



EXPANDING YOUR HORIZONS IN CARICOM

In recent weeks a lively debate has taken place about the current state of CSME as it relates to the free movement of CARICOM nationals. At the end of this year the categories of workers who may move freely within the region are due to be expanded. Whether this planned expansion will occur on schedule is yet to be seen but the proposed deadline for the expansion was an important topic of discussion at the recently concluded Heads of Government Summit in Guyana.

This week's article seeks to inform the average CARICOM citizen of the provisions made for the free movement of people within the Caribbean Community and more importantly to outline the process that must be followed in order to take advantage of those provisions.

Revised Treaty of Chaguaramus

Article 45 of the Revised Treaty of Chaguaramus states that the CARICOM Member States commit themselves to the goal of free movement of their nationals within the Caribbean Community.

It is important to note that this particular provision merely identifies the goal towards which the CARICOM member states intend to work and in its current form, the treaty does not oblige any CARICOM member state to allow unconditional entry to all CARICOM nationals who present themselves before an immigration officer.

However, as a first step towards achieving the goal of free movement of all CARICOM nationals, member states have agreed to allow certain categories of workers to seek employment and move freely within their jurisdictions without impediments or harassment. The persons who fall under these categories of workers are often referred to as "skilled nationals" and include:

- university graduates;
- media workers;
- sports persons;
- artistes; and
- musicians,

By signing and ratifying the treaty Jamaica and its CARICOM counterparts (with the exception of The Bahamas) have undertaken to enact legislation and create administrative procedures that will, amongst other things:

- eliminate the requirement for work permits for skilled nationals seeking approved employment in other CARICOM jurisdictions; and

- establish mechanisms for certifying and establishing equivalency of degrees.

In accordance with these undertakings, Jamaica made amendments to the previously enacted Caribbean Community (Free Movement of Skilled Persons) Act. The Act provides for the issuing of a certificate of recognition of Caribbean Community skills (referred to as a "qualifying certificate") by the Ministry of Labour and Social Security.

Obtaining a Certificate of Recognition of CARICOM Skills

A skilled national desirous of obtaining a qualifying certificate may obtain it either in his/her country of origin or in the member state where he/she intends to relocate.

If the application is being made here in Jamaica the first step to be taken is to submit the following documents to the Ministry of Labour and Social Security:

The prescribed application form and fees

Three certified passport pictures

Police certificate of good character

Certified copy of the applicant's birth certificate

Certified copy of the pages of a valid passport showing the applicant's name, nationality and passport number

If the applicant is a university graduate he/she must also produce his/her university certificate as proof of his/her qualifications. Similarly, if the applicant is a media worker, musician or Artiste he/she should obtain documentation from a competent authority in his or her home country certifying his qualifications in his respective field. In the same vein, a sports person should present certification from a competent authority of a member state showing that he represents that state in sports.

Unfortunately, there is no standard certificate issued in the various CARICOM jurisdictions and therefore a certificate issued to an applicant in one member state is still subject to verification in another member state before the applicant can enjoy unconditional stay. So for example, a skilled national from Barbados who comes to Jamaica in possession of a qualifying certificate from the relevant Barbadian authority, will have a period of six months to produce his certificate to the Ministry of Labour and Social Security for verification. In addition, that skilled national will still need to produce all the documentation which was needed to support the application for the initial qualifying certificate (e.g. birth certificate, police report, passport and qualifications).

After the qualifying certificate is verified by The Ministry of Labour and Social Security the applicant is given a letter confirming the applicant's status as a skilled CARICOM national and upon submission of this letter to the Jamaican Passport, Immigration & Citizenship Agency he/she is granted unconditional stay in the country. Similar processes exist in other jurisdictions.

The procedure outlined above begins with the completion of an application form which may be obtained from the work permit department at the Ministry of Labour and Social Security. The process may seem lengthy but the employment opportunities which a qualifying certificate can provide may very well be worth it.

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