



Government of Antigua and Barbuda

White Paper

On

U.S. Proposal for Arrangements

To transfer Third-Country Nationals Removed from the United States

Government of Antigua and Barbuda

Executive Summary

This White Paper explains the position of the Government of Antigua and Barbuda on proposals from the Government of the United States concerning the possible reception in Antigua and Barbuda of certain third-country nationals removed from the United States.

The Government of Antigua and Barbuda has approached this matter in a spirit of friendship and cooperation. It did not refuse to consider the request when it was first raised, because Antigua and Barbuda values its relations with the United States and recognises the importance of serious engagement between friendly states.

At the same time, Antigua and Barbuda is a small state with limited land area, limited public resources, and limited absorptive capacity. It cannot responsibly accept open-ended obligations involving persons who are not its nationals and whose removal is sought by another state.

Antigua and Barbuda has willingly co-operated with U.S. Immigration and Customs Enforcement (ICE) in accepting the return of its nationals who have been deported from the United States. Between March 2025 and July 2026, Antigua and Barbuda accepted the return of all five of its nationals identified by ICE for deportation.

The Government's position is therefore clear.

Antigua and Barbuda will not accept a standing programme for the reception of third-country nationals, which is to say, nationals of countries other than Antigua and Barbuda. Any cooperation can be considered only on a strictly limited, case-by-case basis, in the exercise of Antigua and Barbuda's complete sovereign discretion.

Any person proposed must be fully documented in advance, must satisfy strict eligibility conditions, and may be refused by Antigua and Barbuda for any reason.

No person should depart the United States unless the full cost of reception, settlement, healthcare, welfare, security, administration, and any onward or return arrangements has been secured in writing in advance by the United States or another acceptable agency.

In light of Antigua and Barbuda's size and capacity, the Government's counter-proposal contemplates no more than ten persons in 2026, followed by a review in 2027.

The purpose of this White Paper is to inform Parliament and the public of the background, the issues at stake, and the principles on which the Government has proceeded.

***9 July 2026
St. John's***

1. Introduction

This White Paper is presented by the Government of Antigua and Barbuda to inform Parliament and the public of the issues arising from discussions with the Government of the United States of America concerning the possible reception in Antigua and Barbuda of certain third-country nationals removed from the United States.

The matter is important. It touches directly on sovereignty, immigration control, public finance, national security, social stability, and the international legal obligations of Antigua and Barbuda.

It also raises a wider question of fairness. Antigua and Barbuda, like every sovereign state, must regulate entry into its territory and determine who may remain there. But it is one matter for a state to receive its own nationals who are returned from abroad. It is another for a small country to be asked to receive and settle persons who are not its nationals and whose removal is sought by another state.

The Government considers it necessary that Parliament and the public be fully informed of the background, the issues, the principles that guide Antigua and Barbuda's approach, and the terms on which any cooperation could responsibly be considered.

This White Paper is written in a spirit of candour and friendship. The United States, like every sovereign state, is entitled to regulate its borders, determine who may enter and remain in its territory, and enforce its immigration laws. Antigua and Barbuda respects that right. At the same time, Antigua and Barbuda is equally entitled to decide whether, and on what terms, it can responsibly receive persons who are not its nationals and whose removal is sought by another state.

2. The Critical Issue of Third Country Nationals – What is their status?

The critical issue for Antigua and Barbuda is: What is the status of third country nationals who are transferred to Antigua and Barbuda? This is an important question that strikes at the heart of Antigua and Barbuda's legal exposure. The answer involves several overlapping status categories, and the picture is genuinely complicated.

The Immediate Status Upon Arrival: Legal Limbo

A person who arrives in Antigua and Barbuda without valid travel documents, transferred under an agreement between the US and Antigua and Barbuda, does not fit neatly into any existing category under domestic Antigua and Barbuda law.

Antigua has **no standalone Refugees Act** — asylum claims are handled *ad hoc* under the general Immigration Act, with protection access determined informally in

cooperation with the United Nations High Commission for Refugees. This means the person's legal status upon arrival would be **administratively indeterminate** until the government makes a specific designation. What could designations be?

The Three Possible Designations

(i) Asylum Seeker / Refugee

If the person expresses fear of return to their country of origin, Antigua and Barbuda's obligations under the **1951 Refugee Convention** (to which it acceded on 7 September 1995) are immediately triggered. The person must be allowed to apply for protection and cannot be returned, including to the United States, if doing so would expose them to persecution. This means that the person would be in Antigua and Barbuda in limbo and would become a charge upon the State.

(ii) Stateless Person

If the person has no valid travel documents *and* refuses to apply for a passport from their country of origin, they may effectively be — or become — **stateless in practice**, even if technically they retain a nationality. This triggers a separate body of law. Antigua and Barbuda **succeeded to the 1954 Convention on the Status of Stateless Persons on 25 October 1988**, which obliges it to:

- Issue **identity papers** to any stateless person in its territory who lacks a travel document
- Issue a **Convention Travel Document** (CTD) to stateless persons lawfully residing in its territory — a document recognized internationally and used in lieu of a passport
- Accord stateless persons treatment at least as favorable as that accorded to nationals in matters of religion, and no less favorable than that accorded to aliens generally in matters of work, housing, and public education

Critically, Antigua has **not acceded to the 1961 Convention on the Reduction of Statelessness**, so there is no legal mechanism under domestic law to *resolve* statelessness, only to manage it. But managing stateless persons can become a huge cost to the State.

(iii) Undocumented Irregular Migrant

If the government does not recognize the person as a refugee or stateless, the default under Antigua and Barbuda law is that they are an undocumented non-national subject to detention and deportation under the **Immigration and Passport Act**. But this presents a legal trap: if the person cannot be deported to their country of origin (because that country refuses to take them or because doing so would violate non-refoulement¹), and cannot be returned to the United States, they become **non-removable**, trapped in indefinite detention or irregular status

¹ Non-refoulement is the principle of international law that a state must not return, expel, transfer, or otherwise send a person to a country where there are substantial grounds for believing that the person would face persecution, torture, or other serious harm.

with no legal pathway forward. Antigua and Barbuda would then be confronted with persons who will have to be supported by the State for the foreseeable future.

The Travel Document Problem

The Regional Security System (RSS) Chairman directly flagged this issue in April 2026: *"If the TCNs did not have valid travel documents issued by their home country, they could not return home. Why would a home country issue a document for them?"*. The US position is that the International Organization for Migration (IOM) can assist in obtaining documents, but that is an optimistic stance not rooted in any guarantee from the IOM. Many countries routinely refuse to issue travel documents for citizens it considers adversaries.

A person who refuses to apply for their home country's passport because they fear that very act could expose them to surveillance, punishment, or denunciation at home is in an especially difficult position. International protection principles recognize this concern — **refugees often cannot safely use their national passports** precisely because doing so would involve contact with the persecuting state .

Antigua and Barbuda's Practical Exposure

Once a person physically arrives on Antiguan soil — even one — the full weight of international legal obligations attaches:

- The **non-refoulement** obligation under the 1951 Convention applies
- The **1954 Statelessness Convention** obligations apply if the person has no documents.
- The absence of a **dedicated refugee law** means the government must manage these individuals through improvised administrative channels, with no statutory framework for their long-term status, work rights, or eventual durable solution

In short, the person would arrive in a **legal grey zone** — simultaneously a potential asylum seeker, a de facto stateless person, and an undocumented migrant — with Antigua and Barbuda holding treaty obligations it has no domestic legislation specifically designed to fulfil, and very little means to undertake. It is precisely because of this legal exposure that the Government has insisted on stringent preconditions before any transfer can be contemplated.

3. Background to the Issue

On 19 December 2025, Antigua and Barbuda and the United States signed a Memorandum of Understanding concerning the possible transfer of certain third-country nationals from the United States to Antigua and Barbuda.

That Memorandum of Understanding is expressly non-binding. It does not create a standing programme of admissions. It records only a framework for possible cooperation under which the United States may propose transfers and Antigua and Barbuda may, in its complete discretion, consider accepting such proposals in whole or in part on a case-by-case basis.

The Memorandum of Understanding also provides that, before any transfer, the United States intends to provide biographical, medical, and criminal documentation to the extent available and permitted by law. It further affirms that all action taken under it should conform with the international legal obligations of both Governments, including refugee law, the Convention against Torture, and the principle of non-refoulement. It also preserves the right of either participant to discontinue its participation at any time, while endeavouring to provide ninety days' written notice through diplomatic channels.

Following signature of the Memorandum of Understanding, the United States transmitted a series of draft operating procedures intended to put the arrangement into practical effect. Those drafts evolved over time. In general, however, they proposed a more programmatic arrangement than that reflected in the Memorandum of Understanding itself. They introduced monthly numerical ceilings, broadened the categories of eligible persons, proposed compressed timelines for notification and approval, relied on documentation only if available or known to the United States, and left key issues of funding, legal status, settlement, onward movement, and return responsibility unresolved.

In response, Antigua and Barbuda identified material concerns and made clear that no operational arrangement could responsibly proceed unless those concerns were addressed in writing and on terms consistent with the country's size, capacity, laws, and national interest.

The Government of Antigua and Barbuda has since developed and transmitted its own counter-proposal for operating procedures. That counter-proposal is based on the original Memorandum of Understanding, reflects Antigua and Barbuda's sovereign interests, and is offered in a spirit of friendship and cooperation.

4. International and Regional Context

The discussions between Antigua and Barbuda and the United States do not occur in isolation. The use by the United States of third-country arrangements for the removal of non-nationals has become a wider feature of its migration policy.

Publicly acknowledged arrangements have involved a number of other countries, including in the Americas. Public reporting also indicates that some Caribbean states have been approached and that several have agreed in some form to receive a limited number of persons under understandings with the United States.

This wider context matters for two reasons.

First, it confirms that Antigua and Barbuda is not the only country dealing with this issue. It is part of an established and expanding policy practice.

Secondly, it underlines the need, as a small state, for Antigua and Barbuda to proceed with care. For large countries, questions of reception, housing, healthcare, legal status, public order, and onward return may be difficult but manageable. For a small island developing state with limited land area, a small population, constrained public finances, and already stretched public services, the consequences may be severe.

The policy has also been the subject of litigation in the courts of the United States. Courts in the United States have ruled that removal to third countries without notice or opportunity to raise protection claims violates due process, reinforcing Antigua and Barbuda's view that the legal framework governing these transfers remains unsettled even in U.S. domestic law.

While the United States has continued to pursue the policy, the existence of litigation has reinforced Antigua and Barbuda's view that any arrangement must rest on clear, careful, and defensible terms.

5. Why Antigua and Barbuda Is Considering the Matter at All

The Government considers it important to explain plainly why Antigua and Barbuda has engaged this issue.

Antigua and Barbuda is considering the matter because it values its friendship and cooperative relations with the United States and is prepared, as a responsible member of the international community, to examine requests made by a close partner. Consideration of such a request does not imply automatic acceptance. It reflects the Government's view that a serious request from a friendly state should be examined seriously, carefully, and on its merits.

The Government must also take account of the wider regional setting. Several Caribbean states have already entered into, or publicly acknowledged, understandings with the United States concerning third-country nationals. These include, among others, St Kitts and Nevis, Saint Lucia, Guyana, Jamaica and Belize.

In that context, Antigua and Barbuda cannot ignore the possibility that any Government which has not done so may be viewed in Washington as less cooperative than others. This does not relieve Antigua and Barbuda of its duty to protect its own sovereignty, laws, capacity, and national interest. It does, however, explain why the Government has chosen to engage the issue seriously, to define its position carefully, and to proceed by measured negotiation rather than by impulsive refusal.

6. The Core Issues for Antigua and Barbuda

The Government's examination of the matter has identified a number of core issues.

(a) Sovereignty and control

Antigua and Barbuda cannot accept a standing operational pipeline under which persons are sent as a matter of routine or expectation. Any arrangement must preserve Antigua and Barbuda's complete discretion to approve or refuse each proposed individual and to determine the number, if any, to be accepted at any given time.

(b) Legal status on arrival

No arrangement can responsibly proceed unless there is clear understanding of the legal status of any person upon arrival in Antigua and Barbuda, the conditions of stay, and the legal basis on which Antigua and Barbuda would receive and regulate such person under its own laws. The legal complexities of status upon arrival are addressed in detail in Section 2 above.

(c) Vetting and information

Antigua and Barbuda must receive adequate information in advance to assess every proposed case. This includes biographical, biometric, medical, criminal, and relevant protection-claim information. A small state cannot safely accept persons about whom only partial or qualified information is available.

(d) Financial and administrative burden

Antigua and Barbuda cannot assume the costs of another state's migration policy. Reception, settlement, accommodation, healthcare, welfare support, security support, administrative processing, and onward or return arrangements all carry financial and operational consequences. Those consequences would weigh heavily on a country of Antigua and Barbuda's size unless fully covered in advance.

(e) Humanitarian and international legal obligations

Antigua and Barbuda is committed to acting consistently with its international obligations. It cannot participate in any arrangement that (i) risks breach of the 1954 Convention on Stateless Persons specifically and the principle of non-refoulement, and (ii) exposes persons to persecution or torture, or leaves them in legal and humanitarian uncertainty.

(f) Social and public policy impact

The reception of non-nationals deported by another state is not a neutral administrative matter. It may affect public confidence, the labour market, pressure on housing and social services, and wider questions of social cohesion. Any arrangement must therefore be kept within limits that Antigua and Barbuda can absorb responsibly.

7. Antigua and Barbuda's Assessment of the U.S. Drafts

The Government's assessment of the U.S. draft operating procedures has been careful and consistent.

The original Memorandum of Understanding preserved Antigua and Barbuda's complete discretion and non-binding participation. Some of the subsequent U.S. drafts moved away from that framework by proposing a standing monthly transfer arrangement, by using language of expectation rather than firm obligation with respect to non-admission and return, and by leaving Antigua and Barbuda exposed on matters of cost, settlement, legal status, and operational responsibility.

Of particular concern were proposals that contemplated the transfer of persons with expedited removal orders, proposals that relied on criminal or medical information only to the extent known or available to the United States, and proposals that did not contain a binding commitment by the United States to meet the full cost of reception and settlement.

The Government also carefully considered a separate template under which Antigua and Barbuda would itself approach the International Organization for Migration for assistance. That approach was considered premature and unsatisfactory in the absence of settled written terms with the United States, since it risked shifting initiative and operational responsibility to Antigua and Barbuda before the substantive issues had been resolved.

8. Antigua and Barbuda's Counter-Proposal

The Government of Antigua and Barbuda has therefore formulated a counter-proposal for operating procedures.

That counter-proposal is based on five principles.

First, case-by-case sovereign discretion

Antigua and Barbuda would retain complete discretion to approve or refuse every proposed transfer. There would be no standing entitlement on the part of the United States to send any person, and no standing obligation on Antigua and Barbuda to receive any person.

Secondly, strictly limited eligibility

Only persons with final orders of removal would be eligible for consideration. Persons subject only to expedited removal² would be excluded. Also excluded would be unaccompanied minors, persons with pending asylum or other protection claims

² Expedited removal is a procedure under U.S. law that allows rapid deportation without a full judicial hearing, which means such persons may not have had adequate opportunity to assert protection claims.

in the United States, and persons with criminal records other than immigration-law violations.

Thirdly, a limited arrangement for 2026 only

Given the size of Antigua and Barbuda's economy, institutions, and absorptive capacity, the total number of persons contemplated under the counter-proposal would not exceed ten in calendar year 2026. There would then be a review in 2027, in light of actual experience, national capacity, and national interest, to determine whether any further cooperation should be contemplated.

Fourthly, full funding and settlement responsibility before departure

No person should depart the United States unless the United States, or another competent international or other agency acceptable to Antigua and Barbuda, has agreed in writing in advance to bear the full cost of reception, settlement, accommodation, subsistence, healthcare, welfare support, security support, administrative processing, and any onward or return arrangements relating to that person.

The Government will not grant approval for any transfer unless a binding written commitment to full financial responsibility has been received and accepted. Arrival of any unapproved or unfunded person will be treated as a violation of the arrangement.

Fifthly, protection of Antigua and Barbuda's legal and sovereign position

The counter-proposal preserves Antigua and Barbuda's right to determine the legal status and conditions of stay of any person received in accordance with its own laws and international obligations. It also preserves Antigua and Barbuda's right to reject on arrival any person not previously approved or whose documentation is materially incomplete or inaccurate and requires the immediate return of such person to the United States at U.S. cost.

The counter-proposal further preserves Antigua and Barbuda's right to suspend implementation, in whole or in part, at any time in its own judgment, and to discontinue participation with notice through diplomatic channels.

9. The Question of Reciprocal Benefit

The Government considers it necessary to state plainly that full funding, full vetting, clear legal status, and express return responsibility are minimum protective conditions. They are not, in themselves, reciprocal benefits.

If Antigua and Barbuda is to contemplate receiving third-country nationals who are not its nationals, in order to assist the United States with the practical execution of its migration policy, there must also be a clear and commensurate reciprocal benefit to Antigua and Barbuda in the national interest. This should include the lifting of any

blanket visa restrictions on nationals of Antigua and Barbuda, although Antigua and Barbuda accepts the right of the U.S. to deny visas to any persons who, on an individual basis, it regards as ineligible.

Such reciprocal benefit would have to be identified clearly, reduced to writing, and capable of objective value. Goodwill alone is not sufficient. Nor can vague expectations of favourable treatment elsewhere be regarded as an adequate foundation for a decision of this kind.

The Government will therefore proceed, if at all, only on the basis that Antigua and Barbuda's national interest is expressly protected in legal, financial, operational, and reciprocal terms, unless Parliament resolves differently.

10. Why Antigua and Barbuda Has Not Accepted a Standing Programme

The Government wishes to make clear that Antigua and Barbuda has not adopted a posture of hostility or refusal for its own sake. The contrary is true.

From the outset, Antigua and Barbuda has approached the issue in a spirit of friendship and cooperation. It has not done so because it wishes to become a destination for other states' deportees, but because it judged that it was better to engage seriously with a request made by a friendly country and to define strict conditions than simply to react without examination. It signed a non-binding Memorandum of Understanding. It considered the operational drafts put forward by the United States. It identified concerns in a measured and constructive manner. It formulated its own counter-proposal rather than merely declining further discussion.

Friendship between sovereign states is expressed in mutual respect, not in the assumption that one party's domestic difficulties become another's permanent obligation. Cooperation does not require a small state to assume open-ended responsibilities without adequate safeguards. The Government would fail in its duty if it did not insist on clear terms where sovereignty, law, public finance, security, and social stability are engaged.

Antigua and Barbuda already accepts the return of its own nationals from the United States. That is one matter. The organised reception of deportees who are not its nationals is another. It cannot become a standing expectation unless arrangements are devised that do not impose unbearable weight on already overburdened small countries.

11. The Government's Present Position

The Government's present position is therefore as follows:

1. Antigua and Barbuda remains willing to engage the United States on this matter in a spirit of friendship and cooperation.
2. Antigua and Barbuda will not accept a standing monthly transfer programme.
3. Antigua and Barbuda will consider proposed cases only on a case-by-case basis and in the exercise of its complete sovereign discretion.
4. Only a limited number of persons, not exceeding ten in 2026, could be contemplated, and only if the conditions set out by Antigua and Barbuda are satisfied in writing.
5. No person may be accepted unless eligibility, documentation, funding, settlement responsibility, legal status, and return arrangements are all clearly secured in advance.
6. Antigua and Barbuda reserves the right to refuse any proposed person, to reject any unapproved or improperly documented arrival, and to suspend or discontinue any arrangement in its own judgment.
7. No international organisation or third party will be engaged on Antigua and Barbuda's behalf until the substantive terms of any arrangement have been settled to the Government's satisfaction.
8. These positions will remain unless the Parliament of Antigua and Barbuda resolves differently.

12. Conclusion

This White Paper sets out the Government's present assessment of the issues arising from the proposed reception of third-country nationals removed from the United States, the principles that have guided its approach, and the terms on which any cooperation could responsibly be contemplated.

The Government and people of Antigua and Barbuda have had long and mutually beneficial relations with the people of the Government of the United States, including the hosting of U.S. bases on Antigua for many years as part of the national security network of the United States. The Government is willing to be helpful to the Administration of the US, including by considering accepting a limited number of persons in 2026 on an experimental basis, subject to the terms we have counter proposed to the U.S. Government, but any arrangement of this kind must be lawful, limited, fully funded, carefully controlled, and plainly consistent with Antigua and Barbuda's sovereignty, capacity, and international obligations.

The Government invites Parliament to consider these matters and, if it sees fit, to endorse the principles and conditions set out herein as the framework for any further engagement with the United States on this subject.