



[ L.S. ]

I Assent,

**Joseph Myers,**  
*Governor-General's Deputy.*

11th March, 1997.

**ANTIGUA AND BARBUDA**

**No. 3 of 1997**

An Act to remove the restrictions on the entry into Antigua and Barbuda of skilled nationals of qualifying Caribbean Community state.

[ *24th April, 1997* ]

1. This Act may be cited as the Caribbean Community Skilled short title.  
Nationals Act 1997.

2. In this Act —

**Definitions**

"immigration officer " means an immigration officer  
under the Immigration and Passport Act; *cap. 208.*

property" includes real and personal property;

"qualifying Caribbean Community state" means a member  
state of the Caribbean Community other than Antigua and  
Barbuda and which is listed in Schedule I;

ANTIGUA  
AND  
BARBUDA

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*The Caribbean Community Skilled  
Nationals Act 1997.*

No. 3 of 1997.

"Secretary-General" means the Secretary-General of the Caribbean Community.

Interpretation of  
references to  
Citizenship, etc., in  
relation to  
Montserrat.

3. 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,

shall be deemed to be a passport issued by Montserrat;

(b) (i) a British Dependent Territories citizen or

(ii) a citizen of the United Kingdom and Colonies who belongs to Montserrat under the law of Montserrat shall be deemed to be a citizen of a qualifying Caribbean Community state under section 6.

Indefinite entry of  
Caribbean  
Community skilled  
persons.

4. (1) Notwithstanding the provisions of any other law, an immigration officer shall, subject to section 14 and section 16, permit a person to whom this section applies to enter Antigua and Barbuda 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 Antigua and Barbuda a certificate issued by the Government of Antigua and Barbuda in the form in Schedule II certifying that the holder of the passport is recognised by the Government of Antigua and Barbuda as holding qualifications which satisfy the conditions for recognition of Caribbean Community skills qualification.

Entry of Caribbean  
Community skilled  
persons for six  
months.

5. (1) Notwithstanding the provisions of any other law, an immigration officer shall, subject to section 14 and section 16, permit a person to whom this section applies to enter Antigua and Barbuda for a period of 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) present on entry to Antigua and Barbuda a certificate issued by the Government of a qualifying Caribbean Community state in that state's equivalent form to the form 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.

6. Any citizen of Antigua and Barbuda or of a qualifying Caribbean Community state may subject to section 14 apply to the Minister for a certificate under Schedule II in such form, with such supporting evidence and accompanied by the payment of such fees, as may be prescribed by the Minister.

Application for entry certificate.

7. (1) The Minister shall subject to section 7(2) and to section 14 grant a certificate under Schedule II to any applicant under section 6 who satisfies the qualification requirements of this Act and is —

Minister to grant certificate to qualified applicants.

- (a) a citizen of Antigua and Barbuda; 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 under Schedule II to a person who has been convicted of an offence under section 16 or of a similar offence under the law of a qualifying Caribbean Community state.

8. (1) An applicant under section 6 who holds any of the following qualifications or combinations of qualifications which satisfies the qualification requirements of this Act:

Functions of the Secretary-General.

- (a) a degree of the University of the West Indies or of the University of Guyana designated as a Bachelor's, Master's or Doctor's degree;
- (b) a degree of Doctorandus, Meester, Licentiatuſ or Doctor of the University of Suriname;
- (c) any University degree which is by common repute at least comparable in academic standing with a qualification in 8 (1) (a) to 8 (1) (b);
- (d) any qualification or combination of qualifications certified by the Secretary-General under section 9;
- (e) 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; and
  - (ii) prescribed by the Minister as a list of qualifications and combinations of qualifications satisfying the qualification requirements of this Act:
- (f) a qualification or combination of qualifications possessed by an applicant under section 6 which is certified by any authority, designated by the Minister by Order as an accrediting authority for the purposes of this section, as satisfying the conditions for recognition of Caribbean Community skills qualification, whether or not any such qualification or combination of qualifications is listed under 8 (1) (e);
- (g) any qualification or combination of qualifications prescribed under section 15 (1).

(2) For the purposes of 8 (1) (f), "authority" includes —

- (a) any institution or other body, whether incorporated or not, whether or not established under the authority of the Government of Antigua and Barbuda or any other Government of a qualifying Caribbean Community state, whether or not established under any written law, and whether or not situated in Antigua and Barbuda;
- (b) any person designated as holding an office in any institution or other body in 8 (2) (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 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 15 (2).

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

Qualifications for certificate.

- (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 9 (1) (a).

(2) For the purposes of 9 (1), an assessed qualification is a qualification which the Secretary-General has assessed, after taking into account consultations with the University of the West Indies, the University of Guyana and the University of Suriname, 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.

Effects of a certificate under Schedule II and of entry permission under section 5 (1).

10. (1) A person who holds a certificate under Schedule II shall, notwithstanding the provisions of any other law but subject to sections 14 and 16, not be subject to —

- (a) any restriction on freedom of movement, including the freedom to leave and re-enter Antigua and Barbuda 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 other occupation; 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 Antigua and Barbuda.

(2) For the period of the duration of the permission under section 5 (1), a person to whom section 5 applies shall, notwithstanding the provisions of any other law but subject to section 14 and section 16, not be subject to any restriction on freedom of movement, including the freedom to leave and re-enter Antigua and Barbuda without further permission, which would not apply if that person were a citizen of Antigua and Barbuda.

(3) The acquisition of property as an investment does not amount under this section to the use of property for the purpose of business unless the person acquiring that property is engaged in the business of managing or dealing in investment property.

11. (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 section 14 and section 16, not be subject to any restriction on freedom of movement, including the freedom to leave and re-enter Antigua and Barbuda without further permission, which would not apply if that spouse or dependent family member were a citizen of Antigua and Barbuda.

Spouses and dependent family members.

(2) For the **period** of the duration of a permission under section 5 (1), the spouse and dependent members of the family of the person to whom section 5 applies shall, notwithstanding the provisions of any other law but subject to section 14 and section 16, not be subject to any restriction on freedom of movement, including the freedom to leave and re-enter Antigua and Barbuda without further permission, which would not apply if that spouse or dependent family member were a citizen of Antigua and Barbuda.

12. Permission to enter under section 4 (1) or section 5 (1) and the **rights** conferred under section 10 and section 11 shall, notwithstanding the provisions of any other law but subject to

Revocability of permission under this **Act**.

section 14 and section 16, be irrevocable during the duration of the permission except for cause and by procedure which would, apart from this Act, render at least a member of some category of citizens of Antigua and Barbuda liable to deportation, extradition or other form of expulsion.

Saving for rights and privileges of holders of qualifying CARICOM passports.

**13.** 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.

Reciprocity.

**14.** (1) In this section —

- (a) references to this Act are references to the provisions of this Act apart from this section;
- (b) 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 Antigua and Barbuda who would, in relation to that qualifying Caribbean Community state, satisfy conditions analogous to those required under this Act;
- (c) a relevant passport holder 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.

(2) The rights and privileges conferred by this Act on a relevant passport holder shall not exceed that state's reciprocal rights and privileges.

(3) 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 relevant passport holder.

Regulations

**15.** (1) The Minister may by Order prescribe particular qualifications or combinations of qualifications, additional to



those listed in section 8(1), as qualifications which satisfy the qualification requirements of this Act.

(2) The Minister may **make Regulations** generally for carrying out the objects and purposes of this Act.

(3) Regulations made under 15(2) shall be subject to negative resolution.

16. (1) A person commits an offence who, for the purpose of procuring a certificate under Schedule II, or for the purpose of seeking permission under section 4(1) or section 5(1), makes any statement which that person knows to be false in a material particular or recklessly makes any statement which is false in a material particular. Offences.

(2) Conviction of **an** offence under this section renders a certificate under Schedule II liable to cancellation at the discretion of the Minister.

(3) Where a certificate has been cancelled under 16 (2), any person who uses the certificate, knowing that it has been cancelled, commits an offence.

(4) Where a certificate under section 5 (2) (b) has been cancelled by the Government of the qualifying Caribbean Community state which issued the certificate, any person who uses that certificate, knowing that it has been cancelled, commits an offence.

(5) Conviction of an offence under this section renders a **permission** under section 4 (1) or section 5 (1) revocable at the discretion of the Minister.

(6) Conviction of an offence under this section disentitles the person convicted from the right to the permission under section 4 (1) or section 5 (1).

17. A person who commits an offence under this Act is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for six months. Penalties.

ANTIGUA 10 The *Caribbean Community Skilled* No. 3 of 1997.  
*AND*  
BARBUDA *Nationals Act 1997.*

**SCHEDULE I** (sections 2, 9)

**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 4, 5, 6, 7, 10, 11, 16)

**FORM OF CERTIFICATE**

**CARIBBEAN COMMUNITY SKILLED NATIONALS ACT 1997**

**CERTIFICATE OF RECOGNITION OF CARIBBEAN COMMUNITY  
SKILLS QUALIFICATION**

WHEREAS.....has a to the Minister responsible for labour in the Government of Antigua and Barbuda 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 Caribbean Community Skilled Nationals Act 1997 for the grant of a Certificate of Recognition of Caribbean Community Skills Qualification have been fulfilled:

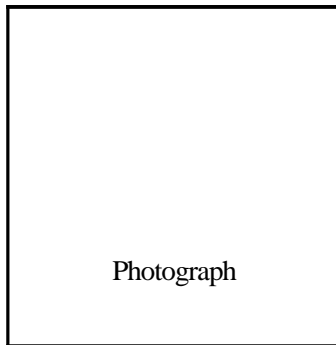
NOW, THEREFORE, the Minister, in exercise of the powers conferred upon him by the Act, grants to.....this Certificate of Recognition of Caribbean Community Skills Qualification.

In Witness whereof I have hereto subscribed my name this.....day  
of.....19.....

.....  
*Minister responsible for labour*

{ Address of Minister }

**PARTICULARS RELATING TO APPLICANT**



Full name.....  
Address.....  
Occupation/Profession.....  
Qualifications.....  
Place of birth.....  
Date of birth.....  
Nationality.....  
Marital Status.....

Passed the House of Representatives this  
20th day of January, 1997.

Passed the Senate this 17th day  
of February, 1997.

**B. Harris,**  
*Speaker.*

**M. Percival,**  
*President.*

**S. Walker,**  
*Clerk to the House of Representatives.*

**S. Walker,**  
*Clerk to the Senate.*

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