

A BILL

ENTITLED

AN ACT to Amend the Caribbean Community (Free Movement of Skilled Persons) Act.

[]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Caribbean Community (Free Movement of Skilled Persons) (Amendment) Act, 2013, and shall be read and construed as one with the Caribbean Community (Free Movement of Skilled Persons) Act (hereinafter referred to as the "principal Act") and all amendments thereto.

Short title
and
construction.

Amendment
of section 2
of principal
Act.

2. Section 2 of the principal Act is amended by deleting the definition of "qualifying certificate" and substituting therefor the following definition—

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

Third
Schedule.

- (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;".

Amendment
of sections 3
and 4 of
principal
Act.

3. Sections 3(2) and 4(2) of the principal Act are amended by deleting sub-paragraph (c) therefrom, respectively and substituting therefor, in each case, the following as sub-paragraph (c)—

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

Amendment
of section 7
of principal
Act.

4. Section 7(2) of the principal Act is amended by deleting the word and numeral "section 11" and substituting therefor the word and numeral "section 10".

Amendment
of section 10
of principal
Act.

5. Section 10(3) of the principal Act is amended by deleting—

- (a) the words "five hundred thousand" and substituting therefor the words "one million"; and
- (b) the words "six months" and substituting therefor the words "twelve months".

Amendment
of section 11
of principal
Act.

6. Section 11 of the principal Act is amended—

- (a) in subsection (1)(e), by deleting the words "and Third Schedules" and substituting therefor the words ", Third and Fourth Schedules";
- (b) by inserting next after subsection (2) the following as subsections (3) and (4), respectively—

" (3) Until varied or revoked by regulations made under this section, the regulations contained in the Fourth Schedule shall be in force.

Fourth
Schedule.

(4) Notwithstanding section 29 of the Interpretation Act, regulations made under subsection (1) may provide for the imposition of penalties on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.”.

7. The principal Act is amended by inserting next after section 11 the following as section 12—

Minister may
by order
amend
monetary
penalty.

12. The Minister may by order, subject to affirmative resolution, amend any monetary penalty specified in this Act.”.

Insertion of
new section
12 in
principal
Act.

8. The First Schedule to the principal Act is amended—

(a) by deleting paragraphs 1 and 2 thereof and substituting therefor the following as paragraph 1—

Amendment
of First
Schedule in
principal
Act.

“1.—(1) A degree designated as an Associate, a Bachelor’s, Master’s or doctoral degree of the—

- (a) University of the West Indies;
- (b) University of Technology, Jamaica;
- (c) Northern Caribbean University;
- (d) Mico University College; or
- (e) University of Guyana.

(2) A degree of Doctorandus, Meester, Licentiatu or Doctor of the University of Suriname.”;

- (b) by renumbering paragraphs 3 to 6 as paragraphs 2 to 5, respectively;
- (c) in paragraph 3, as renumbered, by deleting the words “under paragraph 3” and substituting therefor the words “under paragraph 2”; and

(d) by inserting next after paragraph 5, as renumbered, the following as paragraphs 6 and 7—

“ 6. Teachers and nurses holding a qualification under paragraph 2 or 3.

7. Artisans and domestic workers awarded a Caribbean Vocational Qualification (CVQ) certificate or equivalent.”.

Amendment
of Third
Schedule in
principal
Act.

9. The Third Schedule to the principal Act is amended in the Schedule to the Certificate of Recognition of Caribbean Community Skills by deleting from—

(a) the heading of the Schedule to the Certificate the word “Applicant” and substituting therefor the words “Caribbean Skilled Person”; and

(b) the box indicating placement of photograph the words “PHOTOGRAPH/S (of national and each dependent)” and substituting therefor the words “Photograph of Caribbean skilled person”.

Insertion of
new Fourth
Schedule in
principal
Act.

10. The principal Act is amended by inserting next after the Third Schedule the following as the Fourth Schedule and the Regulations set

out therein shall be known as the Caribbean Community (Free Movement of Skilled Persons) Regulations, 2013—

“ FOURTH SCHEDULE (Section 11)

*The Caribbean Community (Free Movement of Skilled Persons)
Regulations, 2013*

Citation. 1. These Regulations may be cited as the Caribbean Community (Free Movement of Skilled Persons) Regulations, 2013.

Application Form. Form 1. Appendix. 2.—(1) Every application to the Minister for a qualifying certificate pursuant to section 6(1) of the Act shall be in the form set out as Form 1 in the Appendix and shall be accompanied by the non-refundable application fee of two thousand dollars.

(2) There shall be paid in respect of the issue of a qualifying certificate, as regards—

(a) the applicant, a fee of eight thousand dollars; and

(b) each dependant, if any, of the applicant, a fee of two thousand dollars.

Replacement of qualifying certificate. 3. A qualifying certificate which is lost, stolen or destroyed, may be replaced upon payment of a fee of three thousand dollars.

Amendment of a qualifying certificate. 4.—(1) Where there has been a change in the circumstances of a—

(a) Caribbean skilled person to whom a qualifying certificate has been issued (in relation to a dependant, such person being hereinafter referred to as the “primary holder”); or

(b) dependant of the primary holder,

as a result of which the information appearing on a qualifying certificate issued to the Caribbean skilled person or in respect of the dependant of that person, as the case may be, or in the Schedule to a qualifying certificate, is no longer accurate, the Caribbean skilled person or the dependant of that person in respect of whom the qualifying certificate was issued, may apply in the form set out as Form 2 in the Appendix to have the relevant qualifying certificate or Schedule thereto amended.

Form 2. Appendix.

(2) There shall be paid in respect of the issue of every amended qualifying certificate a fee of two thousand dollars.

Mode of
payment of
fees.

5.—(1) The fee payable in respect of a qualifying certificate under regulations 2(2), 3 and 4(2) shall be paid in full before delivery of the qualifying certificate, into the appropriate account at any branch of a bank approved in accordance with the Financial Administration and Audit Act.

(2) An applicant who seeks to take delivery of a qualifying certificate shall submit to an authorized person the voucher issued by the bank specified in paragraph (1), as proof of payment in full of the fee payable under these Regulations.

(3) In this regulation “authorized person” means a person appointed as such by the Minister for the purposes of the Act.

Verification
of qualifying
certificate
issued by
Member
State.

6.—(1) Where a Caribbean skilled person is permitted to enter and remain in Jamaica under section 4 of the Act, that person shall within six months of the date of entry into the Island present his qualifying certificate and those issued in respect of his dependants, if any, to the Minister for verification of the validity thereof.

(2) Verification of a qualifying certificate under paragraph (1) shall be made, free of charge, on presentation to the Minister of—

- (a) the qualifying certificate of the Caribbean skilled person and those of his dependants, if any; and
- (b) the completed verification data form in the form set out as Form 3 in the Appendix.

Form 3.
Appendix.

(3) Upon completion of the verification process, if the Minister is not satisfied as to the validity of the qualifying certificate the qualifying certificate shall be deemed invalid.

(4) Upon completion of the verification process, the Minister shall notify the applicant in writing, within a reasonable time thereafter of the outcome of the verification process, and in particular, whether the applicant’s qualifying certificate is valid for the purposes of the Act.

Revocation
or
cancellation
of a
qualifying
certificate.

7.—(1) The Minister may—

- (a) revoke a qualifying certificate issued under section 7 of the Act if he is satisfied that the person to whom the qualifying certificate was issued, at the time it was issued, did not satisfy the requirements for recognition as a Caribbean skilled person; or
- (b) cancel a qualifying certificate so issued if the person to whom it was issued has been convicted of an offence under section 10 of the Act.

(2) Before revoking or cancelling a qualifying certificate under paragraph (1), the Minister shall notify the person to whom it was issued, in writing—

- (a) specifying the reasons for revocation or cancellation; and
- (b) giving an opportunity to make representations, in writing, within—
 - (i) fourteen days; or
 - (ii) such longer period as the Minister may specify.

Surrender of
qualifying
certificate.

8.—(1) Where the holder of a qualifying certificate issued under section 7 of the Act—

- (a) ceases to be a national; or
- (b) is notified in writing of the revocation or cancellation of his qualifying certificate,

he shall, within thirty days after the date on which he ceased to be a national or the date of receipt of notification of cancellation or revocation, as the case may be, surrender his qualifying certificate to the Minister, as well as the qualifying certificates of his dependants, if any, available to him for surrender.

(2) Where a person is granted a qualifying certificate by virtue of being a dependant of a primary holder on—

- (a) ceasing to be a dependant of the primary holder;

- (b) the primary holder ceasing to be a national; or
- (c) cancellation, revocation or surrender of the qualifying certificate held by the primary holder,

that person shall surrender his qualifying certificate to the Minister.

Register.

9.—(1) There is hereby established a register of qualifying certificates issued under section 7 of the Act or verified under these Regulations (to be known as the Register of Recognized Caribbean Skilled Persons) for the purpose of recording the—

- (a) name of every Caribbean skilled person holding such a qualifying certificate;
- (b) date of grant of the qualifying certificate held by that skilled person;
- (c) names of any dependants appearing on the qualifying certificate; and
- (d) particulars as to status of the qualifying certificate, including whether a certificate is valid, has been amended, surrendered, replaced, revoked or cancelled.

(2) The Register shall be kept by a public officer designated by the Minister as Registrar who may be assisted by such other public officers as may be duly appointed for ensuring the proper keeping of the Register.

(3) The Register shall be—

- (a) kept at the office of the Ministry responsible for labour;
- (b) open to inspection by any member of the public and a copy of an excerpt made available, upon request in writing accompanied by payment of such fee as the Minister may determine.

Offence.

10. Every person who contravenes regulation 8 commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.”



THE CARIBBEAN COMMUNITY (FREE MOVEMENT OF SKILLED PERSONS) ACT

The Caribbean Community (Free Movement of Skilled Persons) Regulations, 2013

Application Form Requesting Grant of Qualifying Certificate to Person Who Satisfies the Requirement for Recognition as a Caribbean Skilled Person

Please Read Notes Overleaf Before Completion of this Application Form.

PART A. General Information

1. Name of applicant: _____ / _____ / _____
(Surname) (First) (Middle)
2. Address: _____
3. Date of application: _____
4. Telephone contact: _____
5. E-mail: _____
6. Sex: Male Female
7. Date of birth: _____ / _____ / _____
year month day
8. Nationality: _____
9. Country of birth: _____
10. Marital status: Single Married Divorced
 Widowed Common law union

PART B. *Dependants*

11. Do you have any dependants? Yes No

If Yes, how many dependants? _____

12. Please list dependants, if any, below:

1. (a) Name: _____

(b) Age: _____

(c) Sex: Male Female

(d) Nationality: _____

(e) Passport No.: _____

(f) Relationship to applicant: _____

2. (a) Name: _____

(b) Age: _____

(c) Sex: Male Female

(d) Nationality: _____

(e) Passport No.: _____

(f) Relationship to applicant: _____

3. (a) Name: _____

(b) Age: _____

(c) Sex: Male Female

(d) Nationality: _____

(e) Passport No.: _____

(f) Relationship to applicant: _____

4. (a) Name: _____

(b) Age: _____

(c) Sex: Male Female

(d) Nationality: _____

(e) Passport No.: _____

(f) Relationship to applicant: _____

PART C. *Education*

13. What is your highest educational qualification?

- Diploma (secondary level)
- Caribbean Vocational Qualification
- Diploma (tertiary level)
- Associate degree
- University/College degree
- Master's degree
- Master of philosophy (M.Phil.)
- Doctor of philosophy (Ph.D.)
- Other (please specify): _____

14. State name of highest educational qualification and date awarded:—

15. Name and address of institution which awarded qualification:—

PART D. *Employment*

16. Please indicate below your current employment status:—

- Self-employed Employed
- Unemployed Student

Self-employed and Employed Persons:

17. If self-employed or employed, please specify your current occupation:

18. If self-employed, please state main address(es) from which business activities are conducted: _____

19. If employed, please specify your employer and provide address and contact information below:

(a) Name of employer: _____

- (b) Address of employer: _____
- (c) Telephone number: _____
- (d) Fax number: _____
- (e) Email address: _____

20. Please describe the nature of employment:

Student:

21. If you indicated "Student" for your employment status, please specify educational institution, type and course of educational programme:

- (a) type of educational programme:
- Academic degree programme:
- Vocational training: _____
- Other (please specify): _____
- (b) specify degree or certification to be awarded on completion of educational programme: _____
- (c) indicate commencement date of participation in educational programme: _____
- (d) please indicate below name, address and contact details of educational institution:
- Name: _____
- Address: _____
- Telephone number: _____
- Fax number: _____
- Email address: _____

PART E. Destination Caribbean Community State

22. Please specify the Caribbean Community state to which the applicant initially intends to relocate: _____

23. Please specify the purpose for the relocation to the Caribbean Community state: Self-employment Employment

Study Family/personal relationship

24. In the case of employment, please specify:

(a) Occupation: _____

(b) Nature of business or activity: _____

25. In the case of self-employment, please specify the nature of the professional or business activity you intend to undertake in the Caribbean Community state:

PART F. Documents in Support of Application

26. I attach, in support of my application, the following documents:

Part G. Declaration and Signature

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

Name of applicant: _____

Signature of applicant: _____

Date: _____

Notes for Completion of Application Form:

1. It is a criminal offence under section 10 of the Caribbean Community (Free Movement of Skilled Persons) Act to make a false statement in order to procure a qualifying certificate.
2. Where there are inapplicable questions or sections, please indicate by "N/A".
3. Additional pages may be appended where required to provide a full response to any question posed in form. The applicant shall specify on the additional page the question to which the information contained therein relates.
4. An application form is to be accompanied by an application fee of JA\$2,000.00. Where an application is successful, a fee of JA\$8,000.00 is payable in respect of the issue of a qualifying certificate and in the case of a dependant, an additional fee of JA\$2,000.00.

5. Question 10—

“common law union” means an unmarried woman who has lived or co-habited with an unmarried man for at least five years or an unmarried man who has lived and co-habited with an unmarried woman for at least five years, as if they were, in law, married.

6. Question 11—

“dependants” means the spouse of the applicant or any unmarried child of the applicant under 18 years of age.

7. Question 12—

“child” means an unmarried child under the age of 18 years, including a step-child or an adopted child;

“spouse” includes an unmarried woman who has lived or co-habited with an unmarried man for at least five years or an unmarried man who has lived or co-habited with an unmarried woman for at least five years, as if they were, in law, married.

Regarding relationship of dependant to applicant (see Question 12 (1) (d), *etc.*) state whether the dependant is—

- (a) husband;
- (b) wife;
- (c) common law ‘wife’;
- (d) common law ‘husband’;
- (e) child of applicant;
- (f) adopted child of applicant;
- (g) step-child of applicant (i.e., child of wife or husband);
- (h) child common law wife’ or ‘husband’, as applicable.

8. Documents in support of an application for a qualifying certificate, to the extent applicable, include—

(1) For applicant—

- (a) Police report from country of residence for the past three years;

- (b) to establish identity and nationality—
 - (i) where there has been a change in name, if applicable, certified copies of—
 - (A) a deed poll;
 - (B) marriage certificate;
 - (C) decree absolute (divorce); or
 - (D) other documents to support the change of name, if any;
 - (ii) certified copy of the bio-data page of valid passport;
 - (iii) certified copy of birth certificate;
- (c) in respect of recognized skill qualification—
 - (i) of an academic qualification, certified copy of an academic degree certificate from the—
 - (A) University of the West Indies;
 - (B) University of Technology, Jamaica;
 - (C) Northern Caribbean University;
 - (D) Mico University College;
 - (E) University of Guyana; or
 - (F) University of Suriname;
 - (ii) for vocational training, certified copy of Caribbean Vocational Qualification (CVQ) certificate or equivalent;
 - (iii) for other skill qualification certification, assessment of qualification equivalency from the University Council of Jamaica (UCJ).

(2) For dependants of an applicant to establish the relevant relationship to the applicant—

- (a) in respect of a spouse—
 - (i) marriage certificate; or

- (ii) declaration under the Voluntary Declarations Act of two persons stating that the applicant and spouse are both unmarried and have co-habited with each other for a period of no less than 5 years. (Where the applicant or spouse of a common law union is a divorced person, include certified copy of decree absolute);
- (b) in respect of each child—
- (i) to establish parental relationships, certified copy of birth certificate;
 - (ii) to establish identity of each child, bio-data page of valid passport;
 - (iii) in the case of an adopted child, include proof of adoption;
 - (iv) in the case of a step-child, include marriage certificate;
 - (v) in the case of a child of a spouse of a common law union, the relevant relationship is established by the child's birth certificate or adoption papers, if applicable and the voluntary declaration mentioned above (see Note 8 (2)(a)(i) (B) above).

References to a "certified copy" means a copy certified by a Justice of the Peace, a Notary Public or by an officer designated by the Minister, on being presented with the original document for his examination. The phrase 'certified copy' does not preclude submission of original documents in support of an application.



THE CARIBBEAN COMMUNITY (FREE MOVEMENT OF SKILLED
PERSONS) ACT

The Caribbean Community (Free Movement of Skilled Persons)
Regulations, 2013

*Application Form for Amendment of Certificate of Recognition
of Caribbean Community Skills*

Please Read Notes Overleaf Before Completion of this Application Form.

PART A. General Information

1. Name of applicant: _____ / _____ / _____
(Surname) (First) (Middle)
2. Address: _____
3. Date of application: _____
4. Telephone contact: _____
5. E-mail: _____
6. Sex: Male Female
7. Date of birth: _____ / _____ / _____
(year) (month) (day)
8. Nationality: _____
9. Country of birth: _____
10. Marital status: Single Married Divorced
 Widowed Common law union
11. Date of issue of qualifying certificate: _____
12. Please state the capacity in which the qualifying certificate for which
amendment is sought is held:
 primary holder dependant of a primary holder

13. Where the applicant for amendment is a dependant, state the name of the primary holder by virtue of whom the certificate was granted to the applicant and the date of issue of that persons qualifying certificate:

Full name of primary holder: _____

Date of issue of qualifying certificate: _____

PART B. Amendment

14. Please specify nature of amendment requested (for example, amendment to the certificate, amendment of the Schedule to the certificate or both):

15. Please specify the particulars relating to applicant in Schedule of qualifying certificate on the certificate held by applicant:

Full name: _____

Address: _____

Place of birth: _____

Date of birth: _____

Nationality: _____

Passport No.: _____

Marital status: _____

Occupation: _____

Qualification: _____

Names and ages of accompanying dependants: _____

Passport Nos. of accompanying dependants: _____

16. In the case of an amendment to the qualifying certificate (excluding the Schedule), please specify the desired amendment:

17. In the case of an amendment of the Schedule to the qualifying certificate, please indicate and specify the amendment being sought to the particulars relating to applicant in the Schedule to the qualifying certificate:

Full name: _____

Address: _____

- Place of birth: _____
- Date of birth: _____
- Nationality: _____
- Passport No.: _____
- Marital status: _____
- Occupation: _____
- Qualification: _____
- Names and ages of accompanying dependants: _____

- Passport nos. of accompanying dependants: _____

18. Please specify the reason for the requested amendment:—

19. Where the amendment sought concerns an entry relating to a dependant, please state:

- (a) Name: _____
- (b) Age: _____
- (c) Sex: Male Female
- (d) Nationality: _____
- (e) Passport No.: _____
- (f) Relationship to applicant: _____

PART C. Documents in Support of Application

20. I attach, in support of my application, the following documents:—

PART D. Declaration and Signature

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

Name of applicant: _____

Signature of applicant: _____

Date: _____

Notes for Completion of Application Form

1. An application for an amendment of a qualifying certificate need not be made in respect of typographical errors appearing therein attributable to the issuing authority.

2. It is a criminal offence under section 10 of the Caribbean Community (Free Movement of Skilled Persons) Act to make a false statement in order to procure a qualifying certificate.

3. Where there are inapplicable questions or sections, please indicate by "N/A".

4. Additional pages may be appended where required to provide a full response to any question posed in form. The applicant shall specify on the additional page the question to which the information contained therein relates.

5. Note that a successful applicant is required to pay a fee of JAS\$2,000.00 in respect of the issue of an amended qualifying certificate.

6. Question 9—

"common law union" means an unmarried woman who has lived or co-habited with an unmarried man for at least five years or an unmarried man who has lived and co-habited with an unmarried woman for at least five years, as if they were, in law, married.

7. Re Questions 15,17, and 18—

"child" means an unmarried child under the age of 18 years, including a step-child or an adopted child;

"dependants" means the spouse of the applicant or any unmarried child of the applicant under 18 years of age;

"spouse" includes an unmarried woman who has lived or co-habited with an unmarried man for at least five years or an unmarried man who has lived or co-habited with an unmarried woman for at least five years, as if they were, in law, married.

Regarding relationship of dependant to applicant (see Question 19) state whether the dependant is—

- (a) husband;
- (b) wife;
- (c) common law 'wife';
- (d) common law 'husband';
- (e) child of applicant;
- (f) adopted child of applicant;
- (g) step-child of applicant (*i.e.*, child of wife or husband);
- (h) child of common law 'wife' or 'husband', as applicable.

8. Depending on the nature of the amendment sought, documents in support of an application for amendment of a qualifying certificate, to the extent applicable, include:—

- (a) to amend name of Caribbean skilled person, spouse or child, on qualifying certificate or CARICOM nationality, as the case may be, where there has been a change in name, *certified copy of birth certificate* and if applicable—
 - (i) a deed poll;
 - (ii) marriage certificate;
 - (iii) decree absolute (divorce);
 - (iv) proof of adoption; or
 - (v) other documents, if any, to support the application to amend for change of name;
- (b) to amend CARICOM nationality or passport number, certified copy of the bio-data page of relevant valid passport;
- (c) to amend entry relating to marital status, certified copy of marriage certificate;
- (d) to amend entry relating to the name of a dependant spouse consequent on marriage, certified copy of marriage certificate;
- (e) to amend entry relating to occupation or qualification, in respect of recognized skill qualification—
 - (i) of an academic qualification, certified copy of an academic degree certificate from the—
 - (A) University of the West Indies;

- (B) University of Technology, Jamaica;
- (C) Northern Caribbean University;
- (D) Mico University College;
- (E) University of Guyana; or
- (F) University of Suriname;
- (ii) for vocational training, certified copy of Caribbean Vocational Qualification (CVQ) certificate or equivalent; or
- (iii) for other skill qualification certification, certified copy of the assessment of qualification equivalency from the University Council of Jamaica (UCJ);
- (f) to amend entries to include dependants the relevant relationship to the applicant needs to be established—
 - (i) in respect of a spouse —
 - (A) a marriage certificate; or
 - (B) declaration under the Voluntary Declarations Act of two persons stating that the applicant and spouse are both unmarried and have co-habited with each other for a period of no less than 5 years. (Where the applicant or spouse of a common law union is a divorced person, include certified copy of decree absolute);
 - (ii) in respect of a child—
 - (A) to establish parental relationships, certified copy of birth certificate;
 - (B) to establish identity of each child, bio-data page of valid passport;
 - (C) in the case of an adopted child, include proof of adoption;
 - (D) in the case of a step-child, include marriage certificate;
 - (E) in the case of a child of a spouse of a common law union, the relevant relationship is established by the child's birth certificate or adoption papers, if applicable and the voluntary declaration mentioned above (see Note 8 (f)(i) and (B) above).

References to a “certified copy” means a copy certified by a Justice of the Peace, a Notary Public or by an officer designated by the Minister, on being presented with the original document for his examination. The phrase ‘certified copy’ does not preclude submission of original documents in support of an application.



THE CARIBBEAN COMMUNITY (FREE MOVEMENT OF SKILLED
PERSONS) ACT

The Caribbean Community (Free Movement of Skilled Persons)
Regulations, 2013

Verification of Qualifying Certificate Form

Please Read Notes Overleaf Before Completion of this Application Form.

PART A. General Information

1. Name of Caribbean Skilled Person: _____ / _____ / _____
(Surname) (First) (Middle)
2. Address: _____
3. Date of verification: _____
4. Telephone contact: _____
5. E-mail: _____
6. Sex: Male Female
7. Date of birth: _____ / _____ / _____
(year) (month) (day)
8. Nationality: _____
9. Country of birth: _____
10. Marital status: Single Married Divorced
 Widowed Common law union

PART B. Entry and Work Status

11. Date of entry into Jamaica: _____
12. Port of entry: _____
13. Member state and issuing authority for qualifying certificate:

14. Date of issue: _____

15. Particulars in Schedule to qualifying certificate:

Full name: _____

Address: _____

Place of birth: _____

Date of birth: _____

Nationality: _____

Passport No.: _____

Marital status: _____

Occupation: _____

Qualification: _____

Names and ages of accompanying dependants: _____

Passport Nos. of accompanying dependants: _____

PART C. Dependants

16. Please list dependants, if any, below:

1. (a) Name: _____

(b) Age: _____

(c) Sex: Male Female

(d) Nationality: _____

(e) Passport No.: _____

(f) Relationship to Caribbean skilled person; _____

2. (a) Name: _____

(b) Age: _____

(c) Sex: Male Female

(d) Nationality: _____

(e) Passport No.: _____

(f) Relationship to Caribbean skilled person: _____

- 3. (a) Name: _____
- (b) Age: _____
- (c) Sex: Male Female
- (d) Nationality: _____
- (e) Passport No.: _____
- (f) Relationship to Caribbean skilled person: _____
- 4. (a) Name: _____
- (b) Age: _____
- (c) Sex: Male Female
- (d) Nationality: _____
- (e) Passport No.: _____
- (f) Relationship to Caribbean skilled person: _____

PART D. Education

17. What is your *highest* educational qualification?

- Diploma (secondary level)
- Caribbean Vocational Qualification
- Diploma (tertiary level)
- Associate degree
- University/College degree
- Master's degree
- Masters of philosophy (M.Phil.)
- Doctor of Philosophy (Ph.D.)

Other (please specify): _____

18. State name of highest educational qualification and date awarded:—

19. Name and address of institution which awarded qualification:—

PART E. *Employment*

20. Please indicate below your current employment status:—

- | | |
|--|-----------------------------------|
| <input type="checkbox"/> Self-employed | <input type="checkbox"/> Employed |
| <input type="checkbox"/> unemployed | <input type="checkbox"/> Student |

Self-employed and Employed Persons:

21. If self-employed or employed, please specify your current occupation:

22. If self-employed, please state main address(es) from which business activities are conducted: _____

23. If employed, please specify your employer and provide address and contact information below: _____

(a) Name of employer: _____

(b) Address of employer: _____

(c) Telephone number: _____

(d) Fax number: _____

(e) Email address: _____

24. Please describe the nature of employment:

Student:

25. If you indicated "Student" for your employment status, please specify educational institution, type and course of educational programme:

(a) type of educational programme:

Academic degree programme

Vocational training

Other (please specify): _____

(b) specify degree or certification to be awarded on completion of educational programme: _____

(c) indicate commencement date of participation in educational programme: _____

(d) please indicate below name, address and contact details of educational institution:

Name: _____

Address: _____

Telephone Number: _____

Fax Number: _____

Email Address: _____

PART F. Purpose of Relocation to Jamaica

26. Please specify the purpose for the relocation to Jamaica:

Self-employment

Employment

Study

Family/personal relationship

27. In the case of employment, please specify:

(a) occupation: _____

(b) nature of business or activity: _____

28. In the case of self-employment, please specify the nature of the professional or business activity you intend to undertake in Jamaica:

PART G. Documents in Support of Verification of Validity of Qualifying Certificate of Member State

29. I attach, in support of my application, the following documents:

PART H. Declaration and Signature

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

Name of applicant: _____

Signature of applicant: _____

Date: _____

Notes for Completion of Verification Form

1. It is a criminal offence under section 10 of the Caribbean Community (Free Movement of Skilled Persons) Act to make a false statement in order to procure a qualifying certificate.

2. Where there are inapplicable questions or sections, please indicate by "N/A".

3. Additional pages may be appended where required to provide a full response to any question posed in form. The applicant shall specify on the additional page the question to which the information contained therein relates.

4. Question 10—

"common law union" means an unmarried woman who has lived or co-habited with an unmarried man for at least five years or an unmarried man who has lived and co-habited with an unmarried woman for at least five years, as if they were, in law, married.

5. Questions 15 and 16—

"child" means an unmarried child under the age of 18 years, including a step-child or an adopted child;

"dependants" means the spouse of the applicant or any unmarried child of the applicant under 18 years of age;

"spouse" includes an unmarried woman who has lived or co-habited with an unmarried man for at least five years or an unmarried man who has lived and co-habited with an unmarried woman for at least five years, as if they were in law married.

Regarding relationship of dependant to applicant (see Question 19) state whether the dependant is—

- (a) husband;
- (b) wife;
- (c) common law 'wife';
- (d) common law 'husband';
- (e) child of applicant;
- (f) adopted child of applicant;
- (g) step-child of applicant (*i.e.*, child of wife or husband); or
- (h) child of common law 'wife' or 'husband', as applicable.

7. Documents in support of an application for verification of a qualifying certificate, to the extent applicable, include—

(1) For Applicant—

- (a) police report from country of residence for the past three years;
- (b) to establish identity and nationality—
 - (i) certified copy of the bio-data page of valid passport;
 - (ii) certified copy of birth certificate;
- (c) where there has been a change in name, if applicable—
 - (i) a deed poll;
 - (ii) marriage certificate;
 - (iii) decree absolute (divorce); or
 - (iv) other documents to support the change of name, if any;
- (d) in respect of recognized skill qualification—
 - (i) of an academic qualification, certified copy of an academic degree certificate from the—
 - (A) University of the West Indies;
 - (B) University of Technology, Jamaica;
 - (C) Northern Caribbean University;
 - (D) Mico University College;
 - (E) University of Guyana; or
 - (F) University of Suriname;
 - (ii) for vocational training, certified copy of Caribbean Vocational Qualification (CVQ) certificate or equivalent;
 - (iii) for other skill qualification certification, assessment of qualification equivalency from the University Council of Jamaica (UCJ);

(2) For dependants of an Applicant—

- (a) to establish the relevant relationship to the applicant—
 - (i) in respect of a spouse—
 - (A) marriage certificate; or

- (B) declaration under the Voluntary Declarations Act of two persons stating that the applicant and spouse are both unmarried and have co-habited with each other for a period of no less than 5 years. (Where the applicant or spouse of a common law union is a divorced person, include certified copy of decree absolute);
- (ii) in respect of each child—
- (A) to establish parental relationships, certified copy of birth certificate;
 - (B) to establish identity of each child, bio-data page of valid passport;
 - (C) in the case of an adopted child, include proof of adoption;
 - (D) in the case of a step-child, include marriage certificate;
 - (E) in the case of a child of a spouse of a common law union, the relevant relationship is established by the child's birth certificate or adoption papers, if applicable and the voluntary declaration mentioned above (see Note 7. (2)(a)(i) and (B) above).

References to a "certified copy" means a copy certified by a Justice of the Peace, a Notary Public or by an officer designated by the Minister, on being presented with the original document for his examination. The phrase 'certified copy' does not preclude submission of original documents in support of an application.

MEMORANDUM OF OBJECTS AND REASONS

The Caribbean Community (Free Movement of Skilled Persons) Act, establishes the legislative framework for the phased implementation of Jamaica's Treaty obligations under Articles 45 and 46 of the Revised Treaty of Chaguaramas establishing the Caribbean Community signed in the Bahamas on July 5, 2001 (hereinafter referred to as the Revised Treaty). The Revised Treaty was itself implemented into domestic law by the Caribbean Community Act and Article 45 of the Revised Treaty commits Member States to the goal of free movement of nationals within the Community.

Article 46 of the Revised Treaty obliges Jamaica and other Member States to accord categories of Community nationals the right to seek employment in their respective jurisdictions and to establish appropriate legislative, administrative and procedural arrangements to facilitate movement of nationals into and within Member State jurisdictions.

This Bill, therefore, seeks to amend the Caribbean Community (Free Movement of Skilled Persons) Act to—

- (a) provide for the introduction of a single certificate system whereby CARICOM Member States recognize valid qualifying certificates issued by other CARICOM Member States;
- (b) implement fees to provide necessary financing for administrative services for the processing and issue of qualifying certificates; and
- (c) increase the penalties in section 10 of the Act to deter non-compliance with the Act.

DERRICK KELLIER
Minister of Labour and Social Security

ABILL

ENTITLED

**AN ACT to Amend the Caribbean Community
(Free Movement of Skilled Persons) Act.**

As introduced by the Honourable Minister of Labour and
Social Security.

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SECTIONS 2, 3, 4 AND 7 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

2.—(1)

“qualifying certificate” means a certificate of recognition of Caribbean Community skills issued by the Minister responsible for labour in the form specified in the 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*;

... ..

3.—(1) Notwithstanding the provisions of any other law, an immigration officer shall, subject to sections 5 and 12, permit a national to whom this section applies and any dependant of such national to enter and remain in Jamaica for an indefinite period.

(2) This section applies to a national who—

- (a) holds a valid passport issued to him by a qualifying Caribbean Community 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 on entry into the Island a qualifying certificate certifying that he is recognized by the Minister as a Caribbean skilled person.

4.—(1) Notwithstanding the provisions, of any other law, an immigration officer shall, subject to sections 5 and 12, 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—

- (a) holds a valid passport issued to him by a qualifying Caribbean Community 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 on entry into the Island a certificate issued by the competent Minister of a qualifying

Caribbean Community state certifying that the holder of the passport is recognized by the Government of that qualifying Caribbean Community state as being a Caribbean skilled person.

7.—(1) Subject to subsection (2) and section 12, the Minister shall grant a qualifying certificate to every applicant who satisfies the requirements for recognition as a Caribbean skilled person.

(2) The Minister may refuse to issue a qualifying certificate to a person referred to in section 5 and to any person who has been convicted of an offence against section 11 or a similar offence under the laws of a qualifying Caribbean Community state.

SECTIONS 10 AND 11 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

10.—(1) A person commits an offence if—

- (a) for the purpose of procuring a qualifying certificate or for the purpose of seeking permission under this Act to enter the Island, he—
 - (i) makes any statement, for himself or any other person, knowing such statement to be false in a material particular; or
 - (ii) recklessly makes any statement which is false in a material particular;
- (b) uses a certificate issued by the competent Minister of a qualifying Caribbean Community state knowing that it has been cancelled by the Government of that state;
- (c) uses a qualifying certificate knowing that it has been cancelled by the Minister.

(2) Conviction of an offence under this section shall—

- (a) render a qualifying certificate liable to cancellation at the discretion of the Minister;
- (b) render a permission granted under this Act revocable at the discretion of the Minister; and
- (c) disentitle any person so convicted of the right to any permission under this Act.

(3) Any person who commits an offence under this Act shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

11.—(1) The Minister may make regulations generally for giving effect to the provisions of this Act and without prejudice to the generality of the foregoing may make regulations—

- (a) regulating the issue, amendment, revocation or replacement of qualifying certificates and for the payment of fees by the person applying therefor;
- (b) providing for the establishment and maintenance of a register of persons to whom or in respect of whom qualifying certificates have been issued, amended, revoked or replaced;
- (c) providing for the issue to any person who is exempt from any of the provisions of this Act a certificate stating the nature of the exemption;
- (d) with respect to the surrender or cancellation of any qualifying certificate issued by the Minister;
- (e) amending the First, Second and Third Schedules;
- (f) prescribing the forms to be used for the purposes of this Act;
- (g) prescribing any other matter or thing required to be prescribed under this Act.

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

FIRST AND THIRD SCHEDULES OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

FIRST SCHEDULE

(Sections 2, 4, 8
and 11)

*Qualifications and Occupations Required for the Issue of a
Qualifying Certificate*

1. A degree of the University of the West Indies or the University of Guyana designated as a Bachelor's, Master's or Doctor's degree.
2. A degree of Doctorandus, Meester, Licentiatu or Doctor of the University of Suriname.
3. Any qualification or combination of qualifications specified in a list—
 - (a) compiled from time to time by the University Council of Jamaica for purposes of this Act; and
 - (b) prescribed by the Minister by order published in the *Gazette* as a list of qualifications and combinations of qualifications satisfying the qualification requirements of this Act.
4. Any qualification or combination of qualifications possessed by an applicant which is certified by the University Council of Jamaica as satisfying the conditions for recognition of Caribbean Community skills qualification, whether or not any such qualification or combination of qualifications is prescribed under paragraph 3.
5. Persons certified by the competent authority of a qualifying Caribbean Community state as representing that state in sports.
6. Musicians, artistes and media workers certified as such by the competent authority of the qualifying Caribbean Community state of which such persons are nationals.

THIRD SCHEDULE

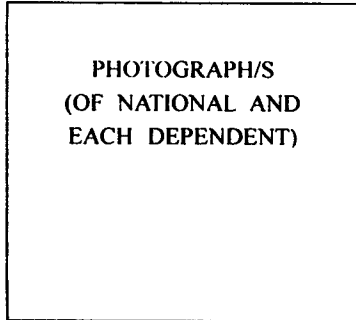
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SCHEDULE

Particulars Relating to Applicant



FULL NAME:

ADDRESS:

PLACE OF BIRTH:

DATE OF BIRTH:

NATIONALITY:

PASSPORT NO.:

MARITAL STATUS:

OCCUPATION:

QUALIFICATION:

NAMES AND AGES OF
ACCOMPANYING
DEPENDANTS:

PASSPORT NO. OF
DEPENDANTS:

In witness whereof I hereto subscribe my name this day of

...

...

...

