

LAWS OF GUYANA

CARIBBEAN COMMUNITY (FREE ENTRY OF SKILLED  
NATIONALS) ACT

CHAPTER 18:08

Act  
6 of 1996

Amended by  
15 of 2011  
9 of 2014

**Current Authorised Pages**

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**Note on Subsidiary**

**Legislation**

**This Chapter contains no subsidiary legislation.**

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**CHAPTER 18:08**  
**CARIBBEAN COMMUNITY (FREE ENTRY OF SKILLED NATIONALS)**  
**ACT**  
**ARRANGEMENT OF SECTIONS**

SECTION

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SCHEDULE I: QUALIFYING CARIBBEAN COMMUNITY STATES  
SCHEDULE II: FORM OF CERTIFICATE

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6 of 1996

**An Act to promote the free entry of skilled nationals of  
qualifying Caribbean Community States.**

[14<sup>th</sup> March, 1996]

Short title.

**1.** This Act may be cited as the Caribbean Community  
(Free Entry of Skilled Nationals) Act.

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Interpretation. 2. In this Act—  
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**“dependent”** in relation to a person means –

- (a) any unmarried child of that person -
  - (i) under the age of eighteen years;
  - (ii) under the age of twenty-five years attending school or university full time;
  - (iii) over the age of eighteen years who, due to disability, is wholly dependent on that person, whether born in or out of wedlock and includes a step child, a child adopted by law or a child of the family;
- (b) a parent who is wholly dependent on that person for his subsistence;
- (c) any other natural person certified as such by order of court;’;

“immigration officer” has the same meaning as in the Immigration Act;

**“Minister”** means the Minister assigned with responsibility for foreign affairs;’.

“qualifying State” means a member State of the Caribbean Community other than Guyana specified in Schedule I;

“Schedule II Certificate” means a certificate in the form in Schedule II evidencing that the person so certified is recognised by the Government of Guyana as holding qualifications which satisfy the conditions for recognition of Caribbean Community skills qualification.

Indefinite duration of entry.

3. (1) Subject to section 14 and notwithstanding any other law, an immigration officer shall permit a person to whom this section applies to enter and remain in Guyana for a period of indefinite duration.

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(2) This section applies to the holder of a passport issued by a qualifying State who was born in the State issuing the passport or in another qualifying State and presents on entry to Guyana a Schedule II Certificate.

Six months duration of entry.

4. Subject to section 14 and notwithstanding any other law, an immigration officer shall permit a person to enter and remain in Guyana for six months who —

- (a) is a holder of a passport issued by a qualifying State and was born in the State issuing the passport or in another qualifying State; and
- (b) presents on entry to Guyana a certificate issued by the Government of a qualifying State including that person's own State of birth, in that State's equivalent of the form in Schedule II.

Verification of a certificate issued by a qualifying State [9 of 2014]

4A. (1) A person who —

- (a) is granted permission under section 4 to enter and remain in Guyana for six months; and
- (b) wishes to remain in Guyana for a period of indefinite duration. shall apply to the Minister to have the certificate issued to him by a qualifying State verified.

- (2) The Minister may, notwithstanding the verification of a certificate issued by a qualifying State, disregard that certificate where it is afterwards found that the applicant has been convicted -
- (a) of an offence under section 14;
  - (b) in a qualifying State of a similar offence to that stated under section 14; or
  - (c) of any serious offence, whether in Guyana or elsewhere.

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- (3) Where the Minister, after verification of a certificate issued by a qualifying State, finds that the certificate complies with the requirements of a Schedule II Certificate and the person has not breached any other law, the Minister shall inform the Chief Immigration Officer of the verification and the person to whom this section relates may apply to the Chief Immigration Officer for permission to remain in Guyana for a period of indefinite duration

Montserrat.

5. Where the qualifying State is Montserrat –

- (a) a passport evidencing that the holder –
- (i) is a citizen of the United Kingdom and Colonies or a British Dependent Territories citizen; and
  - (ii) was born in Montserrat,

shall be deemed to be a passport issued by Montserrat;

- (b) a citizen of the United Kingdom and Colonies or a British Dependent Territories citizen who belongs to Montserrat under the law of Montserrat shall be deemed to be a citizen of Montserrat.

Application  
for Schedule II  
Certificate

6. Any citizen of Guyana or of any other qualifying State may, in such form and accompanied by such other documentation and such fees, as may be prescribed by the Minister, apply to the Minister for a Schedule II Certificate.

Grant of  
Schedule II  
Certificate.

7. (1) The Minister shall, subject to subsection (2) and sections 8 and 13, grant a Schedule II Certificate to any applicant under section 6 who is -

- (a) a citizen of Guyana; or

(b) a citizen of, and was born in, a qualifying State.

(2) The Minister may refuse to grant a Schedule II Certificate to any applicant who has been convicted of an offence under section 14 or of any serious offence, whether in Guyana or elsewhere, which, in the opinion of the Minister, renders that applicant unsuitable for the grant of a Schedule II Certificate.

Qualification  
for Schedule II  
Certificate.  
[ 15 of 2011]

8. (1) An applicant under section 6 who holds any of the following qualifications shall satisfy the qualification requirements of this Act for the grant of a Schedule II Certificate—

- (a) university graduate;
- (b) media workers;
- (c) musicians;
- (d) artistes;
- (e) sports persons;
- (f) teachers;
- (g) registered nurses;
- (h) persons holding associate degrees;
- (i) artisans possessing a Caribbean vocational qualification or an approved national vocation qualification;
- (j) domestics who have obtained a Caribbean vocational qualification
- (k) any qualification certified by the Secretary General of the Caribbean

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Community under section 9 as satisfying the qualification requirement of this Act.

(2) Any qualification which the Minister may by order prescribe.

Certification of qualifications by Secretary-General.

9. (1) For the purposes of section 8(1)(d), a qualification is certified lay the Secretary-General of the Caribbean Community—

(a) if it is listed in any current written official communication from the Secretary-General, addressed to all the Governments of the qualifying States, as evidencing assessed qualifications for the purposes of this Act; or

(b) if it is held by an applicant under section 6 and certified by the Secretary-General, in relation to that applicant as an assessed qualification, whether or not any such qualification is listed under paragraph (a).

(2) For the purposes of subsection (1), an assessed qualification is any qualification which the Secretary-General has assessed, after taking into account consultations with the University of the West Indies, the University of Guyana and the University of Suriname, as equivalent in standard to any qualification mentioned in section 8(1)(a) or (b).

(3) Any function of the Secretary-General under this section may be discharged by a person authorised to do so in an official written communication from the Secretary-General, addressed to all the Governments of the qualifying



- Effect of a permission under sections 3 or 4. [9 of 2014]
- States.
10. (1) Subject to sections 11, 13 and 14 and notwithstanding any other law a person who holds a Schedule II Certificate and who is granted a permission under section 3 shall, as in the case of a citizen of Guyana, not be subject to—
- (a) any restriction on his or his spouse and dependent members of his family's freedom of movement, including the freedom to leave and re-enter Guyana without further permission;
  - (b) any restriction on his freedom to acquire moveable or immovable property for use as his residence or for use in his business; or
  - (c) any restriction on his or his spouse's right to engage in gainful employment or other occupation.
- (2) Subject to sections 11, 13 and 14 and notwithstanding any other law a person, who is granted a permission under section 4, shall for the duration of the permission, as in the case of a citizen of Guyana, not be subject to—
- (a) any restriction on his or his spouse and dependent members of his family's freedom of movement, including the freedom to leave and re-enter Guyana without further permission; or
  - (b) any restriction on his right to engage in gainful employment or other occupation."
- (3) For the purpose of this section, the acquisition of property as an investment does not amount to acquisition of property for the purpose of business unless the person acquiring that property is engaged in the business of

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- managing or dealing in investment property.
- Revocability of permission.      **11.** Subject to sections 13 and 14 and notwithstanding any other law, a permission granted under section 3 or 4 or any right conferred under section 10 shall be irrevocable during the duration of the permission, except for cause and in the circumstances where the holder of the permission is liable to deportation, extradition or other form of expulsion.
- Rights not in derogation.      **12.** The rights and privileges conferred on a person by this Act shall be in addition to and not in derogation of any other rights and privileges enjoyed by that person.
- Reciprocity.      **13.** (1) The rights and privileges conferred by this Act on a relevant passport holder of a qualifying State shall not exceed that State's reciprocal rights and privileges.
- (2) A qualifying State's reciprocal rights and privileges shall in the absence of proof to the contrary be presumed to be the same as the rights and privileges which would be conferred by this Act on a relevant passport holder.
- (3) In this section—
- (a) a qualifying State's reciprocal rights and privileges comprise the rights and privileges conferred by the law of that State on the holder of a passport issued by the Government of Guyana who would, in relation to that qualifying State, satisfy conditions analogous to those required under this Act;
- (b) a relevant passport holder is a holder of a passport issued by a qualifying State who satisfies the conditions of

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this Act for any right or privilege conferred by this Act.

Offences and penalties.

14. (1) A person who, for the purpose of procuring the grant of a Schedule II Certificate or for the purpose of seeking a permission under section 3 or 4, makes any statement knowing the same to be false in a material particular or recklessly not caring whether it be false in a material particular, commits an offence.

(2) Conviction of an offense under this section renders a Schedule II Certificate or a permission referred to in subsection (1) liable to cancellation, at the discretion of the Minister.

(3) Where a Schedule II Certificate or a permission has been cancelled, under subsection (2), any person who uses the Certificate or permission knowing that it has been cancelled, commits an offence.

(4) Where a certificate, issued by the Government of a qualifying State in that State's equivalent form to the form in Schedule II, has been cancelled, any person who uses that certificate knowing that it has been cancelled, commits an offence.

(5) Any person who commits an offense under this Act is liable on summary conviction to a fine of thirty thousand dollars and to imprisonment for six months.

Regulations.

15. The Minister may, subject to negative resolution of the National Assembly, make regulations generally for the carrying out of the purposes of this Act.

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s. 2  
[15 of 2011]

**SCHEDULE I**

QUALIFYING CARIBBEAN COMMUNITY STATES

- (1) Antigua and Barbuda
- (2) The Bahamas
- (3) Barbados
- (4) Belize
- (5) Dominica
- (6) Grenada
- (7) Guyana
- (8) Jamaica
- (9) Montserrat
- (10) St. Christopher and Nevis
- (11) St. Lucia
- (12) St. Vincent and the Grenadines
- (13) Suriname
- (14) Trinidad and Tobago.

**SCHEDULE II**

GUYANA

FORM OF CERTIFICATE

CARIBBEAN COMMUNITY  
(FREE ENTRY OF SKILLED NATIONALS) ACT CAP, 18:08

CERTIFICATE OF RECOGNITION OF CARIBBEAN  
COMMUNITY SKILLS QUALIFICATION

WHEREAS.....has applied to  
.....the Minister responsible  
for Caribbean Community affairs in the Government of  
Guyana for a Certificate of Recognition of Caribbean

**L.R.O. 1/2012**

Community Skills Qualification, in reliance on the qualifications and other particulars set out in the Table to this Schedule, and has satisfied the Minister that the conditions specified in the Caribbean Community (Free Entry of Skilled Nationals) Act, Cap 18:08 for the grant of a Certificate of Recognition of Caribbean Community Skills Qualification have been fulfilled:

NOW, THEREFORE, the Minister, in exercise of the powers conferred upon him by the said Act, grants to the said [.....] this Certificate of Recognition of Caribbean Skills Qualification.

In witness whereof I have hereto subscribed my name this day of.....20.....

Minister responsible for  
Caribbean Community Affairs.

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