

BELIZE:

**CARIBBEAN COMMUNITY (FREE MOVEMENT OF
SKILLED PERSONS) (AMENDMENT) ACT, 2020**

ARRANGEMENT OF SECTIONS

1. Short title.
2. Insertion of new definitions.
3. Repeal and replacement of sections 3, 4.
4. Amendment of sections 5, 6, 7, 8 and 9.
5. Insertion of new section 10A, 10B and 10C.
6. Repeal of section 12.
7. Amendment of First Schedule.
8. Amendment of Second Schedule.



No. 29 of 2020

I assent,

(SIR COLVILLE N. YOUNG)

Governor-General

5th October, 2020.

AN ACT to amend the Caribbean Community (Free Movement of Skilled Persons) Act, Chapter 17:02 of the Substantive Laws of Belize, Revised Edition 2011; to make provision, in the interest of administrative and operational efficiency, for inclusion of new definitions and the expansion of existing definitions, for the inclusion of new categories of approved persons among other things; and to provide for matters connected therewith or incidental thereto.

(Gazetted 7th October, 2020)

***BE IT ENACTED*, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:**

1. This Act may be cited as the

Short title.

CARIBBEAN COMMUNITY (FREE MOVEMENT OF SKILLED PERSONS) (AMENDMENT) ACT, 2020.

and shall be read and construed as one with the **Caribbean Community (Free Movement of Skilled Persons) Act**, which is hereinafter referred to as the principal Act.

Insertion of
new
definitions.

2. The principal Act is amended by—

(a) deleting the definition of “dependents”;

(b) deleting the definition of “spouse”; and

(c) inserting the following new definitions in the appropriate alphabetical sequence—

““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 Vocational Qualification” or “CVQ” means qualifications awarded by the Caribbean Examinations Council, or other competent authority, designated as a CVQ;

“Committee” means the Caribbean Community Free Movement of Skilled Persons Committee established under section 10B;

“competent authority” means a person or entity that is designated as such by the Minister, to perform the function under this Act;

Cap. 17:02

“department” means the Border Management and Immigration Services Department;

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

(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.

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

- (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;

“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;

“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;

“spouse” includes—

- (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;

“sportsperson” means a person who—

- (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; and

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

3. The principal Act is amended by deleting sections 3 and 4 and substituting them with following—

**Replacement
of sections 3
and 4.**

**“Provisional
entry to
Caribbean
Community
nationals.**

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.

(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.

Application for indefinite stay to engage in gainful employment etc.

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–

- (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 Community 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
subsection (1)(a), to the Ministry with
responsibility for Trade for verification of its
validity.

(3) A national under subsection (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.”

Amendment of sections 5, 6, 7, 8 and 9.

4. The principal Act is amended in—

- (a)** section 5(1), by deleting the words “or any dependant of such person” and substituting them with the words “, the spouse or any dependant of the Caribbean Community skilled person,”;
- (b)** section 6(1), by deleting the words “subject to section 12,”, occurring in the second line;
- (c)** section 7(1), by—
 - (i)** deleting the words “and section 12” occurring in the first line; and
 - (ii)** deleting the word “reconnection” and substituting the word “recognition”;
- (d)** section 7(2), by—
 - (i)** deleting the word “issue” and substituting the word “grant”; and
 - (ii)** deleting the word “11” and substituting the word “10”;
- (e)** section 8, by deleting the words—
 - (i)** “but subject to section12” occurring in the first and second lines; and
 - (ii)** “and every dependant of such person who are” and substituting them with the words “,

or the spouse or any dependant of the Caribbean Community skilled person,”; and

- (f) section 9, by deleting the words “but subject to section 12” occurring in the first and second lines.

5. The principal Act is amended by inserting immediately after section 10 the following new sections –

Insertion of
new sections
10A, 10B and
10C.

“Department
to be the
secretariat to
the
Committee.

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.**

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 with responsibility for labour;

(ii) the Ministry with responsibility for education;

(iii) the Ministry with responsibility for immigration;

(iv) the Ministry with responsibility for national security;

(v) the Ministry with responsibility for foreign affairs;

(vi) the Ministry with responsibility for trade;

(vii) the Ministry with responsibility for economic development;

- (viii) the Ministry with responsibility for tourism;
- (ix) the Ministry with responsibility 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 Registry.

**Functions of
the
Committee.**

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

- (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.”

Repeal of
section 12.

6. The principal Act is amended by repealing section 12.

Amendment of
First
Schedule.

7. The principal Act is amended in the First Schedule by—

(a) deleting items 1 and 2 and substituting them with the following item;

“1. A degree designated as an Associate’s, a Bachelors, Masters or Doctoral degree, from a university accredited or recognised by the competent authority.”

(b) renumbering items 3, and 4 as items 2 and 3; and

(c) repealing items 4 and 5, and substituting them with the following paragraphs—

“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.”

Amendment of
Second
Schedule.

8. The principal Act is amended in the Second Schedule by inserting the following new item as item number 6 in the list, and renumbering items 6, 7, 8, 9, 10, 11, and 12, as items 7, 8, 9, 10, 11, 12 and 13—

“Haiti”.