

**BILL N° 21 OF 1995**

**Saturday 30th December 1995**

PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown,  
Guyana.

19th December, 1995

The following Bill which was introduced in the National Assembly is published for general information.

*F. A. Narain,  
Clerk of the National Assembly.*



**GUYANA**

BILL No. 21 of 1995

**CARIBBEAN COMMUNITY (FREE ENTRY OF SKILLED NATIONALS)  
BILL 1995**

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#### A BILL

#### Intituled

AN ACT to promote the free entry of skilled nationals of qualifying Caribbean Community States.

A.D. 1995 Enacted by the Parliament of Guyana:-

Short title. 1. This Act may be cited as the Caribbean Community (Free Entry of Skilled Nationals) Act 1995.

Interpretation. 2. In this Act -

(a) "immigration officer" has the same meaning as in the Immigration Act;

(b) "qualifying State" means a member State of the Caribbean Community other than Guyana specified in Schedule I;

(c) "Schedule II Certificate" means a certificate in the form in Schedule II evidencing that the person so certified is recognised by the Government of Guyana as holding qualifications which satisfy the conditions for recognition of Caribbean Community skills qualification.

Indefinite duration of entry. 3. (1) Subject to section 14 and notwithstanding any other law, an immigration officer shall permit a person to whom this section applies to enter and remain in Guyana for a period of indefinite duration.

(2) This section applies to the holder of a passport issued by a qualifying State who was born in the State issuing the passport or in another qualifying State and presents on entry to Guyana a Schedule II Certificate.

4. Subject to section 14 and notwithstanding any other law, an immigration officer shall permit a person to enter and remain in Guyana for six months who -

Six months  
duration of  
entry.

- (a) is a holder of a passport issued by a qualifying State and was born in the State issuing the passport or in another qualifying State; and
- (b) presents on entry to Guyana a certificate issued by the Government of a qualifying State including that person's own State of birth, in that State's equivalent of the form in Schedule II.

Schedule II

5. Where the qualifying State is Monsterrat -

Monsterrat

- (a) a passport evidencing that the holder -
  - (i) is a citizen of the United Kingdom and Colonies or a British Dependent Territories citizen; and
  - (ii) was born in Monsterrat,
 shall be deemed to be a passport issued by Monsterrat;
- (b) a citizen of the United Kingdom and Colonies or a British Dependent Territories citizen who belongs to Monsterrat under the law of Monsterrat shall be deemed to be a citizen of Monsterrat.

6. Any citizen of Guyana or of any other qualifying State may, in such form and accompanied by such other documentation and such fees, as may be prescribed by the Minister, apply to the Minister for a Schedule II Certificate.

Application  
for Schedule II  
Certificate.

7.(1) The Minister shall, subject to subsection (2) and sections 8 and 13, grant a Schedule II Certificate to any applicant under section 6 who is -

Grant of  
Schedule II  
Certificate.

- (a) a citizen of Guyana; or
- (b) a citizen of, and was born in, a qualifying State.

(2) The Minister may refuse to grant a Schedule II Certifi-

cate to any applicant who has been convicted of an offence under section 14 or of any serious offence, whether in Guyana or elsewhere, which, in the opinion of the Minister, renders that applicant unsuitable for the grant of a Schedule II Certificate.

Qualification for  
Schedule II  
Certificate.

8.(1) An applicant under section 6 who holds any of the following qualifications shall satisfy the qualification requirements of this Act for the grant of a Schedule II Certificate -

- (a) a degree of the University of Guyana or the University of the West Indies designated as a Bachelor's, Master's or Doctor's degree;
- (b) a degree of Doctorandus, Meester, Licentiatu or Doctor of the University of Suriname;
- (c) any University degree which is by common repute at least comparable in academic standing with any qualification mentioned in paragraph (a) or (b);
- (d) any qualification certified by the Secretary-General of the Caribbean Community under section 9 as satisfying the qualification requirements of this Act;
- (e) any qualification which the Minister may by Order prescribed as satisfying the qualification requirements of this Act.

(2) The Minister may make available any current list of qualifications referred to in section 9 (1) (a) on request, on payment of a fee determined by the Minister.

Certification of  
qualifications by  
Secretary-General.

9.(1) For the purposes of section 8 (1) (d), a qualification is certified by the Secretary-General of the Caribbean Community -

- (a) if it is listed in any current written official communication from the Secretary-General, addressed to all the Governments of the qualifying States, as evidencing assessed qualifications for the purposes of this Act; 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 quali-

fiction, whether or not any such qualification is listed under paragraph (a).

(2) For the purposes of subsection (1), an assessed qualification is any 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 equivalent in standard to any qualification mentioned in section 8 (1) (a) or (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 to all the Governments of the qualifying States.

10.(1) Subject to sections 11, 13 and 14 and notwithstanding any other law a person who holds a Schedule II Certificate and who is granted a permission under section 3 shall, as in the case of a citizen of Guyana, not be subject to -

Effect of a permission under section 3 or 4.

- (a) any restriction on his or his spouse's and dependent members/his family's freedom of movement, including the freedom to leave and re-enter Guyana without further permission;
- (b) any restriction on his freedom to acquire moveable or immovable property for use as his residence or for use in his business; or
- (c) any restriction on his right to engage in gainful employment or other occupation.

(2) Subject to sections 11, 13 and 14 and notwithstanding any other law a person who is granted a permission under section 4, his spouse and dependent members of his family shall for the duration of the permission as in the case of a citizen of Guyana, not be subject to any restriction on his freedom of movement, including the freedom to leave and re-enter Guyana without further permission.

(3) For the purpose of this section, the acquisition of property as an investment does not amount to acquisition 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. Subject to sections 13 and 14 and notwithstanding

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Revocability of permission.

any other law, a permission granted under section 3 or 4 or any right conferred under section 10 shall be irrevocable during the duration of the permission, except for cause and in the circumstances where the holder of the permission is liable to deportation, extradition or other form of expulsion.

Rights not in derogation.

12. The rights and privileges conferred on a person by this Act shall be in addition to and not in derogation of any other rights and privileges enjoyed by that person.

Reciprocity.

13.(1) The rights and privileges conferred by this Act on a relevant passport holder of a qualifying State shall not exceed that State's reciprocal rights and privileges.

(2) A qualifying 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.

(3) In this section -

- (a) a qualifying 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 Guyana who would, in relation to that qualifying State, satisfy conditions analogous to those required under this Act.
- (b) a relevant passport holder is a holder of a passport issued by a qualifying State who satisfies the conditions of this Act for any right or privilege conferred by this Act.

Offences and penalties.

14. (1) A person who, for the purpose of procuring the grant of a Schedule II Certificate or for the purpose of seeking a permission under section 3 or 4, makes any statement knowing the same to be false in a material particular or recklessly not caring whether it be false in a material particular, commits an offence.

(2) Conviction of an offence under this section renders a Schedule II Certificate or a permission referred to in subsection (1) liable to cancellation, at the discretion of the Minister.

(3) Where a Schedule II Certificate or a permission has been cancelled, under subsection (2), any person who uses the Certificate or permission knowing that it has been cancelled, commits an offence.

(4) Where a certificate, issued by the Government of a qualifying State in that State's equivalent form to the form in Schedule II, has been cancelled, any person who uses that certificate knowing that it has been cancelled, commits an offence.

Schedule II

(5) Any person who commits an offence under this Act is liable on summary conviction to a fine of thirty thousand dollars and to imprisonment for six months.

15. The Minister may, subject to negative resolution of the National Assembly, make regulations generally for the carrying out of the purposes of this Act.

Regulations.

## SCHEDULE I

section 2

## 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 2, 4

Guyana

## FORM OF CERTIFICATE

CARIBBEAN COMMUNITY (FREE ENTRY OF SKILLED NATIONALS) ACT  
1995CERTIFICATE OF RECOGNITION OF CARIBBEAN COMMUNITY SKILLS  
QUALIFICATION

WHEREAS \_\_\_\_\_ has applied to the Minister responsible for Caribbean Community affairs in the Government of Guyana for a Certificate of Recognition of Caribbean Community Skills Qualification, in reliance on the qualifications and other particulars set out in the Table to this Schedule, and has satisfied the Minister that the conditions specified in the Caribbean Community (FREE ENTRY OF SKILLED NATIONALS) ACT 1995 for the grant of a Certificate of Recognition of Caribbean Community Skills Qualification have been fulfilled:

NOW, THEREFORE, the Minister, in exercise of the powers conferred upon him by the said Act, grants to the said [ \_\_\_\_\_ ] this Certificate of Recognition of Caribbean Skills Qualification.

In witness whereof I have hereto subscribed my  
name this \_\_\_\_\_ day of \_\_\_\_\_ 19...

Minister responsible for  
Caribbean Community Affairs.

TABLE  
PARTICULARS RELATING TO APPLICANT

Photograph

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



## EXPLANATORY MEMORANDUM

This Bill, a consequence of the decision of the Conference of the Heads of Government of the Caribbean Community, seeks to promote the free entry of skilled nationals of qualifying Caribbean Community States into Guyana.

It should be mentioned though, that Guyana has since 1986 already made provisions, though in a somewhat modest form, for what this Bill seeks to achieve.

Briefly, a person born in a qualifying Community State and who is the holder of a passport issued by any one of those States, may, providing the qualification requirements are met, apply to the Minister to be certified as a person holding qualifications which satisfy the condition for recognition of Caribbean Community skills.

A person so certified may be allowed to enter and remain in Guyana indefinitely with the right to work, acquire property and without restriction on his freedom of movement in and out of Guyana during the currency of his permit.

Where a person, prior to coming to Guyana has not been certified by the Minister but has been certified by the Government of a qualifying State permission to enter and remain in Guyana may be granted for a period of six months without any restrictions on freedom of movement including the right to leave and re-enter Guyana during the currency of his permit.

The Bill also provides for the irrevocability of the permission, except in certain circumstances, and the cancellation of a certificate, and addresses the question of reciprocity between Guyana and other qualifying States.

*Clement J. Rohee,*  
Minister of Foreign Affairs.