

THE FOREIGN NATIONALS AND COMMONWEALTH
CITIZENS (EMPLOYMENT) ACT

REGULATION
(under section 8)

The Foreign Nationals and Commonwealth Citizens (Employment)
Exemptions Regulations, 1964

L.N. 369/64
96/65
143/65
239/65
327/67
245/73
10A/93
114/93
Act 14/2011

REGULATION
(under section 10)

The Foreign Nationals and Commonwealth Citizens (Employment)
(Work Permit Fees) Regulations, 1973

L.N. 144/73
246/73
76D/2004
51/2014

THE FOREIGN NATIONALS AND COMMONWEALTH
CITIZENS (EMPLOYMENT) ACT

REGULATION
(under section 8)

THE FOREIGN NATIONALS AND COMMONWEALTH
CITIZENS (EMPLOYMENT) EXEMPTIONS REGULATIONS, 1964

(Made by the Minister on the 25th day of November, 1964)

[1st December, 1964.]

L N 369/64
Amdt
L N 96/65
143/65
239/65
327/67
245/73
10A/93
114/93
Act 14/2011.

1. These Regulations may be cited as the Foreign Nationals and Commonwealth Citizens (Employment) Exemptions Regulations, 1964.

2. In these Regulations "the Act" means the Foreign Nationals and Commonwealth Citizens (Employment) Act.

3. Notwithstanding anything to the contrary—

(a) any person, not being a citizen of Jamaica who is a member of a class described in Part I of the Schedule; and

Schedule

(b) subject to the qualification stated in regulation 5, any person, not being a citizen of Jamaica, who is a member of a class described in Part II of the Schedule,

shall be exempt from the provisions of subsection (1) of section 3 of the Act.

4. Notwithstanding anything to the contrary—

(a) any person who has in his employment any person, not being a citizen of Jamaica, who is a member of a class described in Part I of the Schedule; and

(b) subject to the qualification stated in regulation 5, any person who has in his employment any person, not being a citizen of Jamaica, who is a member of a class described in Part II of the Schedule,

shall be exempt from the provisions of subsection (3) of section 3 of the Act in respect of such employment and shall apply to the Minister for a certificate stating the nature of the exemption.

4A.—(1) Subject to the qualification set out in regulation 5, a person who is a member of a class described in Part III of the Schedule, conducting business in Jamaica on—

- (a) a visit not exceeding thirty days; or
- (b) more than one visit in any calendar year, not exceeding—
 - (i) thirty days on each occasion; and
 - (ii) six months in the aggregate,

shall be exempt from the provisions of section 3(1) of the Act and shall not be required to apply for a certificate stating the nature of the exemption.

5. The qualification referred to in regulations 3(b), 4(b) and 4A is that the exemption granted by those provisions shall apply only in respect of such occupation or employment, as the case may be, as is directly referable to membership of the class of which the person in respect of whose occupation or employment exemption is alleged to apply is a member.

SCHEDULE

(Regulations 3, 4)

PART I *Family Members and Students Requiring Exemption Certificate*

- 1 Wives of citizens of Jamaica and, until remarriage, widows of citizens of Jamaica
2. Persons registered as full-time students and who are pursuing courses of studies approved by the University Council of Jamaica at such institutions providing tertiary education as the Minister may, pursuant to section 2 of the University Council of Jamaica Act by order, determine, and husbands and wives of persons so registered
- 3 A non-Jamaican husband of a Jamaican woman who satisfies the Minister that he and his wife occupy a common matrimonial home in Jamaica

PART II *Other Categories Requiring Exemption Certificate*

- 1 Heads of mission and members of mission of heads of mission as defined in the Diplomatic Immunities and Privileges Act
- 2 Consular officers and consular employees as defined in section 2 of the Diplomatic Immunities and Privileges Act, and all persons upon whom by regulations made under that Act there have been conferred the like immunity from suit and legal process and the like inviolability of official archives as are accorded to consular officers of a foreign sovereign Power under that Act
- 3 Ministers of Government of—
 - (a) any country for the time being mentioned in the First Schedule to the Jamaican Nationality Act, or
 - (b) the Republic of Ireland, or
 - (c) any other country for the time being having diplomatic relations with Jamaica
4. Public Officers employed by the Government of any country mentioned in paragraphs (a), (b) and (c) of class 3 of this Part.
- 5 Persons who visit Jamaica, with the prior approval of a Minister of the Government of Jamaica, under the sponsorship and at the expense of—
 - (a) any country mentioned in paragraphs (a), (b) and (c) of class 3 of this Part, or
 - (b) the British Council
- 6 Persons in the employment in Jamaica of any of the following bodies, that is to say—
 - (a) the British Council, members of the domestic staff of the British Council Representative in Jamaica being for this purpose deemed to be in the employment of the British Council,
 - (b) the United States Information Service,
 - (c) the Mission to Jamaica of the United States Agency for International Development,
 - (d) the United States Peace Corps,
 - (e) the United Kingdom Scheme for Voluntary Service Overseas,
 - (f) the Canadian Universities Service Overseas;
 - (g) the Ford Foundation,
 - (h) the German Volunteer Service.

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- 7 Persons employed in any Ministry or Department of the Government of Jamaica.
8. Persons employed with the prior approval of the Government of Jamaica by any body incorporated or regulated directly by statute.
- 9 Persons in the employment in Jamaica of the United Nations Organization or of any other international organization of which Jamaica or the Government of Jamaica is a member.
10. Officers and soldiers of the Jamaica Defence Force (including officers and soldiers on secondment or attachment to that Force).
- 11 Persons under contract to join in Jamaica as seamen a ship of non-Jamaican registry.
12. Persons employed on ships of non-Jamaican registry (excluding dredges and tugs) in Jamaica.
13. *[Deleted by Act 14/2011.]*
14. Persons employed by the owners or operators of aircraft (being aircraft operated on a scheduled international air service and calling at Jamaica) to perform duties on such aircraft during the flight thereof, but excluding persons employed by Air Jamaica Limited.
15. *[Deleted by Act 14/2011.]*
16. Persons sent by the Government of any sovereign Power outside Jamaica to inspect any office of such Power in Jamaica, but so that exemption in respect of any such person by virtue of this class shall cease after the expiration of fourteen days spent in Jamaica by such person, whether continuously or not, in any one calendar year.
17. Writers (including journalists), broadcasters, sculptors and painters (excluding industrial painters), but so that exemption in respect of any such person shall cease after the expiration of thirty days spent in Jamaica by such person, whether continuously or not, in any one calendar year.
18. Persons employed by the University of the West Indies in Jamaica as academic staff, but so that this class shall not include, and exemption thereunder shall not extend to, any foreign national.
19. Persons employed by the University Hospital—
 - (a) as medical officers (whether on a full-time or a part-time basis, and whether to perform teaching duties or to carry out treatment of patients), but so that this paragraph of this class shall not include, and exemption thereunder shall not extend to, any foreign national; or
 - (b) as student nurses.
20. *[Deleted by Act 14/2011.]*
21. *[Deleted by Act 14/2011.]*
22. Persons employed as ministers of religion by any religious organization approved in writing by the Minister.
23. Persons who are granted permission to reside in Jamaica as business migrants under the Jamaican Business Migration Programme.

24. [Deleted by Act 14/2011.]

PART III *Officials and Technical Experts not Requiring Exemption Certificate*

- 1.—(1) Directors, inspectors and auditors of any company, association, organization or body (incorporated or established, whether in Jamaica or elsewhere) that—
- (a) operates in Jamaica; or
 - (b) controls any company, association, organization or body (incorporated or established whether in Jamaica or elsewhere) which operates in Jamaica
- (2) In this paragraph "control" means the power of a person to secure—
- (a) in relation to a company, association, organization or other body (other than a partnership) incorporated or established, whether in Jamaica or elsewhere—
 - (i) by means of the holding or the possession of voting power in or in relation to that body; or
 - (ii) by virtue of any powers conferred by the articles of association or other document regulating that body,that the affairs of the body, are conducted in accordance with the wishes of that person; and
 - (b) in relation to a partnership, means the right to a share of more than one-half of the assets, or more than one-half of the income of the partnership.
2. Persons who visit Jamaica, on behalf of a principal who is not in Jamaica, in connection with the appointment of, or for the purpose of having business consultations with, a business agent or distributor that is based in Jamaica.
3. Persons who visit Jamaica to inspect the plant, machinery or equipment of any factory or other industrial works, or to give technical advice on the operation of any undertaking, business or enterprise of whatever kind that is based in Jamaica.

THE FOREIGN NATIONALS AND COMMONWEALTH
CITIZENS (EMPLOYMENT) ACT

REGULATIONS
(under section 10)

THE FOREIGN NATIONALS AND COMMONWEALTH
CITIZENS (EMPLOYMENT) (WORK PERMIT FEES) REGULATIONS, 1973

(Made by the Minister on the 19th day of June, 1973)

[19th April, 1973.]

L.N. 144/73
Amis:
L.N. 246/73
76D/2004
46D/2008
51/2014

1. These Regulations may be cited as the Foreign Nationals and Commonwealth Citizens (Employment) (Work Permit Fees) Regulations, 1973.

2.—(1) Every application for the grant of a work permit or for exemption therefrom shall be accompanied by a non-refundable application fee of \$15,000.00.

(2) There shall be paid in respect of the categories of employment specified in the first column of the First Schedule, such fees as are specified in the third column of the Schedule for the duration of the work permit, respectively specified in the second column of the Schedule.

First
Schedule.

(3) The fee payable in respect of a work permit pursuant to paragraph (1) shall be paid—

- (a) in the case of a person who is or is about to be employed by another, by the employer; and
- (b) in the case of any other person, by that person.

(4) A fee payable pursuant to paragraph (2)—

- (a) shall be paid into the appropriate account at any branch of the National Commercial Bank Jamaica Limited; and
- (b) shall be paid in full before delivery of the work permit.

(5) An applicant for a work permit shall, before delivery of the work permit, submit to an authorized person appointed under section 5 of the Act, the voucher issued by the bank referred to in paragraph (4)(a), denoting payment in full of the fee payable pursuant to paragraph (2).

2A. A work permit identification card which is lost, stolen or destroyed, may be replaced upon payment of a fee of \$7,500.00.

3.—(1) Where the holder of a work permit surrenders it before the expiration thereof, the fee payable in respect of that work permit shall be such as would have been payable if that work permit had been granted to the end of the month in which the permit is surrendered and accordingly, if a fee in excess thereof has been paid in respect of that work permit, the Minister shall authorize the refund of the excess paid to the persons who pursuant to paragraph (2) of regulation 2 was required to pay the fee.

(2) Any refund of a fee pursuant to paragraph (1) shall not include any additional fee which had become payable in respect of that work permit by virtue of paragraph (5) of regulation 2.

4. These Regulations shall not apply to the persons specified in the Second Schedule.

Second
Schedule

FIRST SCHEDULE

(Regulation 2)

PART I

<u>Category of Employment</u>	<u>Duration of Work Permit</u>	<u>Fee Payable</u>
1. Wholesale and retail trade, repair of motor vehicles and personal and household goods.	(a) A work permit granted for a period of not more than three months;	\$42,500.00
2. Other community social and personal services activities.	(b) A work permit granted for a period of more than three months but not more than six months;	\$85,000.00
3. Private Households with employed persons.	(c) A work permit granted for a period of more than six months but not more than nine months;	\$127,500.00
	(d) A work permit granted for a period of more than nine months but not more than twelve months;	\$170,000.00
	(e) A work permit granted for a period of more than twelve months.	\$170,000.00 for the first twelve months and \$42,500.00 for each three month period thereafter, or any part thereof.

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(EMPLOYMENT) (WORK PERMIT FEES) REGULATIONS, 1973*

FIRST SCHEDULE, *cont'd.*

PART II

Category of Employment	Duration of Work Permit	Fee Payable
1. Hotel and Restaurant Services.	(a) A work permit granted for a period of not more than three months;	\$37,500.00
2. Electricity, Gas and Water, Mining and Quarrying.	(b) A work permit granted for a period of more than three months but not more than six months;	\$75,000.00
3. Construction.	(c) A work permit granted for a period of more than six months but not more than nine months;	\$112,500.00
	(d) A work permit granted for a period of more than nine months but no more than twelve months;	\$150,000.00
	(e) A work permit granted for a period for more than twelve months.	\$150,000.00 for the first twelve months and \$37,500.00 for each month period thereafter, or any part thereof.

FIRST SCHEDULE, *cont'd.*

PART III

<u>Category of Employment</u>	<u>Duration of Work Permit</u>	<u>Fee Payable</u>
1. Finance Intermediation.	(a) A work permit granted for a period of not more than three months;	\$32,500.00
2. Transport, Storage and Communication.	(b) A work permit granted for a period of more than three months but not more than six months;	\$65,000.00
3. Real Estate Renting and Business Services.	(c) A work permit granted for a period of more than six months but not more than nine months;	\$97,500.00
	(d) A work permit granted for a period of more than nine months but not more than twelve months;	\$130,000.00
	(e) A work permit granted for a period of more than twelve months.	\$130,000.00 for the first twelve months and \$32,500.00 for each three month period thereafter, or any part thereof.

*THE FOREIGN NATIONALS AND COMMONWEALTH CITIZENS
(EMPLOYMENT) (WORK PERMIT FEES) REGULATIONS, 1973*

FIRST SCHEDULE, *cont'd.*

PART IV

<u>Category of Employment</u>	<u>Duration of Work Permit</u>	<u>Fee Payable</u>
1. Manufacturing.	(a) A work permit granted for a period of not more than three months;	\$27,500.00
2. Agriculture, Forestry and Fishing.	(b) A work permit granted for a period of more than three months but not more than six months;	\$55,000.00
3. Health and Social Work.	(c) A work permit granted for a period of more than six months but not more than nine months;	\$82,500.00
4. Education.	(d) A work permit granted for a period of more than nine months but not more than twelve months;	\$110,000.00
5. Extra-territorial organizations and bodies which are not exempt by virtue of the Foreign Nationals and Commonwealth Citizens (Employment) Exemptions Regulations, 1964.	(e) A work permit granted for a period of more than twelve months.	\$110,000.00 for the first twelve months and \$27,500.00 for each three month period thereafter, or any part thereof.

SECOND SCHEDULE

(Regulation 4)

1. Persons employed as teachers by any institution approved by the Minister responsible for education.
2. Persons employed by any local voluntary organization which receives an annual grant or subvention from the Government, or by any similar organization approved by the Minister.
3. Persons employed by the University of the West Indies, the University of Technology or the Northern Caribbean University who are required to obtain work permits under the provisions of the Act.
4. Nurses and other persons employed by the University Hospital who are required to obtain work permits under the provisions of the Act.
5. Persons employed in Jamaica through the Canadian Executive Service Overseas, the British Executive Service Overseas or through any other voluntary organization offering similar services, approved by the Minister.
6. Persons employed to participate in Jamaica in the fields of art, sports, education, entertainment or any other form of cultural activity approved by the Minister who are required to obtain work permits under the provisions of the Act, but who do not remain in Jamaica for longer than fourteen days, whether continuously or not, in any one calendar year.
7. Persons born outside Jamaica who claim to be citizens of Jamaica by descent and who, although unable to furnish proof of such descent, satisfy the Minister, on application to him, that they have resided in Jamaica for not less than ten years (whether continuously or not) during the period of fifteen years ending with the date of the application.
8. Any other person who is granted exemption by the Minister from the payment of the work permit fee on compassionate grounds on the basis of family considerations.