

MONTSERAT

REMOTE EMPLOYMENT ACT 2020

No. 14 of 2020

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I ASSENT

(Sgd.) Andrew Pearce
GOVERNOR

DATE: 12.02.2021

M O N T S E R R A T

NO 14 OF 2020

AN ACT TO PROVIDE FOR REMOTE EMPLOYMENT IN MONTSERRAT BY
NON-MONTSERRATIANS AND FOR RELATED MATTERS.

BE IT ENACTED by The Queen's Most Excellent Majesty, by and
with the advice and consent of the Legislative Assembly of
Montserrat and by the authority of the same as follows:—

1 Short title

This Act may be cited as the Remote Employment Act, 2020.

2 Interpretation

In this Act—

“**dependant**” means—

- (a) a child or step-child under the age of eighteen
years;

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(b) any other relative of the applicant who by reason of physical or mental disability, age or infirmity is reliant on the applicant for his welfare;

“family member” means a spouse or a dependant;

“Minister” means the Minister responsible for Communications, Works, Labour and Energy;

“Montserratian” has the meaning assigned to it in the Montserrat Constitution Order (Cap. 1.01);

“non-Montserratian” means a person who is not a Montserratian;

“Remote Employment Stamp” means a visa granted by the Minister to an individual to whom this Act applies; and

“spouse” includes an individual who is living with the applicant as a husband or wife although not legally married to the applicant.

3 Grant of Remote Employment Stamp

- (1) A non-Montserratian who is employed in a country other than Montserrat may apply, in form 1 set out in the Schedule, to the Minister for a Remote Employment Stamp.
- (2) An application under subsection (1) shall be accompanied by—
 - (a) a copy of the biographical data page of the passport of the applicant and any family member accompanying him;
 - (b) a passport size photograph of the applicant and any family member accompanying him;
 - (c) proof of the annual income of the applicant, which must exceed \$189,000 and be derived from outside of Montserrat;
 - (d) proof of valid health insurance in respect of the applicant and any family member accompanying him,

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for the period for which the Remote Employment Stamp is to be granted; and

- (e) a list of the items the applicant wishes to import free of customs duties and consumption tax and which are necessary for and connected to the fulfilment of his employment duties while in Montserrat, if any.
- (3) The Minister shall submit a copy of the list of items under subsection 2(e) to the Comptroller of Customs and Excise, for the purposes of section 6.
- (4) The Minister may—
- (a) grant a Remote Employment Stamp, in form 2 set out in the Schedule, to the applicant to work remotely in Montserrat; and
 - (b) extend the Remote Employment Stamp granted under paragraph (a) to a family member of the applicant.
- (5) A Remote Employment Stamp is granted for a maximum period of twelve months.

4 Renewal of Remote Employment Stamp

An individual may, at least one month prior to the expiration of his Remote Employment Stamp, apply for a renewal of his Remote Employment Stamp.

An application for renewal and grant of a Remote Employment Stamp shall be in accordance with section 3.

5 Remote Employment Stamp Fees

- (1) The fee for the grant or renewal of a Remote Employment Stamp is, in the case of —
- (a) an individual, \$1,350; and
 - (b) an individual, accompanied by—
 - (i) a maximum of three family members, \$2,025; and
 - (ii) any additional family member other than those under subparagraph (i), \$540 for each individual.

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- (2) The fee payable under subsection (1) is non-refundable.
- (3) The Governor acting on the advice of Cabinet may by Order amend the fees under subsection (1).

6 Exemption from customs duties and consumption tax

- (1) Subject to subsection (2), the Comptroller of Customs and Excise may permit an applicant who has been granted a Remote Employment Stamp permission to import into Montserrat free of customs duties and consumption tax, items which are necessary for and connected to the fulfilment of his employment duties while in Montserrat.
- (2) The items in respect of which customs duties and consumption tax is exempted under subsection (1) shall be removed from Montserrat prior to the expiration of the period for which the Remote Employment Stamp is granted.
- (3) If the items in respect of which customs duties and consumption tax is exempted under subsection (1) are not removed from Montserrat within the period specified in subsection (2), the applicant shall pay the customs duties and consumption tax waived under this section.
- (4) Despite subsections (2) and (3), the Comptroller of Customs and Excise may allow items imported into Montserrat under subsection (1) to remain in Montserrat on the expiration of the grant of a Remote Employment Stamp, provided that the individual is in receipt of a renewed Remote Employment Stamp, which takes effect immediately on the expiration of a previous Remote Employment Stamp.

7 Non-residency on grant of Remote Employment Stamp

- (1) A non-Montserratian who has been granted a Remote Employment Stamp or a renewal of a Remote Employment Stamp to work remotely from Montserrat shall be deemed not to be resident in Montserrat and shall leave Montserrat at the expiration of the Remote Employment Stamp.

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(2) If a renewal of a Remote Employment Stamp takes effect immediately on the expiration of a previous Remote Employment Stamp, the individual may remain in Montserrat for the duration of the renewed Remote Employment Stamp.

8 Effect of grant of Remote Employment Stamp

Despite the Income and Corporation Tax Act (Cap. 17.01), an individual granted a Remote Employment Stamp under this Act is not liable to pay income tax on income derived outside Montserrat.

9 No employment in Montserrat

An individual who has been granted a Remote Employment Stamp and a family member of the individual, to whom the Remote Employment Stamp is extended, shall not engage in employment derived from Montserrat.

10 Re-entry into Montserrat with Remote Employment Stamp

An individual who has been granted a Remote Employment Stamp or a family member of the individual to whom the Remote Employment Stamp has been extended may leave and re-enter Montserrat during the period for which the Remote Employment Stamp is granted.

11 Revocation of Remote Employment Stamp etc.

The Minister may—

- (a) revoke the Remote Employment Stamp of an individual who contravenes or fails to comply with this Act; or
- (b) rescind the extension of a Remote Employment Stamp to a family member of the individual, who fails to comply with section 9.

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12 Remote Employment Stamp Register

The Minister shall maintain a register of all individuals who have been granted a Remote Employment Stamp and the register shall contain such information as may be determined by the Minister.

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SCHEDULE

Form 1
(Section 3(1))

APPLICATION FOR REMOTE EMPLOYMENT STAMP

1. Personal Information

Name: _____
(first name) (middle name) (last name)

Gender: Male Female

Date of Birth: _____
MM/DD/YYYY

Country of Birth: _____

Country of Citizenship: _____

2. Contact Information

Street Address: _____

Address Line 2: _____

City: _____

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State / Province / Region: _____

ZIP / Postal Code: _____

Country: _____

E-mail: _____

Telephone Number: _____

Emergency Contact: _____

3. Passport Details

Passport Number: _____

Date of Issue: _____

MM/DD/YYYY

Date of Expiry: _____

MM/DD/YYYY

Country of Issue: _____

4. Employment Details

Name of Employer: _____

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Brief description of type of work / nature of business in which applicant will be engaged

5. Entry Details

Proposed date of entry into Montserrat: _____

MM/DD/YYYY

Briefly state all employment related items which you intend to import into Montserrat customs duties and consumption tax, for the purposes of your occupation, and attach a detailed list to this form.

6. Family Members' Information

Are there any family members accompanying you? YES NO

If 'YES', complete the table below:

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Name	Date of Birth	Passport Number	Country of Citizenship	Relationship with Applicant

7. Educational Arrangements

Will a dependant be attending school while in Montserrat?

YES NO

If 'YES', tick the method of schooling:

Online (attach student enrollment letter)

Home school

Private local School

Public local School

8. Criminal Record

Have you ever been convicted of a serious criminal offence?

YES NO

If 'YES', provide details below or attach details to this form:

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9. Supporting Documents

Tick all documents that are attached to this application:

- copy of the biographical data page of the passport of the applicant and any accompanying family member
- a passport size photograph of the applicant and any accompanying family member
- proof of the annual income of the applicant derived from outside Montserrat
- proof of valid health insurance in respect of the applicant and any accompanying family member, for the period for which the Remote Employment Stamp is to be granted
- detailed list of employment related items to be imported by the applicant free of customs duties and consumption tax
- proof of relationship between the applicant and accompanying family member
- copy of student enrolment letter
- details of criminal conviction, if any

Applicant Declaration

I hereby declare that I will not accept any employment from or offer any services to a person or entity carrying on business in Montserrat.

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I certify that I expect to earn an income in excess of \$189,000 over the next twelve months and that I have the means to support myself, [my spouse, partner and dependants accompanying me] during my stay in Montserrat.

I hereby certify that the information given by me in this application is true and correct to the best of my knowledge. I understand and agree that any false information, misrepresentation, or omission of facts in this application and the application process, may be justification for refusal of the grant of a Remote Employment Stamp.

Signature: _____

Date of Submission: _____

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Form 2
(Section 3(4))

REMOTE EMPLOYMENT STAMP

Stamp No. _____ of 20_____

**A Remote Employment Stamp is granted to the following person
to work remotely in Montserrat:**

Name: _____

Address: _____

**The Remote Employment Stamp is extended to the following
family members of the Remote Employment Stamp Holder:**

Name	Relationship to Remote Employment Stamp Holder

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Duration of Remote Employment Stamp: _____ months

Commencement Date: _____

Expiration Date: _____

- This Remote Employment Stamp does not authorise the grantee or to any individual to whom it is extended to engage in employment in Montserrat.
- This Remote Employment Stamp does not confer any rights of residency on the grantee or to any individual to whom it is extended.
- This Remote Employment Stamp may be revoked for a contravention of or failure to comply with the Remote Employment Act, 2020.

Minister

Date

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(Sgd.) Charliena White

SPEAKER

Passed by the Legislative Assembly this 22nd day of December, 2020.

(Sgd.) Shivonne White

CLERK OF THE LEGISLATIVE ASSEMBLY (Ag.)