

CHAPTER 39B
CARIBBEAN COMMUNITY SKILLED NATIONALS ACT

• Act • Subsidiary Legislation •

ACT

Act No. 32 of 1995

Amended by

Act No. 16 of 2006

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Interpretation of references to citizenship, etc., in relation to Montserrat.
4. Indefinite entry of Caribbean Community skilled persons.
5. Entry of Caribbean Community skilled persons six months.
6. Application for entry certificate.
7. Minister to grant certificate qualified applicants.
8. Qualifications for certificate.
9. Functions of the Secretary-General.
10. Effects of a certificate under the Second Schedule and of entry permission under section 5(1).
11. Spouses and dependent family members.
12. Revocability of permission under this Act.
13. Saving for rights and privileges of holders of qualifying CARICOM passports.
14. *Repealed.*
15. Regulations.
16. Offences.
17. Penalties.
- First Schedule Qualifying Caribbean Community States
- Second Schedule Certificate of Recognition of Caribbean Community Skills Qualification

CHAPTER 39B
CARIBBEAN COMMUNITY SKILLED NATIONALS ACT

An Act to remove the restrictions on the entry of skilled nationals of qualifying Caribbean Community Countries.

[Act No. 32 of 1995 amended by Act No. 16 of 2006.]

[8th March, 1996.]

1. Short title

This Act may be cited as the Caribbean Community Skilled Nationals Act.

2. Interpretation

In this Act—

“immigration officer” means an immigration officer under the Immigration Act, Chapter 145;

“national” means a person who—

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

“property” includes real and personal property;

“qualifying Caribbean Community state” means a member state of the Caribbean Community other than Montserrat and which is listed in the First Schedule;

“Secretary-General” means the Secretary-General of the Caribbean Community.

3. Interpretation of references to citizenship, etc., in relation to Montserrat

Where the qualifying Caribbean Community state is Montserrat—

- (a) a passport showing the holder—
 - (i) to be a citizen of the United Kingdom and Colonies or a British Dependent Territories citizen, and
 - (ii) to have been born in Montserrat, shall be deemed to be issued by Montserrat;
- (b) a citizen of the United Kingdom and Colonies or a British Dependent Territories citizen who belongs to Montserrat under the law of Montserrat shall be deemed to be a citizen of a qualifying Caribbean Community state under section 6.

4. Indefinite entry of Caribbean Community skilled persons

(1) Notwithstanding the provisions of any other law, an immigration officer shall, subject to section 16, permit a person to whom this section applies to enter Grenada for a period of indefinite duration.

(2) This section applies to a national of a qualifying Caribbean Community State who presents on entry to Grenada—

- (a) a passport issued by a qualifying Caribbean Community State; and
- (b) a certificate issued by a qualifying Caribbean Community State in the form in the Second Schedule, certifying that the national is recognised by the issuing Caribbean Community State as holding qualifications that satisfy the conditions for recognition of a Caribbean Community skills qualification.

5. Entry of Caribbean Community skilled persons six months

(1) Notwithstanding the provisions of any other law, an immigration officer shall, subject to section 16, permit a person to whom this section applies to enter Grenada for a period of six months.

(2) This section applies to a national of a qualifying Caribbean Community State who presents on entry to Grenada—

- (a) a passport issued by a qualifying Caribbean Community State; and
- (b) a certificate issued by a qualifying Caribbean Community State in the State's equivalent form to the form in the Second Schedule, certifying that the national is recognised by the qualifying Caribbean Community State as holding qualifications that satisfy the conditions for recognition of a Caribbean Community skills qualification.

6. Application for entry certificate

(1) A national of a qualifying Caribbean Community State may apply to the Minister for a Certificate of Recognition of Caribbean Community Skills qualification, submitting supporting documentary evidence and accompanied by the payment of fees as may be prescribed by the Minister.

(2) Subject to section 7, the Minister may issue a Certificate to a national who satisfies the Caribbean Community Skills qualification requirements, in the form in the Second Schedule or a form as otherwise may be prescribed by him.

7. Minister to grant certificate qualified applicants

The Minister may refuse to issue a certificate under section 6(2) to a national who has been convicted of an offence under section 16 or of a similar offence under the law of a qualifying Caribbean Community State.

8. Qualifications for certificate

(1) An applicant under section 6 who holds any of the following qualifications or combinations of qualifications satisfies the qualification requirements of this Act—

- (a) a degree of the University of the West Indies or of the University of Guyana designated as a Bachelor's, Master's or Doctor's degree;
- (b) a degree of Doctorandus, Meester, Licentiatu or Doctor of the University of Suriname;
- (c) any University degree which is by common repute at least comparable in academic standing with a qualification in section 8(1)(a) or (b);
- (d) any qualification or combination of qualifications certified by the Secretary-General under section 9;
- (e) any qualification or combination of qualifications in a list—
 - (i) compiled from time to time, by any authority designated by the Minister by Order as an accrediting authority for the purposes of this section, and
 - (ii) prescribed by the Minister by Order as a list of qualifications and combinations of qualification satisfying the qualification requirements of this Act;
- (f) a qualification or combination of qualifications possessed by an applicant under section 6 which is certified by any authority, designated by the Minister by Order as an accrediting authority for the purposes of this section, as satisfying the conditions for recognition of Caribbean Community skills qualification, whether or not any such qualification or combination of qualifications is listed under section 8(1)(e);

(g) any qualification or combination of qualifications prescribed under section 15(1).

(2) For the purposes of section 8(1)(f), “authority” includes—

- (a) any institution or other body, whether incorporated or not, whether or not established under the authority of the Government of Grenada or any other Government of a qualifying Caribbean Community state, whether or not established under any written law, and whether or not situated in Grenada;
- (b) any person designated as holding an office in any institution or other body in section 8(2)(a); and
- (c) any public officer,

appearing to the Minister to have technical expertise in the assessment of qualifications.

(3) The Minister shall make available any current list of qualifications and combinations of qualifications under section 9(1)(a) to any person on request, subject to the payment of—

- (a) such fees; and
- (b) such other conditions,

as may be prescribed by Regulations made under section 15(2).

9. Functions of the Secretary-General

(1) A qualification or combination of qualifications is certified by the Secretary-General for the purposes of section 8(1)(d)—

- (a) if it is currently listed in an official written communication from the Secretary-General, addressed at least to all the Governments of the member states of the Caribbean Community listed in the First Schedule, purporting to provide a list of assessed qualifications; or
- (b) if it is held by an applicant under section 6 and certified by the Secretary-General in relation to that applicant as an assessed qualification, whether or not any such qualification or combination of qualifications is listed under section 9(1)(a).

(2) For the purposes of section 9(1), an assessed qualification is a qualification which the Secretary-General has assessed, after taking into account consultations with the University of the West Indies, the University of Guyana and the University of Suriname, as at least equivalent in standard to any qualification in section 8(1)(a) or (b).

(3) Any function of the Secretary-General under this section may be discharged by a person authorised to do so in an official written communication from the Secretary-General, addressed at least to all the Governments of the member states of the Caribbean Community listed in the First Schedule.

(4) A communication is addressed to a Government within the meaning of this section if it is addressed to—

- (a) any Minister of that Government; or
- (b) any public officer, designated by office, whose responsibilities include functions relating to any one or more of Caribbean Community affairs, education, immigration, labour or the public service.

10. Effects of a certificate under the Second Schedule and of entry permission under section 5(1)

(1) Subject to section 16, a national who holds a certificate issued under section 6(2) and notwithstanding the provisions of any other law, shall not be subject to—

- (a) any restriction on freedom of movement, including the freedom to leave and re-enter Grenada without further permission;
- (b) any restriction on freedom to acquire property for use as that person's residence;
- (c) any restriction on the right to engage in gainful employment or other occupation; or
- (d) any restriction on freedom to acquire property for use in that person's business.

(2) For the period of the duration of the permission under section 5(1), a person to whom section 5 applies shall, notwithstanding the provisions of any other law but subject to section 16, not be subject to any restriction of freedom of movement, including the freedom to leave and re-enter Grenada without further permission, which would not apply if that person were a citizen of Grenada.

(3) The acquisition of property as an investment does not amount under this section to the use of property for the purpose of business unless the person acquiring that property is engaged in the business of managing or dealing in investment property.

11. Spouses and dependent family members

(1) The spouse and dependent members of the family of the holder of a certificate under section 6(2) shall, notwithstanding the provisions of any other law but subject to section 16, not be subject to any restriction on freedom of movement, including the freedom to leave and re-enter Grenada without further permission, which would not apply if that spouse or dependent family member were a citizen of Grenada.

(2) For the period of the duration of a permission under section 5(1), the spouse and dependent members of the family of the person to whom section 5 applies shall, notwithstanding the provisions of any other law but subject to section 16, not be subject to any restriction on freedom of movement, including the freedom to leave and re-enter Grenada without further permission, which would not apply if that spouse or dependent family member were a citizen of Grenada.

12. Revocability of permission under this Act

Permission to enter under section 4(1) or 5(1) and the rights conferred under section 10 and 11 shall, notwithstanding the provisions of any other law but subject to section 16, be irrevocable during the duration of the permission except for cause and by procedure which would, apart from this Act, render at least a member of some category of citizens of Grenada liable to deportation, extradition or other form of expulsion.

13. Saving for rights and privileges of holders of qualifying CARICOM passports

The rights and privileges conferred by this Act on a holder of a passport issued by a qualifying Caribbean Community state shall not derogate from any other rights and privileges of that passport holder.

14. Repealed.

15. Regulations

(1) The Minister may by Order prescribe particular qualifications or combinations of qualifications, additional to those listed in section 8(1), as qualifications which satisfy the qualification requirements of this Act.

(2) The Minister may make Regulations generally for carrying out the objects and purposes of this Act.

(3) Regulations made under section 15(2) shall be subject to negative resolution.

16. Offences

(1) A person commits an offence who for the purpose of procuring a certificate under section 6(2) or for the purpose of seeking permission under section 4(1) or 5(1) makes any statement which that person knows to be false in a material particular or recklessly makes any statement which is false in a material particular.

(2) Conviction of an offence under this section renders a certificate under section 6(2) liable to cancellation at the discretion of the Minister.

(3) Where a certificate has been cancelled under section 16(2), any person who uses the certificate, knowing that it has been cancelled, commits an offence.

(4) Where a certificate under section 5(2)(b) has been cancelled by the Government of the qualifying Caribbean Community state which issued the certificate, any person who uses that certificate, knowing that it has been cancelled, commits an offence.

(5) Conviction of an offence under this section renders a permission under section 4(1) or 5(1) revocable at the discretion of the Minister.

(6) Conviction of an offence under this section disentitles the person convicted from the right to the permission under section 4(1) or 5(1).

17. Penalties

Any person who commits an offence under this Act is liable, on summary conviction, to a fine of one thousand dollars or to imprisonment for six months.

First Schedule
CARIBBEAN COMMUNITY SKILLED NATIONALS ACT

Qualifying Caribbean Community States
[Sections 2 and 9.]

- (1) Antigua and Barbuda.
- (2) Barbados.
- (3) Belize.
- (4) Dominica.
- (5) Grenada.
- (6) Guyana.

- (7) Jamaica.
- (8) Montserrat.
- (9) St. Christopher and Nevis.
- (10) St. Lucia.
- (11) St. Vincent and the Grenadines.
- (12) Suriname.
- (13) Trinidad and Tobago.

Second Schedule
CARIBBEAN COMMUNITY SKILLED NATIONALS ACT

FORM OF CERTIFICATE

Certificate of Recognition of Caribbean Community Skills Qualification
 [Sections 4, 5, 6, 7, 10, 11 and 16.]

Whereas has applied to the Minister responsible for Caribbean Community affairs in the Government of Grenada for a Certificate of Recognition of Caribbean Community Skills Qualification, in reliance on the qualifications set out below, and has satisfied the Minister that the conditions laid down in the Caribbean Community Skilled Nationals Act, 1995, Chapter 39B, for the grant of a Certificate of Recognition of Caribbean Community Skills Qualification have been fulfilled:

Now, therefore, the Minister, in exercise of the powers conferred upon him or her by the said Act, grants to the said this Certificate of Recognition of Caribbean Community Skills Qualification.

In witness whereof I have hereto subscribed by name this day of, 20.....

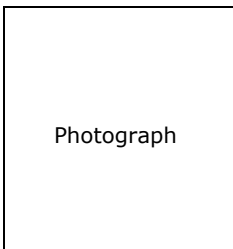
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*Minister responsible for
 Caribbean Community Affairs*

.....

Address of Minister

Particulars Relating to Applicant



- Full name
- Address
- Occupation/Profession
- Qualifications
- Place of birth
- Date of birth
- Nationality
- Marital Status

CHAPTER 39B
CARIBBEAN COMMUNITY SKILLED NATIONALS ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Caribbean Community Skilled Nationals (Qualifications) Order
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Caribbean Community Skilled Nationals (Qualifications) Order

SRO 16 of 2003

Amended by

SRO 11 of 2008

ARRANGEMENT OF ORDERS

1. Citation.
 2. Addition of qualifications.
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CARIBBEAN COMMUNITY SKILLED NATIONALS (QUALIFICATIONS) ORDER

[SRO 16 of 2003 amended by SRO 11 of 2008.]

[8th August, 2003.]

1. Citation

This Order may be cited as the Caribbean Community Skilled Nationals (Qualifications) Order.

2. Addition of qualifications

Any qualification or experience, of an applicant who is a citizen of a qualifying Caribbean Community member State, which to the satisfaction of the Minister responsible for Caribbean Community affairs proves that an applicant is—

- (a) an artiste;
- (b) a musician;
- (c) a sports person;
- (d) a media worker;
- (e) a nurse; or
- (f) a teacher,

is hereby prescribed to satisfy the qualification requirements of the Caribbean Community Skilled Nationals Act, Chapter 39B.
