



BELIZE

**CARIBBEAN COMMUNITY (FREE MOVEMENT OF
SKILLED PERSONS) ACT
CHAPTER 17:02**

REVISED EDITION 2020

**SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

This edition contains a consolidation of amendments made to the law by Acts No. 12 of 2016 and No. 29 of 2020.



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CHAPTER 17:02

**CARIBBEAN COMMUNITY (FREE MOVEMENT OF
SKILLED PERSONS)**

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CHAPTER 17:02**CARIBBEAN COMMUNITY (FREE MOVEMENT OF
SKILLED PERSONS)***[18th December, 1999]*

45 of 1999.

12 of 2016.

29 of 2020.

- Short title. **1.** This Act may be cited as the Caribbean Community (Free Movement of Skilled Persons) Act.
- Interpretation. **2.-(1)** In this Act, unless the context otherwise requires—
- 29 of 2020. “artiste” includes a person who is active in or qualified to enter a particular field of artistic endeavour including, a fine artist, costume builder or designer, fashion designer, beauty service practitioner, barber, stage manager, lighting designer or technician, sound designer or technician, arts administrator, production assistant, or the holder of traditional knowledge, with the specific purpose of earning a living from that particular activity;
- “Caribbean skilled person” means any national who is recognised by the Minister as being a member or employee of a recognised Organisation or is the holder of a qualification or performs an occupation specified in Schedule I;
- 29 of 2020. “Caribbean Vocational Qualification” or “CVQ” means qualifications awarded by the Caribbean Examinations Council, or other competent authority, designated as a CVQ;
- 29 of 2020. “Committee” means the Caribbean Community Free Movement of Skilled Persons Committee established under section 10B;
- 29 of 2020. “competent authority” means a person or entity that is designated as such by the Minister, to perform the function under this Act;

“department” means the Department of Border Management and Immigration Services; 29 of 2020.

“dependant” in relation to a national of a Caribbean Community State means— 29 of 2020.

- (a) the spouse of the national;
- (b) an unmarried adopted child of the national who was adopted in a manner recognised by the law or an unmarried child or step-child of the national, who is—
 - (i) under the age of eighteen;
 - (ii) under the age of twenty-five and attending school or university as a full time student; or
 - (iii) over the age of seventeen and who, due to disability, is wholly dependent on the national,
- (c) a parent or grandparent of the national, who is wholly dependent on the national; or
- (d) any other natural person certified as a dependant, by order of the Court.

“immigration officer” means any immigration officer appointed pursuant to the provisions of the Immigration Act;

“media person” means a person whose primary source of income is derived from media and media-related work including— 29 of 2020.

- (a) media manager or administrator;

- (b) editor, sub-editor, reporter, producer, announcer or broadcaster;
- (c) camera operator, sound engineer or video technician;
- (d) production worker in the print or electronic media;
- (e) graphic artist, cartoonist or photographer; or
- (f) editorial, programming or newsroom staff;

“Minister” means the Minister responsible for immigration;

29 of 2020.

“musician” means a person who—

- (a) is active in or qualified to enter, a particular field of music as the player of a musical instrument, a singer or song writer; or
- (b) is involved in the field of music as support personnel, including band orchestra leader, conductor, promoter or events manager,

with the specific purpose of earning a living from that particular activity;

29 of 2020.

“National” in relation to an individual from a Caribbean Community State means—

- (a) a person—
 - (i) who is a citizen by birth, descent or naturalization of; or
 - (ii) belonging to,

a qualifying Caribbean Community State within the meaning of the laws of that State; or

- (b) a person other than a person from Belize, who has a connection with that State of a kind which entitles him to be regarded as belonging to or, if it be so expressed, as being a native of the State for the purposes of the laws of that state relating to immigration;

“property” includes real and personal property;

“qualifying Caribbean Community state” means a member state of the Caribbean Community specified in Schedule II; Schedule II.

“qualifying certificate” means a certificate of recognition of Caribbean Community skills issued by the Minister in the form specified in Schedule III; Schedule III.

“recognized organization” means an organization declared by the Minister to be a recognized organization for the purposes of this Act by Order published in the *Gazette*;

“sports person” means a person who— 29 of 2020.

- (a) is active in or qualified to enter a particular field of sport as a professional or semi-professional; or
- (b) is involved in the field of sports as support personnel, including a coach, sports manager, sports promoter, sports agent or massage therapist,

with the specific purpose of earning a living from that particular activity;

“spouse” includes— 29 of 2020.

- (a) in relation to a woman, a man who is living with or has lived with the woman as her husband, for a period of not less than five years, neither person being married to anyone else or each other, immediately preceding the date of the application under this Act; or
- (b) in relation to a man, a woman who is living with or has lived with the man as his wife, for a period of not less than five years, neither person being married to anyone else or each other, immediately preceding the date of the application under this Act; and

29 of 2020.

“step-child” means the child of one’s spouse.

(2) For the purposes of this Act, where the qualifying Caribbean Community state is Montserrat, a valid passport or other form of identification approved by the Minister showing the holder—

- (a) to be a citizen of the United Kingdom and Colonies or a British Dependent Territories citizen; and
- (b) to have been born in Montserrat, shall be deemed to be issued in Montserrat.

Minister may
delegate
specified
functions.
12 of 2016.

2A.-(1) The Minister may, by Order published in the Gazette, delegate to any Minister of State appointed to assist him, the exercise or performance of all or any of the powers or functions conferred upon the Minister under the provisions of this Act specified in sub-section (4).

(2) A delegation under sub-section (1) is revocable by the Minister and the delegation of the exercise of a power or the performance of a function shall not preclude its exercise or performance by the Minister.

(3) The provisions of this Act shall apply in relation to a power or a function delegated under this section as they would apply where the power or function is exercised or performed by the Minister.

(4) The specified provisions are those of section 7.

(5) The provisions of this section shall apply notwithstanding the provisions of section 59 of the Interpretation Act (power to delegate authority).

CAP. 1.

3.-(1) Notwithstanding the provisions of any other law, an immigration officer shall, subject to section 5, permit a national, the spouse or any dependant of that national, to enter and remain in Belize for a period of six months.

Provisional entry
to Caribbean
Community
Nationals.
29 of 2020.

(2) The spouse or any dependant of a national under sub-section (1), who is unaccompanied by the national, shall be permitted to enter and remain in Belize for the period specified under sub-section (1).

(3) The spouse or any dependant of a national, under sub-section (1), shall present the following information to the immigration officer, upon entry—

- (a) proof of their relation to the national; and
- (b) a copy of the qualifying certificate of the national.

4.-(1) Notwithstanding the provisions of any other law, a national who seeks to remain in Belize beyond the period stated in section 3, for the purpose of engaging in or finding gainful employment with an employer or as a self-employed person shall, within that period, submit an application to the department in the approved form, together with—

Application for
indefinite stay to
engage in gainful
employment etc.
29 of 2020.

- (a) the qualifying certificate issued by the competent authority of a qualifying Caribbean

Community State certifying that the national is recognised by the Government of that qualifying Caribbean Community State as a Caribbean skilled person;

- (b) a valid passport, valid for at least six months from the date of entry, issued to the national by a qualifying Caribbean Community State;
- (c) the approved fee; and
- (d) a police record of—
 - (i) the national;
 - (ii) the spouse of the national; or
 - (iii) any dependant, above the age of seventeen, of the national.

(2) The department shall submit the qualifying certificate submitted under sub-section (1) (a), to the Ministry responsible for trade for verification of its validity.

(3) A national under sub-section (1), the spouse or any dependant of the national, may engage in gainful employment with an employer or as a self-employed person, pending the verification of validity of the qualifying certificate.

(4) Subject to section 5, the department shall, within thirty working days of submission of an application, refuse or approve the application.

(5) Where an application is approved, the department shall grant to the applicant, the spouse or any dependent of that applicant, indefinite stay.

(6) Where an application is refused, the department shall notify the applicant of the refusal.

5.-(1) Subject to sub-section (2), an immigration officer shall not permit a Caribbean skilled person, the spouse or any dependant of the Caribbean skilled person, to land in Belize if that Caribbean skilled person—

Prohibited
Caribbean
skilled persons.
29 of 2020.

- (a) is likely, if he enters Belize, to become a charge on public funds;
- (b) is a person of unsound mind or a mentally defective person;
- (c) is, on the basis of available information communicated to the Minister, suffering from a communicable disease which makes his entry into Belize dangerous;
- (d) is, from information or advice, which in the opinion of the Minister is reliable information or advice, deemed by the Minister to be an undesirable inhabitant of or visitor to, Belize; and
- (e) is a subject of a deportation order in force under the Deportation (British Subjects) Act.

CAP. 107.

(2) Notwithstanding sub-section (1), it shall be lawful for the Minister to exempt any Caribbean skilled person from the provisions of paragraphs (a) to (e) of sub-section (1).

6.-(1) A person who satisfies the requirements for recognition as a Caribbean skilled person may apply to the Minister for a qualifying certificate.

Application for
qualifying
certificate.
29 of 2002.

(2) An application under this section shall be in such form and be accompanied by such fee as the Minister may prescribe by Order published in the *Gazette*.

Minister to grant
certificate to
qualified
applicant.
29 of 2020.

7.-(1) Subject to sub-section (2), the Minister shall grant a qualifying certificate to every applicant who satisfies the requirements for recognition as a Caribbean skilled person.

29 of 2020.

(2) The Minister may refuse to grant a qualifying certificate to a person referred to in section 5 and to any person who has been convicted of an offence against section 10 or a similar offence under the laws of a qualifying Caribbean Community state.

Effects of entry
permission.
29 of 2020.

8. Notwithstanding the provisions of any other law, a Caribbean skilled person or the spouse or any dependant of the Caribbean skilled person permitted to enter Belize under this Act shall not be subject to any restriction on—

- (a) freedom of movement, including the freedom to leave and re-enter Belize without further permission;
- (b) the freedom to acquire property for use as the residence or business of such persons; or
- (c) the right to engage in gainful employment or other occupation,

which would not apply if those persons were nationals of Belize.

Revocation of
permission.
29 of 2020.

9. Notwithstanding the provisions of any other law, permission granted under this Act to a Caribbean skilled person to enter Belize and the rights conferred on that person under section 8 shall not be revocable except for cause and by procedure which would, apart from this Act, render a national of Belize liable to deportation, extradition or other form of expulsion from the qualifying Caribbean Community state of which the Caribbean skilled person is a national.

Offences and
penalties.

10.-(1) A person commits an offence if—

- (a) for the purpose of procuring a qualifying certificate or for the purpose of seeking permission under this Act to enter Belize, he,
 - (i) makes any statement, for himself or any other person, knowing such statement to be false in a material particular; or
 - (ii) recklessly makes any statement which is false in a material particular;
- (b) that person uses a certificate issued by the competent Minister of a qualifying Caribbean Community state knowing that it has been cancelled by the Government of that state;
- (c) that person uses a qualifying certificate knowing that it has been cancelled by the Minister.

(2) Conviction of an offence under this section shall–

- (a) render a qualifying certificate liable to cancellation at the discretion of the Minister;
- (b) render a permission granted under this Act revocable at the discretion of the Minister; and
- (c) disentitle any person so convicted or the right to any permission under this Act.

(3) Any person who commits an offence under this Act shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Department to be the secretariat to the Committee.
29 of 2020.

10A.-(1) The Chair of the Committee shall consult the department of all decisions of the Committee, that affect the free movement of nationals.

(2) The department shall submit quarterly reports to the CARICOM Secretariat, of statistical data on—

- (a) applications for a qualifying certificate;
- (b) provisional entry to nationals;
- (c) provisional entry to establish an economic enterprise;
- (d) applications for indefinite entry to, engage in gainful employment or to establish or operate an economic enterprise;
- (e) refusal of any application made by a national; or
- (f) refusal of provisional entry into Belize to any national.

Establishment and composition of Caribbean Community Free Movement of Skilled Persons Committee.
29 of 2020.

10B.-(1) There is hereby established a body to be known as the Caribbean Community Free Movement of Skilled Persons Committee.

(2) The Committee shall consist of—

- (a) a representative from the following,
 - (i) the Ministry responsible for labour;
 - (ii) the Ministry responsible for education;
 - (iii) the Ministry responsible for immigration;

- (iv) the Ministry responsible for national security;
- (v) the Ministry responsible for foreign affairs;
- (vi) the Ministry responsible for trade;
- (vii) the Ministry responsible for economic development;
- (viii) the Ministry responsible for tourism;
- (ix) the Ministry responsible for public service;
- (b) a representative from the Attorney General's Ministry;
- (c) the CARICOM Single Market and Economy focal point or a delegate;
- (d) a representative from the private sector; and
- (e) a representative from the Companies and Corporate Affairs Registry.

10C. The function of the Committee shall be to meet at least once every month to—

Functions of the Committee, 29 of 2020.

- (a) review applications and ensure that the application is accompanied by all relevant documents that are required for submission of the application; and
- (b) make recommendations to the department on whether an application should be refused or approved.

Regulations.

11.-(1) The Minister may make regulations generally for giving effect to the provisions of this Act and without prejudice to the generality of the foregoing may make regulations—

- (a) regulating the issue, amendment, revocation or replacement of qualifying certificates and for the payment offers by the persons applying therefor;
- (b) providing for the establishment and maintenance of a register of persons to whom or in respect of whom qualifying certificates have been issued, amended, revoked, or replaced;
- (c) providing for the issue to any person who is exempt from any of the provisions of this Act a certificate stating the nature of the exemption;
- (d) with respect to the surrender or cancellation of any qualifying certificate issued by the Minister;
- (e) amending Schedule I, Schedule II and Schedule III;
- (f) prescribing the forms to be used for the purposes of this Act;
- (g) prescribing any other matter or thing required to be prescribed under this Act.

Schedule I.
Schedule II.
Schedule III.

(2) Regulations made under this section shall be subject to negative resolution.

29 of 2020.

12. *Repealed.*

SCHEDULE I

Qualifications and Occupations Required for the Issue of a
Qualifying Certificate

[Sections 2 and 11]

1. A degree designated as an Associate's, a Bachelors, Masters or Doctoral degree, from a university accredited or recognised by the competent authority.
2. Any qualification or combination of qualifications specified in a list,
 - (a) compiled from time to time by the University of Belize or the University College of Belize for the purposes of this Act; and
 - (b) prescribed by the Minister by Order published in the *Gazette* as a list of qualifications and combinations of qualifications satisfying the qualification requirements of this Act.
3. Any qualification or combination of qualifications, possessed by an applicant which is certified by the University of Belize or the University College of Belize as satisfying the conditions for recognition of Caribbean Community skills qualification, whether or not any such qualification or combination of qualifications is prescribed under paragraph 3.
4. A teacher or nurse who does not hold qualifications listed in items 1, 2, or 3, an artisan or a household domestic with a Caribbean Vocational Qualification
5. An artiste, a musician, media person or sportsperson who is recognised as such by the competent authority of the qualifying Caribbean Community State from which the person is a national.

SCHEDULE II

Qualifying Caribbean Community States

[Sections 2 and 11]

1. Antigua and Barbuda
2. Barbados
3. Dominica
4. Grenada
5. Guyana
6. Haiti
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 III

Certificate of Recognition of Caribbean Community Skills

[Sections 2 and 11]

WHEREAS.....has applied to the Minister for a Certificate of Recognition of Caribbean Community Skills, in reliance on the requirements set out in Schedule I, and has satisfied the Minister that the conditions laid down in the Caribbean Community (Free Movement of Skilled Persons) Act, for the grant of a Certificate of Recognition of Caribbean Community Skills have been fulfilled:

NOW, THEREFORE, I.....the Minister responsible for Immigration, in exercise of the powers conferred upon me by the said Act, hereby grant to the said ---- this Certificate of Recognition of Caribbean Community Skills.

PARTICULARS RELATING TO APPLICANT

Affix here Passport
Photograph of national
& each dependant

FULL NAME:
ADDRESS:
PLACE OF BIRTH:
DATE OF BIRTH:
NATIONALITY:
PASSPORT NO.:
MARITAL STATUS:
OCCUPATION:
QUALIFICATION:

NAMES AND AGES OF ACCOMPANYING
DEPENDANTS:

In witness whereof I hereto subscribe my name this _____ day of _____, 20____.
