

THE CARIBBEAN COMMUNITY (FREE MOVE-
MENT OF SKILLED PERSONS) ACT

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SCHEDULES

THE CARIBBEAN COMMUNITY (FREE MOVE-
MENT OF SKILLED PERSONS) ACT

Acts
18 of 1997,
37 of 2004
S. 29.
27 of 2013.

[15th July, 1997.]

1. This Act may be cited as the Caribbean Community (Free Movement of Skilled Persons) Act. Short title.

2.—(1) In this Act—

Interpreta-
tion.

“Caribbean Community” means the Caribbean Community established by Article 2 of the Revised Treaty of Chaguaramas signed in the Bahamas on the 5th day of July, 2001 and includes the CARICOM Single Market and Economy;

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S. 29.

“Caribbean skilled person” means any national who is recognized by the Minister as being a member or employee of a recognized organization or is the holder of a qualification or performs an occupation specified in the First Schedule.

First
Schedule.

“dependant” in relation to a national means—

- (a) the spouse of that national;
- (b) any unmarried child or step-child under the age of eighteen years of that national; and
- (c) any unmarried child under the age of eighteen years adopted by that national in a manner recognized by law;

“immigration officer” means any immigration officer appointed by the Governor-General under the Aliens Act;

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“Member State” means a Member State of the Caribbean Community excluding an Associate Member within the meaning of Article 231 of the Revised Treaty of Chaguaramas;

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“national” means a person who—

- (a) is a citizen of a Member State; or
- (b) has connection with a Member State of a kind which entitles that person to be regarded as belonging to or, if it be so expressed, as being a native or resident of such a Member State for the purposes of the laws thereof relating to immigration;

“property” includes real and personal property;

27/2013
S. 2.

“qualifying certificate” means a certificate of recognition of Caribbean Community skills issued by—

- (a) in relation to Jamaica, the Minister responsible for labour in the form set out in the Third Schedule; or
- (b) in relation to any other Member State of which a Caribbean skilled person is a national, the competent authority of that state;

Third
Schedule.

“recognized organization” means an organization declared by the Minister to be a recognized organization for the purposes of this Act by order published in the *Gazette*;

“spouse” includes—

- (a) a single woman who has lived and cohabited with a single man as if she were in law his wife for a period of not less than five years immediately preceding the date of the application under this Act;

- (b) a single man who has lived and cohabited with a single woman as if he were in law her husband for a period of not less than five years immediately preceding the date of the application under this Act.

(2) For the purposes of this Act, where the qualifying Caribbean Community state is Montserrat, a valid passport or other form of identification approved by the Minister showing the holder—

- (a) to be a citizen of the United Kingdom and Colonies or a British Dependent Territories citizen; and
- (b) to have been born in Montserrat,

shall be deemed to be issued in Montserrat.

3.—(1) Notwithstanding the provisions of any other law, an immigration officer shall, subject to section 5, permit a national to whom this section applies and any dependant of such national to enter and remain in Jamaica for an indefinite period.

Indefinite
entry of
Caribbean
skilled
persons, etc.
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(2) This section applies to a national who—

- (a) holds a valid passport issued to him by a Member State or other form of identification approved by the Minister;
- (b) seeks to enter the Island for the purpose of engaging in or finding gainful employment with an employer or as a self-employed person; and
- (c) presents to the immigration officer upon entry into the Island a valid qualifying certificate.

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Provisional
entry of
Caribbean
skilled persons
and depen-
dants.
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S. 29.

4.—(1) Notwithstanding the provisions of any other law, an immigration officer shall, subject to section 5, permit a national to whom this section applies and any dependant of such national to enter and remain in the Island for a period not exceeding six months.

(2) This section applies to a national who—

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S. 29.

(a) holds a valid passport issued to him by a Member State or other form of identification approved by the Minister;

(b) seeks to enter the Island for the purpose of engaging in or finding gainful employment with an employer or as a self-employed person; and

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(c) presents to the immigration officer upon entry into the Island a valid qualifying certificate.

Prohibited
Caribbean
skilled
persons.

5.—(1) Subject to subsection (2), an immigration officer shall not permit a Caribbean skilled person or any dependant of such person to land in the Island if that person—

(a) is likely, if he enters the Island, to become a charge on public funds;

(b) is a person of unsound mind or a mentally defective person;

(c) is, on the basis of available information communicated to the Minister, suffering from a communicable disease which makes his entry into the Island dangerous;

(d) is, from information or advice, which in the opinion of the Minister is reliable information or advice, deemed by the Minister to be an undesirable inhabitant of, or visitor to, the Island; and