anglophone Caribbean countries, only The Bahamas and Trinidad and Tobago lack explicit avenues outside of normal naturalisation and/or registration procedures for this group. The majority of the other 10 countries extend discretionary registration procedures to Commonwealth citizens (or “First Schedule”) citizens who have worked within their public service. In addition, most countries ask that the applicant be ordinarily resident in the country, although less than a handful places a time frame on residency. For instance, Dominica requires 3 years residency, Guyana 5 years, St. Kitts and Nevis 14 years, and St. Lucia 7 years. Other conditions may apply (see the database), varying by country.

*Investor citizenship*

Finally, five of the countries have special citizenship registration provisions for those who invest in the country (Table 8). While St. Vincent and the Grenadines does not yet have an explicit CBI programme, its Citizenship Act states that anyone who, over a five-year period, has contributed to the “economic growth and development” of the country may be registered as a citizen at the Minister’s discretion. As noted in the “Debates and Trends” section below, the country is currently evaluating whether or not to introduce a CBI programme.

Of those who have established CBI programmes, that of St. Kitts and Nevis is the oldest (both in the region and in the world). All countries with CBI programmes demand that the applicant be at least 18 years of age, that s/he apply for citizenship via an authorised agent and that s/he make a minimum investment in the country. All countries also demand application-processing fees that can range in the tens of thousands of dollars.

With the exception of Grenada, none of the countries with CBI programmes stipulates residency as a requirement of applying for citizenship. In fact, several tout the fact that an individual does not even have to visit the country for an interview during the application process. Grenada, however, requires the main applicant to first acquire permanent residency and then, after 12 months of attaining permanent residency, s/he may apply for citizenship and invest the necessary contribution into the National Transformation Fund.

As illustrated in Table 8, other relatives – spouse, child, parent, and in some cases, the grandparent – of the main applicant are also allowed to register for citizenship under a country’s CBI programme. For instance, in Antigua and Barbuda, Dominica and St. Lucia, the parent or grandparent of a CBI applicant need only be over 65 years old, living with the main CBI applicant and fully dependent on the latter. A similar provision exists in Grenada, but the parent or grandparent of the main applicant (or his or her spouse) must be at least 55 years old.

Table 8 Special registration: citizenship by investment

	<b>Residency Requirement</b>	<b>Agent needed</b>	<b>Monetary minimum</b>	<b>Extension to spouse</b>	<b>Extension to child</b>	<b>Extension to parent</b>
<b>Antigua &amp; Barbuda</b>	N	Y	Y <sup>57</sup>	Y	Y	Y
<b>Bahamas</b>	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
<b>Barbados</b>	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
<b>Belize</b>	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
<b>Dominica</b>	N	Y	Y <sup>58</sup>	Y	Y	Y
<b>Grenada</b>	Y	Y	Y <sup>59</sup>	Y	Y	Y
<b>Guyana</b>	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
<b>Jamaica</b>	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
<b>St. Kitts &amp; Nevis</b>	N	Y	Y <sup>60</sup>	Y	Y	Y
<b>St. Lucia</b>	N	Y	Y <sup>61</sup>	Y	Y	Y
<b>St. Vincent &amp; the Grenadines</b>	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
<b>Trinidad &amp; Tobago</b>	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.

<sup>57</sup> For an approved real estate investment, the main applicant must invest a minimum of \$1,080,000. Investment in the National Development Fund or in an approved business must be at least \$675,000, and \$4,000,000 respectively. See “Citizenship” for up-to-date investment requirements at <https://cip.gov.ag/citizenship/>.

<sup>58</sup> The minimum varies depending on whether or not more than one person is applying for citizenship. For example, if only one individual is investing then the minimum monetary investment is \$100,000; if an applicant plus her/his spouse is investing, then the minimum is \$175,000, etc. If someone invests in an approved project, the minimum necessary is \$200,000.

<sup>59</sup> As in Dominica, the amount invested (in this case, into the National Transformation Fund) depends on the number of people on the application for CBI. A single applicant must invest \$150,000 while an applicant and his/her spouse must invest a minimum of \$200,000, etc.

<sup>60</sup> The main applicant must invest a minimum of \$165,000 in the Sustainable Growth Fund. As in the other countries, the fees are higher with each additional dependent added to the application.

<sup>61</sup> The main applicant must invest at least \$100,000 in the St. Lucia National Economic Fund (this figure increases as the number of dependents are added to the application) or a minimum of \$300,000 in real estate.



### **3.3 Loss of citizenship**

All Anglophone Caribbean countries allow for individuals to renounce their citizenship, contingent only on a few limitations. They also provide measures by which those who either registered or naturalised for citizenship may have their citizenship withdrawn (typically due to fraud in acquisition, but also because an individual has been deemed a security, or similar, threat). Of note, citizenship revocation in these latter cases of involuntary citizenship loss can result in statelessness. Statelessness is also a possibility when a country allows for citizenship withdrawal if an individual is stripped of citizenship in another Commonwealth country on grounds that are similar to that of the Anglophone Caribbean country (see Table 10).

#### *3.3.1 Voluntary loss of citizenship*

All Anglophone Caribbean countries permit their citizens to renounce their citizenship. The main exceptions to a citizen's ability to renounce include: not meeting the minimum age and "full capacity" requirements, and seeking citizenship from a country with which their country of original citizenship is at war. In nearly all of the cases, a citizen's renunciation becomes invalid if s/he is unable to acquire another citizenship (and is not a dual national) within a specified period (typically 12 months). This provision helps ensure that individuals in those countries are not rendered stateless.

Table 9 Voluntary renunciation of citizenship: conditions

	Minimum age	Must be of full capacity	Possession of another citizenship	Renunciation invalid if at war with new country of citizenship	Renunciation invalid if jeopardise State's interests
<b>Antigua &amp; Barbuda</b>	18	N	Y	Y	Y
<b>Bahamas</b>	21	Y	Y	Y	N
<b>Barbados</b>	21	Y	Y	Y	Y
<b>Belize</b>	18	Y	N	N	N
<b>Dominica</b>	18	Y	Y	Ministerial consent needed	N
<b>Grenada</b>	18	Y	Y	Y	N
<b>Guyana</b>	18	Y	Y	Y	N
<b>Jamaica</b>	18	Y	Y	Y	N
<b>St. Kitts &amp; Nevis</b>	18	N	Y	Y	Y
<b>St. Lucia</b>	18	Y	N	Y	N
<b>St. Vincent &amp; the Grenadines</b>	18	Y	Y	Y	N
<b>Trinidad &amp; Tobago</b>	18	Y	Y	Y	N

### *3.3.2 Involuntary loss of citizenship*

Only a third of Anglophone Caribbean countries provide that naturalised citizens can lose citizenship upon residence abroad. This period ranges between 5 and 7 years. Disloyalty, service to a foreign government and fraud in the acquisition of citizenship are the most common grounds for the involuntary loss of citizenship, and several countries allow for loss of citizenship in a Commonwealth, or First Schedule, country to serve as grounds for citizenship loss in their country, too. As Table 10 illustrates, a third of the countries allow for involuntary citizenship loss if a person acquires the citizenship of another country (citizenship acquisition via marriage to a noncitizen serves as an exception to this provision).

From among the five CBI countries, only St. Lucia does not revoke citizenship from individuals who acquired citizenship via its CBI registration programme if they no longer meet the minimum investment requirements. The Bahamas is the only country to allow for involuntary citizenship loss for those who exercise citizenship rights in another country.

Table 10 Involuntary loss of citizenship: main grounds of loss

	Residence abroad	Voluntary acquisition of other citizenship	Service in foreign army/government	Disloyalty or treason	Fraud in acquisition	Criminal offenses
<b>Antigua &amp; Barbuda</b>	Y <sup>62</sup>	n.a.	Y	Y	Y	Y
<b>Bahamas</b>	n.a.	Y	Y	Y	Y	Y
<b>Barbados</b>	n.a.	n.a.	Y	Y	Y	Y
<b>Belize</b>	Y	Y	n.a.	Y	Y	Y
<b>Dominica</b>	n.a.	n.a.	Y	Y	Y	Y
<b>Grenada</b>	n.a.	n.a.	Y	Y	Y	Y
<b>Guyana</b>	n.a.	Y <sup>63</sup>	Y	Y	Y	Y
<b>Jamaica</b>	Y	n.a.	Y	Y	Y	Y
<b>St. Kitts &amp; Nevis</b>	n.a.	n.a.	Y	Y	Y	Y
<b>St. Lucia</b>	n.a.	n.a.	Y	Y	Y <sup>64</sup>	n.a.
<b>St. Vincent &amp; the Grenadines</b>	Y	n.a.	Y	Y	Y	n.a.
<b>Trinidad &amp; Tobago</b>	n.a.	Y	n.a.	n.a.	Y	n.a.

<sup>62</sup> This provision only applies to citizens by investment who must reside within Antigua and Barbuda for 35 days within a five-year period post-registration.

<sup>63</sup> The only exception is if the person acquired citizenship via marriage.

<sup>64</sup> Due to amendments to the St. Lucian Citizenship by Investment Act, when an individual acquires citizenship through a CBI programme via fraudulent means, both the spouse and child(ren) of the individual lose citizenship as well. See Government of St. Lucia (2017).

Table 11 Involuntary loss of citizenship: other reasons

	Loss of czp. in another Commonwealth country	Parent/spouse loses czp. <sup>65</sup>	CBI provisions no longer fulfilled	Other
<b>Antigua &amp; Barbuda</b>	Y	n.a.	n.a.	n.a.
<b>Bahamas</b>	n.a.	n.a.	n.a.	Y Person claimed czp. rights in another country
<b>Barbados</b>	n.a.	n.a.	n.a.	n.a.
<b>Belize</b>	n.a.	Y	n.a.	Y Czp. renunciation not recognised by State of original czp.;
<b>Dominica</b>	n.a.	Y	Y	Y Czp. renunciation not recognised by State of original czp.
<b>Grenada</b>	n.a.	n.a.	Y	n.a.
<b>Guyana</b>	n.a.	n.a.	n.a.	Y Individual acquires czp. of another country other than by marriage
<b>Jamaica</b>	Y	n.a.	n.a.	n.a.
<b>St. Kitts &amp; Nevis</b>	Y	n.a.	Y	n.a.
<b>St. Lucia</b>	n.a.	n.a.	n.a.	n.a.
<b>St. Vincent &amp; the Grenadines</b>	n.a.	n.a.	n.a.	n.a.
<b>Trinidad &amp; Tobago</b>	n.a.	n.a.	n.a.	n.a.

<sup>65</sup> Parent or spouse was a citizen via registration.

## 4. Current debates and trends

Several discussions permeate the social and political landscapes of the Anglophone Caribbean when it comes to citizenship matters. The most prominent, especially in the wake of the Venezuelan crisis and the increased number of natural disasters, is refugees and forced displacement. Discussions around economic citizenship, gender inequality, and dual citizenship also arise in some countries.

Of the at least 4 million Venezuelans who have fled Venezuela, approximately 150,000 have sought refuge in the Caribbean (R4V 2019).<sup>66</sup> At least 24,000 and 34,000 have fled to Trinidad and Tobago, and Guyana, respectively.<sup>67</sup> As noted in Table 5 above, while two-thirds of Anglophone Caribbean countries are party to the 1951 Convention relating to the Status of Refugees, only two have special procedures in place to provide access to citizenship for refugees and most lack asylum procedures.<sup>68</sup> In general, governments in the area “lack the political will to address existing gaps” in asylum processing (UNHCR 2009, 309) and the office of the United Nations High Commissioner for Refugees (UNHCR) must process individuals.

A combination of lack of political will, combined with increasing xenophobia and discrimination against migrants and the forcibly displaced in the region, has made it difficult for refugees to access their rights under the 1951 Convention notwithstanding Member States accession to the treaty.<sup>69</sup> One of the quintessential features of refugeehood is that those who have fled are unable to avail themselves of the rights and protections associated with their country of citizenship. That the majority of these countries lack asylum processes and pathways to citizenship for individuals fleeing such situations highlights the risk of statelessness these individuals, who are arguably *de facto* stateless, face.

The issue of statelessness also arises due to the mixed nature of migration in the area and the presence of irregular migrants within these populations. At the 2013 Cartagena +30 round of evaluations, the governments of the Latin American and Caribbean region issued the Brazil Declaration and Plan of Action. This Plan incorporated, for the first time, a chapter on addressing statelessness in the region.<sup>70</sup> Specifically, the Plan urges countries “to become party to the two statelessness conventions and to enhance birth registration processes” as well as establish statelessness status determination procedures and facilitate the stateless’ naturalization, among other measures (Belton 2017a, 21). Eight of the Anglophone Caribbean countries adopted the Plan of Action,<sup>71</sup>

“agreeing to work together to uphold the highest international and regional protection standards, implement innovative solutions for refugees and displaced persons and end the plight of stateless persons in the region” (UNHCR 2014).

<sup>66</sup> This includes the Dutch Caribbean, the Dominican Republic, Guyana and Trinidad and Tobago (R4V 2019).

<sup>67</sup> Data from Response for Venezuelans (R4V) and the *Guyana Chronicle* (2019). At least 24,000 Venezuelan refugees currently reside in Trinidad and Tobago (R4V 2020), which has a population of about 1.2 million.

<sup>68</sup> See UNHCR (2020).

<sup>69</sup> Discussing Trinidad and Tobago, for instance, Teff (2019) explains the difficulty that refugees, asylum seekers and irregular migrants have in regularizing their status and how the grant of refugeehood only provides very limited access to rights.

<sup>70</sup> See Belton (2017a) for more information on the Cartagena process, especially as it relates to statelessness in the region.

<sup>71</sup> The eight Anglophone Caribbean countries were Antigua and Barbuda, The Bahamas, Barbados, Belize, Guyana, Jamaica, St. Lucia and Trinidad and Tobago.

Yet, as this report notes, the vast majority of states in the subregion are still not party to the statelessness conventions and they continue to lack statelessness status determination procedures, despite more than half articulating provisions for routes to citizenship for this population (see Table 5). Legal routes to citizenship are important, but when states lack the means by which to determine who is stateless (or a refugee) and who is not, then it is unclear how these legal provisions are translated into practice. As such, refugees and stateless persons continue to be individuals whose right to citizenship is placed in jeopardy in the subregion and they continue to be populations of concern for UNHCR in the area.<sup>72</sup>

Another population of concern, which differs from the aforementioned refugee and stateless populations, is that of the natural-disaster and climate-induced forcibly displaced persons. The subregion, especially those who are members of the Eastern Caribbean Currency Union (ECCU), which includes Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines, has been called “one of the most disaster-prone regions in the world” (World Trade Organisation 2019, 3). The countries of the ECCU alone “rank in the top ten most disaster-prone countries in the world when considering disasters per land area or percentage of population” (ibid.).

The Caribbean has been ravaged by several natural disasters in the past decade. With regard to the Anglophone Caribbean in particular, large-scale and intense hurricanes have affected the lives and livelihoods of many communities. Islands in the Eastern Caribbean, which include Antigua and Barbuda,<sup>73</sup> were hit by category<sup>74</sup> 5 Hurricane Irma in 2017. Category 5 Hurricane Maria pummelled Dominica directly thereafter, and, most recently, Hurricane Dorian, another category 5 storm, devastated the northern Bahamas in 2019.

When individuals are forcibly displaced or lose identity documents as a result of natural disasters, it places their ability to prove their citizenship, or to access their associated citizenship rights and protections, at risk. Caribbean Migration Consultations are on-going with regard to natural-disaster and climate-induced forced displacement,<sup>75</sup> but this is an important and heightened area of concern for the region as a whole, especially given that it is “increasingly at risk of forced displacement from more intense hurricanes linked to climate warming” (UNICEF 2019, 8).

In the wake of these natural disasters, which has seen the economies of these affected countries lose billions of dollars,<sup>76</sup> some governments with CBI programmes have reduced their initial investment requirements.<sup>77</sup> In places like St. Vincent and the Grenadines, the

<sup>72</sup> The right to citizenship (or a nationality) is articulated in the Universal Declaration of Human Rights (UN 1948) and international treaties, such as the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination against Women, among others (see Belton (2017a), Chapter 1, footnote 10, pp. 205-6.)

<sup>73</sup> Barbuda was essentially destroyed post-Irma and to date Barbadians are fighting to try and get the government to help them with recovery.

<sup>74</sup> A category five hurricane is the most powerful with sustained winds of at least 157mph (252kmph). To learn more about the various categories of hurricanes, see NOAA (2020).

<sup>75</sup> See, for instance, Caribbean Migration Consultations (2019).

<sup>76</sup> The World Trade Organisation (WTO) estimates that the Caribbean has lost more than \$22 billion since 1950 due to natural disasters (WTO 2019). Hurricane Dorian alone caused at least \$2.5 billion in damages and total economic loss at \$7 billion or half of The Bahamas’ gross national product. See, for example, IADB (2019) and Relief Web (2019).

<sup>77</sup> Antigua and Barbuda, Grenada, and St. Kitts and Nevis all lowered their investment requirements post-hurricane. See Smith (2018).

issue of creating a CBI programme has become increasingly politicised with the opposition political party pledging to introduce a CBI programme if elected, and the current administration resolutely denying the “sale” of citizenship.<sup>78</sup>

In general, however, because CBI programmes generate a good portion of government revenue for those countries that have them,<sup>79</sup> there is muted public discussion on the perceived pitfalls of these programmes. CBI programmes thus typically only make headlines when non-CBI countries, such as the United States, raise concerns about people acquiring CBI citizenship to avoid government sanctions.

Where public opinion has been more vocal in some Anglophone Caribbean countries is the issue of dual citizenship. The majority of countries in the subregion allow their citizens to hold dual citizenship, although a few place restrictions on its possession. For example, The Bahamas only allows dual citizenship through to age 21 when a person must then choose which citizenship s/he wishes to maintain. In Guyana, dual citizenship is only permissible if a person marries a noncitizen and acquires her or his second citizenship in that manner. A similar provision exists in Trinidad and Tobago, and in Belize, individuals who are naturalised citizens are unable to hold dual citizenship.

Outside of these specific cases where the ability to hold a second citizenship is limited, most of the Anglophone Caribbean limits the political rights of their citizens if their second country of citizenship is not a Commonwealth country. This has been controversial in several recent general elections where representatives, and their opponents, have had their ability to run for, or hold, office questioned (Belton 2019). The general sentiment, given the large proportion of emigrants among many of these countries, is that the political rights of dual citizens should be limited, regardless of whether or not the individual holds her or his second citizenship from a Commonwealth country.

Finally, as this report notes, gender inequality exists in some nationality provisions in the areas of adoption, spousal and filial transfer.<sup>80</sup> These restrictions are most prominent in the case of The Bahamas, which has been the focus of campaigns to change unequal nationality laws at the grassroots and international levels. The Bahamas held a Constitutional referendum in 2002 and 2016 to place gender inequality in nationality matters to the public vote.

In the 2016 referendum voters were asked whether they wanted to insert “sex” as a prohibited ground of discrimination in the Constitution. They were also asked to vote on whether or not they wanted to remove the gender discriminatory provisions regarding female citizens’ inability to extend their citizenship to their noncitizen husband or to transfer their

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<sup>78</sup> Current Prime Minister and leader of the United Labour Party, Ralph Gonsalves, is adamantly against instituting a CBI programme, however. See Jamaica Observer (2019), The Daily Observer (2018) and iWitness News (2020) for further information on the debate surrounding CBI in St. Vincent and the Grenadines, especially in light of the upcoming elections.

<sup>79</sup> Dominica, for instance, relies heavily on its CBI programme for revenue. See IMI (2018).

<sup>80</sup> Note that the majority of these countries’ Independence-era provisions regarding citizenship acquisition for the spouse of a deceased citizen, or someone who would have become a citizen upon Independence but for his death, is highly gendered. That is, this provision generally only applies to the noncitizen female spouses of male citizens and not to the noncitizen male spouses of female citizens (or those who would have become citizens but for their death). Since this report is focused primarily on the practices of the Post-Independence era, this gender discriminatory provision is not analysed in detail here.



citizenship to their child born abroad when married to a noncitizen.<sup>81</sup> All proposed gender equality amendments to the Constitution failed.

In the case of Barbados, some organizations such as the Global Campaign for Equal Nationality Rights, the Institute on Statelessness and Inclusion, and the Americas Network on Nationality and Statelessness posit that Barbados discriminates against its female citizens in their ability to pass citizenship on to their children born overseas.<sup>82</sup> As this report illustrates, however, Barbados' gender discriminatory provisions lie in the area of spousal extension of citizenship (male citizens may transfer it to their female noncitizen spouses, but female citizens are not provided the same right), joint adoptions and the inability of a child to acquire citizenship from a deceased mother. In its 2017 report to the Committee on the Elimination of All Forms of Discrimination Against Women, Barbadian delegate and Minister, Steven Blackett, affirmed that

“the Constitution and the policies allowed for Barbadians born overseas, and also their children born overseas, to automatically become citizens. Barbadian women married to foreigners could transmit nationality to their spouse and children. All Barbadians, male and female, automatically transferred their nationality to their children” (UNHRC 2017, no page).<sup>83</sup>

It is of note that gender inequality is “particularly glaring” throughout the subregion (Barrow-Giles 2015, 58), whether measured by the male-to-female number of elected officials, the number of female-headed households and their poverty level compared to male-headed households<sup>84</sup> or the pervasive violence against women. With regard to the latter, gender violence is disproportionately high throughout the subregion<sup>85</sup> and more than half of the countries in the Anglophone Caribbean have a higher than average per capita rape rate (UNDOC 2007).<sup>86</sup> Furthermore, very few have criminalised marital rape<sup>87</sup> and fewer than half have a National Strategic Action Plan on Gender Based Violence.<sup>88</sup> The socio-political context, therefore, is not highly conducive to women's equality and, in the case of The Bahamas at least, may translate into the difficulty of establishing gender equality in nationality provisions.

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<sup>81</sup> Bahamian voters were also asked whether they wanted to allow a child born out of wedlock to a Bahamian father to acquire Bahamian citizenship upon legal proof that the citizen was the father.

<sup>82</sup> See, for instance, RED ANA (2020), Harrington (2016), Global Campaign for Equal Nationality Rights and the Institute on Statelessness and Inclusion (2018). The UNHCR (2018) also states that female Barbadian citizens cannot pass on their citizenship to their children born overseas, while their male counterparts can. See p. 10 of the referenced 2018 report.

<sup>83</sup> Note that the International Organisation for Migration (IOM) does not list Barbados as a country with gender discriminatory nationality laws in the provision of *ius soli* citizenship (IOM 2017).

<sup>84</sup> With the exception of St. Lucia and Belize, female-headed households in the Anglophone Caribbean have higher poverty rates than male-headed households (note, no data is present for St. Kitts and Nevis). Also, with the exception of Grenada, the other countries of the subregion have less than 20% female representatives in government. See ECLAC 2018, p. 51 (Table 6) and p. 56 (Table 4).

<sup>85</sup> See also p. 54 of ECLAC (2018) where they discuss the elevated rate of violence against women and children in the region, as well as the prevalent “patriarchal structural patterns” that limit women's equality.

<sup>86</sup> According to the report, The Bahamas had the highest per capita rape rate in the world (see p. iv and 12).

<sup>87</sup> Whether or not a husband can rape his wife is an on-going and contentious issue in The Bahamas, especially. The topic resurfaced earlier this year when Speaker of the House, Halson Moultrie, stated that he thought that a man could not rape his wife when it comes to spiritual law. See Knowles (2020) and Benjamin and LeGrand (2012).

<sup>88</sup> Anglophone Caribbean countries that have, or have had, such a Plan include: Antigua and Barbuda, Belize, Dominica, Guyana and Jamaica (UN Women 2020).

## 5. Conclusion

The Anglophone Caribbean is placed in the position of navigating a weighty colonial history with the fluctuations of the modern-day movements of peoples (whether as tourists, second home buyers, or the forcibly displaced). Several countries' citizenship provisions fall short in treating their female and male citizens equally in the transfer and extension of citizenship, and the majority do not provide adequate protections against statelessness or pathways to citizenship for them or refugees.

Where some countries have been more open is in providing pathways to citizenship for those who invest in the country. The degree to which other countries in the subregion become more open to providing pathways to citizenship (or at least permanent residency) through investment may become greater with the increased risk of natural disaster occurrence in the future.

With a few exceptions, the Anglophone Caribbean is generally consistent in its approach to citizenship acquisition and loss, especially in the Independence-era period. Differences arise in the post-Independence period, largely with regard to the treatment of those who were not born on the soil or of citizens. Thus, differences exist as pertains to pathways for citizenship for noncitizen spouses or those UNHCR would consider "populations of concern," such as refugees, the stateless and the forcibly displaced. The countries of the subregion only express slight variance in the requirements for naturalisation (such as whether knowledge of English is needed or whether government service is an acceptable substitute for residency).

Moreover, when citizenship provisions are non-existent in one country, they are generally non-existent throughout the subregion. For instance, no country has provisions for citizenship acquisition for those individuals who have a cultural affinity with the country or who have contributed special achievements to it. Where the largest difference currently exists, however, is in the arena of citizenship by investment. Some have strong and established CBI programmes, whereas others have nothing. Despite this difference, the subregion's laws on citizenship acquisition and loss are generally consistent, especially regarding its *ius soli* provisions (with only small differences among some in their *ius sanguinis* provisions).

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