

LAWS OF TRINIDAD AND TOBAGO

**IMMIGRATION
(CARIBBEAN COMMUNITY SKILLED
NATIONALS) ACT**

CHAPTER 18:03

Act

26 of 1996

Amended by

6 of 2001

18 of 2003

Current Authorised Pages

<i>Pages</i>	<i>Authorised</i>
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LAWS OF TRINIDAD AND TOBAGO

*Immigration (Caribbean Community
Skilled Nationals)*

2

Chap. 18:03

Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 18:03

**IMMIGRATION (CARIBBEAN
COMMUNITY SKILLED NATIONALS) ACT**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Definitions.
3. Entry of Caribbean Community skilled persons for indefinite duration.
4. Entry of Caribbean Community skilled persons for six months.
- 4A. Residual power of the Minister responsible for immigration.
5. Irrevocability of permission.
6. Applications for skills certificate.
7. Minister to grant certificate to qualified applicants.
8. Qualifications for certificate.
9. Functions of the Secretary-General.
- 9A. Qualification requirements deemed to have been satisfied.
10. Spouses and dependent family members.
- 10A. Entry of spouse and dependents.
11. Saving of rights and privileges of holders of qualifying CARICOM passports.
12. Reciprocity.
13. Regulations.
14. Order to amend Schedules.
15. Offences.
16. Penalties.

SCHEDULE I.

SCHEDULE II.

LAWS OF TRINIDAD AND TOBAGO

*Immigration (Caribbean Community
Skilled Nationals)*

4

Chap. 18:03

CHAPTER 18:03

**IMMIGRATION (CARIBBEAN
COMMUNITY SKILLED NATIONALS) ACT**

26 of 1996. **An Act to remove the restrictions on entry into Trinidad and Tobago of skilled nationals of qualifying Caribbean Community countries.**

Commencement.
[163/2001].

[10TH AUGUST 2001]

Short title.

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

Definitions.
[6 of 2001].
Schedule II.

2. (1) In this Act —

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

“dependent member of the family” in relation to a person means—

- (a) a child or step-child under the age of eighteen years;
- (b) a child over the age of eighteen years and wholly dependent on that person for his subsistence;
- (c) a parent and a grandparent wholly dependent on that person for their subsistence;

Ch. 18:01.

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

“infectious or dangerous infectious disease” has the meaning assigned to it in the Immigration Act;

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

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

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) and 4(2), 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.

3. (1) Notwithstanding any other written law, an immigration officer shall, subject to sections 4A, 7, 12 and 15(5), permit a person to whom this section applies to enter Trinidad and Tobago for a period of indefinite duration except where he is—

Entry of Caribbean Community skilled persons for indefinite duration. [6 of 2001 18 of 2003].

- (a) the subject of a deportation order issued against him under any written law; or
(b) afflicted with any infectious or dangerous infectious disease.

(2) This section applies to a citizen of a qualifying Caribbean Community State who holds a passport issued by such a 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.

Schedule II.

(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

LAWS OF TRINIDAD AND TOBAGO

*Immigration (Caribbean Community
Skilled Nationals)*

6

Chap. 18:03

(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.

Entry of Caribbean Community skilled persons for six months. [6 of 2001 18 of 2003].

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

(a) the subject of a deportation order issued against him under any written law;

(b) afflicted with any infectious or dangerous infectious disease.

Schedule II.

(2) This section applies to a citizen of a qualifying Caribbean Community State who holds a passport issued by such a State and 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.

Schedule II.

(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.

Residual power of the Minister responsible for immigration. [6 of 2001].

4A. Notwithstanding sections 3 and 4, the Minister with responsibility for immigration may, on the basis of information received by him, prohibit the entry into Trinidad and Tobago under this Act, of any person whose presence, in his opinion would be prejudicial to national security.

5. (1) Subject to subsections (2) and (3) and sections 4A, 12 and 15, permission to enter Trinidad and Tobago and the rights granted and privileges conferred under this Act shall, notwithstanding any other written law, be irrevocable.

Irrevocability of permission. [6 of 2001].

(2) The Minister to whom responsibility for immigration is assigned, may revoke any permission granted to a person under this Act, where that person is the subject of an order made against him for his extradition, deportation or other form of surrender.

(3) Where a person to whom section 3 or 4 applies commits an offence which if committed in Trinidad and Tobago would be punishable with imprisonment for one year or more, the Minister to whom responsibility for immigration is assigned may revoke any permission granted to the person under this Act and make a deportation order against that person under the Immigration Act.

Ch. 18:01.

6. Any citizen—

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

Applications for skills certificate.

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.

Schedule II.

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. Schedule II.

- (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.

LAWS OF TRINIDAD AND TOBAGO

*Immigration (Caribbean Community
Skilled Nationals)*

8

Chap. 18:03

Qualifications
for certificate.

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

- (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
- (b) a degree of Doctorandus, Meester, Licentiatu, 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 qualifications 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.

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

Functions of the Secretary-General.

- (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

Schedule I.

LAWS OF TRINIDAD AND TOBAGO

*Immigration (Caribbean Community
Skilled Nationals)*

10

Chap. 18:03

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.

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.

Qualification requirements deemed to have been satisfied. [18 of 2003].

9A. Notwithstanding sections 8 and 9, an applicant who is a citizen of a qualifying Caribbean Community State and possesses any qualification or experience or combination of qualification and experience that to the satisfaction of the Minister proves that the applicant is—

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

is deemed to have satisfied the qualification requirements of this Act.

Spouses and dependent family members. [6 of 2001].

10. (1) For the period of the duration of a permission under section 3(1), the spouse and dependent members of the family of a person to whom section 3 applies 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.

(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.

10A. (1) Notwithstanding any other written law but subject to section 4A, 12 and this section, an immigration officer shall permit the spouse and every dependent member of the family of —

Entry of spouse and dependents. [18 of 2003].

- (a) a person to whom section 3 applies, to enter Trinidad and Tobago for a period of indefinite duration; or
- (b) a person to whom section 4 applies, to enter Trinidad and Tobago for a period of six months.

(2) Where a deportation order has been issued against a spouse or a dependent member referred to in subsection (1) or that person is afflicted with an infectious or a dangerous infectious disease, the immigration officer shall not permit that person to enter 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.

LAWS OF TRINIDAD AND TOBAGO

*Immigration (Caribbean Community
Skilled Nationals)*

12

Chap. 18:03

(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.
Schedule II.

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.

Schedule II.

(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 liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months. Penalties.

SCHEDULE I

[Sections 2(1),
9(1)(a), (3)].
[18 of 2003].

QUALIFYING CARIBBEAN COMMUNITY STATES

1. Antigua and Barbuda.
2. Barbados.
3. Belize.
4. Dominica.
5. Grenada.
6. Guyana.
7. Haiti.
8. Jamaica.
9. Montserrat.
10. St. Christopher and Nevis.
11. St. Lucia.
12. St. Vincent and the Grenadines.
13. Suriname.
14. Trinidad and Tobago.

LAWS OF TRINIDAD AND TOBAGO

*Immigration (Caribbean Community
Skilled Nationals)*

14

Chap. 18:03

[Sections 3(2),
4(2), 4(4), 6,
7(1), 10(1),
15(1)(2)].

SCHEDULE II

FORM OF CERTIFICATE

*Immigration
(Caribbean Community Skilled Nationals) Act*

**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, for the grant of a Certificate of Recognition of Caribbean Community Skills Qualification have been fulfilled:

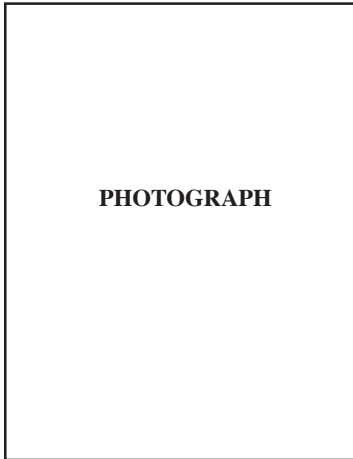
NOW THEREFORE, the Minister, in exercise of the powers conferred upon him by the said Act, grants to the said this Certificate of Recognition of Caribbean Community Skills Qualification.

IN WITNESS WHEREOF I have hereto subscribed my name this day of, 20

.....
*(The 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
- Passport Number
- Nationality
- Marital Status