

No. 4] *Caribbean Community Special Visa Agreement Act* [2007.

I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

1st March, 2007.

SAINT LUCIA

—————
No. 4 of 2007

AN ACT to give effect to the Caribbean Community Special Visa Agreement.

[12th March, 2007]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows :

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Short title

1. This Act may be cited as the Caribbean Community Special Visa Agreement Act.

Interpretation

2. In this Act —

“Agreement” means the Caribbean Community Special Visa Agreement signed on the 22nd day of December, 2006, the text of which is set out in the Schedule to this Act;

“Minister” means the Minister responsible for immigration.

Force of law

3. The Agreement set out in the Schedule shall have the force of law in Saint Lucia.

Amendment to Agreement

4.— (1) Where an amendment to the Agreement becomes effective in terms of Article 19 of the Agreement, the Minister shall, by Order amend the Schedule of this Act to give effect to the amendment of the Agreement.

(2) Where the Schedule is amended in accordance with this section, any reference in this Act or in any other enactment or in any instrument having effect under any such enactment shall, unless the context otherwise requires, be construed as a reference to the Agreement as so amended.

SCHEDULE

(Sections 2 and 3)

Caribbean Community Special Visa Agreement

PREAMBLE

The States Parties:

ANTICIPATING that the threat of drug trafficking, terrorism and trafficking in humans is likely to be associated with the large number of persons who are or will be visiting the Community during the hosting of certain events, including the ICC Cricket World Cup West Indies 2007 by some States Parties;

DESIRING to make changes to existing national visa arrangements to greatly enhance the measures being taken to reduce the risks associated with these threats;

RECOGNIZING THAT it is in their interest to harmonize by consent their procedures for issuing visas as part of their common policy on the free movement of persons and in order to prevent the same person from lodging multiple visa applications;

DESIRING ALSO to strengthen consular cooperation for the purpose of combating illegal networks;

CONSCIOUS of the need to keep to a minimum the time spent in addressing formalities required for the issue of a visa for entry in the States Parties;

HAVING DECIDED to temporarily suspend the requirement for individual visa for entry into the territory of each of the States Parties, by nationals, citizens or subjects of certain foreign States;

RECOGNISING ALSO that under the existing law no authority exists for a State Party to issue a visa which is acceptable in another State Party;

HAVE AGREED AS FOLLOWS:

**Article 1
INTERPRETATION**

In this Agreement, unless the context otherwise determines:

“alien” means a national, citizen or subject of a foreign State;

“CARICOM Special Visa” means the CARICOM Special Visa issued pursuant to this Agreement;

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“child” means a person less than 18 years of age;

“Community” means the Caribbean Community including the CARICOM Single Market and Economy (CSME) established by the Revised Treaty of Chaguaramas signed at Nassau, The Bahamas on 5 July 2001;

“designated State” means Barbados, Jamaica and Trinidad and Tobago or any other State designated by the unanimous agreement of the States Parties to issue a CARICOM Special Visa;

“foreign State” means a State, country or territory other than a State, country or territory listed in Appendix 1;

“holder” means a person to whom a CARICOM Special Visa has been issued pursuant to this Agreement;

“IMPACS” means the CARICOM Implementation Agency for Crime and Security, which was established by an inter-governmental Agreement concluded on the 6th day of July 2006 at Basseterre, Federation of Saint Christopher and Nevis;

“Member State” means a State listed in Appendix 2;

“State Party” means a Party to this Agreement;

“travel document” means a valid passport furnished with a photograph.

Article 2

COMMON POLICY ON CARICOM SPECIAL VISAS

1. The States Parties undertake:
 - (a) to adopt a common policy on the arrangements for a CARICOM Special Visa and to assist each other to that end; and
 - (b) to harmonize their policies on the CARICOM Special Visa.
2. The CARICOM Special Visa arrangements relating to a foreign State may be amended by the consent of all the States Parties.
3. A State Party may in exceptional cases derogate from the CARICOM Special Visa arrangements where required by overriding reasons of national policy and shall first consult the other States Parties.

Article 3**CARICOM SPECIAL VISA**

1. Subject to article 11(3), a CARICOM Special Visa which shall be valid for entry into States Parties shall be introduced and may be issued for visits not exceeding five months and shall not be valid outside the period from the 15th day of January 2007 to the 15th day of May 2007, unless the application of this Agreement is extended in accordance with article 21.
2. A State Party shall undertake to recognize the CARICOM Special Visa as a valid basis for entry into its jurisdiction.

Article 4**CONDITIONS FOR ISSUANCE OF CARICOM SPECIAL VISA**

1. States Parties shall ensure that:
 - (a) an application for a CARICOM Special Visa contain, amongst other things, information on the applicant's ability to support himself or herself for the duration of his or her stay; and
 - (b) an applicant provides a separate application and travel document in respect of a child.
2. A CARICOM Special Visa may not be granted by a competent authority of a State Party if the applicant:
 - (a) holds a record with a conviction for a serious criminal offence including drug trafficking, terrorism, trafficking in persons, or any sexual offence;
 - (b) is known to be or suspected of being involved in, or otherwise supporting terrorism;
 - (c) threatens the national security;
 - (d) is the subject of a Deportation Order of a State Party; or
 - (e) has been advised to leave the jurisdiction of a State Party by the relevant authority.

Article 5**CARICOM SPECIAL VISA ISSUED TO SEAMEN**

1. A CARICOM Special Visa may be issued to seamen who present themselves at a point or port of entry without a CARICOM Special visa owing to insufficient time and on compelling grounds, subject to the condition that they do not belong to the category of aliens who cannot be granted a CARICOM Special Visa without prior consultation.

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2. Before the responsible authorities can issue a CARICOM Special Visa at the point or port of entry, an information form on the seamen concerned, including the vessel, the ship owner and departure dates must also be produced.

Article 6

PROCEDURE FOR APPLICATIONS

The competent authorities of States Parties shall adopt the following procedures in relation to an application for a CARICOM Special Visa:

- (a) all applications must be checked against CARICOM and INTERPOL watch lists as well as watch lists of third countries to be agreed to by the States Parties;
- (b) States Parties and the appropriate issuing authority acting on behalf of States Parties must circulate information on both approvals and refusals of CARICOM Special Visas and this information must be circulated amongst port control authorities and immigration authorities;
- (c) a successful applicant may collect the CARICOM Special Visa and any relevant documents in person or the Visa and the relevant documents may be returned to the applicant's address by registered mail or courier;
- (d) the CARICOM Special Visa processing time for CWC 2007 accredited persons (teams, officials and media, suppliers and sponsors) and such other persons as may be agreed, will be seven working days;
- (e) the CARICOM Special Visa processing time for persons other than persons referred to in paragraph (d) will be a maximum of three weeks; and
- (f) where it is necessary, the visa issuing authority of a State Party or a designated State may issue or cause a CARICOM Special Visa to be issued to a successful applicant at the point or port of entry in a State Party.

Article 7

TYPES OF CARICOM SPECIAL VISAS

The CARICOM Special Visa provided for in article 3 shall be valid for multiple entries in the States Parties, except that neither the length of a continuous visit nor the total length of successive visits shall exceed the period stipulated in Article 3(1).

Article 8**ISSUE OF CARICOM SPECIAL VISA**

1. The CARICOM Special Visa provided for in article 3 shall be issued by the diplomatic or consular authority of a designated State and, where appropriate by the authorities in a State Party.
2. A CARICOM Special Visa must be affixed to the travel document that was submitted with the application of successful applicants.
3. A State Party shall ensure that:
 - (a) an immigration officer at a point or port of entry in that State Party retain the right to:
 - (i) enforce the provisions of the immigration law regarding entry of prohibited persons; and
 - (ii) determine the duration of stay to be granted to an alien; and
 - (b) an alien who wishes to remain in a State Party beyond the period granted by the Immigration Officer at the point or port of entry applies to the appropriate issuing authority in the respective State Party for extension to remain in that State Party.
4. States Parties agree that IMPACS shall undertake administrative responsibility for the issue of a CARICOM Special Visa and a designated State and the responsible authority in a State Party shall act on behalf of IMPACS in the issue of a CARICOM Special Visa.

Article 9**CARICOM SPECIAL VISA FEES**

1. States Parties agree that:
 - (a) the fees from the issuance of CARICOM Special Visas, for the period 15 January 2007 to May 2007, shall be used to offset the contract price under the Agreement for Supply of Products and Services between IMPACS and 3M Innovative Properties Company.
 - (b) arrangements shall be made for all CARICOM Special Visa fees to be paid to IMPACS to avoid the complications that may arise in seeking to recover monies to cover the 3M Innovative Properties Company contract price, after payment to the Governments of States Parties;
 - (c) any surplus of fees from the issue of the CARICOM Special Visa after the payment of 3M Innovative Properties Company, under the Agreement referred to in paragraph (a), would be applied to States Parties quota contributions to IMPACS Budget.

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2. A State Party in receipt of fees paid for a CARICOM Special Visa shall transfer or cause the transfer of the fees to the account of IMPACS.

Article 10

TRAVEL DOCUMENT

A CARICOM Visa must not be affixed to a travel document that:

- (a) is valid for a period which is less than six months from the date of application of the CARICOM Special Visa; or
- (b) is not valid for entry in a State Party.

Article 11

EXAMINATION OF CARICOM SPECIAL VISA APPLICATIONS

1. The States Parties shall adopt common rules for the examination of CARICOM Special Visa applications, and shall ensure their correct implementation and adapt them to new situations and circumstances.
2. The States Parties shall also specify the cases in which the issue of a CARICOM Special Visa shall be subject to consultation with the responsible authority of the State Party which the applicant intends to visit and, where appropriate, the responsible authorities of other States Parties.
3. The States Parties shall take the necessary decisions and make any required law on either one or all of the following:
 - (a) the recognition of the CARICOM Special Visa as valid for entry into their respective jurisdictions;
 - (b) the recognition of any form of legal status granted by a State Party to an alien, prior to 15th January 2007, pursuant to its immigration law or any other law;
 - (c) the travel document to which a CARICOM Special Visa may be affixed;
 - (d) the CARICOM Special Visa-issuing authorities or countries;
 - (e) the procedure for application for a CARICOM Special Visa;
 - (f) the conditions governing the revocation of a CARICOM Special Visa;
 - (g) the conditions governing the issue of a CARICOM Special Visa at a point or port of entry;
 - (h) the form, content, and period of validity of a CARICOM Special Visa and the fees to be charged for its issue; and

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- (i) the conditions for the refusal of a CARICOM Special Visa in the interests of the States Parties.

Article 12

CARICOM SPECIAL VISA EXEMPTION

1. States Parties shall ensure that an individual, being a national, citizen or subject of any of the States, countries or territories mentioned in Appendix 1, who is:
 - (a) entering a State Party from any place outside the territory of the States Parties; and
 - (b) in possession of a valid travel document issued to him or her by the responsible authority of his or her country of nationality,
 is exempt from the provisions of the law made pursuant to this Agreement that requires an application to be made for a CARICOM Special Visa for entry in a State Party.
2. States Parties may, in exceptional circumstances waive the requirement for a CARICOM Special Visa and issue an entry permit to an alien who is:
 - (a) duly accredited to a State Party by or under the authority of Her Majesty, the President or the Government of any foreign State and the staff of any such person;
 - (b) in an advisory or consultative capacity to the Government of a State Party on invitation of the same;
 - (c) a dependent of any person referred to in paragraphs (a) and (b); or
 - (d) the spouse of any person referred to in paragraphs (a) and (b) and is still married to and living with that person.

Article 13

REVOCATION OF CARICOM SPECIAL VISA

1. A State Party may revoke a CARICOM Special Visa if the holder:
 - (a) has made a false declaration in his or her application for a CARICOM Special Visa;
 - (b) is in breach of any of the provisions of the laws of the State Party; or
 - (c) is, in the opinion of the responsible authority of the State Party, conducting himself or herself or his or her affairs in a manner detrimental to the public interest.

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2. A State Party may revoke a CARICOM Special Visa that has been issued to an alien who is the subject of a security alert.
3. Where a State Party revokes a CARICOM Special Visa pursuant to this article, the State Party shall serve a notice of revocation on the other States Parties indicating the:
 - (a) date and grounds for revocation;
 - (b) name of the holder;
 - (c) nationality of the holder;
 - (d) travel document and number of the holder;
 - (e) CARICOM Special Visa number;
 - (f) date and place of issue of the CARICOM Special Visa.
4. A CARICOM Special Visa may be cancelled by the diplomatic or consular authority or relevant authority of the issuing State or designated State if the CARICOM Special Visa appears to have been issued in error.
5. For practical purposes, where a CARICOM Special Visa has been revoked or cancelled pursuant to this article, a stamp may be affixed to the CARICOM Special Visa that clearly shows that it has been revoked or cancelled.

Article 14**EXCHANGE OF INFORMATION AND STATISTICS ON
ISSUED CARICOM SPECIAL VISAS**

1. Subject to this article, the States Parties shall exchange statistical information with each other on the issuing of CARICOM Special Visas at such intervals as may be determined.
2. Notwithstanding the above exchanges, statistical information may also be exchanged within the framework of consular cooperation in accordance with a procedure agreed by the responsible authorities.
3. A State Party shall transmit the statistical information to IMPACS for analysis.

Article 15**EXISTING VISA ABOLITION AGREEMENTS**

Subject to this Agreement, States Parties shall, for the period 15 January 2007 to 15 May 2007 suspend any existing visa abolition agreement with any foreign State, in the interest of security, public order and public health in the Community.

Article 16

SETTLEMENT OF DISPUTES

In the case of a dispute between two or more States Parties relating to the interpretation or application of this Agreement, the States Parties shall consult with a view to the settlement of the dispute by negotiation, enquiry, mediation, conciliation, arbitration, judicial process, or other peaceful means that they may determine.

Article 17

SIGNATURE

This Agreement shall be open for signature by the Member States.

Article 18

ENTRY INTO FORCE

This Agreement shall come into effect on signature of three Member States.

Article 19

AMENDMENT

1. This Agreement shall be amended by the unanimous Agreement of States Parties.
2. The Appendices may be amended by the unanimous agreement of all States Parties to be expressed by the submission of written agreement to the Secretary General of the Community (hereinafter referred to as “the Depositary”).

Article 20

ACCESSION

1. After its entry into force any Member State of the Community, that is not a signatory, may accede to this Agreement.
2. Instruments of Accession shall be deposited with the Depositary who shall forward true copies to all States Parties notifying them of the dates of the deposit of the instruments of accession.

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Article 21
EXTENSION

The States Parties may, by unanimous agreement, extend the application of this Agreement to a date after the 15th day of May 2007.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

Signed by **BALDWIN SPENCER**
for the Government of Antigua and Barbuda on the 12th day of December, 2006 at St. John's, Antigua.

Signed by **OWEN ARTHUR**
for the Government of Barbados on the 11th day of December, 2006
at

Signed by
for the Government of the Commonwealth of Dominica on the day of
December, 2006 at

Signed by
for the Government of Grenada on the day of December, 2006
at

Signed by
for the Government of the Co-operative Republic of Guyana on the day
of December, 2006 at

Signed by
for the Government of Jamaica on the day of December, 2006
at

Signed by
for the Government of Federation of St. Kitts and Nevis on the day
of December, 2006 at

Signed by **JOHN G.M. COMPTON**
for the Government of Saint Lucia on the 22nd day of December, 2006
at

Signed by
for the Government of Saint Vincent and the Grenadines on the day
of December, 2006 at

Signed by **PATRICK MANNING**
for the Government of the Republic of Trinidad and Tobago on the 11th day of
December, 2006 at

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Appendix 1

(Article 1, 12)

**CARICOM SPECIAL VISA EXEMPT STATES,
COUNTRIES AND TERRITORIES**

- (a) Member States of the Community, excepting Haiti
- (b) Other Countries or States
 - 1. Canada
 - 2. France
 - 3. Germany
 - 4. Ireland
 - 5. Italy
 - 6. Japan
 - 7. Spain
 - 8. South Africa
 - 9. Kingdom of The Netherlands
 - 10. United Kingdom
 - 11. United States of America
- (c) Dependent Territories of the Countries or States listed in paragraphs (b).

Appendix 2

(Article 1)

MEMBER STATES

Antigua and Barbuda

Barbados

Commonwealth of Dominica

Grenada

Cooperative Republic of Guyana

Jamaica

Federation of Saint Christopher and Nevis

Saint Lucia

Saint Vincent and the Grenadines

Republic of Trinidad and Tobago

Passed in the House of Assembly this 6th day of February, 2007.

SARAH FLOOD-BEAUBRUN,
Speaker of the House.

Passed in the Senate this 15th day of February, 2007.

ROSEMARIE HUSBANDS-MATHURIN,
President of the Senate.