

BELIZE:

CARIBBEAN COMMUNITY (FREE MOVEMENT OF SKILLED PERSONS) (AMENDMENT) ACT, 2023

ARRANGEMENT OF SECTIONS

1. Short title.
2. Insertion of new definitions.
3. Amendment of section 4.
4. Amendment of section 8.
5. Amendment of Schedule I.



No. 12 of 2023

I assent,

(H.E. DAME FROYLA TZALAM)
Governor-General

18th April, 2023.

AN ACT to amend the Caribbean Community (Free Movement of Skilled Persons) Act, Chapter 17:02 of the Substantive Laws of Belize, Revised Edition 2020; to provide for new definitions under the Act; to increase the categories of persons qualified to enter or remain in Belize for the purpose of engaging in or finding gainful employment with an employer or as self-employed persons; and to provide for matters connected therewith or incidental thereto.

(Gazetted 18th April, 2023)

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, 2023,

CAP. 17:02.

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 in section 2 by—

(a) deleting the definition of “National” and substituting it with the following—

“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) in the case of Montserrat, is a British Overseas Territories Citizen and acquired that status through a connection with Montserrat in accordance with the laws relating to nationality for the time being in force in relation to Montserrat; and

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

“agricultural worker” means a person engaged in work in one or more of the following areas—

(a) crop farm production, including growing or harvesting fields or trees or gathering fruits and plants; or

- (b) livestock farm production, including breeding and tending to animals ,including aquaculture;

“domestic worker” means a person who is engaged in work within an employment relationship in relation to a residential home, including–

- (a) conducting functions such as sweeping vacuuming, cleaning, washing, polishing, cleaning of household linen, purchasing supplies, preparing food, serving meals and other household duties ;
- (b) providing routine personal care and assistance with activities of daily living to a person in a residential home in need of care due to effects of aging, illness, injury or other physical conditions,; or
- (c) providing routine care and supervision of children.

“National Vocational Qualification” or “NVQ” means a certificate of competence, that is recognised in CARICOM and Commonwealth countries;

“private security officer” means a person who provides services for the protection of persons or property, or to prevent the theft or destruction or the unlawful taking of property;”.

3. The principal Act is amended by repealing section 4 and replacing it with following–

Amendment of section 4.

“**4.**– (1) Subject to section 5, the holder of a qualifying certificate who seeks to enter or remain in Belize for the purpose of engaging in or finding gainful employment with an employer or as a self-employed person shall be granted definite stay for a period of six months to remain in Belize.

(2) A national under sub-section (1) may, within thirty days from the date of expiration of the period stated under that sub-section, apply to the department in the approved form, for indefinite stay, for the purpose of engaging in or finding gainful employment with an employer or as a self-employed person.

(3) A national under sub-section (1), the spouse, or any dependant of the national, shall have the right of freedom of movement, the right to work, during the period of definite stay, and the right to 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 may, within thirty days of submission of an application under sub-section (2), grant to the applicant, or the spouse or any dependant of that applicant, indefinite stay.

(5) Where an application under sub-section (2) is approved, the department shall grant to the applicant, the spouse or any dependent of that applicant, indefinite stay.

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

Amendment of section 8.

4. The principal Act is amended by repealing section 8 and replacing it with the following—

Effect of permission.

“8. Notwithstanding the provisions of any other law, a national who is granted indefinite stay under this Act, the spouse or any dependant of that national, 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 any lawful purpose; or
- (c) except for a child under the age of sixteen years, the right to engage in gainful employment or other occupation, in accordance with the laws of Belize,

which would not apply if the national were a citizen of Belize.”.

5. The principal Act is amended by repealing Schedule I and replacing it with the following—

Amendment of
Schedule I.

“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. A degree designated as an Associate’s, a Bachelors, Masters or Doctoral degree, from a tertiary institution in Belize.
3. Any qualification, possessed by an applicant which is verified by the University of Belize as satisfying the conditions for recognition of Caribbean Community skills qualification.
4. A teacher or nurse who holds any qualifications other than those listed in items 1 or 2.
5. An artiste, a musician, media person or sportsperson who is recognised as such by the competent authority of the

qualifying state from which the individual participated in the relevant activity.

6. An artisan with a CVQ or its equivalent.
7. A domestic worker with a CVQ, NVQ, or its equivalent or who has practical experience as evidenced by references from two persons to whom the domestic worker provided services as a domestic worker.
8. An agricultural worker with—
 - (a) relevant qualification in the field of agriculture, including, but not limited to a CVQ or its equivalent; or
 - (b) a letter of recommendation from a national agricultural body, (such as a representative association or Ministry with responsibility for informing of the availability of agricultural workers).
9. A private security officer with the relevant qualification in the field, including—
 - (a) a letter or declaration from a previous employer confirming that the national, provided service as a security officer, for a period of at least one year, possesses the ability to perform the relevant tasks related to the sector, (including the number of years of employment, relevant experience, and training provided; or
 - (b) a CVQ or its equivalent; and
 - (c) a professional licence and a letter from the relevant body responsible for maintaining the register or roster of private security officers or

Estate/Island/District Constable or equivalent in the Member State in which the Community national is registered as a private security officer or recognised as an Estate/Island/District Constable.”.