



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 25.04

# CARIBBEAN COMMUNITY SKILLED NATIONALS ACT and Subsidiary Legislation

#### Revised Edition

showing the law as at 31 December 2017

This is a revised edition of the law, prepared by the Law Commission under the authority of the Law Commission Act, Cap. 1.03.

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## **CHAPTER 25.04**

### **CARIBBEAN COMMUNITY SKILLED NATIONALS ACT**

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**CHAPTER 25.04****CARIBBEAN COMMUNITY SKILLED NATIONALS ACT**

AN ACT TO REMOVE THE RESTRICTION ON THE ENTRY INTO SAINT CHRISTOPHER AND NEVIS OF SKILLED NATIONALS OF QUALIFYING CARIBBEAN COMMUNITY COUNTRIES.

**Short title.**

1. This Act may be cited as the Caribbean Community Skilled Nationals Act.

**Interpretation.**

2. (1) In this Act, unless the context otherwise requires—

“**artiste**” means a person who is active in or qualified to enter a particular field of art with the specific purpose of earning a living, provided that such person performs the functions set out in subsection (3) of this section;

“**immigration officer**” means an officer as defined in section 2 of the Immigration Act, Cap. 6.02;

“**media worker**” means a person whose primary source of income is drawn from media and media-related work or a person who has the qualification to do such work, provided that such a person performs any of the functions set out in subsection (4) of this section;

“**Minister**” means the Minister responsible for CARICOM Affairs;

“**musician**” means a person who is active in or qualified to enter a particular field of music with the specific purpose of earning a living, provided that such person performs the functions set out in subsection (5) of this section;

“**nurse**” means a person who has successfully completed a basic or higher level of training for nurses and who is registered with the General Nursing Council of a qualifying Caribbean Community State and is designated as a registered nurse;

*(Inserted by Act 14 of 2008)*

“**property**” includes real and personal property;

“**qualifying Caribbean Community State**” means a member State of the Caribbean Community other than Saint Christopher and Nevis and which is listed in the First Schedule;

“**Secretary-General**” means the Secretary-General of the Caribbean Community.

“**sports person**” means a person who is active in or qualified to enter a particular field of sports with the specific purpose of earning a living, provided that such person performs the functions set out in subsection (6) of this section;

“**teacher**” means a person who has successfully completed an approved pre-service or in-service teacher preparation programme from an accredited or recognised institution offering teacher education.

*(Amended by Acts 13 of 2005 and 14 of 2008)*

- (2) Where the qualifying Caribbean Community State is Montserrat—

- (a) a passport showing the holder—

- (i) to be a citizen of the United Kingdom and Colonies or a British Dependent Territories citizen; and

- (ii) to have been born in Montserrat, shall be deemed to be a passport issued by Montserrat;
  - (b) a citizen of the United Kingdom and Colonies or British Dependent Territories citizen who belongs to Montserrat shall be deemed to be a citizen of a qualifying Caribbean Community State under section 6.
- (3) The functions that are performed by an artiste include—
  - (a) in the case of a visual artiste—
    - (i) fine art,
    - (ii) costume builder,
    - (iii) costume designer,
    - (iv) fashion designer,
    - (v) set fashion,
    - (vi) make-up artist,
    - (vii) stylists,
    - (viii) interior designer,
    - (ix) textile designer,
    - (x) architects,
    - (xi) landscape artists,
    - (xii) graphic artists,
    - (xiii) print makers;
  - (b) in the case of a performance artiste—
    - (i) dancer,
    - (ii) actor,
    - (iii) choreographer,
    - (iv) director,
    - (v) performance poet,
    - (vi) story teller,
    - (vii) folk performer,
    - (viii) puppeteer;
  - (c) in the case of a literary artiste—
    - (i) creative writer,
    - (ii) novelist,
    - (iii) poet,
    - (iv) essayist,
    - (v) short story - writer,
    - (vi) play writer,
    - (vii) script writer,

- (viii) lyricist;
- (d) in the case of a cultural worker—
  - (i) managers,
  - (ii) technician,
  - (iii) producer,
  - (iv) stage manager,
  - (v) lighting manager,
  - (vi) lighting technician,
  - (vii) sound design,
  - (viii) arts administrator,
  - (ix) production assistant,
  - (x) holders of traditional knowledge.
- (4) A media worker performs functions of—
  - (a) media manager and administrator;
  - (b) editor and sub-editor;
  - (c) reporter, producer, announcer and broadcaster;
  - (d) camera operators, sound engineering and video technician, production worker in the print and electronic media;
  - (e) graphic artist, cartoonist, and photographer, fashion designer;
  - (f) editorial department, programming department and newsroom; and
  - (g) other related personnel whose functions are not specified in this subsection.
- (5) A musician performs functions which include the following—
  - (a) playing musical instruments;
  - (b) singing;
  - (c) writing songs;
  - (d) leading bands or orchestra;
  - (e) conducting;
  - (f) promoting;
  - (g) event managing.
- (6) The functions that are performed by a sports person include—
  - (a) athletics;
  - (b) coaching;
  - (c) team leader;
  - (d) sports manager;
  - (e) massage therapist;

(f) events manager.

*(Inserted by Act 13 of 2005)*

### **Indefinite entry of Caribbean skilled persons etc.**

3. (1) Notwithstanding the provisions of any other law, an immigration officer shall, subject to sections 5, 14, and 16 of this Act, permit a national to whom this section applies and any dependant of that person to enter and remain in the Federation initially for a period of six months and thereafter for an indefinite period if the person satisfies the requirements made under regulations by the Minister.

(2) This section applies to a national who—

- (a) holds a valid passport issued to him or her by a qualifying Caribbean Community State or other form of identification approved by the Minister;
- (b) seeks to enter the Federation for the purpose of engaging in or finding gainful employment with an employer or as a self-employed person; and
- (c) presents to the immigration officer on entry into the Federation a qualifying certificate certifying that he or she is recognised by the Minister as a Caribbean skilled person.

*(Substituted by Act 2 of 2002)*

### **Provisional entry of Caribbean skilled persons etc.**

4. (1) Notwithstanding the provisions of any other law, an immigration officer shall, subject to sections 5, 14, and 16 of this Act, permit a national to whom this section applies and any dependant of that person to enter and remain in the Federation for a period not exceeding six months.

(2) This section applies to a national who—

- (a) holds a valid passport issued to him or her by a qualifying Caribbean Community State or other form of identification approved by the Minister;
- (b) seeks to enter the Federation for the purpose of engaging in or finding gainful employment with an employer or as a self-employed person; and
- (c) presents to the immigration officer on entry into the Federation a certificate issued by the competent Minister of a qualifying Caribbean Community State certifying that the holder of the passport is recognised by the Government of that qualifying Caribbean Community State as being a Caribbean skilled person.

*(Substituted by Act 2 of 2002)*

### **Prohibited Caribbean skilled persons.**

5. (1) Subject to subsection (2), an immigration officer shall not permit a Caribbean skilled person or any dependant of that person to enter into the Federation if that person—

- (a) is likely, if he or she enters the Federation, to become a charge on public funds;
- (b) is a person of unsound mind or a mentally defective person;



- (c) is, on the basis of available information communicated to the Minister, suffering from a communicable disease which makes his or her entry into the Federation dangerous;
- (d) is, from information or advice, which in the opinion of the Minister is reliable information or advice, deemed by the Minister to be an undesirable inhabitant of, or a visitor to, the Federation; and
- (e) is a subject of a deportation order in force under the Deportation (Commonwealth Citizens) Act.

(2) Notwithstanding subsection (1), the Minister may exempt any Caribbean skilled person from the provisions of subsection (1).

*(Inserted by Act 2 of 2002)*

#### **Application for entry certificate.**

6. Any citizen by birth or decent of Saint Christopher and Nevis or of a qualifying Caribbean Community State may, subject to section 14, apply to the Minister for a certificate in the form set out in the Second Schedule with such supporting evidence and accompanied by the payment of such fees, as may be prescribed by the Minister.

#### **Minister to grant certificate to qualified applicants.**

7. (1) The Minister shall, subject to subsection (2) and section 14, grant a certificate in the form set out in the Second Schedule to any applicant under section 6 who satisfies the qualification requirements of this Act and is—

- (a) a citizen by birth or decent of Saint Christopher and Nevis; or
- (b) a citizen of a qualifying Caribbean Community State under section 6 who was born or is the child of a person born in a qualifying Caribbean Community State.

(2) The Minister may refuse to issue a certificate in the form set out in the Second Schedule to a person who has been convicted of an offence under section 16 or of a similar offence under the law of a qualifying Caribbean Community State.

#### **Qualifications for certificate.**

8. (1) An applicant under section 6 who holds any of the following qualifications or combination of qualifications satisfies the qualification requirements of this Act—

- (a) a degree of the University of the West Indies or of the University of Guyana designated as a Bachelor's, Master's or Doctor's degree;
- (b) a degree of Doctorandus, Meester, Licentiatu or Doctor of the University of Suriname;
- (c) any University degree which is by common repute at least comparable in academic standing with a qualification in subsection (1)(a) and (b);
- (d) any qualification or experience of an applicant who is a citizen of a qualifying Caribbean Community Member State, which to satisfaction of the Minister, proves that an applicant is an artiste, a musician, a sports person, or a media worker;
- (e) any qualification or combination of qualifications certified by the Secretary-General under section 9;
- (f) any qualification or combination of qualifications in a list—

- (i) compiled from time to time by any authority designated by the Minister by Order as an accrediting authority for the purposes of this section; and
  - (ii) prescribed by the Minister by Order as a list of qualifications and combinations of qualifications satisfying the qualification requirements of this Act;
  - (g) a qualification or combination of qualifications possessed by an applicant under section 6 which is certified by any authority, designated by the Minister by Order as an accrediting authority for the purposes of this section, as satisfying the conditions for recognition of Caribbean Community skills qualification, whether or not any such qualification or combination of qualifications is listed under subsection (1)(e);
  - (h) any qualification or combination of qualification prescribed under section 15(1);
  - (i) any qualification or combination of qualifications of an applicant who is a citizen of a qualifying Caribbean Community State, which to the satisfaction of the Minister, proves that an applicant is a nurse or teacher.  
*(Subsection (1) amended by Acts 13 of 2005 and 14 of 2008)*
- (2) For the purposes of subsection (1)(f), “authority” includes—
- (a) any institution or other body, whether incorporated or not, whether or not established under the authority of the Government of Saint Christopher and Nevis or any other Government of a qualifying Caribbean Community State, whether or not established under any written law, and whether or not situated in Saint Christopher and Nevis;
  - (b) any person designated as holding an office in any institution or other body in subsection (2)(a); and
  - (c) any public officer,

appearing to the Minister to have technical expertise in the assessment of qualifications.

(3) The Minister shall make available any current list of qualifications and combination of qualifications under section 9(1)(a) to any person on request, subject to the payment of—

- (a) a fee; and
- (b) any other conditions,

as may be prescribed by Regulations made under section 15(2).

### **Functions of Secretary-General.**

9. (1) A qualification or combinations of qualifications is certified by the Secretary-General for the purposes of section 8(1)(d) if it is—

- (a) currently listed in an official written communication from the Secretary-General, addressed to all the Governments of the member States of the Caribbean Community listed in the First Schedule, purporting to provide a list of assessed qualifications; or

(b) 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 or combination of qualifications is listed under subsection (1)(a).

(2) For the purposes of subsection (1), an assessed qualification is a 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 at least equivalent in standard to any qualification specified 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 member States of the Caribbean Community listed in the First Schedule.

(4) A communication is addressed to a Government within the meaning of this section if it is addressed to—

(a) the Minister; or

(b) any public officer, designated by office, whose responsibilities include functions relating to any one or more of Caribbean Community affairs, education, immigration, labour or the public service.

**Effect of a certificate not under the Second Schedule and of permission under section 4(1).**

**10.** (1) A person who holds a certificate in the form set out in the Second Schedule shall not, notwithstanding the provisions of any other law but subject to sections 14 and 16, be subject to any restriction on—

(a) freedom of movement, including the freedom to leave and re-enter Saint Christopher and Nevis without further permission;

(b) the right to engage in gainful employment or other occupation; and

(c) freedom to acquire property for use in that person's business,

which would not apply if that person were a citizen of Saint Christopher and Nevis.

*(Amended by Act 14 of 2008)*

(2) For the period of the duration of the permission under section 4(1), a person to whom section 4 applies shall, notwithstanding the provisions of any other law but subject to sections 14 and 16, not be subject to any restriction on freedom of movement, including the freedom to leave and re-enter Saint Christopher and Nevis without further permission, which would not apply if that person were a citizen of Saint Christopher and Nevis.

(3) The acquisition of property as an investment does not amount under this section to the use of property for the purpose of business unless the person acquiring that property is engaged in the business of managing or dealing in investment property.

**Spouses and dependent family members.**

**11.** (1) The spouse and dependent members of the family of the holder of a certificate in the form set out in the Second Schedule shall, notwithstanding the provisions of any other law but subject to section 14 and 16, not be subject to any restriction on freedom of movement, including the freedom to leave and re-enter Saint Christopher and Nevis without further permission, which would not apply if

that spouse or dependent family member were a citizen of Saint Christopher and Nevis.

(2) For the period of the duration of a permission under section 4(1), the spouse and dependent members of the family of the person to whom section 4 applies shall, notwithstanding the provisions of any other law but subject to sections 14 and 16, not be subject to any restriction on freedom of movement, including the freedom to leave and re-enter Saint Christopher and Nevis without further permission, which would not apply if that spouse or dependent family member were a citizen of Saint Christopher and Nevis.

*(Subsection (3) deleted by Act 14 of 2008)*

#### **Revocability of permission under this Act.**

**12.** Permission to enter under section 3(1) or 4(1) and the rights conferred under sections 10 and 11 shall, notwithstanding the provisions of any other law but subject to sections 14 and 16, be irrevocable during the duration of the permission except for cause and by procedure which would, apart from this act, render at least a member of some category of citizens of Saint Christopher and Nevis liable to deportation, extradition or other form of expulsion.

#### **Savings for rights and privileges of holders of qualifying CARICOM passports.**

**13.** The rights and privileges conferred by this Act on a holder of a passport issued by a qualifying Caribbean Community State shall not derogate from any other rights and privileges of that passport holder.

#### **Reciprocity.**

**14.** (1) In this section—

- (a) references to this Act are references to the provisions of this Act apart from this section;
- (b) a qualifying Caribbean Community State's reciprocal rights and privileges comprise the rights and privileges conferred by the law of the State to a citizen by birth or descent of Saint Christopher and Nevis who would, in relation to that qualifying Caribbean community State, satisfy conditions analogous to those required under this Act;
- (c) a holder of a passport issued by a qualifying Caribbean Community State who satisfies the conditions of this Act qualifies for any right or privilege conferred by this Act.

(2) The rights and privileges conferred by this Act on a relevant passport holder shall not exceed that State's reciprocal rights and privileges.

(3) A qualifying Caribbean Community 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.

#### **Regulations.**

**15.** (1) The Minister may, by Order, prescribe particular qualifications or combination of qualifications, additional to those listed in section 8(1), as qualifications which satisfy the qualification requirements of this Act.

(2) The Minister may make Regulations generally for carrying out the objects and purposes of this Act.

(3) Regulations made under subsection (2) shall be subject to negative resolution.

**Offences.**

**16.** (1) A person commits an offence who, for the purposes of procuring a certificate in the form set out in the Second Schedule, or for the purpose of seeking permission under section 3(1) or 4(1), makes any statement which that person knows to be false in a material particular or recklessly makes any statement which is false in a material particular.

(2) Conviction of an offence under this section renders a certificate in the form set out in the Second Schedule, liable to cancellation at the discretion of the Minister.

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

(4) Where a certificate referred to in section 4(2)(c) has been cancelled by the Government of the qualifying Caribbean Community State which issued the certificate, any person who uses that certificate, knowing that it has been cancelled, commits an offence.

(5) Conviction of an offence under this section disentitles the person convicted of the right to the permission under section 3(1) or 4(1).

**Penalty.**

**17.** Any person who commits an offence under this Act is liable, on summary conviction, to a fine of five thousand dollars and imprisonment for six months.

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**FIRST SCHEDULE***(Sections 2 and 9(1)(a) and (3))*

## QUALIFYING CARIBBEAN COMMUNITY STATES

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

**SECOND SCHEDULE***(Sections 6, 7, 10(1), 11(1) and 16(1) and (2))*

## FORM OF CERTIFICATE

CARIBBEAN COMMUNITY SKILLED NATIONALS ACT, CAP. 25.04  
CERTIFICATE OF RECOGNITION OF CARIBBEAN COMMUNITY SKILLS  
QUALIFICATION

WHEREAS ..... has applied to the Ministry responsible for Caribbean Community Affairs in the Government of Saint Christopher and Nevis for a Certificate of Recognition of Caribbean Community Skills Qualification, in reliance on the qualifications set out below, and has satisfied the Minister that the conditions laid down in the Caribbean Community Skills Qualification have been fulfilled:

NOW, THEREFORE, the Minister, in exercise of the powers conferred upon him or her by the said Act, grants to the said .....

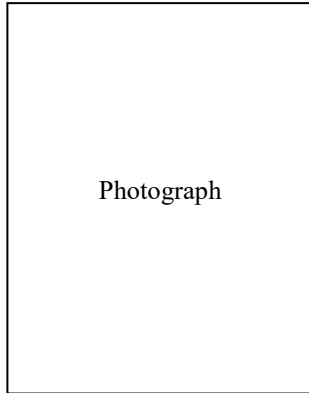
this Certificate of Recognition of Caribbean Community Skills Qualification.

IN WITNESS whereof I have hereto subscribed my name this ..... day of ....., 20 .....

Prime Minister and Minister for  
Foreign Affairs, National Security  
and Immigration.

Prime Minister Office,  
Government Headquarters,  
Basseterre.

PARTICULARS RELATING TO APPLICANT



- Full Name
- Address
- Occupation/Profession
- Occupation/Profession
- Qualifications
- Date of Birth
- Nationality
- Marital Status.

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**THIRD SCHEDULE***(Section 15(2))***CARIBBEAN COMMUNITY SKILLED NATIONALS  
(ADVISORY COMMITTEE) REGULATIONS****Citation.**

1. These Regulations may be cited as the Caribbean Community Skilled Nationals (Advisory Committee) Regulations.

**Interpretation.**

2. In these Regulations—

“Act” means the Caribbean Community Skilled Nationals Act, Cap. 25.04;

“Advisory Committee” means the Caribbean Community Skilled Nationals Advisory Committee established under regulation 3.

**Minister may appoint Advisory Committee.**

3. (1) For the purposes of the Act, the Minister may appoint an advisory committee to be known as the Caribbean Community Skilled Nationals Advisory Committee.

(2) The provisions of the Schedule shall have effect with respect to the constitution, proceedings and other matters of the Advisory Committee.

**Powers and functions.**

4. (1) The Advisory Committee shall have such powers as are reasonably necessary for the carrying out of its functions or incidental to their proper discharge.

(2) The functions of the Advisory Committee are—

(a) to consider applications for certificates under section 6 of the Act;

(b) to make recommendations to the Minister in respect of the grant or refusal of certificates;

(c) to transmit applications and recommendations to the Minister;

(d) to advise and make recommendations to the Minister on matters related to certificates generally.

(3) The Advisory Committee may, in connection with the carrying out of its functions, consult and seek the advice of such persons or bodies whether inside or outside Saint Christopher and Nevis as it considers appropriate.

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## SCHEDULE TO THE REGULATIONS

(Regulation 3)

### THE CARIBBEAN COMMUNITY SKILLED NATIONALS ADVISORY COMMITTEE

#### **Constitution of Advisory Committee.**

1. (1) The Advisory Committee shall consist of the following persons who shall be appointed by the Minister—

- (a) an officer in the Ministry for CARICOM Affairs, who shall be the chairperson;
- (b) an officer in the Ministry of Immigration;
- (c) an officer in the Ministry of Labour;
- (d) an officer in the Ministry of Tourism;
- (e) an officer in the Ministry of Education;
- (f) an officer in the Ministry of Trade, Industry and Commerce;
- (g) an officer in the Labour Department of the Nevis Island Administration; and
- (h) an officer in the Premier's Ministry of the Nevis Island Administration.

(2) The Advisory Committee shall elect from among its members a Deputy Chairperson who shall, in the absence of the Chairperson, preside at meetings of the Advisory Committee.

(3) The functions, powers, rights and obligations of the Commission shall not be affected by any vacancy in its membership.

#### **Appointment of members of the Advisory Committee.**

2. The members of the Advisory committee shall be appointed by the Minister by instrument in writing.

#### **Reappointment of members of the Advisory Committee.**

3. Each member of the Advisory Committee shall be eligible for reappointment.

#### **Gazetting of appointments.**

4. The appointment of any person as a member of the Advisory Committee and the termination of office of such person whether by death, resignation, revocation, effluxion of time or otherwise shall be notified and published in the *Official Gazette*.

#### **Terms of appointment of member.**

5. A member of the Advisory Committee shall hold and vacate office in accordance with the terms of his or her instrument of appointment.

#### **Resignation.**

6. A member of the Advisory Committee may at anytime resign his or her office by giving not less than one month's notice in writing to the Chairperson, except that in the case of the Chairperson he or she shall tender his or her resignation in writing to the Minister.

**Revocation of appointment.**

7. If the Minister is satisfied that a member of the Advisory Committee—
- (a) has been absent from three consecutive meetings of the Advisory Committee without excuse or the permission of the Advisory Committee;
  - (b) has become bankrupt;
  - (c) is incapacitated by physical or mental illness; or
  - (d) is unable or unfit to discharge the functions of a member of the Advisory Committee,

he or she may terminate the appointment of the member.

**Leave of absence.**

8. The Minister may, on application of a member, grant leave of absence to the member.

**Remuneration of members.**

9. (1) The members of the Advisory Committee may be paid out of—
- (a) funds provided by the Ministry responsible for CARICOM Affairs for all members not representing the Nevis Island Administration; and
  - (b) funds provided by the Nevis Island Administration for the members representing the Nevis Island Administration.
- (2) Pursuant to paragraph (1), the—
- (a) chairperson shall be paid a monthly stipend of \$400; and
  - (b) each other member shall be paid a monthly stipend of \$300.

**Procedure at meetings.**

10. (1) The meetings of the Advisory Committee shall be held at such times and at such places as are from time to time agreed upon by the members or as the Minister may direct.

(2) The chairperson may at any time call a special meeting of the Advisory Committee and shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to him by any two members.

- (3) At a meeting of the Advisory Committee—
- (a) a simple majority of the members shall form a quorum;
  - (b) each member shall have one vote on each matter for deliberation; and
  - (c) in the event of an equality in the votes the Chairperson of the meeting shall have a casting vote.

(4) The Advisory Committee may determine its procedure and for that purpose may make rules of procedure, including rules relating to the alternating of meetings between the island of St Kitts and the Island of Nevis and the conduct of business at meetings and Advisory Committee may alter the said rules.

**Transaction of business without meeting.**

11. A decision is a valid decision of the Advisory Committee, even though it was not passed at a meeting of the Advisory Committee, if—

- (a) it is signed or assented to by a majority of members; and
- (b) proper notice of the proposed decision was given to all members.

**Secretariat and administrative officer.**

**12.** (1) The Advisory Committee shall be serviced by a secretariat from the Ministry responsible for CARICOM Affairs.

(2) The Advisory Committee shall have an administrative officer assigned to it from the Ministry responsible for CARICOM Affairs.

(3) The administrative officer shall provide administrative, recording and secretarial support to the Advisory Committee and shall not have a vote.

(4) The administrative officer shall be paid a monthly stipend of \$300.

**Minutes of Meetings.**

**13.** The administrative officer on the Advisory Committee shall keep proper minutes of its proceedings.

**Disclosure of interest.**

**14.** A member of the Advisory Committee who is directly or indirectly interested in any matter which is being dealt with by the Advisory Committee—

- (a) shall disclose the nature of his or her interest at a meeting of the Advisory Committee; and
- (b) shall not take part in any deliberation or decision of the Advisory Committee with respect to that matter.

*(Inserted by S.R.O. 53/2011)*

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