CARICOM

Single Market and Economy

Free Movement - Travel and Work

3rd Edition

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CONTENTS

FOREWORD 4

INTRODUCTION 6

PART 1:FACILITATION OF TRAVEL 11

Common Lines for Citizens, Residents and CARICOM Nationals 12

CARICOM Passport 13

Complaints Procedure 14

PART 2: FREE MOVEMENT FOR ECONOMIC ACTIVITY 19

1. Movement of Skilled Nationals 20

Acquiring a CARICOM Skills Certi cate 26

Free Movement of Skills Department/Desk 26

Competent Authority 27

Free Movement Committee 28

Recognition of Quali cations 31

National Accreditation Bodies 31

Entry of Approved Category of Wage Earners 34

Procedures at the Port of Entry 35

Bene ts for Holder of the Certi cate 36

Non-wage Earners 36

2. Right of Establishment 36

Letter of Request for Free Movement of Managerial, Supervisory and Technical Sta 37

Procedure at Port of Entry 37

Procedure after Entry 38

Letter of Approval from Competent Authority 38

Inde nite Stay 38

Extension of Stay 39

Rubber Stamps 39

3. Provision of Services 40

Procedure for Registration as a Temporary Service Provider 40

Competent Authority 40

Criteria for Issuance of the Certi cate 44

Duration of the Process 44

Duration of the Validity of the Certi cate 44

Immigration Procedures for Temporary Movement of Service Providers 44

Procedure at Point of Entry 44

Procedure for the Automatic Extension of the Stay 45

Criteria for Automatic Extension 45

Duration of the Automatic Extension Process 45

No Restrictions 45

National Treatment 48

Taxes 48

4. Rights Related to the Spouse and Immediate Dependent Members of the Family 49

5. Irrevocability of Permission or Refusal of Entry to a Skilled National, Service Provider or National Exercising the Right of Establishment 49

6. Social Security 49

FOREWORD

A number of years have passed since this booklet was rst published and it remains one of the most popular sources of information on the Free Movement aspects of the CARICOM Single Market and Economy (CSME). The Caribbean Community (CARICOM) Secretariat is pleased to present this updated third edition. This publication has been made possible with the assistance of the European Union under the 10th European Development Fund.

The updating of this critical source of information has become necessary since the CSME continues to evolve and the information within these pages must re ect the achievements made along the journey of regional integration.

All CSME awareness studies and public education impact assessments re ect the requests by the peoples of the Community for more information on the CSME. This booklet is therefore one element within a regional strategy of communication processes attempting to bolster the e orts undertaken at the national levels.

The declaration by Member States of readiness to participate in the Single Market in 2006 was a critical juncture in the evolution of the Community since the signing of the Treaty of Chaguaramas in 1973, which gave birth to CARICOM. And as the Community celebrates its accomplishments seen in part by the many institutions and programmes created over the years, there is need to re ect and reinforce the importance of these milestones through communication products such as this document. Public education via collaboration with the many stakeholders remains indispensable to reinforce the purpose of regional integration and highlight how far we have travelled.

The CSME as an essential element of Caribbean regional integration therefore can only function if there is stakeholder buy-in at all levels in the private and public sectors including higglers, Pan-Caribbean businesses, the media and immigration o cers. This can be achieved to a large extent, through awareness and education programmes. Stakeholders as bene ciaries of the CSME have a vital place in helping to build the platform facing the onslaught of globalisation. The CSME creates the framework for increased competitiveness of our goods and services. As articulated in the foreword of the earlier version of this booklet," ...CSME is about closer cohesion within the Community…"

This booklet attempts speci cally to address the movement of CARICOM nationals within the CSME. The movement of people within the Community is vital to unlock the richness within the Region. It is the very essence of Community - the co-mingling of peoples. For there to be the aforementioned increased competitiveness of our goods and services, the peoples of the Community must be able to move for business, employment and to bene t from the rights o ered under the CSME.

It is hoped that this publication will provide the necessary clarity and understanding, increased guidance and information on the processes for Free Movement of CARICOM nationals. As in the previous edition, this document attempts to assist stakeholders in understanding their rights that were granted to enable and empower the peoples of our Region to secure and enjoy the bene ts of integration.

Integral to the Single Market is the movement of persons for economic activity and as consumers of services o ered by Member States. The strengthening of a CARICOM identity can only be achieved by the continued e orts to engender a sense of belonging to a Community and this is aided by the continued strides towards complete movement.
The recognition of the importance of movement of Community nationals is demonstrated in Article 45 of the Revised Treaty where Member States have committed themselves to the goal of free movement of their nationals within the Community. The Bahamas has not undertaken this commitment and is also not participating in the CSME.

The arrangements concerning the free movement of CARICOM nationals are set out in the Revised Treaty and decisions of the Conference of Heads of Government and the other Organs of the Caribbean Community.
These arrangements can be divided into two ot0 pares

(3) company or other legal entity constituted in the Member State in conformity with the laws thereof and which that State regards as belonging to it, provided that such company or other legal entity has been formed for gainful purposes and has its registered o ce and central administration, and carries on substantial activity within the Community and which is substantially owned and e ectively controlled by persons mentioned in (1) and (2) – ("CARICOM business").

Steps taken by the Organs to facilitate travel in the Community in furtherance of Articles 45 and 46(2)(b) apply generally to all CARICOM nationals including those travelling as visitors. These steps include:

- the Common Embarkation / Disembarkation(ED) Card
- the CARICOM Line at immigration points
- the CARICOM Passport
- a right to enter another Member State and be given a stay of six months

Free movement for economic activity within the CSME is available to wage earners, self-employed persons and certain personnel of a CARICOM business.

The main changes brought about by the CSME are:

- the abolition of the work permit requirement in speci c circumstances
- a right to enter a Member State for the purposes of economic activity

- a right to inde nite stay in a Member State for skilled nationals, owners of a CARICOM business and certain categories of their personnel
- extended stay for service providers for the period of carrying out the service
- the right to transfer one's social security bene ts from one CARICOM Member State to another

In very limited circumstances and subject to Community scrutiny, Member States may restrict a Community national from the exercise of any of the rights conferred by the Treaty and decisions of the Community Organs. Additionally, movement does not entitle a Community national to become a citizen of another Member State or to commence a path to citizenship of another Member State.

It is the very essence of Community - the co-mingling of peoples. For there to be the aforementioned increased competitiveness of our goods and services, the peoples of the Community must be able to move for business, employment and to bene t from the rights o ered under the CSME.

- abolition of visas
- the CARICOM Line at immigration points
- the CARICOM Passport
- common ED form
- CARICOM nationals have a right to enter a Member State, and when they enter, are to be given a stay of six (6) months. This is intended to enhance their sense that they belong to, and can move in the Caribbean Community, subject to the right of Member States to refuse undesirable persons entry.

Rights are not absolute. A Member State can refuse entry:

- because the CARICOM national presents a genuine, present and su ciently serious threat to national security, public morals, public safety and health
- to prevent the national from becoming a charge on the public funds

Authorities have to do a case by case assessment and CARICOM nationals can request a review of the decision to refuse entry.

Common Lines for Citizens, Residents and

CARICOM Passport

The Conference of Heads of Government of the Caribbean Community has agreed that Member States would issue a CARICOM passport as a de ning symbol of regionalism.

A CARICOM passport is a national passport that is issued in accordance with agreed common colours and format for intra-regional and extra-regional travel.

The CARICOM logo and the words 'Caribbean Community' are printed on the cover.

The Coat of Arms and the name of the Member State are also featured on the cover.

The CARICOM passport also creates awareness that CARICOM nationals are nationals of both the Community and a speci c country.

Twelve Member States have issued the CARICOM passport. They are Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago.

Complaints Procedure

A CARICOM national arriving in, transiting or departing a Caribbean Community Member State, and or seeking to exercise a right under the CSME, may have had certain experiences about which he / she wishes to le a complaint with the relevant authorities. The experience(s) may have been at a port of entry, after entry into a Member State, or both.

The following complaints procedure is proposed to assist CARICOM nationals to exercise their rights under the Treaty and secondary legislation of the Community. It is recognized that a CARICOM national should be a orded prompt judicial review of a decision taken under any of the free movement regimes including the right of entry. Prior to making a complaint concerning a decision taken under any of the free movement regimes, the CARICOM national should seek judicial review of the decision if this is available and it is feasible for him/her to so do. Failure to seek judicial review will not prevent a CARICOM national from ling a complaint.

1. The complaints form shall be available at all airports in the arrival and departure area, the Ministry responsible for Trade, the Ministry responsible for Foreign A airs, the Ministry responsible for CARICOM A airs, the Ministry responsible for Labour, the Ministry responsible for National Security, the CSME Focal Point and online;
2. A CARICOM national wishing to make a complaint shall ll out such a complaints form in hard copy or online;
3. The completed form shall be returned (in person / mailed / electronically) to the CSME Focal Point of the receiving country or the home country of the CARICOM national within ve working days of the date on which the CARICOM national receives the tribunal's decision into the incident or of the date of

the incident where there is no judicial review process available to the CARICOM national. The form should be copied to the CSME Focal Point of the other country concerned.

4. The CSME Focal Point upon receipt of the complaints form will con rm receipt of the complaint to the CARICOM national copied to the CSME Focal Point of the other country concerned. In the event that the form is sent to the CSME Focal Point in the home country, that Focal Point shall forward the complaint to his/her counterpart in the receiving country;
5. Within two weeks of receipt of a complaint, the CSME Focal Point of the receiving country must start with a review of the form and determine what further information, if any, may be required to facilitate the carrying out of the investigation;
6. The CARICOM national may be contacted in the event that additional information is needed to commence the investigation or during the investigation;
7. The CSME Focal Point may contact the Head of the relevant department to obtain any necessary information in order to commence an investigation with respect to the complaint or during such an investigation;
8. Where the investigation [by the CSME Focal Point] has revealed that there was a problem, the relevant department shall be informed so that the necessary corrective actions can be undertaken. The relevant department shall inform the CSME Focal Point of the corrective actions that have or will be taken;
9. The investigation shall be completed not later than eight weeks after the date of receipt of the complaint, and the CSME Focal Point will inform the CARICOM national and the CSME Focal Point of the home country of the outcome of the investigation.

These principles seek to ensure that CARICOM nationals are treated in a manner similar to how nationals of the respective receiving Member State are treated and at a minimum, in a manner equal to or better than how foreigners are treated.

Part 2

FREE MOVEMENT FOR ECONOMIC ACTIVITY

The movement in this part can be described in three broad areas:

- Movement of Skilled Nationals;
- Right of Establishment; and
- Provision of Services

CARICOM nationals not falling within these three broad categories may still move to seek work according to the laws of the particular Member State.

1. Movement of Skilled Nationals

One important category of persons who use the CSME for the purpose of engagement in economic activity is skilled workers who seek to work for a company or another person for a wage or salary. This is usually described as free movement of skills or free movement of skilled nationals.

Free movement of skills includes the right of certain categories of CARICOM nationals under Article 46 of the Revised Treaty to seek employment in another Member State. As of 2016, there are 10 agreed categories that will be outlined in a further section. Community law and the laws of Member States allow CARICOM nationals to seek employment in all CARICOM Single Market and Economy (CSME) participating Member States without the need to obtain a work permit in the Member State in which s/he desires to work.

The following categories of wage earners who are CARICOM nationals are entitled to move and work freely in the Community:

1. University Graduates
2. Artistes
3. Musicians
4. Sportspersons
5. Media Workers
6. Nurses
7. Teachers
8. Artisans with a Caribbean Vocational Quali cation (CVQ)
9. Holders of Associate Degrees or comparable quali cation
10. Household Domestics with a Caribbean Vocational Quali cation (CVQ) or equivalent quali cation

If a CARICOM national does not fall in any of the above-mentioned wage earning categories, then s/he must apply for a work permit if s/he wishes to work for wages in another Member State.

Approved De nitions of Skills

1) **Graduates**

Graduates, for the purpose of free movement of skills, are persons who have obtained at least a Bachelor's degree from a university recognized by the receiving Member State or a professional quali cation that is equivalent to at least a Bachelor's degree.

2) **Media Persons**

Media persons are persons whose primary source of income is drawn from media and media-related work, or persons who are quali ed to enter this eld.

Such persons perform the functions of:

- media managers and administrators
- editors and sub-editors
- reporters, producers, announcers and broadcasters
- camera operators, sound engineering and video technicians
- production workers in the print and electronic media, etc.
- graphic artists, cartoonists and photographers
- editorial sta , programming sta and newsroom sta
- other related personnel whose functions are not here classi ed

3) **Artistes**

Artistes, for the purpose of free movement of skills, are persons who are active in or quali ed to enter a particular eld of artistic endeavour with the speci c purpose to earn a living.

Such persons perform functions such as but not limited to:

- **Visual artistes** –
  - Fine artist
  - Costume builder
  - Costume designer
  - Fashion designer

- Stage manager
- Lighting designer
- Lighting technician
- Sound designer
- Sound technician
- Arts administrator
- Production assistant
- Holder of traditional knowledge

Such persons perform functions such as but not limited to:

- t Athlete
- t Coach
- t Team leader
- t Sports manager
- t Sports promoter
- t Massage therapist
- t Events manager

6) Nurses

These are persons who have successfully completed basic or highnesl t 1

repair machinery, equipment or tools, carry out printing work as well as produce or process foodstu s, textiles, or wooden, metal and other articles, including handicraft goods.

The work is carried out by hand and by hand-powered and other tools that are used to reduce the amount of physical e ort and time required for speci c tasks, as well as to improve the quality of the products. The tasks call for an understanding of all stages of the production process, the materials and tools used, and the nature and purpose of the nal product.

Tasks performed by craft and related trades workers usually include: extracting and working solid minerals; constructing, maintaining and repairing buildings and other structures; casting, welding and shaping metal; installing and erecting heavy metal structures, tackle and related equipment; making machinery, tools, equipment, and other metal articles; setting for operators, or setting and operating various machine tools; tting, maintaining and repairing industrial machinery including engines and vehicles, as well as electrical and electronic instruments and other equipment; molding precision instruments, jewelry household and other precious-metal articles, pottery, glass and related products, producing handicraft; executing printing work; producing and processing foodstu and various articles made of wood, textiles, leather and related materials. Supervision of other workers may be included.

9) Holders of Associate Degrees

CARICOM nationals who are eligible must be holders of an Associate Degree who have obtained an Associate Degree from an accredited/recognized university or college.

The Heads of Government requested that the Council for Human and Social Development (COHSOD) consider what may constitute comparable quali cations for an Associate Degree. While the Heads have not yet adopted these recommendations, COHSOD agreed that comparable quali cations will be:

- 2 CAPE/ 2 'A' Levels;
- Certi ed Accounting Technician Quali cation;
- National Technician Certi cates requiring two years of study at the post-secondary level;
- Other comparable quali cations to be identi ed and compiled in a comprehensive list for the guidance of the Competent Authority in Member States.

Acquiring a CARICOM Skills Certi cate

A CARICOM national who falls within one of the ten approved categories of skills described previously and wishes to seek employment in another Member State as a wage earner must apply for a CARICOM Certi cate of Recognition of Skills Quali cation (CARICOM Skills Certi cate) from the Competent Authority in a CARICOM country that is participating in the CSME.

The general procedure to obtain a CARICOM Skills Certi cate is set out below. Further details can be obtained from the o ces of the Competent Authorities as well as the Caribbean Community Secretariat website (www.caricom.org). Community nationals should also look to the domestic laws of Member States that were enacted with the speci c purpose of implementing the Free Movement of Skills. These laws are generally known as the Caribbean Community Skilled Nationals Act.

This certi cate will provide immigration o cials with proof that the person who is seeking to enter another Member State belongs to one of the approved categories. The receiving Member State has the right to verify the certi cate and the documentation upon which the certi cate was issued. The Free Movement of Skills Department or Desk is charged with this responsibility.

Free Movement of Skills Department/Desk

In order to receive applications of CARICOM nationals for free movement or to execute veri cations, the Competent Authority of each Member State has assigned a Department/Desk with the responsibility to administer the application process. The identi ed Department/Desk is the only Department/Desk authorized to receive applications and supporting documents from interested CARICOM nationals.

Applications should be sent/submitted to the Free Movement of Skills Department/Desk in the Ministry or Department of Government with responsibility for issuing the CARICOM Skills Certi cate.

Information to be submitted by Skilled Nationals in Support of Their Applications

In order to facilitate the application for Free Movement of Skills, these categories of persons will have to provide the following information, where applicable, to satisfy the authorities that the person has the requisite skill:

- A University Degree, which should at least be a Bachelor's Degree
- Letter from the respective National Federation, Ministry or General Nursing Body which clearly states that the applicant is registered in a particular eld of art, music, sports, media work or as a nurse
- Copies of relevant quali cations in the eld of art, music, sports, teacher education or media work. Copies of a Caribbean Vocational Quali cation (CVQ) or an Associate Degree.
- Letters from previous employers which clearly state the functions the applicant was performing while in their employ

All applicants should also provide:

- Birth certi cate
- Copy of the bio data page of his/her CARICOM passport and the pages with date of issue and expiry date
- Marriage certi cate, where applicable
- Passport size photographs

Competent Authority

The Free Movement of Skills laws provide for a Competent Authority. In most Member States, the Competent Authority is a Minister who has responsibility for the implementation of the Free Movement of Skills regime. The main responsibility is to authorize the issuance of the CARICOM Skills Certi cate.

Free Movement Committee

The Competent Authority is generally assisted by a Free Movement Committee whose main responsibilities are to:

- t review applications for Free Movement of Skills
- t verify whether a person is a 'Skilled CARICOM National'
- t advise the Competent Authority on the issuance of a CARICOM Skills Certi cate

The Free Movement Committee consists of representatives of relevant Ministries, such as Ministries responsible for Labour, Education, CARICOM A airs, Culture and Trade.

The Chairperson of this Committee is:

- t the representative of the Competent Authority
- t responsible for organizing the review of all applications received for the issuance of a CARICOM Skills Certi cate
- t responsible for circulating applications received and for verifying certi cates and supporting documents.

The Free Movement Committee must inform each applicant about its decision concerning applications as soon as possible but not later than two (2) weeks after its rst scheduled meeting. In the event that more time is required due to accreditation issues, the applicant should be made aware of the reasons for the delay.

It should be noted that the whole process should not take longer than the time taken to obtain a work permit but preferably should be much shorter. Each Member State participating in the CSME decides which Ministry is responsible for Free Movement of Skills. Persons who wish to obtain a CARICOM Skills Certi cate should contact the following designated Ministries for information:

Member State	Ministry/Organisation Name
ANTIGUA & BARBUDA	Ministry of Legal A airs, Public Safety and Labour Government O ce Complex Parliament Drive St. John's T: (268) 460-9480 F: (268) 462-2465 E: legala airs@ab.gov.ag
BARBADOS	Barbados Accreditation Council 123 A&B, "Plaza Centrale" Roebuck Street St. Michael BB11080 T: (246) 622-1090 F: (246) 622-1090 E: info@bac.gov.bb W: wwwbac.gov.bb/Services/SkillsCerti cate
BELIZE	Department of Immigration and Nationality Services Dry Creek Road Belmopan City Cayo District T: (501) 822-3860/(501) 822-0284 F: (501) 822-2662/(501) 822-0278 E:celina. ores@ins.gov.bz
DOMINICA	Ministry of Justice, Immigration and National Security 5th Floor, Financial Centre Kennedy Avenue, Roseau Dominica T: (767) 266-3289 E: nationalsecurity@dominica.gov.dm W: www.justice.gov.dm
GRENADA	Ministry of Foreign A airs & International Business Ministerial Complex Fourth Floor Botanical Gardens Tanteen, St. George's T: (473) 440-2640/2712/3036 F: (473) 440-4184 E: foreigna airs@gov.gd

GUYANA	Ministry of Foreign A airs 254 South Road and Shiv Chanderpaul Drive Georgetown Guyana T: (592) 225-3982 E: minfor@guyana.net.gy W: www.minfor.gov.gy
JAMAICA	Ministry of Labour and Social Security 1F North Street Kingston Jamaica T: (876) 922-9500-14 F: (876) 922-6902 W: www.mlss.gov.jm
ST. KITTS & NEVIS	Ministry of International Trade, Industry, Commerce and Consumer A airs P.O. Box 186, George Street, Newtown T: (869) 467-1203/466-4730 F: (869) 465-1778 E: foreigntrade@gov.kn W: www.miticca.gov.kn
SAINT LUCIA	Ministry of Finance, Economic Growth, Job Creation, External A airs and the Public Service Baywalk Mall, Level 5 Rodney Bay Gros islet T: (758) 468-4512 F: (758) 452-7427 E: asedwin@gosl.gov.lc / external@gosl.gov.lc
ST. VINCENT & THE GRENADINES	Ministry of National Security, Air and Sea Port Development 4th Floor Administrative Center Kingstown T: (784) 456-1111 F: (784) 457-2152 E: o ce.natsec@gov.vc

SURINAME	Ministry of Labour E. Brumastraat Paramaribo T: (597) 476540/475241 E: vvp@atm.gov.sr W: www.atm.gov.sr
TRINIDAD & TOBAGO	Ministry of Foreign and CARICOM A airs Levels 10-14, Tower C, Waterfront Complex 1A Wrightson Road Port of Spain T: (868) 623-6894 E: caricom@foreign.gov.tt W: wwwforeign.gov.tt/services/csme

*** Please contact the CSME Focal Point for your country, or see csmeonline.org/competentauthorities for up-to-date information.*

Recognition of Quali cations

In order to facilitate the veri cation of quali cations, Member States have or will set up a National Accreditation Body pursuant to the Accreditation Law.

Table of Accreditation Bodies

Member State	Ministry/Organisation Name
	abnab.anu@gmail.com
	info@bac.gov.bb

BELIZE	Ministry of Education, Youth and Sports (Headquarters) Ministry of Education West Block Building - Third Floor City of Belmopan, Cayo District Belize, C.A. T: (501) 822-2380/3315 F: (501) 822-3389 W: www.moe.gov.bz
DOMINICA	National Accreditation Board C/o Ministry of Education and Human Resource Development Government Headquarters Kennedy Avenue Roseau T: (767) 266-3460 F: (767) 448-0644 E: nab@dominica.gov.dm
GRENADA	Grenada National Accreditation Board The Grenada National Accreditation Secretariat Ministry of Education Building Botanical Gardens St. George's T: (473) 440-2737 F: (473) 440-6650 E: accreditation@gov.gd W: www.accreditation.gd
GUYANA	Guyana's National Accreditation Council 109 Barima Avenue, Bel Air Park Georgetown T: (592) 225–9526/(592) 223–7901/(592) 225–7662 E: info@nac.gov.gy W: www.nac.gov.gy
JAMAICA	University Council of Jamaica 2nd Floor of the HEART/Trust-NTA Building 6b Oxford Road Kingston 5 T: (876) 929-7299 E: info@ucj.org.jm W: wwwucj.org.jm

ST. KITTS & NEVIS	The Accreditation Board C/o Ministry of Education, Youth, Social & Community Development P.O.Box 878 Basseterre, St. Kitts & Nevis T: (869) 467-1112 /1107/(869) 622-2910 F: (869) 466-7443 E: dpmin@sisterisles.kn
SAINT LUCIA	Technical and Vocational Education & Training (TVET) and Accreditation Unit c/o Ministry of Education, Innovation, Gender Relations and Sustainable Development 3rd Floor Francis Compton Building Waterfront, Castries T: (758stain-5225/ (758sta53 E: (t)3(e(duca)4(tio@gno)7((t)3(lcs)]TJ EMC /Span <</Lang (en-US
& TOB(A)5(GO)]TJEMC/Span<</Lang(en-US)/MCID1752>>BDC0Tc0Tw8.1461.11 ce eve3,nBuildinnBercpanLifB t.V-16in(c)6(en)4(tS)3(cr)10(ete)]TJEMC/Span<</Lang(en-US)/MCID1797>>BDC	T: (848sta567-1043 F: (848sta567-1143 E: cee(duca)4(tio@mailr)10.gno.ev
Tre:800-2288g(ACrTT F:(889)64-5711 E:(t)3(otr8(gA)5(.tte)]TJEMC/Span<</Lang(en-US)/MCID1850>>BDC0001k/GS3 ducatio(()2[CrTE)0 TEtS-(cr)10(t(er)-4(an)4(t)]TJEMC/Span<</Lang(en-US)/MCID1952>>BDC-0.10T	

Once established, a representative of the National Accreditation Body should be a member of the Free Movement Committee. The Free Movement Committee should request advice from the National Accreditation Body on behalf of the Competent Authority in cases where doubt exists about the quali cations of applicants.

The National Accreditation Body must advise the Free Movement Committee within two weeks of receipt of the request about its ndings. The National Accreditation Body should generally serve as an advisory body and not the body responsible for the implementation of the Free Movement of Skills for policy nor for approval of applications.

The national, sub-regional and regional accreditation bodies will assess the quali cations of CARICOM nationals in case of doubt and advise the Free Movement Committee.

Entry of Approved Categories of Wage Earners

A CARICOM national who is seeking to enter another Member State will be granted entry for a de nite or an inde nite duration.

When the certi cate is issued by the competent authority of the home country or by another Member State, CARICOM nationals should be granted a stay for six months during which period they should submit their Skills Certi cate to the competent authority of the host country for acceptance. The competent authority may verify the validity of the certi cate and the documentation upon which it has been issued. During the period of consideration by the competent authority, the CARICOM national can work.

Where the certi cate is issued by the competent authority of the host country or where the competent authority indicates that the person is recognized as a Skilled CARICOM National, the CARICOM national may

apply to Immigration for inde nite stay which shall be granted unless this cannot be so done for reasons of national security, public safety, public morals, public order or any of the other bases set out in the Treaty as interpreted by the Caribbean Court of Justice.

Procedures at the Port of Entry

At the port of entry, the CARICOM national must present a valid passport to the immigration o cer along with the CARICOM Skills Certi cate, where the national is already in possession of the same. Immigration Departments would insert a stamp to indicate in the passport the duration of stay and status of the CARICOM national.

If a CARICOM national arrives at a port of entry and does not have a CARICOM Skills Certi cate, the immigration o cer would grant the six months to the CARICOM national and the national's status would be that of a visitor.

Where the CARICOM national is in possession of a CARICOM Skills Certi cate:

- the stamp for de nite entry should read-
  "FREE MOVEMENT DEFINITE ENTRY - RIGHT TO WORK - VERIFICATION REQUIRED"
- In the case of the inde nite entry, the stamp should read-
  "FREE MOVEMENT INDEFINITE ENTRY-RIGHT TO WORK"

Immigration o cials should indicate to a CARICOM national who is entering with a CARICOM Skills Certi cate issued by another Member State that veri cation is required within the period of six months. In addition, they should provide the recipient of de nite entry status with relevant information to complete the process leading to inde nite entry status.

Bene ts for Holders of the Certi cate

A CARICOM national holding a Certi cate of Recognition of CARICOM Skills Quali cation will not be subjected to:

- any restriction on freedom of movement, including the freedom to leave and re-enter his or her host country;
- any restriction on the right to engage in gainful employment or other occupation;
- discriminatory selection in lling vacancies;
- any restriction on freedom to access property for his/her use in business;
- any restriction on freedom to access property for use as his/her residence;
- any restriction on spouses and immediate dependent family members to move with the holder.

Non-wage Earners

Non-wage earners are persons who are self-employed CARICOM nationals. All CARICOM nationals have the right to work as self-employed persons in any Member State participating in the CSME.

Non-wage earners may also be companies and other legal forms of business or organizations and have the right to certain personnel from one CSME Member State to another.

This right of non-wage earners can be exercised through:

- the right of establishment and
- the provision of services

2. Right of Establishment

CARICOM nationals have the right to establish a business in the CSME. This is generally referred to as the Right of Establishment which includes the following rights:

- to engage in any non-wage earning activity of a commercial, industrial, agricultural, professional or artisanal nature; and
- to create and manage economic enterprises, which include any type of organization for the production of, or trade in goods, or the provision of services owned or controlled by a national of a Member State.

Companies have the right to bring in managerial, supervisory, and technical sta in order to further their business.

Letter of Request for Free Movement of Managerial, Supervisory and Technical Sta

The business establishment must submit a letter of request to the Free Movement Desk so that it can be considered by the Competent Authority in the Member State in which free movement is requested for managerial, supervisory and technical sta . A copy of the employment contract must be included in the request.

The Competent Authority will consider the request and inform the employer about the outcome. Managerial, supervisory and technical sta do not have an independent right to free movement. Their rights are contingent on working for the business establishment that is seeking to move them. As such, the employer will receive a letter stating that their movement of the speci c personnel has been approved and that the passports must be submitted to Immigration in order to be stamped. These persons will be granted free movement in accordance with the duration of their employment contract.

Procedure at Port of Entry

CARICOM nationals who wish to move from one CARICOM Member State to another in order to establish a business will have to present the following at point of entry:

(i) Valid passport
(ii) Return ticket
(iii) Proof of nancial resources for personal maintenance, such as credit cards, travelers cheques, cash or combination thereof.

Immigration will grant the CARICOM national a de nite stay of 6 months.

Procedure after Entry

Each Member State has designated a Competent Authority for Right of Establishment. After entry has been granted, the CARICOM national must submit to the Competent Authority relevant proof of business establishment such as:

- Financial Resources
- Business Name(s) Certi cate, Certi cate of Incorporation

Letter of Approval from the Competent Authority

The Competent Authority will determine if all requirements to establish the particular business have been satis ed. Once all requirements are satis ed, it will issue a letter of approval to the CARICOM national, copied to the Immigration Department. If the business is established within the six-month period, then the CARICOM national must report to the Immigration Department and may be required to submit police certi cates of character to further regularize his/ her stay.

Inde nite Stay

Once the business is established, CARICOM nationals exercising the Right of Establishment may apply to Immigration for inde nite stay which shall be granted unless this cannot be so done for reasons of national security, public safety, public morals, public order or any of the other bases set out in Articles 225 and 226 of the Treaty as interpreted by the Caribbean Court of Justice.

Member States will determine through the national mechanisms that have been established for that purpose, whether a business is operational. If the CARICOM national is no longer operating the business or another business, the Competent Authority for Right of Establishment will inform the Immigration Department, which has the right to rescind the inde nite stay or to indicate to the person that he/ she needs to apply for a permit of stay and/ or a work permit until such time that there is full free movement in the Community.

Extension of Stay

In the event that the business is not established within the 6-month period, the CARICOM national should present to the Immigration Department or other relevant department so designated by the Member State, evidence from the Competent Authority that concrete steps have been taken to establish the business. Where such evidence is provided, the CARICOM national will be granted an extension of 6 months.

Rubber Stamps

There shall be speci c stamps for the de nite entry of 6 months, the extension of 6 months and the inde nite stay with the following text:

(i) Right of Establishment-De nite Entry of 6 Months
(ii) Right of Establishment-Extension
(iii) Right of Establishment-Inde nite Entry

A CARICOM national whose passport is stamped with one of the above is automatically entitled to immigration status of Managerial, Supervisory and Technical Sta .

The immigration status of such relevant sta will be linked to the rights of the businesspersons. The contracts of these sta members will be taken into account.

3. Provision of Services

CARICOM nationals also have the right to provide services:

- from the territory of one Member State into the territory of another Member State (persons do not move);
- in the territory of one Member State to the consumer of another Member State who desires the service (consumers must move);
  - by a service supplier of one Member State through commercial presence in the territory of another Member State (see Right of Establishment page 36);
  - by a service supplier of one Member State through the presence of natural persons of a Member State in the territory of another Member State.

The provision of services can be done by a self-employed person providing services against remuneration other than wages in any approved sector or by a business. This is generally referred to as provision of services, meaning the supply of services:

The rules of the Treaty on the provision of services described above would therefore allow a person to supply services to a CARICOM country by being in a country temporarily for short periods of time.

Procedure for Registration as a Temporary Service Provider

A self-employed CARICOM national of a Member State who has to be present in another Member State on a temporary basis in order to provide a service should register as a service provider in the Member State where he/ she lives and works in order to be issued with a certi cate, which will facilitate the entry into another Member State.

Competent Authority

The Competent Authority to issue the certi cate will be the authority designated as such by each Member State. Please contact your CSME Focal

point for more information or to facilitate contact with the Competent Authority.

Member State	CSME Focal Point	Contact Information
ANTIGUA AND BARBUDA	Mrs. Michelle Joseph Senior Trade Policy Analyst	Ministry of Trade, Commerce and Industry, Sports, Culture and National Festivals Bryson's Building Friar's Hill Road St John's T: (268) 462-1532/1542 F: (268) 462-1625 E: Michelle.Joseph@ab.gov.ag trade.antigua.barbuda@gmail.com
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*** Please contact the CSME Focal Point for your country, or see csmeonline.org/focalpoints for up-to-date information.*

Criteria for the Issuance of the Certi cate

The following documents should be submitted to the Competent Authority:

(i) Proof of CARICOM nationality

(ii) (a) Proof of competency to provide the service; or

(b) Proof of contract to o er the service; or

(c) Letter from relevant association or reputable person/body

Duration of the Issuance Process

The Competent Authority should issue the certi cate as expeditiously as possible.

Duration of the Validity of the Certi cate

The lifetime of the certi cate is inde nite.

Immigration Procedures for Temporary Movement of Service Providers

Procedure at Point of Entry

The certi cate must be presented to the immigration o cer at point of entry as proof that the CARICOM national is a service provider who is seeking to enter to provide services on a temporary basis.

Other documents required are:

(i) a valid passport;

(ii) contract to o er service or invitation letter from a client

The immigration o cer will grant the CARICOM national su cient time to provide the service but in any event it will be no less than six months in the rst instance.

Procedure for the Automatic Extension of the Stay

In cases where the provision of a service on a temporary basis is not completed within the time period granted by Immigration, an extension must be requested from the Immigration Department. It shall grant the extension automatically unless there are grounds to refuse on the basis of Articles 225 or 226. (See page 38).

The automatic extension will be granted in order to enable the CARICOM national to complete provision of the service.

The automatic extension is based on rights enshrined in the Revised Treaty of Chaguaramas, namely non-discrimination (national treatment) and the right to provide a service through mode 4 - the movement of national persons. (See page 40).

Criteria for the Automatic Extension

The service provider must submit proof that the service is not yet completed.

Duration of the Automatic Extension Process

The process to extend the stay should not take longer than ten (10) working days.

No Restrictions

A CARICOM national establishing a business or temporarily providing a service will not be subjected to:

- any restriction on freedom of movement, including the freedom to leave and re-enter his or her host country;
- any restriction on the right to engage in non-wage earning activities;
- any restriction on freedom of access to property for use in his/her business;

- t any restriction on freedom of access to property for use as his/her residence;
- t any restriction on access to capital in the receiving country;
- t any restriction on the entry of managerial, supervisory and technical sta ;
- t any restriction on the entry of spouses and immediate dependent family members of the entrepreneur or his/her managerial, supervisory and technical sta .

Certificate No. .....

CERTIFICATE OF REGISTRATION AS A CARICOM SERVICE PROVIDER

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National Treatment

CARICOM nationals are or will be able to set up businesses or provide services in any Member State, subject to the same rules that apply to nationals of the host country. This principle is referred to as National Treatment.

It is therefore important to know the rules that apply to nationals of the receiving country.

Taxes

CARICOM nationals must be cognizant of the fact that they are subject to all applicable tax laws of their host country. It is therefore important to have knowledge about the types of taxes levied before moving to work in another Member State.

The Intra-CARICOM Double Taxation Agreement protects wage earners and self-employed CARICOM nationals from paying taxes twice on the same earnings.

The Intra-CARICOM, Double Taxation Agreement is currently enacted and in force in Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Saint Lucia, St. Vincent and the Grenadines and Trinidad and Tobago.

Once employed, CARICOM nationals must ensure that they are registered with the tax department and that they le their annual tax returns on time. This will ensure that they are able to prove that they have paid taxes on income earned in the country in which they work and can therefore apply for tax exemption in their home country where they repatriate any part of that income.

4. Rights Related to the Spouse and Immediate Dependent Members of the Family

CARICOM nationals have the right for their spouses and immediate dependent family members to:

- t move with or to join the principal mover in the host country;
- t freedom of movement, including freedom to leave and re-enter the host country without seeking further permission;
- t CARICOM nationals who have exercised the right of free movement of skills, provision of services or right of establishment, have the right for their spouses to be able to work without the need to obtain a work permit

5. Irrevocability of Permission or Refusal of Entry to a Skilled National, Service Provider or National Exercising the Right of Establishment

The right to remain for the periods speci ed previosuly may only be revoked on the basis of Articles 225 and 226 of the Treaty. (See page 38). The CARICOM national is to be allowed to seek a review of the decision by the Court. The procedure employed by the Member State should ensure all the safeguards required by Community law as well as the safeguards employed regarding revocation of citizenship by naturalization.

A Member State can also refuse a quali ed CARICOM national entry into its territory pursuant to Articles 225 and 226 if there are su cient grounds to believe that the CARICOM national will pose a genuine, present and su ciently serious threat to public order, public morals, public health, and public safety.

6. Social Security

A CARICOM national, who is a wage earner, must be insured in the Member State where he or she is employed and must therefore make contributions to the respective Social Security Organization. He/She is entitled to the same bene ts as nationals of the host country.

The CARICOM Agreement on Social Security came into e ect on April 1st 1997. It protects all entitlements to long-term bene ts by the totaling of all the contributions that were paid to the respective Social Security Organizations in the Member States where a national worked previously. Haiti and Suriname are the exceptions and have not yet become parties to this Agreement.

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