
First Session Fifth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 26 of 1996

[L.S.]

AN ACT to remove the restrictions on entry into
Trinidad and Tobago of skilled nationals of
qualifying Caribbean Community countries.

[Assented to 5th September, 1996]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Immigration Short title
(Caribbean Community Skilled Nationals) Act, 1996.

Definitions

2. (1) In this Act —

“certificate” means the certificate set out in Schedule II;

Chap. 18:01

“immigration officer” means an immigration officer under the Immigration Act;

“Minister” means the Minister to whom responsibility for Caribbean Community affairs is assigned;

Schedule I

“qualifying Caribbean Community state” means a member state of the Caribbean Community other than Trinidad and Tobago which is listed in Schedule I.

(2) 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,

is, without prejudice to the requirements of sections 3(2), 4(2)(a) and (b), deemed to be a passport issued by Montserrat;

(b) a citizen of the United Kingdom and Colonies or a British Dependent Territories citizen who belongs to Montserrat for the purpose of the law of Montserrat shall be deemed to be a citizen of a qualifying Caribbean Community state for the purposes of section 6.

Entry of Caribbean
Community skilled
persons for indefinite
duration

3. (1) Notwithstanding any other law, an immigration officer shall subject to sections 7, 12 and 15(5) permit a person to whom this section applies to enter Trinidad and Tobago for a period of indefinite duration.

(2) This section applies to the holder of a passport issued by a qualifying Caribbean Community state who was born in the state issuing the passport or in another qualifying Caribbean Community state and presents on entry to Trinidad and Tobago a certificate issued by the Government of Trinidad and Tobago in the form in Schedule II certifying that the holder of the passport is recognised by the Government of Trinidad and Tobago as holding qualifications which satisfy the conditions for recognition of Caribbean Community skills qualification and has gained employment in accordance with his training or experience.

(3) For the period of the permission under section 3(1), a person to whom this section applies shall not be subject to—

- (a) any restriction on freedom of movement, including the freedom to leave and re-enter Trinidad and Tobago without further permission; or
- (b) any restriction on freedom to acquire property for use as that person's residence; or
- (c) any restriction on the right to engage in gainful employment or occupation in accordance with the certificate issued under subclause 3(2); or
- (d) any restriction on freedom to acquire property for use in that person's business,

which would not apply if that person were a citizen of Trinidad and Tobago.

4. (1) Notwithstanding any other law, an immigration officer shall subject to sections 12 and 15(5) permit a person to whom this section applies to enter Trinidad and Tobago for a period of six months.

Entry of Caribbean
Community skilled
persons for six
months

(2) This section applies to the holder of a passport issued by a qualifying Caribbean Community state who—

- (a) was born in the state issuing the passport or in another qualifying Caribbean Community state; and
- (b) presents on entry to Trinidad and Tobago a certificate issued by the Government of a qualifying Caribbean Community state in a form which is of a nature equivalent to the form prescribed in Schedule II certifying that the holder of the passport is recognised by the Government of that qualifying Caribbean Community state as holding qualifications which satisfy the conditions for recognition of Caribbean Community skills qualification.

(3) For the period of the duration of the permission under section 4(1), a person to whom this section applies shall not be subject to any restriction on freedom of movement, including the freedom to leave and re-enter Trinidad and Tobago without further permission, which would not apply if that person were a citizen of Trinidad and Tobago.

(4) Subject to section 7, a person to whom this section applies may apply to an immigration officer for permission to remain in Trinidad and Tobago for a period of indefinite duration if he is granted a certificate in accordance with Schedule II, issued by the Minister.

Revocability of
permission under
this Act

5. Permission to enter under section 3(1) or section 4(1) and the rights conferred under these sections and under section 10, notwithstanding the provision of any other law but subject to sections 12 and 15, shall be

irrevocable during the duration of the permission except for cause and by procedure which would, apart from this Act, render a member of some category of citizens of Trinidad and Tobago liable to deportation, extradition or other form of expulsion.

6. Any citizen—

Applications for
skills certificate

- (a) of Trinidad and Tobago; or
- (b) of a qualifying Caribbean Community state who was born in a qualifying Caribbean Community state,

may, subject to section 12 apply to the Minister for a certificate in the form set out in Schedule II, with such supporting evidence and accompanied by the payment of such fees, as may be prescribed by the Minister.

7. (1) The Minister shall, subject to subsection (2) and section 12 grant a certificate set out in Schedule II to any applicant who satisfies the qualification requirements of this Act and is—

Minister to grant
certificate to
qualified applicants

- (a) a citizen of Trinidad and Tobago; or
- (b) a citizen of a qualifying Caribbean Community state under section 6 who was born in a qualifying Caribbean Community state.

(2) The Minister may refuse to issue a certificate to a person who has been convicted of an offence under section 15 or of a similar offence under the law of a qualifying Caribbean Community state.

8. (1) The following qualifications satisfy the qualification requirements of this Act:

Qualifications for
certificate

- (a) a degree of the University of the West Indies, of the University of Technology, Jamaica, or of the University of Guyana, designated as a Bachelor's, Master's or Doctor's degree; or

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- (b) a degree of Doctorandus, Meester, Licentiatus, or Doctor of the University of Suriname; or
 - (c) any University degree which is recommended by the University of the West Indies to be at least comparable in academic standing with a qualification in 8(1)(a) to 8(1)(b); or
 - (d) a certificate from the Secretary-General of the Caribbean Community attesting that university level qualification possessed by the applicant satisfy the conditions for recognition of Caribbean Community skills qualification, such certification to be issued on the recommendation of the University of the West Indies; or
 - (e) a certificate from any authority, designated by the Minister by Order as an accrediting authority for the purposes of this section, attesting that university level qualifications possessed by the applicant satisfy the conditions for recognition of Caribbean Community skills qualification, such certificate to be issued on the recommendation of the University of the West Indies; or
 - (f) 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, on the recommendation of the University of the West Indies; and

- (ii) prescribed by the Minister by Order, on the recommendation of the University of the West Indies, as a list of qualifications and combinations of qualifications satisfying the qualification requirements of this Act.

(2) For the purposes of subsection (1)(d), “authority” includes—

- (a) any institution or other body whether or not—
 - (i) incorporated;
 - (ii) established under the authority of the Government of Trinidad and Tobago or of any other qualifying Caribbean Community state;
 - (iii) established under any written law;
 - (iv) situated in Trinidad and Tobago;
- (b) any person designated as holding an office in any institution or other body in paragraph (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 this section and 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 13.

Functions of the
Secretary-General

9. (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 Schedule I, 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, on the recommendation of the University of the West Indies, as at least equivalent in standard to any qualification in section 8(1)(a) to 8(1)(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 Schedule I.

(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. (1) The spouse and dependent members of the family of the holder of a certificate under Schedule II shall, notwithstanding the provisions of any other law but subject to sections 12 and 15, not be subject to any restriction on freedom of movement, including the freedom to leave and re-enter Trinidad and Tobago without further permission, which would not apply if that spouse or dependent family member were a citizen of Trinidad and Tobago.

Spouses and dependent family members

(2) For the period of the duration of a permission under section 4(1), the spouse and dependent members of the family of the person to whom section 4 applies shall, notwithstanding the provisions of any law but subject to sections 12 and 15, not be subject to any restriction on freedom of movement, including the freedom to leave and re-enter Trinidad and Tobago without further permission, which would not apply if that spouse or dependent family member were a citizen of Trinidad and Tobago.

11. 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.

Saving of rights and privileges of holders of qualifying CARICOM passports

12. (1) A qualifying Caribbean Community state's reciprocal rights and privileges comprise the rights and privileges conferred by the law of that state on the holder of a passport issued by the Government of Trinidad and Tobago who would, in relation to that qualifying Caribbean Community state, satisfy conditions analogous to those required under this Act.

Reciprocity

(2) A passport holder referred to in subsection (1) is a holder of a passport issued by a qualifying Caribbean Community state who satisfies the conditions of this Act for any right or privilege conferred by this Act.

(3) The rights and privileges conferred by this Act on a passport holder referred to in subsection (1) shall not exceed that state's reciprocal rights and privileges.

(4) A qualifying Caribbean Community state's reciprocal rights and privileges shall in the absence of proof to the contrary be presumed to be the same as the rights and privileges which would be conferred by this Act on a passport holder referred to in subsection (1).

Regulations

13. The Minister may, subject to affirmative resolution of Parliament, make Regulations generally for carrying out the provisions of this Act and in particular may prescribe qualifications additional to those listed in section 8(1) which satisfy the requirements of this Act.

Order to amend
Schedules

14. The Minister may by Order amend the Schedules subject to affirmative resolution of Parliament.

Offences

15. (1) A person who for the purpose of procuring a certificate under Schedule II, or for the purpose of seeking permission under section 3(1) or 4(1)—

(a) makes any statement which that person knows to be false in a material particular; or

(b) recklessly makes any statement which is false in a material particular,

is guilty of an offence.

(2) The Minister may cancel a certificate set out in Schedule II where the holder of the certificate is convicted of an offence under this section.

(3) Where a person seeks to derive a benefit by the use of a certificate which has been cancelled by the Minister or by the Government of a qualifying Caribbean Community state, knowing that it has been cancelled, he is guilty of an offence.

(4) The Minister to whom responsibility for immigration is assigned may revoke the permission of a person granted under section 3(1) or 4(1) where that person is convicted of an offence under this section.

(5) An immigration officer shall not permit a person to enter or remain in Trinidad and Tobago where that person has been convicted of an offence under this section.

16. Any person guilty of an offence under this Act is ^{Penalties} liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.

17. This Act shall come into operation on such date ^{Commencement} as the President may by Proclamation appoint.

SCHEDULE I

[sections 2(1), 9(1)(a), (3)]

QUALIFYING CARIBBEAN COMMUNITY STATES

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

SCHEDULE II

[sections 3(2), 4(2)(b), 4(4), 6, 7(1), 10(1), 15(1)(2)]

FORM OF CERTIFICATE

Immigration (Caribbean Community Skilled Nationals) Act, 1996

**Certificate of Recognition of
Caribbean Community Skills Qualification**

WHEREAS has applied to the Minister responsible for Caribbean Community affairs in the Government of Trinidad and Tobago 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 Immigration (Caribbean Community Skilled Nationals) Act, 1996 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 by the said Act, grants to the said this Certificate of Recognition of Caribbean Community Skills Qualification.

IN WITNESS WHEREOF I have hereto subscribed my name this..... day of, 19

.....
(The Minister responsible for Caribbean Community Affairs)

(Address of Minister)

PARTICULARS RELATING TO APPLICANT



PHOTOGRAPH

Full Name
Address
Occupation/Profession
Qualifications
Place of Birth
Date of Birth
Passport Number
Nationality
Marital Status

Passed in the House of Representatives this 14th day
of June, 1996.

N. COX

Acting Clerk of the House

Passed in the Senate this 25th day of July, 1996.

D. DOLLY

Acting Clerk of the Senate

Senate amendments agreed to by the House of
Representatives this 7th day of August, 1996.

N. COX

Acting Clerk of the House