

BELIZE:

CARIBBEAN COMMUNITY (FREE MOVEMENT OF SKILLED PERSONS) REGULATIONS, 2023

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BELIZE:

STATUTORY INSTRUMENT

No. 50 of 2023

REGULATIONS made by the Minister, in exercise of the powers conferred upon him by section 11 of the Caribbean Community (Free Movement of Skilled Persons) Act, Chapter 17:02 of the Laws of Belize, Revised Edition 2020, and all other powers thereunto enabling him.

(Gazetted 29th 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. These Regulations may be cited as the

Short title.

CARIBBEAN COMMUNITY (FREE MOVEMENT OF SKILLED PERSONS) REGULATIONS, 2023.

2. In these Regulations “Act” means the Caribbean Community (Free Movement of Skilled Persons) Act.

Interpretation.
CAP.17:02

3.–(1) An application under section 4 of the Act, for indefinite stay for the purpose of engaging in or finding gainful employment with an employer or as a self-employed person shall include–

Application for indefinite stay to engage in gainful employment.

(a) the qualifying certificate issued by the competent Minister of a qualifying Caribbean Community State certifying that the applicant 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 by a qualifying Caribbean Community State to the applicant, the spouse or any dependant of the applicant, or other form of identification issued by the Minister to the applicant, the spouse or any dependant of the applicant;
- (c) the approved fee; and
- (d) a police record of—
 - (i) the applicant;
 - (ii) the spouse of the applicant; or
 - (iii) any dependant, above the age of seventeen, of the applicant.

(2) The department may approve or refuse an application and where it refuses an application, the department shall give reasons, in writing for its refusal.

(3) Where an application under the Act is refused by the department, the applicant may make a written request to the Minister, for a review of the decision.

(4) The Minister may review the decision of the department to refuse an application under Regulation 3, and thereafter submit a written response to the applicant, within 5 working days of receipt of the request.

Form of application.

4. An application for a qualifying certificate under section 6 of the Act shall be in the approved form, and accompanied by a non-refundable application fee of two hundred and twenty-five dollars.

5.-(1) A Caribbean skilled person, whose qualifying certificate is lost, stolen or destroyed, shall report the loss, theft or destruction, to the-

Replacement certificate.

- (a) Issuing Competent Authority and the police, of the Issuing Member State; or
- (b) Competent Authority and the police of the Member State in which the loss, theft or destruction occurred, if different from the Issuing Member State.

(2) Where any information contained in a qualifying certificate has changed, the holder of the qualifying certificate, shall submit the evidence in support of the change to the department as soon as practicable after the change occurs.

(3) A person under sub-regulation (1) or (2), shall apply to the department for a replacement certificate.

(4) An application under sub-regulation (1) or (2), shall be in the approved form, and accompanied by a non-refundable application fee of fifty dollars.

(5) Where a replacement certificate is issued by the department in the circumstances outlined under sub-regulation (1) or (2), the Issuing Competent Authority shall inform the CARICOM Secretariat of the issuance of the replacement certificate and provide the identification number of the replacement certificate.

6. All fees payable under the Act shall be paid in full before acceptance of the application by the department.

Fees.

7.-(1) An application under section 4 of the Act shall be submitted together with the qualifying certificate issued to the applicant.

Review by Verification of qualifying certificate.

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

Cancellation
of qualifying
certificate.

8.—(1) Where the department intends to cancel a qualifying certificate, the department shall notify the holder the certificate, in writing, of its intention, and—

- (a) specify the reasons for the intention to cancel the certificate; and
- (b) inform the holder of the qualifying certificate that he may submit written representation, to the Minister, within fourteen days of the date of notification or any other period as stated in the notification.

(2) The Minister may cancel a qualifying certificate that was issued under section 4 of the Act, where the person to whom the certificate is issued, is convicted of an offence under the Act.

Surrender
of qualifying
certificate.

9.—(1) The holder of a qualifying certificate—

- (a) who ceases to be a CARICOM national; or
- (b) whose qualifying certificate is cancelled,

shall, surrender the certificate to the department, within thirty days of the cession or cancellation.

(2) A spouse or any dependant of a person under sub-regulation (1), shall surrender all documents issued by the department to the spouse or dependant, within thirty days of the cession or cancellation.

Offence.

10. A person who contravenes any provision of these Regulations commits an offence and is liable on summary

conviction to a fine of five thousand dollars or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

11.-(1) The department shall keep and maintain a register to be known as the “Register of Caribbean skilled persons” containing—

Register of
Caribbean
skilled persons.

- (a) the name of every person who is issued a qualifying certificate;
- (b) the names of the spouse and any dependants of the person to whom a certificate is issued;
- (c) the identification number of every qualifying certificate that is issued, replaced or validated by the department;
- (d) the date of the issue, replacement or validation of every certificate;
- (e) the country of issue of a certificate that is validated by the department and the nationality of the person to whom the certificate is issued; and
- (f) the status of every qualifying certificate, including whether the certificate is valid, replaced, cancelled or surrendered.

(2) The department shall be responsible to—

- (a) be the Registrar for qualifying certificates; and
- (b) stamp all qualifying certificates issued by the department.

MADE by the Minister responsible for immigration this 26th day of April, 2023.



(HON. EAMON COURTENAY)

*Minister of the Foreign Affairs, Foreign Trade
and Immigration*

(Minister responsible for immigration)