IMMIGRATION
(CARIBBEAN COMMUNITY SKILLED NATIONALS) ACT, 1996

ACT NO. 26 OF 1996

Act
26 of 1996
Amended by
6 of 2001

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Index of Subsidiary Legislation

This Act contains no subsidiary legislation.
ACT NO. 26 OF 1996

IMMIGRATION (CARIBBEAN COMMUNITY SKILLED NATIONALS) ACT

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LAWS OF TRINIDAD AND TOBAGO

Immigration

ACT NO. 26 OF 1996

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.

10TH AUGUST 2001

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

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

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;

“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.
(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.

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—

   (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 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.

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

(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.
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Immigration

(Caribbean Community Skilled Nationals) 26 of 1996

(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.

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.

(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.

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,
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—

(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:

(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, 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.

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—
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(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) 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.

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.

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.

(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.

L.R.O. 11
(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).

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.

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

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

SCHEDULE I

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

FORM OF CERTIFICATE

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 ........................................, 20......

...........................................

(The Minister responsible for Caribbean Community Affairs)

(Address of Minister)
PARTICULARS RELATING TO APPLICANT

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