

VOLUME 6

SECTION 9

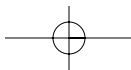
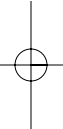
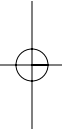
WORK PERMITS AND EXEMPTIONS

**Regulated by
The Ministry of Labour and
Social Security
1F North Street
Kingston**



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CHAPTER I

WORK PERMITS AND EXEMPTIONS

1.0 WORK PERMITS AND EXEMPTIONS

The Ministry of Labour through the Work Permit Section of its Manpower Service Division has the responsibility of administering the Foreign Nationals & Commonwealth Citizens Act 1964 which enables the granting of Work Permits & Exemption from the requirement of a Work Permit to expatriates entering the island to engage in gainful or voluntary employment activities.

The policy underlying the granting of Work Permits is mainly to facilitate the acquisition of skills that are deemed to be necessary for economic and national development and which are not currently available locally.

1.1 WHO ARE REQUIRED TO APPLY FOR A WORK PERMIT

All non-Jamaicans who do not enjoy diplomatic status but wish to engage in employment activities in the island whether or not the form of employment is of a Voluntary, Commercial, Business, Professional, Charitable, Entertainment or Sports related in nature.

1.2 DOCUMENTS REQUIRED TO APPLY FOR A WORK PERMIT/EXEMPTION

NB. Applications for a Work Permit or a Work Permit Exemption in excess of thirty (30) days (See Appendix I for sample form) should be completed and submitted with the following supporting documents:

1.2.1 Cover Letter

- i The following information should be included in the cover letter, addressed to the Permanent Secretary, Ministry of Labour and Social Security, 1F North Street, Kingston:
 - The cover letter should be written by the local employer and should set out clearly the reasons for making the application.
 - The cover letter should also state the efforts made to recruit a Jamaican national to undertake the work contemplated and the expected duration of the work to be

undertaken by the applicant.

- ii Payment vouchers are to accompany the application (Processing fee).

1.2.2 Self-Employed Applicants

Self-employed applicants should submit a cover letter outlining the nature and duration of the work to be undertaken. Details of investment proposal(s) should also be stated (Documentary proof of proposed investment(s) should be submitted).

1.2.3 Proof of Qualification

- i Certified copies of proof of academic or professional qualifications or letters of accreditation.
- ii A letter of recommendation or written reference from the applicant's previous employer, or evidence of the applicant's business/commercial/professional activity abroad.
- iii In cases where any of the above named documents are prepared in a language other than English, a certified English translation of the relevant document should be supplied.
- iv A Justice of the Peace or Notary Public with a valid Commission should certify the documents. Authorized members of staff of the Ministry of Labour and Social Security may certify copies of the documents upon presentation of the original documents.

1.2.4 A Résumé outlining the applicant's professional or business experience should also be submitted.

1.2.5 A police record

- i For new applicants:
The record should be issued by the appropriate Security Authority in the country of the applicant's domicile.
- ii For renewals:
The record should be issued by the relevant section of the Ministry of National Security, Jamaica

NB. Please note that the police record submitted should bear a date of investigation not greater than one year prior to the date of submission to this Ministry.

1.2.5 Proof of Business Registration

The following documents are required for proof of business registration:

- i Certified copy of Business Registration Certificate for unincorporated enterprises.
- ii Certified copy of Certificate of Incorporation and the Memorandum of Association for duly registered companies. Articles of Association are also needed.

Where an applicant is self-employed or where an enterprise is in operation for at least a year, or the applicant is applying for the renewal of a Work Permit, a Tax Compliance Certificate should be submitted.

Certified copies of pages from the applicant's passport showing, (i) proof of identity, (ii) passport number, (iii) date of issue and expiry, (iv) landing status in Jamaica and (v) relevant visa (where applicable).

Two (2) photographs in the case of a Work Permit and One (1) in the case of a Work Permit Exemption. (See Section 1.2.7 for photograph requirements.)

1.2.6 Tax Payer Registration Number (TRN)

Taxpayer Registration Number (TRN), both for the prospective applicant(s) and employer are to be indicated in the relevant space on the application form. (The TRN office provides temporary numbers to persons seeking Work Permits for the first time. Contact can be made with that office for information. It is located at 12 Ocean Boulevard, Kingston Mall.)

NB. Applications for Renewal of a Work Permit or a Work Permit Exemption in excess of thirty (30) days should be accompanied by:

- i Certified copies of current – updated documents where these documents have expired since the last application
- ii Copies of salary statement of the last three (3) month's salary

- iii Cover letter as outlined in instructions at section 1.2.1 (i) above.

1.2.7 Photographs (Documents)

All photographs submitted with an application become the property of the Government of Jamaica and should be as follows.

- i Taken in colour with a flat finish against a plain background.
- ii Provide a full frontal view of the head, neck and top of the shoulders with ears clearly visible.
- iii Without reflection from eyeglasses or background shadows that may obscure the image.
- iv The applicant should not wear any covering on his/her head while taking the photographs unless such headdress or covering is required for religious purposes.
- v The size of the face should be 25mm to 35mm from the chin to the top of the head.
- vi Enclosed in an envelope (not stapled).
- vii Certified by a Notary Public or Justice of the Peace.

1.3 WORK PERMIT/EXEMPTION FEES

On August 01, 2004 the Ministry of Labour and Social Security brought into effect a fee for the granting/processing of the Work Permit/Work Permit Exemptions.

Application forms and bank vouchers are available at the Work Permit Section of the Ministry of Labour and Social Security, 1F North Street, Kingston and at any of the Parish Offices island wide, except St. Catherine. Persons from the parish of St. Catherine should obtain the application forms from Kingston. Application for Work Permit/Exemption can also be submitted at any of the Parish Offices island wide.

1.3.1 Processing Fee

All applications for work permits and work permit exemptions attract a

non-refundable application and processing fee of \$1,000.

1.3.2 Work Permit Fee

The fee for work permits will start from \$10,000 for any period up to three (3) months and will go up thereafter in increments of \$10,000 for any period of three (3) months or part thereof.

1.3.3 Processing Fee for Work Permit Exemptions

Applicants for work permit exemptions are now required to pay only the processing/application fee.

1.3.4 Fee Payment

All fees are to be paid at any National Commercial Bank island wide. The application fee should be paid on submission of application and the actual work permit fee is to be paid when the work permit is approved and applicant/employer is so informed.

1.3.5 Granting of Work Permits

Persons will be informed when the work permits are approved and the amount to be paid for the period granted.

1.3.6 Turn around time

The turn around time for the approval of a work permit is between 4-6 weeks, provided that the relevant information/documentation is submitted.

1.3.7 Replacement of Work Permit Cards

A fee of \$500 will be charged to replace Work Permit Cards lost, damaged or stolen.

1.4 WORK PERMIT EXEMPTIONS

Persons seeking exemption from the work permit requirements are required to complete an application form and submit a cover letter along with supporting documents. (See Section 1.2.1 for requirements of the cover letter).

1.5 OPENING HOURS

Opening hours for the Work Permit Section are as follows:

Mondays - Thursdays 9:00 am – 4:00 pm

Fridays 9:00am - 3:00 pm

1.6 PERSON(S) ELIGIBLE FOR EXEMPTION

Persons eligible for exemption are listed below:

- i Persons referred to in parts I & II of the schedule Foreign Nationals and Commonwealth Citizens' Exemption Regulations 1964. (See schedule at Appendix 2).
- ii Expatriate Nationals With Jamaican Spouses
- iii Caricom Nationals who fall under the Caribbean Community {free movement skilled persons Act 1997. (See Sections of the Act and schedule under the Act for the requirements at Appendix 3)

The First Schedule lists the Caribbean Skilled Persons who are exempted from obtaining a work permit. The Second Schedule lists the qualifying Caribbean states (Appendix 3).

1.7 PROCEDURES FOR THE ISSUING OF MARRIAGE EXEMPTION CERTIFICATE FOR FOREIGN NATIONALS WITH JAMAICAN SPOUSES

The following are the procedures to apply for a marriage exemption certificate:

- i Complete the required work permit application form
- ii A processing fee of one thousand Jamaican dollars (J\$1,000) is to be paid at any branch of the National Commercial Bank using the Ministry's Payment Voucher and submitted on attendance at the Ministry. The vouchers can be obtained at the Work Permit Section of the Ministry or at any of the Regional/Parish Offices island wide.
- iii Both Husband and Wife must attend at the Ministry of Labour, IF North Street, Kingston with the following documents:
 - Birth Certificate or Certification of Jamaican spouse (Both

original and certified copies of the original).

- Marriage Certificate (Both original and certified copies of the original).
- Passports of both Husband and Wife
- Affidavit signed by both Husband and Wife stating that they share a common matrimonial home in Jamaica. This must be certified by a Justice of the Peace.
- Two certified passport size photographs of the Non-Jamaican spouse.
- One certified passport size photograph of the Jamaican spouse.
- A copy of the Decree Absolute if either or both the husband and wife have previously been divorced.
- A copy of the death certificate if either party has died.
- Expatriate males are issued an Exemption Certificate that is valid over a three (3) year period.
- Expatriate females are issued a letter of Exemption that is unrestricted.

1.8 RENEWAL OF MARRIAGE EXEMPTION CERTIFICATE

Both parties must attend at the Ministry at least one (1) month before the expiry date of the exemption certificates and should take along the following documents:

- i Exemption Certificate previously issued.
- ii Both Passports
- iii Declaration duly signed by both parties and certified by a Justice of Peace or Notary Public

The Certificate along with the passport of the Non-Jamaican is to be taken to the Immigration Authorities for the passport to be endorsed.

N.B the marriage should exceed one (1) month before applicants attend the office for processing. Processing and delivery of documents are done the same day that

applicants attend at the Work Permit Section of the Ministry or any Regional/Parish Office island wide.

1.9 DOCUMENTS NEEDED FOR CERTIFICATION OF RECOGNITION OF CARIBBEAN COMMUNITY SKILLS

The following documents are required to apply for a certificate of Recognition:

- i A certified copy of the University Degree.
- ii A certified copy of Birth Certificate.
- iii A deed poll/or other document to support change of name, if any.
- iv Three (3) certified passport size photographs.
- v Copy of the relevant pages of passport showing name, nationality, and passport number.
- vi Indication of Marital Status.
- vii Letter requesting exemption.

1.9.1 For Dependents

The following documents are required:

- i A certified copy of Birth Certificate.
- ii Where the applicant's name is not on the birth certificate, a Declaration signed before a Justice of the Peace/Notary Public by two persons who knew of the birth stating that he/she (applicant) is the parent.
- iii Adoption papers (for adopted children).
- iv Marriage Certificate (in case of wife/husband).
- v A copy of the Degree Absolute certified by a Justice of the Peace/Notary Public if either or both the husband and wife were previously divorced.
- vi A certified copy of the death certificate if former husband or wife had died.
- vii In the case of an unmarried couple, an Affidavit signed in the presence of a Justice of the Peace/Notary Public stating that they have co-habited for a period of not less than five years immediately preceding the date of application.
- viii Three (3) certified passport size photographs.

- ix Copy of the relevant pages of the applicant's passport showing name, nationality and passport number.

N.B CARICOM nationals are not required to pay a fee for the Processing of their applications for a Certificate of Recognition.

1.10 USEFUL INFORMATION

All non-Commonwealth Citizens who will be engaging in employment activities in Jamaica are required to obtain a visa (working) prior to entering the island. These Nationals are:

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
Argentinian	Brazilian	Congolese	Dutch	Egyptian
Austrian	Burmese	Chinese		Ethiopian
	Belizean	Colombian		
		Costa Rican		
		Czech		
		Cuban		
		Cypriot		
		Chilean		
		Cameroonian		
<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>
French	German	Haitian	Italian	Japanese
Filipino	Greek	Hungarian	Israeli	Jordanian
		Honduran	Iranian	
			Indonesian	
<u>K</u>	<u>L</u>	<u>M</u>	<u>N</u>	<u>P</u>
Korean	Lebanese	Mexican	Norwegian	Panamanian
				Peruvian
				Polish
				Philipino
				Pakistani
<u>R</u>	<u>S</u>	<u>T</u>	<u>U</u>	
	Senegalese	Tanzanian	U.S. Citizen	
	Slovakian	Taiwanese		
	Syrian	Turkish		
	Surinamese			
	Salvadoran			

R

S

I

U

Spanish

South American

Swiss (Swedish)

St. Lucian

South African

V

Y

Venezuelan

Yugoslavian

2.0 CONTACT INFORMATION

For further information please contact:

Ministry of Labour and Social Security

1F North Street

Kingston

Tel: (876) 922-9500-14

Fax: (876) 924-9639

Website: www.imis-ele.org.jm

Appendix I



MINISTRY OF LABOUR AND SOCIAL SECURITY			
WORK PERMIT/EXEMPTION APPLICATION FORM			
Foreign Nationals and Commonwealth Citizens Employment Act 1964)			
Please indicate the type of application: <input type="checkbox"/> Work Permit <input type="checkbox"/> Exemption			
PART I TO BE COMPLETED BY PROSPECTIVE EMPLOYEE			
1. First Name		Last Name	
		Middle Initial	
		Alias	
2. Address (overseas, except in the case of renewal)		3. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	
		4. Date of Birth YYYY/MM/DD	
		5. Country & Place of Birth	
6. Nationality		7. Number Of Children/Dependents	
		8. Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed <input type="checkbox"/> Married <input type="checkbox"/> Separated	
9. TRN		10. Occupation	
		11. Period for which Permit/Exemption is required YYYY/MM/DD From _____ To _____	
12. Passport Number		13. Passport Expiry Date YYYY/MM/DD	
		14. Type of Passport (Country Issued)	
15. Qualification – Academic or Professional (Attach Documentary Evidence)		Details on previous (Last) Employer in Jamaica	
		20. Name of Employer	
		21. Address of Employer	
16. Work Experience		22. Telephone Number	
		23. Applicant's Work Permit Number	
		24. Expiry Date YYYY/MM/DD	
17. Skills of Applicant		Details of Husband's/Wife's previous Employment in Jamaica	
		25. Name of Employer	
18. Husband/Wife's Name		26. Address of Employer	

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19. Husband/Wife's Nationality				27. Work Permit Number		28. Expiry Date YYYY/MM/DD	
29. I certify to the best of my knowledge and belief, that the above information is correct							
_____ YYYY/MM/DD Date				_____ Applicant's Signature			
PART 11 TO BE COMPLETED BY PROSPECTIVE EMPLOYER							
30. Business Name/Name of Employer/Sponsor				38. TRN			
31a. Business Address (Post Office Box # not acceptable) Street City Parish				39. Tax Compliance Certificate (TCC)			
31b. Mailing Address (if different from above)				40. Is your Company registered? Yes No		41. Date of Registration YYYY/MM/DD	
32. Telephone Number		33. Fax number		42. The request for Work Permit/Exemption is in relation to: Bi/Multilateral Agreement <input type="checkbox"/> Investment by Overseas Organization <input type="checkbox"/> Other please specify _____			
34. Nature of Business				Steps taken to employ Jamaican National			
35. Qualifications Necessary for Job (Details on Attachment)				43. Contacted Employment Service Public <input type="checkbox"/> Private <input type="checkbox"/> None <input type="checkbox"/>			
36. Job Title and Duties to be Performed (Details on Attachment)				44. Internal Recruitment Yes <input type="checkbox"/> No <input type="checkbox"/>			
				45. By advertisement (Attach Copy) Locally <input type="checkbox"/> Overseas <input type="checkbox"/>			
				46. Other			
37. Email address				47. If no step was taken please state reason (Details on Attachment)			
48. Gross Salary offered Per Annum \$.....				Kindly indicate in Jamaican currency for questions 48 & 49			
				49. Perquisites (Allowances) per Annum House \$ Car \$			
				Entertainment & Other \$			
50. STAFF COMPOSITION	CITIZENSHIP	PROFESSIONAL	CLERKS/SERVICE WORKER	SKILLED WORKERS	PLANT & MACHINE OPERATORS	ELEMENTARY OCCUPATIONS	TOTAL
	JAMAICAN						
	CARICOM						
	COMMONWEALTH FORIEGN						

Appendix I

51.

Details of programme (if any) instituted by Employer to train citizens of Jamaica to fill posts now held by persons who are not citizens of Jamaica (Full explanatory memorandum to be attached).

I certify to the best of my knowledge and belief, that the above information is correct and accept the responsibility for the support and repatriation expenses of the applicant and his family should the need arise.

_____ YYYY/MM/DD
Date

Employer's/Sponsor's Signature

Appendix 2**PARTS I AND II OF THE SCHEDULE OF FOREIGN NATIONALS AND COMMONWEALTH CITIZENS' EXEMPTION REGULATION 1964.**

The following persons are eligible for exemption:

Part 1

1. Wives of citizens of Jamaica and, until remarriage, widows of citizens of Jamaica.
2. Persons registered as full - time students at the University of the West Indies in Jamaica, and the wives of male persons so registered.
3. A non-Jamaican husband of a Jamaican woman who satisfies the Minister that he and his wife occupy a common matrimonial home in Jamaica.

Part 11

1. Heads of mission and members of heads of mission as defined in the Diplomatic Immunities and Privileges Act.
2. Consular officers and consular employees as defined in section 2 of the Diplomatic Immunities and Privileges Act, and all persons upon whom by regulations made under that Act there have been conferred the like immunity from suit and legal process and the like inviolability of official archives as are accorded to consular officers of a foreign sovereign Power under that Act.
3. Ministers of Government of: -
 - (i) Any country for the time being mentioned in the First Schedule to the Jamaican Nationality Act; or
 - (ii) The Republic of Ireland; or
 - (iii) Any other country for the time being having diplomatic relations with Jamaica.
4. Public Officers employed by the Government of any country mentioned in paragraphs (i), (ii), and (iii) of class 3 of this Part.
5. Persons who visit Jamaica, with the prior approval of a Minister of the Government of Jamaica, under the sponsorship and at the expense of: -
 - i) Any country mentioned in paragraphs (i), (ii) and (iii) of the class 3 of this Part; or
 - ii) The British Council.
6. Persons in the employment in Jamaica of any of the following bodies, that is to say:
 - (i) The British Council members of the domestic staff of the British Council Representative in Jamaica being for this purpose deemed to be in the employment of the British Council;
 - (ii) The United States Information Service;
 - (iii) The Mission to Jamaica of the United States Agency for International Development;
 - (iv) The United States Peace Corps;
 - (v) The United Kingdom Scheme for Voluntary Service Overseas;
 - (vi) The Canadian Universities Service Overseas;
 - (vii) The Ford Foundation;
 - (viii) The German Volunteer Service.

Appendix 2

7. Persons employed in any Ministry or Department of the Government of Jamaica.
8. Persons employed with the prior approval of the Government of Jamaica by any body incorporated or regulated directly by statute.
9. Persons in the employment in Jamaica of the United Nations Organization or of any other international organization of which Jamaica or the Government of Jamaica is a member.
10. Officers and soldiers of the Jamaica Defense Force (including officers and soldiers on secondment or attachment to that Force);
11. Persons under contract to join in Jamaica as seamen a ship of non-Jamaican registry.
12. Persons employed on ships of non-Jamaican registry (excluding dredges and tugs) in Jamaica.
13. Persons employed on either of the ships, registered in Jamaica, known as “The Jamaica Planter” and “The Jamaica Producer” in any of the following positions. That is to say: -
 - (i) Master (ii) First Mate (iii) Second Mate (iv) Third Mate (v) Fourth Mate (vi) Radio Officer (vii) Purser (viii) Chief Engineer (xi) Senior Second Engineer (x) Second Engineer (xi) Third Engineer (xii) Fourth Engineer (xiii) Junior Engineer (xiv) Chief Refrigeration (xv) Refrigeration Engineer (xvi) First Electrician (xvii) Second Electrician (xviii) Electrician.
14. Persons employed by the owners or operators of aircraft (being aircraft operated on a scheduled international air service and calling at Jamaica) to perform duties on such aircraft during the flight thereof, but excluding persons employed by Air Jamaica Limited.
15. Directors, inspectors and auditors of any company, association, organization or body (incorporated or established whether in Jamaica or elsewhere) which either:
 -
 - (i) Operates in Jamaica; or
 - (ii) Controls any company, association organization or body (incorporated or established whether in Jamaica or elsewhere) which operates in Jamaica, but so that exemption in respect of any such person by virtue of this class shall cease after the expiration of fourteen days spent in Jamaica by such person, whether continuously or not, on any one calendar year.

N.B. In this paragraph “control” has the meaning given to that word in Subsection (6) of section 18a of the Income Tax Law, 1954.
16. Persons sent by the Government of any Sovereign Power outside Jamaica to inspect any office of such Power in Jamaica, but so that exemption in respect of any such person by virtue of this class shall cease after the expiration of fourteen days spent in Jamaica by such person, whether continuously or not, in any one calendar year.

Appendix 2

17. Writers (including Journalists), entertainers, speakers, broadcasters, sculptors and painters (excluding industrial painters), but so that exemption in respect of any such person shall cease after the expiration of thirty days spent in Jamaica by such person, whether continuously or not, in any one calendar year.
18. Persons employed by the University of the West Indies in Jamaica as academic staff, but so that this class shall not include, and exemption there under shall not extend to, any foreign national.
19. Persons employed by the University Hospital: -
 - i. As medical officers (whether on a full-time or a part-time basis and whether to perform teaching duties or to carry out treatment of patients), but so that this paragraph of this class shall not include, and exemption there under shall not extend to, any foreign national; or
 - ii. as student nurses.
20. Persons who visit Jamaica, on behalf of a principal abroad, in connection with the appointing of, or for the purpose of having business consultations with, a local business agent or a local distributor, but so that exemption in respect of any such persons by virtue of this class shall cease after the expiration of fourteen days spent in Jamaica by such person, whether continuously or not, in any one calendar year.
21. Persons who visit Jamaica to inspect the plant, machinery or equipment of any factory or other industrial works, or to give technical advice on the operation of any local undertaking, business or enterprise of whatever kind, but so that exemption in respect of any such person by virtue of this class shall cease after the expiration of fourteen days spent in Jamaica by such person, whether continuously or not in any one calendar year.
22. Persons employed as ministers of religion by a religious organization approved in writing by the Minister.
23. Persons who are granted permission to reside in Jamaica as business migrants under the Jamaican Business Migration Programme.

Appendix 3**THE CARIBBEAN COMMUNITY (FREE MOVEMENT OF SKILLED PERSONS) ACT, 1997****Relevant Sections of the Act**

AN ACT to facilitate the free entry into Jamaica of Caribbean skilled persons and for matters connected therewith or incidental thereto.

{16th July 1997}

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows: -

1. This Act may be cited as the Caribbean Community (Free Movement of Skilled Persons) Act, 1997.
2. In this Act-
"Caribbean skilled person" means any national who is recognized by the Minister as being a member or employee of a recognized organization or is the holder of a qualification or performs an occupation specified in the First Schedule.

FIRST SCHEDULE

1. A degree of the University of the West Indies or the University of Guyanese designated as a Bachelor of Master's or Doctor's degree.
2. A degree of Doctorandus, Meester Licentiatu or Doctor of the University of Suriname.
3. Any qualification or combination of qualifications specified in a list: -
 - a) Compiled from time to time by the University Council of Jamaica for purposes of this Act; and
 - b) Prescribed by the Minister by order published in the Gazette as a list of qualifications and combinations of qualifications satisfying the qualifications requirements of this Act.
4. Any qualification or combination of qualifications possessed by an applicant which certified by the University Council of Jamaica as satisfying the conditions for recognition of Caribbean Community skills qualifications, whether or not any such qualification or combination of qualifications is prescribed under Paragraph 3.
5. Persons certified by the competent authority of a qualifying Caribbean Community State as representing that State in sports.
6. Musicians artistes and media workers certified as such by the competent authority of the qualifying Caribbean Community State of which such persons are nationals.

SECOND SCHEDULE**Qualifying Caribbean Community States**

1. Antigua and Barbuda
2. Barbados

Appendix 3

4. Dominica
5. Grenada
6. Guyana
7. Montserrat
8. St. Christopher and Nevis (St/ Kitts/Nevis)
9. St Lucia
10. St Vincent and the Grenadines
11. Suriname
12. Trinidad and Tobago