

THE OFFICIAL GAZETTE 25TH JANUARY, 2007

LEGAL SUPPLEMENT – C

BILL No. 6 of 2007

Thursday 25th January, 2007

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

25th January, 2007.

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

S. E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL No. 6 of 2007

CARIBBEAN COMMUNITY SPECIAL VISA AGREEMENT BILL 2007

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Agreement given the force of law.
4. Implementation of amendments to the Agreement.

SCHEDULE – Caribbean Community Special Visa Agreement

A BILL
Intituled

AN ACT to provide for the implementation in Guyana of the Caribbean Community Special Visa Agreement and for matters connected therewith.

Enacted by the Parliament of Guyana:-

Act 2007

Short title.

1. This Act may be cited as the Caribbean Community Special Visa Agreement Act 2007.

Interpretation

2. In this Act —

Schedule

“Agreement” means the Caribbean Community Special Visa Agreement set out in the schedule which came into force on 12th December, 2006;

“Minister” means the Minister with responsibility for immigration;

“States Parties” means the States Parties to the Agreement;

Agreement to have force of law

3. The Agreement shall have the force of law in Guyana.

Implementation of amendments to the Agreement

4. (1) Where an amendment to the Agreement is accepted by the States Parties, the Minister may by Order amend the Schedule for the purpose of including the amendments.

Schedule

Schedule.

(2) Where the Schedule is amended in accordance with this section, any reference to the Agreement in this Act or any other enactment or any law having effect under any such enactment shall, unless the context otherwise requires, be construed as a reference to the Agreement so amended.

s.2, 4

SCHEDULE
CARIBBEAN COMMUNITY SPECIAL VISA AGREEMENT

Arrangement of Articles

1. INTERPRETATION
2. COMMON POLICY ON CARICOM SPECIAL VISAS
3. CARICOM SPECIAL VISA
4. CONDITIONS FOR ISSUANCE OF CARICOM SPECIAL VISA
5. CARICOM SPECIAL VISA ISSUED TO SEAMEN
6. PROCEDURE FOR APPLICATIONS
7. TYPES OF CARICOM SPECIAL VISA
8. ISSUE OF CARICOM SPECIAL VISA
9. CARICOM SPECIAL VISA FEES
10. TRAVEL DOCUMENTS
11. EXAMINATION OF CARICOM SPECIAL VISA APPLICATIONS
12. CARICOM SPECIAL VISA EXEMPTION
13. REVOCATION OF CARICOM SPECIAL VISA
14. EXCHANGE OF INFORMATION AND STATISTICS ON ISSUED CARICOM SPECIAL VISAS
15. EXISTING VISA ABOLITION AGREEMENTS
16. SETTLEMENT OF DISPUTES
17. SIGNATURE
18. ENTRY INTO FORCE
19. AMENDMENT
20. ACCESSION
21. EXTENSION

Appendix 1

Appendix 2

CARIBBEAN COMMUNITY SPECIAL VISA AGREEMENT**PREAMBLE****The States Parties**

ANTICIPATING that the threat of drug trafficking, terrorism and trafficking in humans is likely to be associated with the large number of persons who are or will be visiting the Community during the hosting of certain events including the ICC Cricket World Cup West Indies 2007 by some States Parties.

DESIRING to make changes to existing national visa arrangements to greatly enhance the measures being taken to reduce the risks associated with these threats.

RECOGNIZING THAT it is in their interest to harmonize by consent their procedures for issuing visas as part of their common policy on the free movement of persons and in order to prevent the same person from lodging multiple visa applications.

DESIRING ALSO to strengthen consular cooperation for the purpose of combating illegal networks.

CONSCIOUS of the need to keep to a minimum the time spent in addressing formalities required for the issue of a visa for entry in the States Parties.

HAVING DECIDED to temporarily suspend the requirements for individual visa for entry into the territory of each of the States Parties by national citizens or subjects of certain foreign States.

RECOGNISING ALSO that under the existing law no authority exists for a State Party to issue a visa which is acceptable in another State Party.

HAVE AGREED AS FOLLOWS

CARIBBEAN COMMUNITY SPECIAL VISA AGREEMENT

Article 1 COMMON POLICY ON CARICOM VISAS

INTERPRETATION

In this Agreement unless the context otherwise determines:-

"alien" means a national citizen or subject of a foreign State.

"CARICOM Special Visa" means the CARICOM Special Visa issued pursuant to this Agreement.

"child" means a person less than 18 years of age.

"Community" means the Caribbean Community including the CARICOM Single Market and Economy (CSME) established by the Revised Treaty of Chaguaramas signed at Nassau, The Bahamas on 5th July, 2001.

"designated State" means Barbados, Jamaica, Trinidad and Tobago or any other State designated by the unanimous agreement of the States Parties to issue a CARICOM Special Visa.

"foreign State" means a State, country or territory other than a State, country or territory listed in Appendix 1.

"holder" means a person to whom a CARICOM Special Visa has been issued pursuant to this Agreement.

"IMPACS" means the CARICOM Implementation Agency for Crime and Security which was established by an inter-governmental Agreement concluded on the 6th day of July, 2006 at Basseterre, Federation of Saint Christopher and Nevis.

"Member State" means a State listed in Appendix 2.

"State Party" means a Party to this Agreement.

"travel document" means a valid passport furnished with a photograph.

Article 2**COMMON POLICY ON CARICOM SPECIAL VISAS**

1. The States Parties undertake:-
 - (a) to adopt a common policy on the arrangements for a CARICOM Special Visa and to assist each other to that end and
 - (b) to harmonize their policies on the CARICOM Special Visa.
2. The CARICOM Special Visa arrangements relating to a foreign State may be amended by the consent of all the States Parties.
3. A State Party may in exceptional cases derogate from the CARICOM Special Visa arrangements where required by overriding reasons of national policy and shall first consult the other States Parties.

Article 3**CARICOM SPECIAL VISA**

1. Subject to article 11(3), a CARICOM Special Visa which shall be valid for entry into States Parties shall be introduced and may be issued for visits not exceeding five months and shall not be valid outside the period from the 15th day of January, 2007 to the 15th day of May, 2007, unless the application of this Agreement is extended in accordance with article 21.
2. A State Party shall undertake to recognize the CARICOM Special Visa as a valid basis for entry into its jurisdiction.

Article 4**CONDITIONS FOR ISSUANCE OF CARICOM SPECIAL VISA**

1. States Parties shall ensure that:-

- (a) an application for a CARICOM Special Visa contain amongst other things information on the applicant's ability to support himself or herself for the duration of his or her stay and
- (b) an applicant provides a separate application and travel document in respect of a child.

2. A CARICOM Special Visa may not be granted by a competent authority of a State Party if the applicant -

- (a) holds a record with a conviction for a serious criminal offence including drug trafficking, terrorism, trafficking in persons, or any sexual offence.
- (b) is shown to be or suspected of being involved in or otherwise supporting terrorism.
- (c) threatens the national security.
- (d) is the subject of a Deportation Order of a State Party or
- (e) has been advised to leave the jurisdiction of a State Party by the relevant authority.

Article 5

CARICOM SPECIAL VISA ISSUED TO SEAMEN

1. A CARICOM Special Visa may be issued to seamen who present themselves at a point or port of entry without a CARICOM Special Visa owing to insufficient time and on compelling grounds, subject to the condition that they do not belong to the category of aliens who cannot be granted a CARICOM Special Visa without prior consultation.

2. Before the responsible authorities can issue a CARICOM Special Visa at the point or port of entry an information form on the seaman concerned including the vessel, the ship's owner and departure dates must also be produced.

Article 6

PROCEDURE FOR APPLICATIONS

The competent authorities of States Parties shall adopt the following procedures in relation to an application for a CARICOM Special Visa:-

- (a) all applications must be checked against CARICOM and INTERPOL watch lists as well as watch lists of third countries to be agreed to by the States Parties.
- (b) State Parties and the appropriate issuing authority acting on behalf of States Parties must circulate information on both approvals and refusals of CARICOM Special Visas and this information must be circulated amongst port control authorities and immigration authorities.
- (c) a successful applicant may collect the CARICOM Special Visa and any relevant documents in person or the visa and the relevant documents may be returned to the applicants address by registered mail or courier.
- (d) the CARICOM Special Visa processing time for CWC 2007 accredited persons (teams, officials and media suppliers and sponsors) and such other persons as may be agreed will be seven working days.
- (e) the CARICOM Special Visa processing time for persons other than persons referred to in paragraph (d) will be a maximum of three weeks and
- (f) where it is necessary the visa issuing authority of a State Party or a designated State may issue or cause a CARICOM Special Visa to be issued to a successful applicant at the point or port of entry in a State Party.

Article 7

TYPES OF CARICOM SPECIAL VISAS

The CARICOM Special Visa provided for in article 3 shall be valid for multiple entries in the States Parties, except that neither the length of a continuous visit nor the total length of successive visits shall exceed the period stipulated in article 3(1).

Article 8

ISSUE OF CARICOM SPECIAL VISA

1. The CARICOM Special Visa provided for in article 3 shall be issued by the diplomatic or consular authority of a designated State and where appropriate by the authorities in a State Party.

2. A CARICOM Special Visa must be affixed to the travel document that was submitted with the application of successful applicants.

3. A State Party shall ensure that:

(a) an immigration officer at a point or port of entry in that State Party retain the right to:

(i) enforce the provisions of the immigration law regarding entry of prohibited persons; and

(ii) determine the duration of stay to be granted to an alien; and

(b) an alien who wishes to remain in a State Party beyond the period granted by the Immigration Officer at the point or port of entry applies to the appropriate issuing authority in the respective State Party for extension to remain in that State Party.

4. States Parties agree that IMPACS shall undertake administrative responsibility for the issue of a CARICOM Special Visa and a designated State and the responsible authority in a State Party shall act on behalf of IMPACS in the issue of a CARICOM Special Visa.

Article 9

CARICOM SPECIAL VISA FEES

1. States Parties agree that:
 - (a) the fees from the issuance of CARICOM Special Visas for the period 15th January, 2007 to May, 2007, shall be used to offset the contract price under the Agreement for Supply of Products and Services between IMPACS and 3M Innovative Properties Company.
 - (b) arrangements shall be made for all CARICOM Special Visa fees to be paid to IMPACS to avoid the complications that may arise in seeking to recover monies to cover the 3M Innovative Properties Company contract price after payment to the Governments of States Parties.
 - (c) any surplus of fees from the issue of the CARICOM Special Visa after the payment to 3M Innovative Properties Company under the agreement referred to in paragraph (a) would be applied to States Parties quota contributions to IMPACS Budget.

2. A State Party in receipt of fees paid for a CARICOM Special Visa shall transfer or cause the transfer of the fees to the account of IMPACS.

Article 10

TRAVEL DOCUMENT

A CARICOM Visa must not be affixed to a travel document that:

- (a) is valid for a period which is less than six months from the date of application of the CARICOM Special Visa or
- (b) is not valid for entry in a State Party.

Article 11

EXAMINATION OF CARICOM SPECIAL VISA APPLICATIONS

1. The States Parties shall adopt common rules for the examination of CARICOM Special Visa applications and shall ensure their correct implementation and adapt them to new situations and circumstances.

2. The States Parties shall also specify the cases in which the issue of a CARICOM Special Visa shall be subject to consultation with the responsible authority of the State Party which the applicant intends to visit and where appropriate, the responsible authorities of other States Parties.

3. The State Parties shall take the necessary decisions and make any required law on either one or all of the following:

- (a) the recognition of the CARICOM Special Visa as valid for entry into their respective jurisdictions.
- (b) the recognition of any form of legal status granted by a State Party to an alien, prior to 15th January, 2007 pursuant to its immigration law or any other law.
- (c) ~~the~~ travel document to which a CARICOM Special Visa may be affixed.
- (d) the CARICOM Special Visa issuing authorities or countries.
- (e) the procedure for application for a CARICOM Special Visa.
- (f) the conditions governing the revocation of a CARICOM Special Visa.
- (g) the conditions governing the issue of a CARICOM Special Visa at a point or port of entry.
- (h) the form, content and period of validity of a CARICOM Special Visa and the fees to be charged for its issue and
- (i) the conditions for the refusal of a CARICOM Special Visa in the interests of the States Parties.

Article 12

CARICOM SPECIAL VISA EXEMPTION

1. States Parties shall ensure that an individual being a national citizen or subject of any of the States, countries or territories mentioned in Appendix 1 who is:

- (a) entering a State Party from any place outside the territory of the State Parties; and
- (b) in possession of a valid travel document issued to him or her by the responsible authority of his or her country of nationality,

is exempt from the provisions of the law made pursuant to this Agreement that requires an application to be made for a CARICOM Special Visa for entry in a State Party.

2. States Parties may, in exceptional circumstances, waive the requirement for a CARICOM Special Visa and issue an entry permit to an alien who is:

- (a) duly accredited to a State Party by or under the authority of Her Majesty, the President or the Government of any foreign State and the staff of any such person.
- (b) in an advisory or consultative capacity to the Government of a State Party on invitation of the same.
- (c) a dependant of any person referred to in paragraphs (a) and (b); or
- (d) *the spouse of any person referred to in paragraphs (a) and (b) and is still married to and living with that person.*

Article 13

REVOCATION OF CARICOM SPECIAL VISA

- 1 **A State Party may revoke a CARICOM Special Visa if the holder: -**
 - (a) **has made a false declaration in his or her application for a CARICOM Special Visa.**
 - (b) **is in breach of any of the provisions of the laws of the State Party, or**
 - (c) **is in the opinion of the responsible authority of the State Party, conducting himself or herself or his or her affairs in a manner detrimental to the public interest.**

2. **A State Party may revoke a CARICOM Special Visa that has been issued to an alien who is the subject of a security alert.**

3. **Where a State Party revokes a CARICOM Special Visa pursuant to this article, the State Party shall serve a notice of revocation on the other States Parties indicating the:**
 - (a) **date and grounds for revocation.**
 - (b) **name of the holder.**
 - (c) **nationality of the holder.**
 - (d) **travel document and number of the holder.**
 - (e) **CARICOM Special Visa number.**
 - (f) **date and place of issue of the CARICOM Special Visa.**

4. **A CARICOM Special Visa may be cancelled by the diplomatic or consular authority or relevant authority of the issuing State or designated State if the CARICOM Special Visa appears to have been issued in error.**

5. **For practical purposes where a CARICOM Special Visa has been revoked or cancelled pursuant to this article, a stamp may be affixed to the CARICOM Special Visa that clearly shows that it has been revoked or cancelled.**

Article 14

EXCHANGE OF INFORMATION AND STATISTICS ON ISSUED CARICOM
SPECIAL VISAS

1. Subject to this article, the States Parties shall exchange statistical information with each other on the issuing of CARICOM Special Visas at such intervals as may be determined.
2. Notwithstanding the above exchanges, statistical information may also be exchanged within the framework of consular cooperation in accordance with a procedure agreed upon by the responsible authorities.
3. A State Party shall transmit the statistical information to IMPACS for analysis.

Article 15

EXISTING VISA ABOLITION AGREEMENTS

Subject to this Agreement States Parties shall for the period 15th January, 2007 to 15th May, 2007 suspend any existing visa abolition agreement with any foreign State, in the interest of security, public order and public health in the Community.

Article 16

SETTLEMENT OF DISPUTES

In the case of a dispute between two or more States Parties relating to the interpretation or application of this Agreement, the States Parties shall consult with a view to the settlement of the dispute by negotiation, enquiry, mediation, conciliation, arbitration, judicial process, or other peaceful means that they may determine.

Article 17

SIGNATURE

This Agreement shall be open for signature by the Member States.

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Article 18

ENTRY INTO FORCE

This Agreement shall come into effect on signature of three Member States.

Article 19

AMENDMENT

1. **This Agreement shall be amended by the unanimous Agreement of States Parties.**
2. **The Appendices may be amended by the unanimous agreement of all States Parties to be expressed by the submission of written agreement to the Secretary General of the Community (hereinafter referred to as "the Depository")**

Article 20

ACCESSION

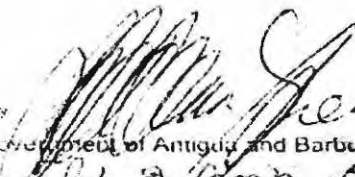
1. **After its entry into force any Member State of the Community that is not a signatory, may accede to this Agreement.**
2. **Instruments of Accession shall be deposited with the Depository who shall forward true copies to all State Parties notifying them of the dates of the deposit of the instruments of accession.**

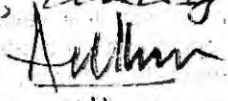
Article 21

EXTENSION

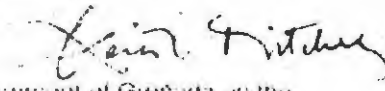
The States Parties may by unanimous agreement, extend the application of this Agreement to a date after the 15th day of May, 2007.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments have signed this Agreement.

Signed by 
 for the Government of Antigua and Barbuda on the 12th day of December
 2006 at St. John's, Antigua;

Signed by 
 for the Government of Barbados on the 11th day of December 2006
 at

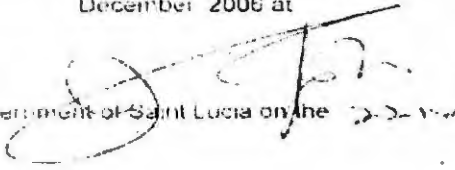
Signed by _____
 for the Government of the Commonwealth of Dominica on the _____ day of
 December 2006 at _____

Signed by 
 for the Government of Grenada on the _____ day of December 2006
 at _____

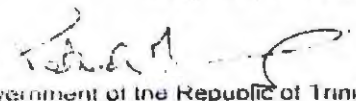
Signed by _____
 for the Government of the Co-operative Republic of Guyana on the _____ day
 of _____ December 2006 at _____

Signed by _____
 for the Government of Jamaica on the _____ day of December 2006
 at _____

Signed by _____
 for the Government of the Federation of St. Kitts and Nevis on the _____ day
 of _____ December 2006 at _____

Signed by 
 for the Government of Saint Lucia on the 22nd day of December 2006
 at _____

Signed by _____
 for the Government of Saint Vincent and the Grenadines on the _____ day
 of _____ December 2006 at _____

Signed by 
 for the Government of the Republic of Trinidad and Tobago on the 11th day of
 December 2006 at _____

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**Appendix 1
(Article 1, 12)****CARICOM SPECIAL VISA EXEMPT STATES, COUNTRIES AND TERRITORIES**

- (a) **Member States of the Community excepting Haiti.**
- (b) **Other Countries or States**
- 1 **Canada**
 - 2 **France**
 - 3 **Germany**
 - 4 **Ireland**
 - 5 **Italy**
 - 6 **Japan**
 - 7 **Spain**
 - 8 **South Africa**
 - 9 **Kingdom of The Netherlands**
 - 10 **United Kingdom**
 - 11 **United States of America**
- (c) **Dependent Territories of the Countries or States listed in paragraph (b)**

Appendix 2
(Article 1)

MEMBER STATES

Antigua and Barbuda

Barbados

Commonwealth of Dominica

Grenada

Cooperative Republic of Guyana

Jamaica

Federation of Saint Christopher and Nevis

Saint Lucia

Saint Vincent and the Grenadines

Republic of Trinidad and Tobago

EXPLANATORY MEMORANDUM

This Bill seeks to give legal effect to the Caribbean Community Special Visa Agreement which came into force on 12th December, 2006.

The Agreement provides for States Parties to adopt a common policy on the arrangements for a CARICOM Special Visa and for the harmonization of policies on the CARICOM Special Visa.

The Agreement shall have the force of law in Guyana. (Clause 3)

Where an amendment to the Agreement is accepted by States Parties, the Minister may by Order amend the Schedule for the purpose of including the amendments. (Clause 4)



MINISTER OF HOME AFFAIRS