

FREE
MOVEMENT OF
PERSONS IN THE
CARIBBEAN:
ECONOMIC AND
SECURITY DIMENSIONS





Cruise ship dock in Heritage Quay, Antigua and Barbuda.
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Finally, we thank the IOM Coordinator for the Regional Program on Migration, Mesoamerica and the Caribbean, Alexandra Bonnie, for her support and direction throughout the project.



Acronyms and Abbreviations

- ACIS:** Advance Cargo Information System
- ACS:** Association of Caribbean States
- AMU:** Arab Maghreb Union
- APIS:** Advance Passenger Information System
- ASEAN:** Association of Southeast Asian Nations
- BMS:** Border Management System
- CAN:** Andean Community of Nations
- CAPS:** CARICOM Single Market Application Processing System
- CARIBSECS:** CARICOM Interactive Border Security System
- CARICAD:** Caribbean Centre for Development Administration
- CARICOM:** Caribbean Community
- CARIFTA:** Caribbean Free Trade Association
- CCJ:** Caribbean Court of Justice
- CDB:** Caribbean Development Bank
- CDEMA:** Caribbean Disaster Emergency Management Agency
- CDF:** CARICOM Development Fund
- CEN-SAD:** The Community of Sahel-Saharan States
- CET:** Common External Tariff
- CIS:** Commonwealth of Independent States
- CLMIS:** Caribbean Labour Market Information System
- CMCF:** Caribbean Community Multilateral Clearing Facility
- COMESA:** Common Market for Eastern and Southern Africa
- CSME:** CARICOM Single Market and Economy
- CVQ:** Caribbean Vocational Qualification
- CXC:** Caribbean Examinations Council
- EAC:** East African Community

ECCAA: Eastern Caribbean Civil Aviation Authority
ECCAS: Economic Community of Central African States
ECCB: Eastern Caribbean Central Bank
ECLAC: Economic Commission for Latin America and the Caribbean
ECOWAS: Economic Community of West African States
ECSC: Eastern Caribbean Supreme Court
EU: European Union
FDI: Foreign Direct Investment
GDP: Gross Domestic Product
ILO: International Labour Organization
IMPACS: Implementation Agency for Crime and Security
IOM: International Organization for Migration
ISIS: Islamic State
JRCC: Joint Regional Communication Centre
LMIS: Labour Market Information System
MERCOSUR: Mercado Común del Sur
MiGOF: Migration Governance Framework
MINUJUSTH: United Nations Mission for Justice Support in Haiti
OECD: Organization for Economic Co-operation and Development
OECS: Organization of Eastern Caribbean States
PRM: United States Department of State Bureau of Population, Refugees and Migration
RIFC: Regional Intelligence Fusion Centre
RSS: Regional Security System
UEMOA: West African Economic and Monetary Union
UN: United Nations
USD: United States dollar
UN DESA: United Nations Department of Economic and Social Affairs



Foreword

The International Organization for Migration is the leading organization addressing migration around the world, and we work with national governments and regional organizations to ensure that migration is orderly, safe and regular, with the hope that it will contribute to the economic and social development of both States and migrants. Following the principles of the Migration Governance Framework (MiGOF) in adherence to international standards, utilizing a “whole-of-government” approach and engaging with all relevant partners, IOM seeks to advance the socioeconomic well-being of migrants and society, effectively address the mobility dimensions of crises and promote a comprehensive approach to migration governance.

Caribbean countries experience unique migration flows related to their particular geographic, economic, social and security situations. Migration has played an important role in the history of Caribbean development and regional integration, and the current regimes within the CARICOM Single Market and Economy (CSME) and Eastern Caribbean Economic Union (ECEU) fundamentally shape how individuals move throughout the region. Free movement affects political and economic development within

States and in the region as a whole, and a clearer understanding of how free movement provisions are implemented is critical for guiding economic and security policy. Free movement provisions are an integral part of the economic, security, fiscal and border harmonization happening in the Caribbean. IOM seeks to support regional cooperation to identify opportunities and potential challenges within the existing free mobility regimes, in order to ensure that these mechanisms and migration as a whole, support economic and social development in the region.

We are grateful for the investment made by the United States Department of State Bureau of Population, Refugees, and Migration (PRM), which allowed IOM to undertake this study to identify the economic and security dimensions of free movement, relying on the IOM Migration Governance Framework and on relevant international instruments to shape our study. This report serves to fill knowledge gaps identified in a previous IOM Study: *Migration Governance in the Caribbean: Regional Report on the Island States of the Commonwealth Caribbean*, regarding migration flows and migration governance capacities related to the free movement of persons.

This report leverages on-the-ground research and examines migration within the Caribbean from an intraregional perspective, providing insight from the individuals implementing free movement provisions to create concrete findings and recommendations for future collaboration. The report will assist IOM, States, regional organizations and the public to better understand the economic and security dimensions of free mobility and how best to maximize its social and economic benefits.

We look forward to working with Caribbean States and regional organizations to realize the opportunities highlighted here. IOM seeks to support regional organizations in facilitating channels for safe migration and promoting migration itself as a key tool for the development in the region, benefiting countries, as well as migrants and their communities.

A handwritten signature in black ink, consisting of several overlapping loops and a sharp upward stroke, positioned to the right of the main text block.

MARCELO PISANI

IOM Regional Director for Central America,
North America and the Caribbean



About this Report

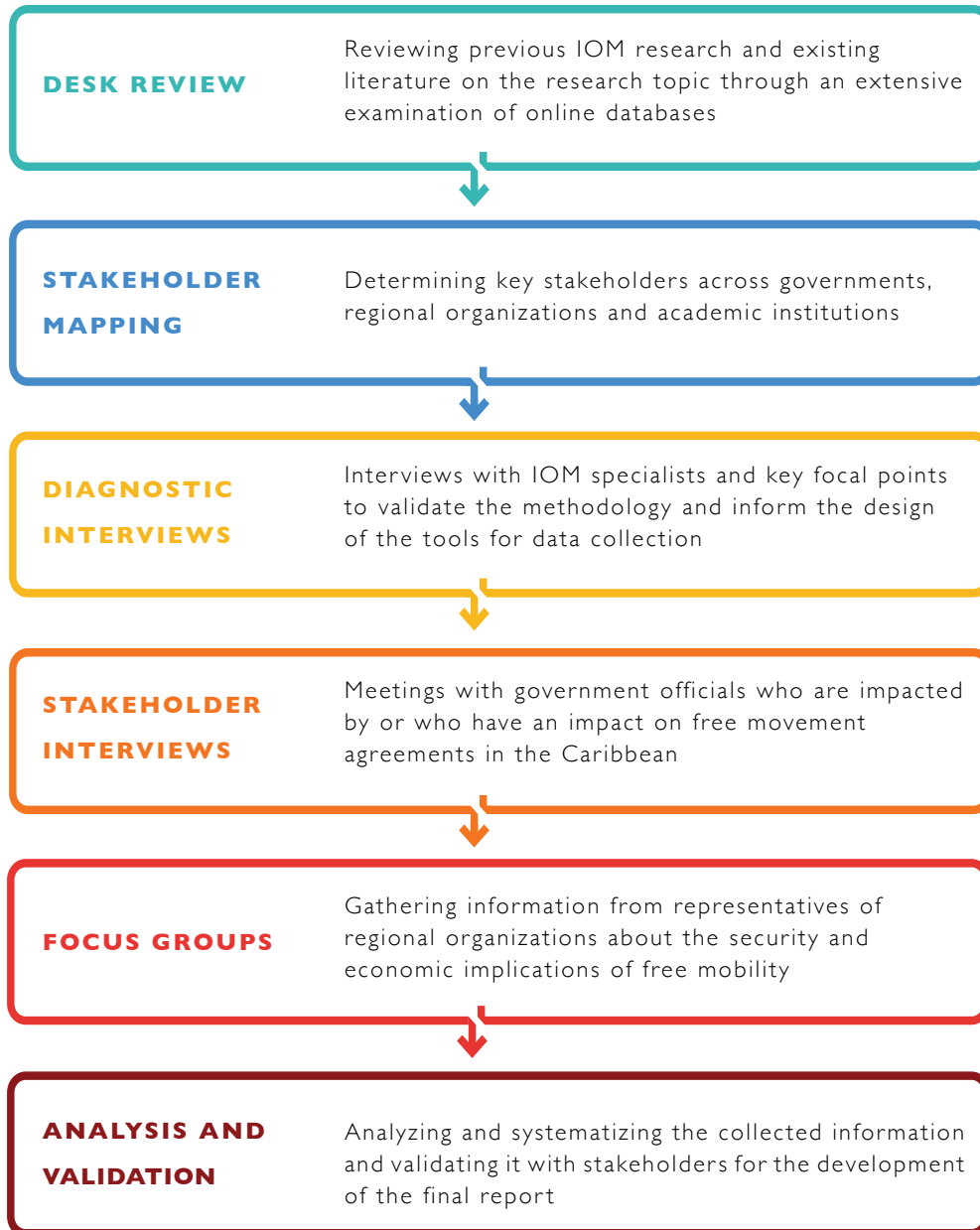
The International Organization for Migration (IOM)'s 2018 publication *Migration Governance in the Caribbean: Regional Report on the Island States of the Commonwealth Caribbean* identified a knowledge gap related to the free movement of persons in the Caribbean. This report, through funds generously provided by the United States Department of State Bureau of Population, Refugees, and Migration (PRM), aims to fill this gap and improve the understanding of the economic and security dimensions of free movement of persons in the region, focusing particularly in six Caribbean States: Antigua and Barbuda, Dominica, Grenada, Guyana, Jamaica and Saint Lucia.

The research methodology entailed the collection of primary data through semi-structured interviews with government officials in each of the aforementioned States as well as representatives of regional organizations, academic institutions and UN specialized agencies. All data were collected between May and June of 2019. The study also benefits from secondary data, particularly regional and country reports, migration statistics, and academic research. The validation processes consisted of inviting interview participants to provide feedback on the provisional research findings, and this feedback was incorporated into the final report. This research was done in close cooperation with IOM Regional Thematic Specialists (RTSs), who supported the research team in defining the methodology and reviewing the report.

The purpose of this report is to offer a comprehensive regional view of how free movement regimes are being implemented in the Caribbean, to identify the associated economic and security opportunities and challenges and to provide concrete findings and recommendations for States, IOM, regional organizations and the international community. The data presented here will inform the development of projects and future regional collaborations to enhance safe, orderly and regular migration in the Caribbean region.

Methodology

METHODOLOGICAL PROCESS FOR DATA COLLECTION



SECONDARY DATA COLLECTION METHODS

DESK REVIEW

For the desk review process, the research team used an approach that adhered to principles of rigor, transparency and replicability, and also allowed for tailoring the process in order to improve the quality of the findings, considering the time constraints of the study. To identify relevant sources, the research team broadly followed three strategies: (a) formulating a feasible research question and a search protocol; (b) reviewing colleagues' and IOM's previous relevant research and projects, particularly *Migration Governance in the Caribbean: Regional Report on the Island States of the Commonwealth Caribbean*, which provided a valuable starting point for deepening the researchers' knowledge about important developments in the topic; (c) complementing the findings through an extensive examination of selected online databases using Boolean search terms in order to produce relevant and useful results.

In order to systematize the findings, a desk review matrix was created, in which literature was organized by the country or region discussed, and by domain (free mobility, economy and security). Information was drawn from a range of sources, including international organization reports, academic research, and national legislative and policy documents.

The desk review was crucial for informing the creation of interview guidelines and identification of focal points. Additionally, it provided information to identify the strengths and vulnerabilities of the Caribbean free movement regimes, with special attention to their socioeconomic and security implications.

STAKEHOLDER MAPPING

Stakeholder mapping was conducted as part of the secondary data review, with the main purpose of determining a key list of stakeholders across governments, regional organizations, civil society organizations and academic entities. The mapping exercise was broken down into four phases:

1. Identifying: listing relevant groups, organizations, and focal points.
2. Analyzing: understanding stakeholder perspectives and interests.
3. Mapping: visualizing relationships to the three main domains and other stakeholders.
4. Prioritizing: ranking stakeholder relevance and identifying communication strategies.

The stakeholder mapping was performed as a collaborative process in which IOM specialists and staff members were invited to engage and provide input on sources external to IOM who may have important knowledge about or perspective on the research topic.

PRIMARY DATA COLLECTION METHODS

DIAGNOSTIC INTERVIEWS

The diagnostic semi-structured interviews were conducted with IOM specialists and key focal points from the CARICOM Single Market and Economy Unit (CSME), the CARICOM Implementing Agency for Crime and Security (IMPACS), the Organization of Eastern Caribbean States (OECS), United Nations Economic Commission for Latin America and the Caribbean (ECLAC), International Labour Organization (ILO), University of the West Indies (UWI), University of Curaçao, and International Air Transport Association (IATA), with the objective of collecting information on their respective areas of expertise, to validate the methodology and inform the design of the tools for field data collection and to ensure that all questions included in the interview protocol were relevant.

IN-PERSON STAKEHOLDER INTERVIEWS

The in-person interviews consisted of a series of group and individual discussions with government officials and staff members of regional organizations who are impacted by or who have an impact on free mobility regimes in the Caribbean. These discussions provided a deeper understanding of each stakeholder's role, as well as an overall understanding of the respective capacities and requirements of each institution regarding the management of free movement.

The research team designed an interview protocol in which only some of the questions and topics were pre-determined. This made it possible to conduct interviews in a setting that would appear conversational but was actually carefully structured. The interview protocol also provided the flexibility to ask additional questions as new topics arose, while excluding others that might be irrelevant.

The interviews also served as a way to find case studies that exemplify key best practices and challenges for free mobility under the terms of free mobility regimes.

FOCUS GROUPS

The focus group technique was used to obtain information from personnel from regional entities, using an action research method in which participants were encouraged to identify possible solutions to the identified challenges. The groups included between 2 and 8 people and were moderated by the research team using a discussion guide that included probing questions to solicit opinions.

The main purpose of the focus groups was to:

- Learn about the participants' experiences and perceptions of the security and economic implications of free mobility
- Understand key issues and challenges in the implementation of policies, protocols or guidelines
- Gather suggestions for improvement or capacity-building

DATA ANALYSIS

CODING

The research team utilized a grounded coding method, drawing themes directly from the interviews and focus group data, to analyse the data collected. Guided by the research questions, the research team used MAXQDA software to create codes and themes from the data collected during fieldwork, which then formed the structure of the report. This method reduced bias and allowed the data to shape the final findings, rather than the findings being pre-determined by the researchers or other external stakeholders.

VALIDATION

The research team validated the analysis with stakeholders and participants to confirm that the presentation of the data is accurate and appropriate.

CHALLENGES AND LIMITATIONS OF THE STUDY

The scope of the report was limited by the short timeframe for its completion, which did not allow for the in-depth study of more than six countries. Additionally, the deficit of available information created a challenge for drawing regional comparisons. Some of the main limitations were:

- Primary data collection was constrained by the need to maximize the number of days available for collecting secondary data as well as for designing and piloting the data collections tools.
- The overall lack of country-specific information was a significant challenge. Many small island developing States do not have the capacity to collect and systematize data. However, using work published by international and regional organizations on movement within the Caribbean, the research team was able to provide a better understanding of regional trends.
- In certain cases, participant validation was limited by the difficulty of obtaining feedback from all identified focal points in a comprehensive and timely manner.



I. History and Context of Free Movement in the Caribbean

The free movement of persons is a key and interwoven component of Caribbean development strategies and forms a critical building block of both the Caribbean Community (CARICOM) and the Organization of Eastern Caribbean States (OECS) organizational structures and regional integration arrangements. The free movement of persons components in each differ in provisions and implementation, but both recognize that free mobility advances economic and regional development. The free movement of persons is a foundational provision for broader regional integration across the Caribbean.

This chapter discusses the foundations of free movement of persons, describes the range of free movement of persons regimes contributing to regional integration around the world, provides a history of integration and movement in the Caribbean and delineates the free movement of persons regimes within CARICOM and the OECS. The chapter provides key information for understanding how free movement of persons regimes in the region were created and how they potentially affect the movement of people and goods throughout the Caribbean.

FREE MOVEMENT

Migration of people can provide benefits for individuals, communities, and States. IOM's *World Migration Report 2018* states, "Migration is intertwined with geopolitics, trade and cultural exchange, and provides opportunities for States, businesses and communities to benefit enormously. Migration has helped improve people's lives in both

origin and destination countries and has offered opportunities for millions of people worldwide to forge safe and meaningful lives abroad."¹ At the same time, there are several reasons to open channels to allow the free movement of specific categories of migrants, recognizing that mobility is a key part of life for people around the world, as they move for employment opportunities, to visit or reunite families, to study, or to start businesses.

Facilitating free movement of persons can be a key development tool for States. This report analyses the provisions and policies governing migration in CARICOM and the OECS, which explicitly link free movement to development. However, the tradition of intraregional free movement has a longer history in the Caribbean. Caribbean States share a common history, colonial experiences and tradition of free movement and exchange. This tradition of free movement has been guided by a variety of institutions since the 1950s, including the West Indies Federation, the Caribbean Free Trade Association (CARIFTA), and, eventually, CARICOM and the OECS.

FREE MOVEMENT REGIMES AROUND THE WORLD

Free movement of persons is a key tenet of regional integration around the world. Like CARICOM and the OECS, many regional organizations have recognized the potential economic benefits of free mobility. However, the arrangements governing the free movement of persons vary greatly. The following table shows the different free mobility regimes that are being implemented worldwide:

| NAME | ESTABLISHMENT | MEMBER STATES | FREE MOVEMENT PROVISIONS |
|---|--|---|--|
| ARAB MAGHREB UNION (AMU) | Founded in 1989 in Marrakech with the approval of the <i>Treaty Instituting the Arab Maghreb Union</i> | Algeria, Libya, Mauritania, Morocco and Tunisia | Only three Member States have implemented the freedom of movement protocol: Libya, Morocco and Tunisia, but Tunisia is the only State that allows citizens from fellow Member States to access its territories freely. ² |
| ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN) | Established in 1967 in Thailand with the signing of the <i>ASEAN Declaration</i> (Bangkok Declaration) | Indonesia, Malaysia, Philippines, Singapore, Thailand, Lao People's Democratic Republic, Myanmar and Cambodia | In 2007, ASEAN agreed to create the ASEAN Economic Community (AEC) by 2015. The AEC does not aim for the free flow of skilled labour, but "freer" flow through multilateral Mutual Recognition Agreements based on national and ASEAN Qualification Frameworks. ³ |
| ANDEAN COMMUNITY (CAN) | Founded in 1969 through the <i>Cartagena Agreement</i> | Plurinational State of Bolivia, Colombia, Ecuador and Peru. Associate Members: Argentina, Brazil, Chile, Paraguay and Uruguay | In 2001, CAN created the Andean Passport, which enables citizens of Member States to travel between these countries without a visa. ⁴ |
| CENTRAL AMERICA-4 FREE MOBILITY AGREEMENT (CA-4) | Created in 2006 through the Central America-4 Free Mobility | El Salvador, Guatemala, Honduras and Nicaragua | In July 2006, the <i>Central America-4 Free Mobility Agreement</i> was signed, establishing the CA-4 to facilitate migratory movements in the four Member States. ⁵ |

2 United Nations Economic Commission for Africa, "AMU – Free Movement of Persons," UNECA, accessed June 19, 2019, www.uneca.org/pages/amu-free-movement-persons.

3 Guntur Sugiyarto and Dovelyn Rannveig Agunias, A "Freer" Flow of Skilled Labour within ASEAN: Aspirations, Opportunities and Challenges in 2015 and Beyond (Bangkok and Washington, DC: International Organization for Migration and Migration Policy Institute, 2014), www.migrationpolicy.org/research/freer-flow-skilled-labour-within-asean-aspirations-opportunities-and-challenges-2015.

4 Diego Acosta, "Free Movement in South America: The Emergence of an Alternative Model?" Migration Information Source (August 23, 2016), www.migrationpolicy.org/article/free-movement-south-america-emergence-alternative-model.

| NAME | ESTABLISHMENT | MEMBER STATES | FREE MOVEMENT PROVISIONS |
|--|--|---|--|
| COMMUNITY OF SAHEL-SAHARAN STATES (CEN-SAD) | Founded in 1998 following the Conference of Leaders and Heads of States in Tripoli, Libya. Became a regional economic community during the thirty-sixth session of the Conference of Heads of Government of the Organization of African Unity. | Benin, Burkina Faso, Central African Republic, Chad, Comoros, Côte d'Ivoire, Djibouti, Egypt, Eritrea, the Gambia, Ghana, Guinea-Bissau, Libya, Mali, Mauritania, Morocco, The Niger, Nigeria, Senegal, Sierra Leone, Somalia, Sudan, Togo and Tunisia. | Article I of the Revised <i>Treaty of the Community of Sahel-Saharan States</i> establishes that free movement of people is a core objective of the community and that the same rights, advantages, and obligations granted to a Member State's own citizens should be applied to nationals of Member States. Only 13 Member States have ratified the Treaty, it will take effect after 15 ratifications. ⁶ |

| | | | |
|---|--|---|---|
| COMMONWEALTH OF INDEPENDENT STATES (CIS) | Created in 1991 through the <i>Agreement Establishing the Commonwealth of Independent States</i> and expanded through the <i>Alma-Ata Protocol</i> in 1991 | Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Republic of Moldova, Russian Federation, Tajikistan and Uzbekistan. | In 1993, the Heads of the CIS States signed an <i>Agreement on the creation of an Economic Union</i> , which included the free movement of labour. Belarus, Kazakhstan, Kyrgyzstan, and Russian Federation signed the <i>Agreement on the creation of the Commonwealth of Sovereign Republics</i> . In 2000, Belarus, Kazakhstan, Kyrgyzstan, Russian Federation, and Tajikistan signed an <i>Agreement on creation of Eurasian Economic Community</i> . ⁷ |
|---|--|---|---|

5 CA-4, Acuerdo Regional de Procedimientos Migratorios CA-4 de la Visa Unica Centroamericana Alcances del Tratado Marco y la Movilidad de Personas en la Región, 2005, www.reddmigrantes.files.wordpress.com/2014/06/acuerdo-regional-ca4.pdf.

6 United Nations Economic Commission for Africa, "CEN-SAD – Free Movement of Persons," UNECA, accessed June 19, 2019, www.uneca.org/pages/cen-sad-free-movement-persons.

7 Commonwealth of Independent States, "About Commonwealth of Independent States," CIS, accessed June 19, 2019, www.cisstat.com/eng/cis.

| NAME | ESTABLISHMENT | MEMBER STATES | FREE MOVEMENT PROVISIONS |
|---|--|---|--|
| <p>COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA (COMESA)</p> | <p>Founded in 1994 to replace a Preferential Trade Agreement that had been in place since 1981</p> | <p>Burundi, Comoros, Democratic Republic of the Congo, Djibouti, Egypt, Eswatini, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Somalia, Sudan, Tunisia, Uganda, Zambia and Zimbabwe.</p> | <p>Two protocols govern the free movement of people in the region: <i>The Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements</i>, and the <i>Protocol on Free Movement of Persons, Labour, Services, the Right of Establishment and Residence</i>. Since inception in 1998, only Burundi, Kenya, Rwanda, and Zambia have signed the latter, and Burundi is the only country that has ratified. Mauritius, Rwanda, and Seychelles have waived visas to all COMESA citizens.⁸</p> |
| <p>COOPERATION COUNCIL FOR THE ARAB STATES OF THE GULF (GCC)</p> | <p>Founded in 1981 through the <i>Charter of the Gulf Cooperation Council</i></p> | <p>Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates</p> | <p>In 1981, <i>The Unified Economic Agreement between the Countries of the Gulf Cooperation Council</i>, Chapter II, Article 8 established the free movement of nationals as part of the region's movement towards full economic integration. States support full freedom of mobility for citizens while severely limiting the mobility of the dominant, non-national population.⁹</p> |

⁸ United Nations Economic Commission for Africa, "COMESA – Free Movement of Persons," UNECA, accessed June 19, 2019, www.uneca.org/pages/comesa-free-movement-persons.

⁹ Zahra Babar, *Free Mobility within the Gulf Cooperation Council* (Qatar: Center for International and Regional Studies at Georgetown, 2011), www.files.ethz.ch/isn/135006/ZahraBabarOccasionalPaper.pdf.

| NAME | ESTABLISHMENT | MEMBER STATES | FREE MOVEMENT PROVISIONS |
|-------------------------------------|---|---|---|
| EAST AFRICAN COMMUNITY (EAC) | Established in 1999 through the <i>Treaty for the Establishment of the East African Community</i> | Burundi, Kenya, Rwanda, South Sudan, Uganda and the United Republic of Tanzania | Article 104 of the 1999 <i>Treaty for the Establishment of the East African Community</i> established measures to achieve the free movement of persons, labour, and services, and the right of establishment and residence. The EAC passport was launched in 1999 and allows EAC citizens six months' multiple entry into any EAC country. Plans are ongoing to have the passport formally adopted as an international travel document. ¹⁰ |

| | | | |
|---|---|--|--|
| ECONOMIC COMMUNITY OF CENTRAL AFRICAN STATES (ECCAS) | Founded in 1983 by members of the Union of Central African States, Sao Tome and Principe and members of the Economic Community of the Great Lakes Countries | Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tome and Principe | In 1983, ECCAS adopted the <i>Protocol on Freedom of Movement and Rights of Establishment of Nationals of Member States</i> , which included provisions for the freedom of movement, residence, and establishment for all citizens in the ECCAS region. An initiative to fast-track free movement of persons was adopted in 1990 and amended in 2000, but it is still pending. ¹¹ |
|---|---|--|--|

10 United Nations Economic Commission for Africa, "EAC – Free Movement of Persons," UNECA, accessed June 19, 2019, www.uneca.org/pages/eac-free-movement-persons.

11 United Nations Economic Commission for Africa, "ECCAS – Free Movement of Persons," UNECA, accessed June 19, 2019, www.uneca.org/pages/eccas-free-movement-persons.

| NAME | ESTABLISHMENT | MEMBER STATES | FREE MOVEMENT PROVISIONS |
|--|--|--|---|
| <p>ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)</p> | <p>Established in 1975 in Nigeria through the <i>Economic Community of West African States (ECOWAS) Treaty</i></p> | <p>Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, the Niger, Nigeria, Senegal, Sierra Leone and Togo</p> | <p>In 1979, ECOWAS Member States adopted a <i>Protocol on Free Movement, Right of Residence and Establishment</i>, with a three-step plan to achieve freedom of movement of people after 15 years. The first phase dealt with the right of visa-free entry, the second phase deals with the right of residency, and phase three incorporates the right of establishment. The first two phases have been implemented, but the third is still under implementation. Member States established a common passport, the ECOWAS travel certificate, in 2000, and are in the process of implementing the Eco-Visa for non-ECOWAS citizens that would cover the entire region.¹²</p> |

| | | | |
|--|--|--|--|
| <p>MERCADO COMÚN DEL SUR (MERCOSUR)</p> | <p>Founded in 1991 by the <i>Treaty of Asunción</i> and in 1994 by the <i>Protocol of Ouro Preto</i></p> | <p>Argentina, Brazil, Paraguay and Uruguay</p> | <p>The <i>MERCOSUR Residence Agreement</i> grants residence and the right to work permits to citizens of signatory States for up to two years and may apply for permanent residence before the end of the two years.¹³ With the exception of Brazil, MERCOSUR Member States have the MERCOSUR logo on their passports.¹⁴</p> |
|--|--|--|--|

12 United Nations Economic Commission for Africa, "ECOWAS – Free Movement of Persons," UNECA, accessed June 19, 2019, www.uneca.org/pages/ecowas-free-movement-persons.

13 International Labour Organization, "MERCOSUR Residence Agreement," MIGRANT Labour Migration Branch (November 15, 2017), accessed June 19, 2019, www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=187.

14 MercoPress, "Brazil Eliminates Mercosur Symbol from New Passports," MercoPress, January 25, 2019, www.mercopress.com/2019/01/25/brazil-eliminates-mercosur-symbol-from-new-passports.

| NAME | ESTABLISHMENT | MEMBER STATES | FREE MOVEMENT PROVISIONS |
|--|--|--|--|
| <p>SCHENGEN AREA</p> | <p>Established in 1985 through the <i>Schengen Agreement</i> and incorporated into the body of laws governing the European Union in 1999 through the <i>Treaty of Amsterdam</i>.</p> | <p>Austria, Belgium, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland. While many EU Member States are part of the Schengen Area, these two categories are not identical.</p> | <p>The Schengen area abolished internal border controls for all persons, created a common visa policy for short stays, strengthened external border controls as well as police and judicial cooperation.¹⁵</p> |
| <p>SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)</p> | <p>Established in 1992 in Namibia through the <i>Southern African Development Community Treaty</i></p> | <p>Angola, Botswana, Comoros, Democratic Republic of the Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe</p> | <p>A draft <i>Protocol on the Free Movement of Persons within the SADC</i> was introduced in 1996 but was replaced by a more restrictive Protocol in 1997. This Protocol was revised and adopted in 2005, and it ensures granting visa-free entry, with lawful purpose, to citizens from other Member States for a maximum of 90 days. However, the Protocol is not operational, as only Botswana, Eswatini, Mozambique and South Africa, have signed and ratified it, and it requires ratification by two-thirds of the Member States.¹⁶</p> |
| <p>WEST AFRICAN ECONOMIC AND MONETARY UNION (UEMOA)</p> | <p>Created in 1994 in Dakar, Senegal</p> | <p>Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, the Niger, Senegal and Togo</p> | <p>The 2002 Amended Treaty includes a goal "To create a common market among the Member States, based on the free movement of persons, goods, services, and capital, the right of establishment of self-employed or salaried persons, as well as a common external tariff and common market policy."¹⁷</p> |

15 Schengen Area," European Commission (n.d.) www.ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen_en.

16 United Nations Economic Commission for Africa, "SADC – Free Movement of Persons," UNECA, accessed June 19, 2019, www.uneca.org/pages/sadc-free-movement-persons.

17 West African Economic and Monetary Union, "West African Economic and Monetary Union: Eight Countries, a Common Destiny," West African Economic and Monetary Union, accessed June 19, 2019, www.uemoa.int/en/amended-treaty.

FREE MOVEMENT IN THE CARIBBEAN

The Caribbean has long had a tradition of movement and migration.¹⁸ Due to the maritime expertise of native Amerindian peoples, they created wide networks across the region, forming linked communities across the Caribbean rather than separating or isolating them.¹⁹

After the first Europeans arrived in the Caribbean in 1492, they enslaved Amerindians and transported indigenous populations, particularly from the Lesser Antilles and Southern Caribbean islands to the Greater Antilles, to provide slave labour for European colonial enterprises.²⁰ Many countries in the Caribbean share a colonial history. For instance, those that were once British colonies share a language, a colonial history of slavery, a plantation-based sugar industry and similar government and administrative traditions.²¹

The Caribbean region contains within it a number of distinct communities and States; as Hofman et al. explain, “As of today, the Caribbean includes states that became independent between 1804 and 1983, colonies, incorporated territories, a few British and American ‘commonwealths,’ associated states, departments of France, and other overseas

“THE LOCAL NETWORKS OF THE INDIGENOUS COMMUNITIES ACROSS THE HISTORICAL DIVIDES ECHO THESE OVERARCHING PATTERNS OF MIGRATION, MOBILITY AND INTERACTION BETWEEN THE ISLANDS AND MAINLAND(S) SINCE THE ONSET OF HUMAN COLONIZATION OF THE ISLANDS C. 6000 YEARS AGO. IF WE FURTHER TAKE INTO ACCOUNT THE EXTENSIVE TO-ING AND FRO-ING WITHIN ARCHIPELAGOS AND THE SOMETIMES VAST (1,000 KM OR MORE) DISTANCES BRIDGES IN ORDER TO PROCURE CERTAIN GOODS, ONE COULD SUGGEST THAT THROUGHOUT THEIR HISTORY THE INDIGENOUS PEOPLES OF THE CARIBBEAN HAVE KEPT A LIVELY, INDEED ENTREPRENEURIAL, INTEREST IN A FAR-REACHING WEB OF SOCIALLY, CULTURALLY, POLITICALLY AND ECONOMICALLY DIVERSE RELATIONSHIPS.”

Corinne Hofman et al., “Stage of Encounters: Migration, Mobility and Interaction in the Pre-Colonial and Early Colonial Caribbean,” *World Archaeology* 46, no. 4 (2014): 590–609.

territories.” The authors argue that although the Caribbean is made up of many unique communities, the region has a history of creating identities that take place beyond nationality or Nation-States, including political confederations and regional integration.²²

18 International Organization for Migration, *Exploratory Assessment of Trafficking in Persons in the Caribbean Region*, Second Edition (Geneva: IOM, 2010), www.publications.iom.int; International Organization for Migration, *Migration in the Caribbean: Current Trends, Opportunities and Challenges* (San José, Costa Rica: IOM, 2017), www.reliefweb.int/sites; Kairi Consultants, Ltd., *Human Mobility in the Caribbean: Circulation of Skills and Immigration from the South* (African, Caribbean and Pacific Group of States Observatory of Migration and IOM, 2013), www.publications.iom.int; General Secretariat of the Organization of American States and the International Organization for Migration, *Regional Report: Irregular Migration Flows within the Americas from Africa, Asia, and the Caribbean* (Washington, DC: General Secretariat of the Organization of American States and IOM, 2016), www.scm.oas.org; Elizabeth Thomas-Hope, *Skilled Labour Migration from Developing Countries: Study on the Caribbean Region* (Geneva: International Migration Programme, International Labour Office, 2002), www.ilo.org

19 Corinne L. Hofman, Alistair J. Bright, and Reniel Rodriguez Ramos, “Crossing the Caribbean Sea: Towards a Holistic View of Pre-Colonial Mobility and Exchange,” *Journal of Caribbean Archaeology* (2010): 1–18.

20 Hofman, Bright and Rodriguez Ramos, 2010.

21 Michael DaCosta, *Colonial Origins, Institutions and Economic Performance in the Caribbean: Guyana and Barbados* (Washington, DC: IMF Working Paper, 2007), www.imf.org/en/Publications/WP/Issues/2016/12/31/Colonial-Origins-Institutions-and-Economic-Performance-in-the-Caribbean-Guyana-and-Barbados-20459.

22 Hofman et al., 2014.

Caribbean States also share a history of free trade agreements and economic integration in the region, beginning with the West Indies Federation, which was founded in 1958 and established a federation Government drawn from ten Member States. The Federation ended in 1962 when Jamaica and Trinidad and Tobago gained independence, but some current institutions, such as the University of the West Indies, still survive from that time.²³ In 1965, the Heads of Government of Antigua, Barbados and British Guyana signed an agreement to create the Caribbean Free Trade Association (CARIFTA), which came into effect in 1968 and was meant to serve as the foundation for what would become the Caribbean Common Market.²⁴ By May 1971, Antigua and Barbuda, Barbados, Trinidad and Tobago, Guyana, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Jamaica, Montserrat and Belize were members. CARIFTA served as a basis for several regional organizations, including the Commonwealth Caribbean Regional Secretariat and the Caribbean Development Bank.²⁵

The *Treaty of Chaguaramas* was signed in 1973, establishing the Caribbean Community and Common Market (CARICOM) and replacing CARIFTA.²⁶ In 1977, CARICOM created the Multilateral Clearing Facility (CMCF), and in the 1990s a Common External Tariff (CET) was established.²⁷ At the time of the

creation of the Treaty, the future of free movement of persons was uncertain; Article 38 stated, "Nothing in this Treaty shall be construed as requiring, or imposing any obligation on, a Member State to grant freedom of movement to persons into its territory whether or not such persons are nationals of other Member States of the Common Market."²⁸ The *Grand Anse Declaration and Work Programme for the Advancement of the Integration Movement* of 1989 laid the foundation for the free movement of goods, services, and labour, and formally began the free movement initiative within CARICOM.²⁹ The Declaration allowed for the free movement of skilled and professional personnel as well as contract workers employed on a seasonal or project basis. This progress led to the 1993 Independent West Indian Commission (WIC) Report, which introduced the concept of "hassle-free travel" and endorsed the Declaration's call for elimination of passport requirements.³⁰ The 2001 revision of the *Treaty of Chaguaramas* established the CARICOM Single Market and Economy (CSME) and took force in 2006, expanding free movement of persons in CARICOM, as is discussed below.

Regional integration efforts continue in the Caribbean, and States cooperate to facilitate free movement —of productive resources— and economic development across the region. In 2007, the Caribbean hosted the International Cricket Council (ICC) Cricket World

23 Deike Fuchs and Thomas Straubhaar, *Economic Integration in the Caribbean: The Development Towards a Common Labour Market* (Geneva: International Migration Programme, International Labour Office, 2003), <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.517.6196&rep=rep1&type=pdf>; Thomas O'Keefe, "The Role the Organization of Eastern Caribbean States Plays within the Caribbean Common Market and Community (CARICOM) and in the Caribbean's Relationship with the World Economy," (New Orleans, LA: Annual Conference of the International Studies Association: Latin American and Caribbean Regionalism in the Global Economic Crisis II, 2010).

24 Fuchs and Straubhaar, 2003.

25 Ibid.

26 Fuchs and Straubhaar, 2003; O'Keefe, 2010; Ewart S. Williams, "Financial Integration in the Caribbean: History, Prospects and Challenges," (St. Michael, Barbados: XXXVIII Annual Monetary Studies Conference of the Caribbean Centre for Monetary Studies, 2006).

27 Williams, 2006.

28 Jason Haynes, "The Right to Free Movement of Persons in Caribbean Community (CARICOM) Law: Towards 'Juridification?'" *Journal of Human Rights in the Commonwealth* 2, no. 2 (2016): 57-66.

29 Haynes, 2016; Wade Mark and Verónica Oxman, *The Social and Labour Dimensions of Globalization and Integration Process. Experience of CARICOM* (Lima: International Labour Office, 2002), www.ggt.uqam.ca/IMG/pdf/caricomlabourOLI-oxman.pdf.

30 Haynes, 2016.

Cup and instituted a single-entry visa in order to facilitate easy movement between the host islands. During the Twenty-Seventh Meeting of the Conference of Heads of Government in July 2006, leaders reached an agreement to ensure hassle-free movement for visitors to the Cricket World Cup, as well as intelligence-sharing for security during the event. Individuals were able to travel among the nine host countries and Dominica between 1 February 2007 and 15 May 2007. During this time, the ten countries became a “single domestic space,” and the entry and departure form were standardized for all the countries. Once in the single domestic space, individuals were not required to have their documents processed to clear customs and immigration and did not need to have their passports stamped, though they still needed their passports to travel. At their first port of entry, they were provided with a blue CARICOM wristband that identified them for hassle-free movement throughout the single domestic space. When the single domestic space ended on 15 May 2007, nearly 45,000 single-entry visas had been issued.³¹ This experience is perceived as a successful example of how cross-country coordination for facilitating the movement of travellers is possible.

The Caribbean Community (CARICOM) is an organization made up of twenty countries: fifteen Member States and five Associate Members. CARICOM was founded on 4 July 1973 with the signing of

FIGURE 1.
FULL MEMBER STATES OF CARICOM, CSME AND OECS.



the *Treaty of Chaguaramas*, and the CARICOM Single Market and Economy (CSME) was created with the revision of the treaty in 2001, the *Revised Treaty of Chaguaramas*. CARICOM is centred on four pillars:

31 Caribbean Community, “Special Visa and the Single Domestic Space in 2006-07,” CARICOM, accessed June 13, 2019, www.caricom.org/projects/detail/special-visa-and-the-single-domestic-space-in-2006-07.

FIGURE 2.
CARICOM PILLARS



THE CARIBBEAN COMMUNITY AND THE CARICOM SINGLE MARKET AND ECONOMY

Establishing free movement proved a difficult task, and, after some delays, the CARICOM Single Market and Economy (CSME) was ultimately established in 2006.³² Article 45 of the *Revised Treaty of Chaguaramas* required Member States to commit themselves to the goal of free movement of their nationals within the community.³³

The CSME is intended to deepen and strengthen regional integration through policy harmonization.³⁴ The CSME aims at integrating capital, services, assets and job markets,³⁵ and proposes to do this by making the most efficient use of resources and distribution of labour possible.³⁶ All of these reforms are intended to assist Caribbean countries, and CARICOM Member States in particular, compete in the global market,³⁷ and central to

these efforts is the free movement of people.³⁸ Article 45 of the *Revised Treaty of Chaguaramas* committed Member States to the goal of free movement of nationals within the Caribbean Community through a phased approach for implementation.³⁹ Article 46 organizes this into five categories, and subsequent Meetings of Heads agreed to seven additional categories. At the time of this report, there were 12 established categories of skilled migrants, but only ten were being facilitated. The 12 categories are: university graduates, artists, musicians, media workers, sportspeople, teachers, nurses, those who hold associate degree or equivalent qualifications, artisans with a Caribbean Vocational Qualification (CVQ), household domestics with a CVQ or equivalent qualification, agricultural workers and security guards.⁴⁰ The implementation of these categories involves providing for the movement of these skilled persons, including some elements that

32 Williams, 2006.

33 Fuchs and Straubhaar, 2003.

34 Caribbean Expert Group Meeting on Migration, Human Rights and Development in the Caribbean, "Report on the Expert Group Meeting on Migration, Human Rights and Development in the Caribbean," (Port of Spain, Trinidad and Tobago: Economic Commission for Latin America and the Caribbean, 2005), www.caribbeanmigration.org/sites/default/files/final_report_cmc_workshop_on_migration_data_collection_and_management_0.pdf; J.F. Hornbeck, CARICOM: Challenges and Opportunities for Caribbean Economic Integration (Washington, DC: Congressional Research Service, 2008); Mark and Oxman, 2002.

35 IOM, Migration in the Caribbean, 2017; Norman Girvan, Towards a Single Development Vision and the Role of the Single Economy (Needham's Point, Barbados: CARICOM Secretariat and the Special Task Force on the Single Economy, 2007), www.unpan1.un.org/intradoc/groups/public/documents/caricad/unpan037710.pdf.

36 Fuchs and Straubhaar, 2003.

37 Mark and Oxman, 2002; Debbie Mohammed, "Enhancing CARICOM Competitiveness: Can the Caribbean Single Market and Economy (CSME) and the EU-CARIFORUM Economic Partnership Agreement (EPA) Facilitate This Process?" *Iberoamericana: Nordic Journal of Latin American and Caribbean Studies* XXXVIII, no. 1-2 (2008): 83-104; IOM, 2010; Edward E. Ghartey, "Is the Caribbean Community an Optimum Currency Area?" *Economic Studies of International Development* 8-1 (2008).

38 Sheldon Birkett, Caribbean Single Market and Economy (CSME): A Development Conundrum (Washington, DC: Council on Hemispheric Affairs, 2017), www.coha.org/wp-content/uploads/2017/06/CARICOM-CSME.pdf; Caribbean Expert Group, 2005.

39 Peter W. Wickham et al., Freedom of Movement: The Cornerstone of the Caribbean Single Market and Economy (CSME) (St. Michael, Barbados: Caribbean Policy Development Centre, 2004), www.sta.uwi.edu/salises/workshop/papers/pwickham.pdf.

40 Wickham et al., 2004; IOM, 2010; IOM, Migration in the Caribbean, 2017; Birkett, 2017; Andrew S. Downes, "Flexible Labour Markets, Workers' Protection and Active Labour Market Policies in the Caribbean," CEPAL Serie Macroeconomía del Desarrollo 86 (Economic Commission for Latin America and the Caribbean, 2009); Haynes, 2016.

have not yet been fully realized, such as eliminating the requirements for passports, establishing mechanisms for certifying and establishing equivalency of degrees, creating accrediting institutions and harmonizing and transferring social security benefits.⁴¹ In addition to the provisions set out for the movement of skilled workers, CARICOM nationals are entitled to six months' stay upon entry to other CSME Member States.⁴²

Movement of persons is also covered under Articles 33-37, which include service providers and entrepreneurs and allow for the movement of managerial, supervisory and technical staff associated with businesses created under the right of establishment. However, the provisions allowing the movement of service providers and businesspersons are still being finalized and are in varying levels of implementation across Member States.⁴³

THE ORGANIZATION OF EASTERN CARIBBEAN STATES

The Organization of Eastern Caribbean States (OECS) was established in 1981 in Basseterre, Saint Kitts and Nevis through the *Treaty of Basseterre*. The OECS is comprised of seven Protocol Member States and four Associate Members.⁴⁴ OECS Protocol Member States are also members of CARICOM as well as a distinct subgroup within CARICOM.⁴⁵ The 2002 *OECS Development Charter* states that OECS Member States “are a distinct group with special shared peculiarities

of an economic and social nature” within CARICOM. The available literature discusses the OECS both as complementary to CARICOM⁴⁶ and as a subregional organization with the ability to push back on policies discussed within CARICOM.⁴⁷

Under “Our Common Vision” the 2002 *OECS Development Charter* states, “We see closer economic cooperation through the creation of an Economic Union among our States as a prime mechanism for the further development of our people. Concomitant with the Economic Union, we envisage the strengthening of existing institutions for social and political cohesion in order to cement advances in development and to speak with a common voice in regional and international fora,” and “We envisage the people of our region interacting freely with each other through business, educational, sporting and cultural endeavours in peace and harmony.”⁴⁸ In this trajectory, in Dominica in 2001, the OECS Heads of Government decided to establish the OECS Economic Union. The *Revised Treaty of Basseterre* establishing the Economic Union was signed in 2010.⁴⁹

The OECS free movement of persons regime aims to create an OECS-wide labour market to better allocate the use of labour resources throughout the region and thus improve access to employment opportunities.⁵⁰ While economic integration has progressed internally through the free movement of people, the regimes for free movement of goods and services are currently being defined and negotiated.⁵¹

41 Wickham et al., 2004; Haynes, 2016.

42 Haynes, 2016.

43 Wickham et al., 2004; Caribbean Expert Group, 2005.

44 Organization of Eastern Caribbean States, “About the OECS,” OECS (2016), accessed June 24, 2019, www.oecs.org/homepage/about-us.

45 Organization of Eastern Caribbean States, *Development Charter* (OECS, 2002), www.oecs.org/en/edmu-resources/oecs-dc-2002.

46 IOM, *Migration in the Caribbean*, 2017.

47 Hornbeck, 2008.

48 OECS, 2002.

49 Organization of Eastern Caribbean States, “Economic Union,” OECS (2016), accessed June 24, 2019, www.oecs.org/topics/economic-union.

50 E. Gene, “Advances Made and Potential Benefits of the OECS Free Movement Regime,” *OECS Business Focus* (2015): 10-11.

51 O’Keefe, 2010.

In the OECS Economic Union, full free movement is granted to all OECS nationals of Protocol Member States, who are given indefinite stay upon entry to other Protocol Member States and allowed to travel and enter countries using a valid photo ID. Nationals are not required to obtain a work permit, and they are allowed to drive in one Protocol Member State with a valid license issued from another Protocol Member State.⁵²

The OECS has been successful in creating a monetary union, using the Eastern Caribbean dollar, and two supra-national institutions, the Eastern Caribbean Central Bank and Eastern Caribbean Supreme Court.⁵³ These institutions and the Caribbean Court of Justice (CCJ) will be discussed in greater detail in the following chapters.

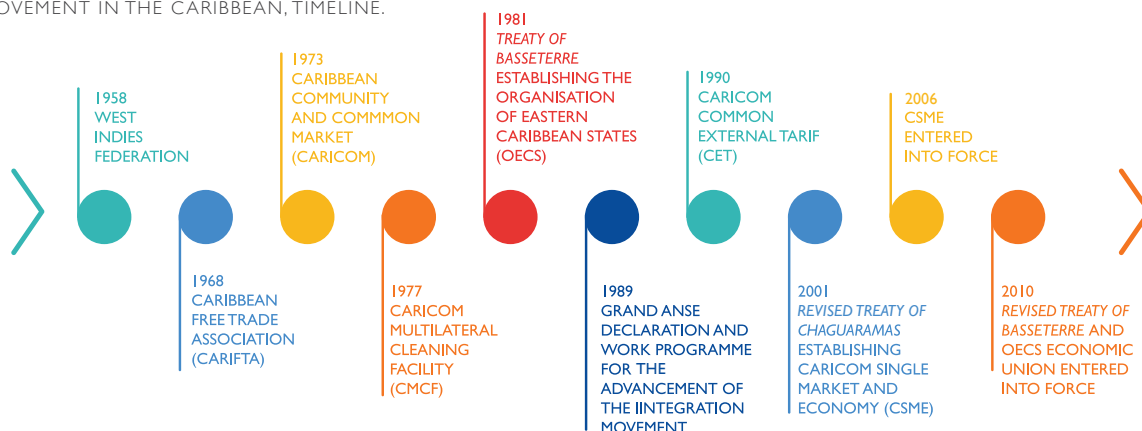
The perceived benefits of the OECS Eastern Caribbean Economic Union (ECEU) free movement of persons regime are that Protocol Member states can benefit from labour exchange and that goods are able to move freely and be in free circulation once

they cross into the ECEU.⁵⁴ The OECS reasons that freedom of movement is important to address skilled labour shortages and to allow individuals to seek economic opportunities elsewhere to provide for their families.⁵⁵

POTENTIAL IMPACT

Ideally, free mobility within the Caribbean provides important benefits to receiving countries, such as the transfer of knowledge and skills, foreign direct investment inflows, wealth generated by increased economic activity, a broader labour pool, reduced cost of labour, and increased tax revenues.⁵⁶ Industries could benefit as enhanced movement of people can rectify skills shortages.⁵⁷ However, policies governing migration are determined both at the national and regional levels, and the advantages and disadvantages of free movement as set out by the CSME and ECEU are still developing.⁵⁸ This report will delineate the extent to which these arrangements are being implemented and the successes and challenges of regional mobility management.

FIGURE 3.
FREE MOVEMENT IN THE CARIBBEAN, TIMELINE.



52 Gene, 2015.

53 O'Keefe, 2010.

54 Gene, 2015.

55 Organization of Eastern Caribbean States, "Free Movement of Persons," OECS (2016), accessed June 19, 2019, www.oecs.org/topics/free-movement-persons.

56 Kairi Consultants, Ltd., 2013.

57 T.M. Lewis and C.A.C. Imbert, "Policy Imperatives for International Trade in Construction Services in the Caribbean Community," West Indian Journal of Engineering 29, no. 1 (2006): 44-60; Wickham, et al., 2004; Kairi Consultants, Ltd., 2013.

58 Mohammed, 2008; Girvan, 2007.

2. Mobility trends of CARICOM Nationals



Although free movement of people and workers is one of the cornerstones of both the CARICOM Single Market and Economy (CSME) and the OECS Eastern Caribbean Economic Union (ECEU), the implementation of these free mobility regimes has presented challenges, often derived from concerns regarding the equity in the distribution of benefits and the emergence of massive influxes of unskilled migrants and their impact on local economies.⁵⁹ Available data suggest that although within these regimes some countries utilize the free movement provisions more than others, in fact the application of such provisions has manifested in a gradual increase in intraregional mobility rather than in large migration movements.

In this context, the term “intraregional mobility” is used to make reference to the movement of a person to a different country than their country of citizenship, but within the same region. More specifically, it refers to a trend that must be distinguished from the general migration trends in the sense that these types of movements are usually temporary or circular, tend to involve return mobility to the country of origin and often entail an easier social integration process.

This section provides a characterization of the main intraregional mobility trends, based on available statistical data centralized by the CSME Unit, and on data provided by the statistical units of some of the CARICOM Member States. As it was not possible to compensate for all the missing values in the dataset, the numbers included in this section serve as trend indicators – if integrated and combined with other findings – and cannot be used as the basis for a statistically valid analysis.

CARICOM OBJECTIVES

- **TO IMPROVE STANDARDS OF LIVING AND WORK;**
- **THE FULL EMPLOYMENT OF LABOUR AND OTHER FACTORS OF PRODUCTION;**
- **ACCELERATED, COORDINATED AND SUSTAINED ECONOMIC DEVELOPMENT AND CONVERGENCE;**
- **EXPANSION OF TRADE AND ECONOMIC RELATIONS WITH THIRD STATES;**
- **ENHANCED LEVELS OF INTERNATIONAL COMPETITIVENESS;**
- **ORGANIZATION FOR INCREASED PRODUCTION AND PRODUCTIVITY;**
- **ACHIEVEMENT OF A GREATER MEASURE OF ECONOMIC LEVERAGE;**
- **EFFECTIVENESS OF MEMBER STATES IN DEALING WITH THIRD STATES, GROUPS OF STATES AND ENTITIES OF ANY DESCRIPTION;**
- **THE ENHANCED COORDINATION OF MEMBER STATES’ FOREIGN AND FOREIGN ECONOMIC POLICIES AND ENHANCED FUNCTIONAL COOPERATION.**

59 International Organization for Migration, Migration Governance in the Caribbean: Report on the Island States of the Commonwealth Caribbean (San José, Costa Rica: IOM, 2018), www.caribbeanmigration.org/sites/default/files/report_e_regional_web_2.pdf.

INTRAREGIONAL MOBILITY TRENDS

Historically, the Caribbean region has experienced persistent intraregional movements of people, which have significantly influenced the region's economic and social development.⁶⁰ Available data about mobility within the region are limited; nonetheless, the latest statistics show that Caribbean nationals are moving, especially for work, more than ever before.

Although there are several provisions within the regional mobility arrangements to allow for the movement of Caribbean citizens with specific skills, free movement of persons in the region has not yet been fully realized. Within CARICOM, free movement for economic activity consists of three regimes: the movement of skilled nationals, the right of establishment and the provision of services, as will be discussed in detail in Chapter 3. However, the primary provision applicable to all CARICOM nationals is the mechanism that allows them to travel and remain in any other CARICOM Member State for up to six months, which is called "the Facilitation of Travel".⁶¹ However, it is important to mention that Member States have the right to deny entry to persons who may become a charge on the State and to those deemed to be "undesirable persons".

According to Caribbean Court of Justice (CCJ), in order to consider a CARICOM national to be undesirable "he/she must be a genuine, present and sufficiently

serious threat affecting one of the fundamental interests of society, such as the protection of public morals, maintenance of public order and safety, protection of life and health."⁶²

All CARICOM nationals are granted the right to an automatic six-month stay in any CARICOM Member State, with the exception of The Bahamas. In order to ensure the facilitation of travel for all CARICOM nationals, CARICOM Member States⁶³ have the responsibility to ensure "that travel within the Community is hassle-free (...) and that CARICOM nationals are treated in a manner similar to how nationals of the respective receiving Member State are treated and at a minimum, in a manner equal to or better than how foreigners are treated".⁶⁴ Although full implementation has not yet been accomplished, all Member States, have the responsibility to put this into practice through the adoption of the following measures:

- Abolition of visas
- Establishment of a CARICOM line at border crossing points
- Introduction of a CARICOM Passport
- Common Entry/Departure form⁶⁵

60 Ibid.

61 Winston Anderson, "Free Movement within CARICOM: Deconstructing Myrie vs. Barbados," speech delivered at the OECS Bar Association (Caribbean Court of Justice, 2013), 5, www.caribbeancourtofjustice.org/wp-content/uploads/2013/12/FREE-MOVEMENT-WITHIN-CARICOM-DECONSTRUCTING-MYRIE-V-BARBADOS.pdf.

62 (CARICOM Single Market and Economy 2019) CARICOM Single Market and Economy, "What Does the Right of Definite Entry Give a CARICOM National?" CSME (2019), accessed June 19, 2019, www.csmeonline.org/news/faqs/regimes/right-of-establishment/what-does-the-right-of-definite-entry-give-a-caricom-national.

63 See Chapter 3 for more information on the Treaty.

64 Caribbean Community, Single Market and Economy: Free Movement – Travel and Work (Greater Georgetown, Guyana: CARICOM, 2017), www.csmeonline.org/news/documents/booklets/65-free-movement-travel-and-work-3rd-edition/file.

65 CARICOM, 2017, 9.

Although available datasets are not complete, figures on “facilitation of travel” indicate that for inception up until 2017, there was a total of 2,040,750 movements facilitated in the region.^{66, 67} Trinidad and Tobago, and Guyana, represent the biggest sending countries, while Barbados and Trinidad and Tobago are the countries receiving the most CARICOM nationals. It’s important to highlight that the figures indicate that at the regional level, Trinidad and Tobago is both a sending and receiving country.⁶⁸

FIGURE 4.
FREE MOBILITY OUTFLOWS PER COUNTRY, 2017

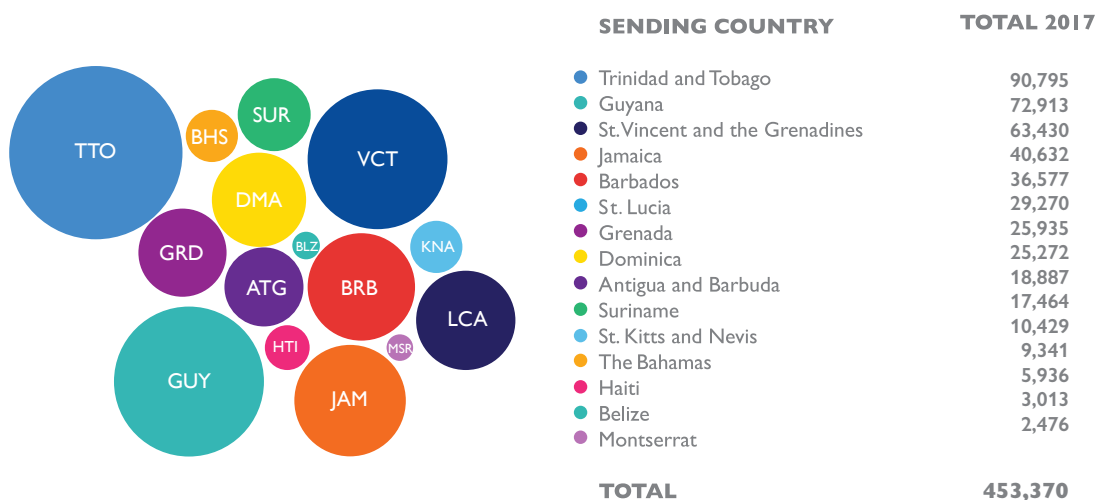
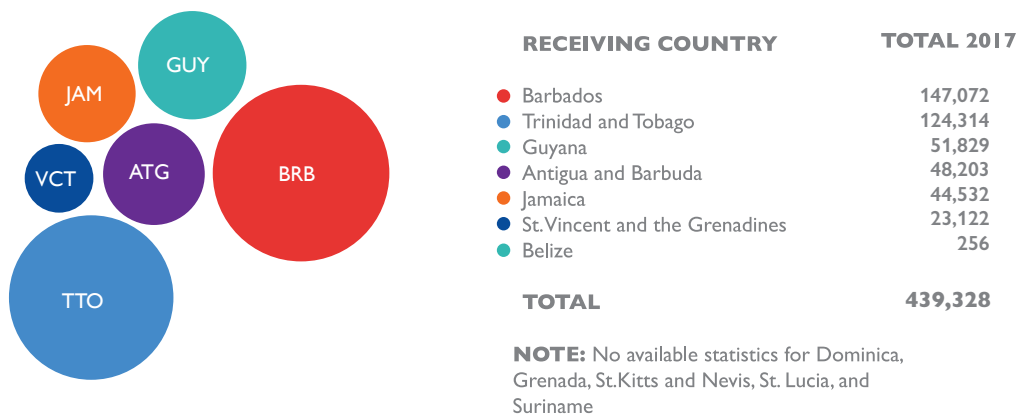


FIGURE 5.
FREE MOBILITY INFLOWS PER COUNTRY, 2017

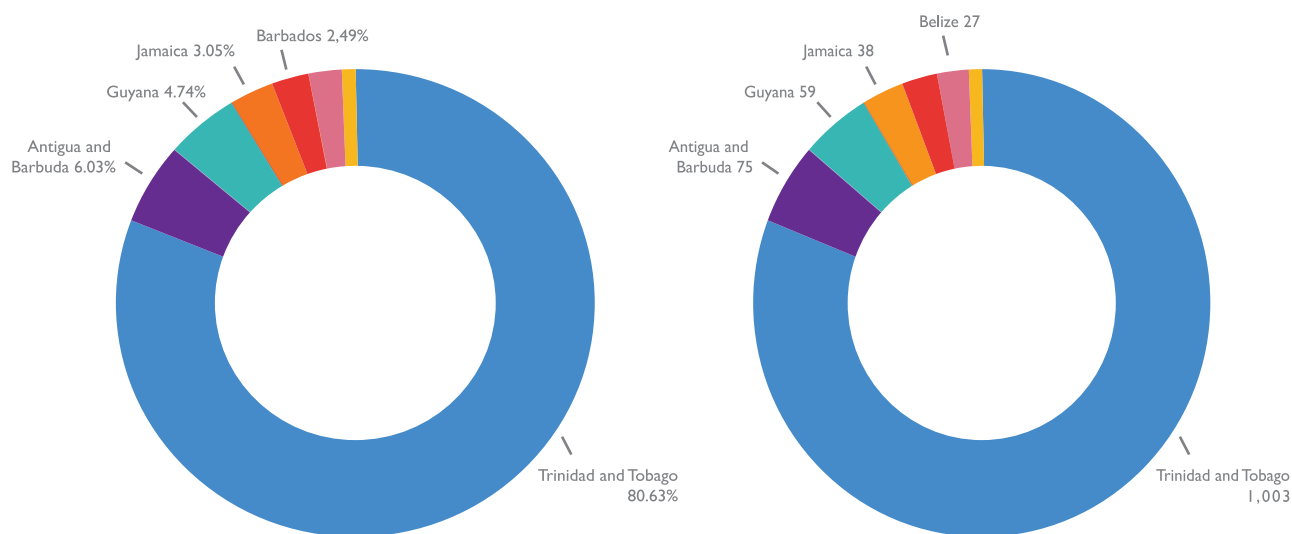


66 Member States of the CARICOM Single Market and Economy agreed to take a number of measures to facilitate travel ensuring hassle-free movement for CARICOM nationals.

67 No data available from Dominica, Grenada, Saint Lucia, Saint Kitts and Nevis.

68 CARICOM Single Market and Economy Unit, compilation of free movement data, 2013-2017, email communication with authors, June 2019.

FIGURE 6.
PERCENTAGE OF DENIALS OF ENTRY BY COUNTRY
OF ORIGIN, TOTAL



Movement within the OECS happens differently, as all OECS nationals are able to move freely among any OECS Protocol Member State, and an indefinite period of stay is granted to citizens of Protocol Member States at the official point of entry. Although there are no specific data about OECS mobility trends, CARICOM statistics also indicate that among the small island states of the Eastern Caribbean,⁶⁹ Saint Vincent and the Grenadines has the greatest number of citizens that travelled to other CARICOM Countries, and Antigua and Barbuda remains the main destination country, receiving more than twice as many CARICOM citizens as they send.

As previously discussed, under specific circumstances, Member States have the right to deny the entry of CARICOM nationals identified as “undesirable persons”. The number of annual denials of entry to CARICOM nationals has declined in the last five

years, and the latest figures indicate a decrease from 1,750 in 2016 to 1,244 in 2017.^{70, 71}

Out of the available number of denials of entry for 2017, 81 per cent were processed by Trinidad and Tobago, and of those CARICOM nationals who were denied entry, 41.3 per cent were from Guyana, 29.3 per cent were from Jamaica, and 8.5 per cent were from Haiti. There are no available data from other years that can be compared across all countries.⁷²

One of the factors that may be influencing this decline could be the case of *Shanique Myrie v The State of Barbados*. In October 2013, the Caribbean Court of Justice ruled that the State of Barbados failed to prove that Shanique Myrie fit any of the exceptions in order to deny her entry.⁷³ As a result, the criteria for the denial of entry process and the right of freedom of movement were better articulated, and currently,

69 Refers to: Antigua and Barbuda, Dominica, Grenada, St Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines.

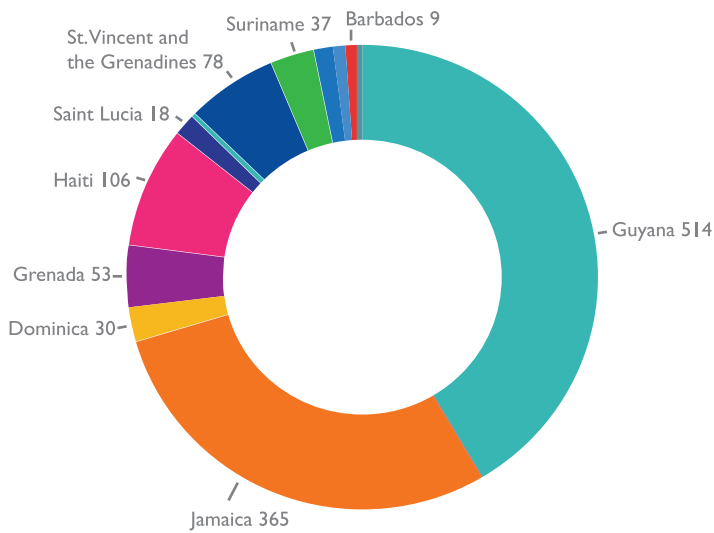
70 CARICOM Single Market and Economy Unit, compilation of free movement data, 2013-2017, email communication with the authors, June 2019.

71 No available data from Dominica, Grenada, Saint Lucia, Saint Kitts and Nevis and Suriname.

72 CARICOM Single Market and Economy Unit, compilation of free movement data, 2013-2017, email communication with the authors, June 2019.

73 Caribbean Court of Justice, *Shanique Myrie vs. The State of Barbados*, no. OA 002 of 2012 (4 October 2012).

FIGURE 8.
TOTAL OF DENIALS OF ENTRY RECEIVED, 2017



States are considered to have an obligation to ensure that domestic law reflects Community law.

Furthermore, Member States must promptly provide written documentation of the reasons for a decision to refuse entry and inform the affected CARICOM national of his or her right to challenge the decision.⁷⁴ The most common reasons for denial are “being a convicted felon”, “failed to meet entry requirements”, “not having sufficient funds”, “overstaying on previous visit”, “not being a bona fide tourist” and “entering the country irregularly”.⁷⁵

As stated by Caribbean Community Law, “a CARICOM national arriving in, transiting or departing a Caribbean Community Member State, and or seeking to exercise a right under the CSME, may have had certain experiences about which he/she wishes

to file a complaint with the relevant authorities. The experience(s) may have been at a port of entry, after entry into a Member State, or both.”⁷⁶

Presenting complaints does not appear to be a common practice. The only regionally comparable data are from 2017, during which there was a total of nine complaints: two from Antigua and Barbuda, two from Barbados and five from Jamaica. Data on complaints from the same year, also show for most of them, the “nature of complaint”, meaning the reason justifying the submission of a complaint, was related to immigration procedures and was presented against the immigration authorities.

As discussed in this section, available statistics indicate the general direction of different phenomena related to intraregional mobility over a very specific period of time. However, the lack of comparable data across populations and countries seriously restricts the ability to draw accurate free mobility patterns. Considering the Caribbean context, in which even a relatively small number of people may represent a significant proportion of the population, tracking changes in mobility patterns is crucial. Collecting this information in a consistent and timely manner would help regional organizations, policymakers, academics and other key stakeholders to better understand the dynamics surrounding free movement, and to design effective responses and assess the impact of these interventions.

74 CARICOM Single Market and Economy, “What Happens if a CARICOM National is Refused Entry?” CSME (2019), accessed June 19, 2019, www.csmeonline.org/news/faqs/regimes/right-of-establishment/what-happens-if-a-caricom-national-is-refused-entry.

75 CARICOM Single Market and Economy Unit, compilation of free movement data, 2013-2017, email communication with the authors, June 2019.

76 CARICOM, 2017.

LABOUR MOBILITY

Across the Caribbean region, every year thousands of people move in search of work, and this number is expected to continue increasing in the upcoming decades as a result of globalization and further regional integration.⁷⁷ The free movement of labour and migration for economic activities happens differently in the CSME and OECS.

In the OECS, the free movement of all citizens of the Protocol Member States of the ECEU is allowed, including the free mobility of labour.⁷⁸

In contrast, within the CSME,⁷⁹ free movement for economic purposes is restricted to certain free mobility arrangements:

- Movement of Skilled Nationals;
- Right of Establishment; and
- Provision of Services⁸⁰

Moreover, those Caribbean citizens that do not fulfil the criteria for free movement under the CSME regime may still move and apply for a work permit, in accordance with the laws of the respective receiving Member State. Still, the establishment of the Skills Certificates aimed at eliminating the work permits for skilled workers. However, long-term work permits are still utilized more often by CARICOM nationals than Skills Certificates, with the exceptions of Trinidad and Tobago, Barbados, and Belize. It is important to note that this may be attributable to other factors such

as changes in national policies regarding the issuance of work permits or the financial investment required from employers. In 2017, according to statistics from the CSME, 1,165 Skills Certificates were issued to CARICOM nationals, and over 60 per cent of those certificates were issued in Guyana, Jamaica and Trinidad and Tobago. The total long-term and short-term work permits issued on that year was 2,468 and 1,275, respectively.^{81, 82}

According to Community Law, a Member State has the right to verify the qualifications of CARICOM nationals travelling with a Skills Certificate. The CARICOM national who has been issued a Skills Certificate is required to go through a verification process in order to verify his/her qualifications with the respective Competent Authority in the Member State in which he/she wishes to work.⁸³ These verifications are recorded not at the point of entry but by the competent authority in each Member State. For the year 2017, only 242 Skills Certificates were verified, of which 36 per cent were processed in Barbados and 19 per cent in Jamaica.⁸⁴ A key aspect to consider when analysing these figures is that Skills Certificates do not have to be verified in the same year they are issued; therefore certificates verified in 2017 could have been processed in a different year. Moreover, as determined by the standard procedures at the port of entry, if a CARICOM national travels with a CARICOM Skills Certificate issued by another Member State, immigration officials must indicate that verification is required within the period of six months and provide a definite entry status with the

77 International Labour Organization, "Employment by Sector, ILO Modelled Estimates," (World Bank, 2018), accessed June 2019, www.data.world-bank.org/indicator/sl.srv.empl.zs.

78 See pages 40-45 for more information on the OECS Economic Union.

79 See pages 54-58 for more information on the CARICOM Skills Certificates.

80 CARICOM, 2017.

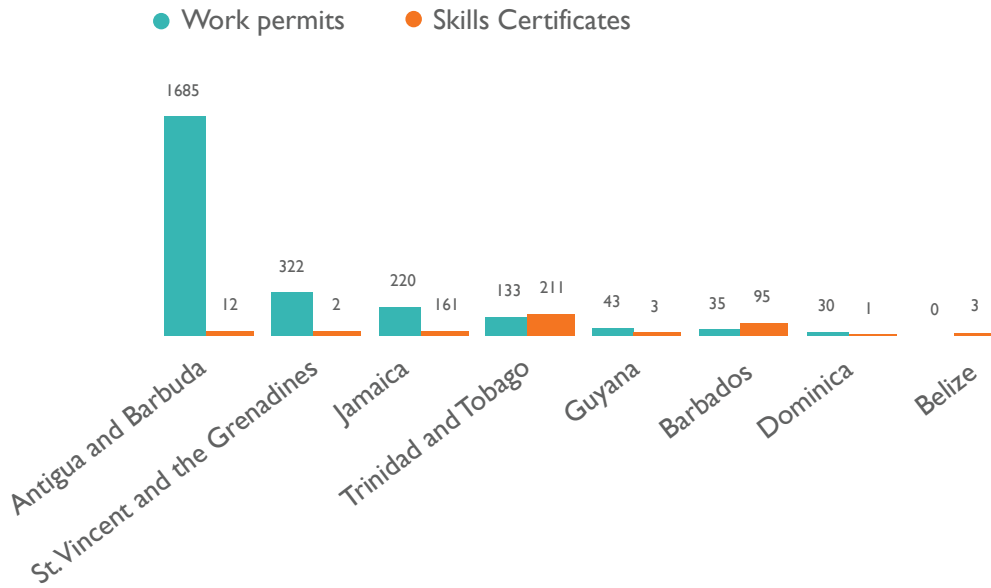
81 CARICOM Single Market and Economy Unit, compilation of free movement data, 2013-2017, email communication with the authors, June 2019.

82 No available data from Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines and Suriname.

83 CARICOM, 2017.

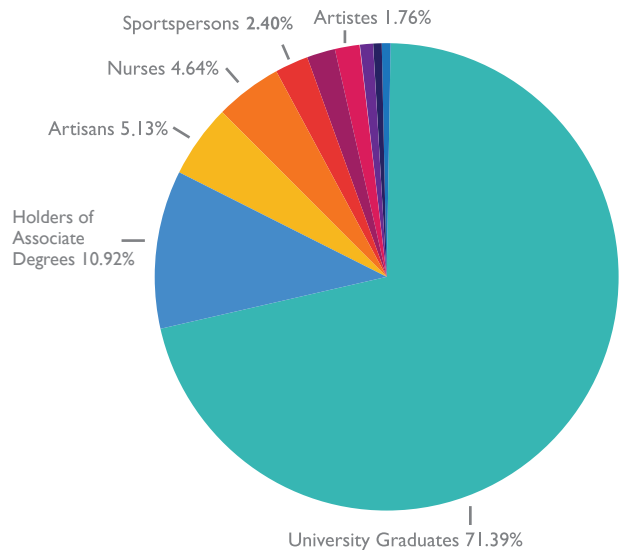
84 CARICOM Single Market and Economy Unit, compilation of free movement data, 2013-2017, email communication with the authors, June 2019.

FIGURE 9.
SKILLS CERTIFICATES AND WORK PERMITS BY COUNTRY, 2017



information to complete the process to acquire to indefinite entry status.⁶⁵ Additionally, at the time of publication, Trinidad and Tobago did not verify Skills Certificates but instead issues a new Certificate; the data presented here do not include these Certificates, but when Trinidad and Tobago begins verifying Certificates, it is reasonable to expect that it will affect overall trends. Other factors which may also be influencing the significantly small number of verifications are: (1) most holders of a Skills Certificate may not use it for travelling or may not be interested in acquiring an indefinite entry status in the countries where they travel; and (2) the long duration of the verification processes in some countries, which was mentioned by interviewed officials, may represent a disincentive to pursue an indefinite entry status.

FIGURE 10.
PERCENTAGE OF SKILLS CERTIFICATES BY CATEGORY, 2017



65 CARICOM, 2017.

As for the number of persons receiving CARICOM Skills Certificates, the data reflect a trend of slow growth, with an increase of 4.7 per cent from 2016 to 2017. With respect to the distribution by category of the Skills Certificates, they are heavily concentrated in the category of University Graduates (71%), followed by the Holders of Associate Degrees (11%) and Artisans (5%).⁸⁶

As CARICOM nationals can apply for a Skills Certificate in countries other than their country of origin, the figures of the issuing Member States are not the same as those of the beneficiary's country of origin.⁸⁷ Figures for 2017 indicate that the country with the greatest number of beneficiaries of certificate capital issued outside their home country is Guyana, which accounts for 36 per cent of the total—and the country with fewest beneficiaries is Suriname, with only 0.3 per cent.⁸⁸

CARICOM nationals also hold the right to establish a business in any CSME Member State, and this is referred to as the “Right of Establishment”. Statistics on the number of CARICOM nationals who enter another CARICOM country under the Right of Establishment, for the year 2017, show that only Barbados (132 people), Grenada (0 people) and Jamaica (60 people) reported on persons entering under the Right of Establishment. The rest of the countries did not report any data to the CSME Unit, which centralizes the information. There are no available data for any other years. The Right of Establishment and Services will be discussed in the following chapter.⁸⁹

Similarly, CARICOM nationals can also provide services in another Member State, which can be performed by self-employed persons or businesses, this is referred to as “Provision of Services”.⁹⁰ With respect to the number of persons moving under the Provision of Services category, the only available data are from Trinidad and Tobago, which reported receiving six cases in 2016.

The limitation of data may be caused partially by the difficulty to centralize country-specific information, but also may be due to the fact that, as highlighted by authorities from governments and from the CSME, several Member States have not been able to create systems to allow for the self-identification of service providers at the main border crossing points.

In order to reach the full potential of free mobility regimes in the region, the OECS and CARICOM are working on the implementation of specific protocols and initiatives to extend provisions to other categories of workers, as well as to business owners and their families. This would help in the adaptation process of mobile citizens and facilitate administrative cooperation across Member States. Today's regional challenge is to continue improving the existing regional integration efforts as well as Community Law to better manage labour migration so that it contributes positively to the growth and development of both sending and receiving countries, as well as to the well-being of the migrants themselves.

86 CARICOM Single Market and Economy Unit, compilation of free movement data, 2013-2017, email communication with the authors, June 2019.

87 Beneficiary makes reference to recipient.

88 CARICOM Single Market and Economy Unit, compilation of free movement data, 2013-2017, email communication with the authors, June 2019.

89 CARICOM Single Market and Economy Unit, compilation of free movement data, 2013-2017, email communication with the authors, June 2019.

90 CARICOM, 2017.

3.
The CSME and
OECS regimes:
Implementation
successes and
challenges



The ECEU and CSME free movement regimes shape and define not only who is able to move, but also broader migration patterns within the Caribbean. The two regimes have taken different approaches to managing intraregional migration: while the OECS opted for full free movement for all nationals of the Protocol Member States, the CSME has opted for a phased approach, allowing more and more people to move freely over time, and has committed through the 2019 *St. Ann's Declaration* that willing States will move towards full free movement of persons by 2021. The two regimes have created supporting institutions to facilitate regional integration and make movement of persons easier, and each regime has dealt with implementation of free movement provisions differently. Each of these approaches comes with implementation challenges, and each of these approaches has seen successes. This chapter will summarize the provisions related to free movement of persons in both the ECEU and CSME regimes, analysing the successes and challenges of implementation.

FREE MOBILITY PROVISIONS AND IMPLEMENTATION

The ECEU and CSME regimes function differently and are supported by different institutions; the ECEU has succeeded in opening free movement to all people in a relatively short period of time, while the CSME has created strong regional institutions to regulate movement. Each approach has benefits, and each poses challenges. In the ECEU, a lack of information about who is moving is a challenge, while in the CSME, differing levels of implementation across Member

States creates uneven levels of commitment to free movement of persons and fundamentally shapes who is able to move throughout the region.

THE EASTERN CARIBBEAN ECONOMIC UNION (ECEU)

Freedom of movement is the right of all OECS nationals, and the *Revised Treaty of Basseterre* lays out the provisions for individuals to enter and stay indefinitely in any OECS Protocol Member State except in those circumstances where the OECS national poses a security risk for the receiving country. The free movement of persons is directly linked to broader goals of regional integration and harmonization in Article 13 of the Protocol of Eastern Caribbean Economic Union in the *Revised Treaty of Basseterre*. The Treaty states that Protocol Member States shall pursue the harmonization of fiscal, monetary, trade, international economic relations, incomes, structural, social and environmental programming. In order to pursue these objectives, Protocol Member States agree to operate within an Economic Union and harmonize the agriculture, manufacturing, tourism, services, construction, information and communications technology, education and health sectors, which relies on "the mobilisation, development and efficient allocation of labour across the Economic Union through education and skill training arrangements, and the creation of an Economic Union wide labour market."⁹¹ Furthermore, the Treaty grants OECS nationals the right to enter another Protocol Member State and to stay indefinitely, according to the Treaty this must be hassle-free, without harassment or impediments.⁹²

91 Organization of Eastern Caribbean States, *The Revised Treaty of Basseterre* (Gros Islet, Saint Lucia: OECS, 2010), www.oecs.org/en/lsu-resources/revised-treaty-of-basseterre.

92 Organization of Eastern Caribbean States, "Treaty & Agreements," OECS (2016), accessed June 19, 2019, www.oecs.org/topics/treaty-and-agreements.

THE RIGHT OF FREE MOVEMENT OF OECS CITIZENS AND LABOUR

OECS nationals may move to any other OECS Protocol State indefinitely and are allowed to travel and enter countries with a valid government-issued photo ID. OECS nationals are not required to obtain a work permit, and they are allowed to drive in one Member State with a valid driver's license from another Member State.⁹³ Article 12 of the Protocol of Eastern Caribbean Economic Union within the *Revised Treaty of Basseterre* creates the free movement regime of the OECS, stating that "such freedom of movement shall entail the abolition of any discrimination based on nationality between citizens of the Protocol Member States as regards to employment, remuneration and other conditions of work and employment."⁹⁴

All OECS nationals have the right to move, find employment, and access services such as education and healthcare in the same manner as the nationals of the Protocol Member State to which they move.⁹⁵

The *OECS Convention on Social Security* ensures portability and coverage of OECS nationals as they move within the OECS.⁹⁶ The convention covers both long-term social benefits, such as invalidity, disablement, and retirement benefits, and short-term social benefits, including maternity, sickness, and funeral benefits.

Contributions made to social security by the nationals of any of the signatories of the OECS Convention are cumulative, meaning that workers will receive a pension as long as their cumulative number of contributions meets in the eligibility requirements in the State in which they apply for the pension. This remains true even if the worker does not meet the eligibility requirements for minimum number of contributions in a single State due to having moved between Member States.⁹⁷ However, the convention was signed by only two Protocol Member States, Antigua and Barbuda and Saint Lucia. The OECS is currently working toward an alternative to guarantee portability of short-term benefits.

93 Gene, 2015.

94 OECS, 2010.

95 Organization of Eastern Caribbean States, "Frequently Asked Questions," OECS (2016), accessed June 19, 2019, www.oecs.org/knowledge/faqs.

96 Organization of Eastern Caribbean States, "Frequently Asked Questions," 2016.

97 Oliver Paddison, "Social Protection in the English-speaking Caribbean," CEPAL Review 92 (2007): 101-120.

REVISED TREATY OF BASSETERRE: PROVISIONS ON THE FREE MOVEMENT OF PERSONS

12.1 FREEDOM OF MOVEMENT FOR CITIZENS OF PROTOCOL MEMBER STATES SHALL BE SECURED WITHIN THE ECONOMIC UNION AREA.

12.2 SUCH FREEDOM OF MOVEMENT SHALL ENTAIL THE ABOLITION OF ANY DISCRIMINATION BASED ON NATIONALITY BETWEEN CITIZENS OF THE PROTOCOL MEMBER STATES AS REGARDS EMPLOYMENT, REMUNERATION AND OTHER CONDITIONS OF WORK AND EMPLOYMENT.

12.3 CITIZENS OF PROTOCOL MEMBER STATES SHALL ENJOY IN THE ECONOMIC UNION AREA THE RIGHTS CONTINGENT TO THE RIGHT OF FREEDOM OF MOVEMENT THAT ARE AGREED BY PROTOCOL MEMBER STATES.

12.4 THE OECS AUTHORITY AND THE OECS COMMISSION SHALL REGULARLY MONITOR THE IMPLEMENTATION OF THIS ARTICLE.

12.5 NOTWITHSTANDING ANY PROVISIONS OF THIS ARTICLE, A PROTOCOL MEMBER STATE MAY, SUBJECT TO THE APPROVAL OF THE OECS AUTHORITY, REGULATE THE MOVEMENT OF SUCH CITIZENS.

THE RIGHT OF ESTABLISHMENT

The right of establishment was also enshrined in the *Revised Treaty of Basseterre*, and it grants OECS nationals the freedom to establish businesses in OECS Protocol States. Article 27.1 of the Protocol of Eastern Caribbean Economic Union declares that no Protocol Member State may impose restrictions on the freedom of establishment of nationals of one Protocol Member State in the territory of another Protocol Member State. Additionally, per Article 27.2, Protocol Member States may not impose restrictions on the provision of economic services by the national of one Protocol Member State to people in another Protocol Member State.⁹⁸

OECS INSTITUTIONS

Article 6 of the *Revised Treaty of Basseterre* recognizes three institutions of the OECS: the Eastern Caribbean Supreme Court, the Eastern Caribbean Central Bank, and the Eastern Caribbean Civil Aviation Authority.⁹⁹ OECS States cooperate on foreign affairs and share embassies or diplomatic offices around the world.¹⁰⁰ These common institutions have supranational authority and seek to meet the common development goals of the OECS Protocol Member States.¹⁰¹

The Eastern Caribbean Currency Union (ECCU) which was established in October 1983 in Trinidad and Tobago, has eight Member States: Anguilla, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, Montserrat, Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines.

Reference for sidebar: OECS, 2010.

98 OECS, 2010.

99 OECS, 2010.

100 O'Keefe, 2010.

101 O'Keefe, 2010.

It is one of only four monetary unions in the world. The Eastern Caribbean Central Bank (ECCB), based in Saint Kitts and Nevis, is the central bank of the ECCU and serves as the monetary authority responsible for the maintenance of the stability of the Eastern Caribbean Currency and the integrity of the banking system, both elements which allow OECS nationals to travel between Protocol Member States using the same currency and facilitates the process of making monetary transactions.¹⁰²

The Eastern Caribbean Civil Aviation Authority (ECCAA), based in Antigua and Barbuda, helps facilitate travel in the region.¹⁰³ The ECCAA evolved from the Directorate of Civil Aviation – Eastern Caribbean States, first created in 1957 by the Government of the United Kingdom. The Directorate shifted over time with the creation and dissolution of the West Indies Federation and was formally established as an institution of the OECS in 1982 through the *Treaty of Basseterre*.¹⁰⁴ Article 19 of the Protocol of Eastern Caribbean Economic Union in the *Revised Treaty of Basseterre* emphasizes the importance of harmonization of civil aviation activities, which will “ensure the provision of safe, secure, efficient and reliable air administrative transport services at reasonable cost.” For a region made up of island States, cost-effective air transportation is critical for moving between States.

Article 18 and the Annex on Settlement of Disputes of the *Revised Treaty of Basseterre* dictates that

disputes that arise regarding the implementation of the Treaty may be adjudicated by the Eastern Caribbean Supreme Court (ECSC), and the Eastern Caribbean Court of Appeal, the highest court in the ECSC system, is empowered to (a) award monetary compensation to a complainant State; (b) order the party complained against to take measures to comply with that party’s obligations under the Treaty; and (c) declare the right of a complainant State to exercise any right of redress available under international law, and annul or declare void any wrongful act of an institution of the OECS.¹⁰⁵

IMPLEMENTATION SUCCESSES

Many representatives from governments and regional organizations highlighted the success of the OECS implementation as a result of the close integration among Protocol Member States and their common histories. Government officers, cited the success of the OECS free movement of persons regime, particularly in regard to the devastation caused by Hurricane Maria in 2017 in Dominica in which 31 people were killed, 90 per cent of the housing stock on the island was damaged or destroyed, and bridges and roads were devastated.¹⁰⁶

102 Eastern Caribbean Central Bank, “About the ECCB,” ECCB (2019), accessed June 19, 2019, www.eccb-centralbank.org/p/about-the-eccb.

103 O’Keefe, 2010.

104 Eastern Caribbean Civil Aviation Authority, “About Us,” ECCAA (2019), accessed June 19, 2019, www.eccaa.aero/index.php?option=com_content&view=article&id=49&Itemid=56.

105 OECS, 2010.

106 IOM, “Dominica,” 2018.

THE EXPERIENCE OF DOMINICA*

DURING AND RIGHT AFTER THE PASSING OF THE HURRICANE MARIA IN 2017, THE BORDER MANAGEMENT SYSTEMS WERE NOT OPERATIONAL; THEREFORE, IT WAS DIFFICULT TO ACCURATELY DETERMINE THE NUMBER OF PEOPLE WHO FLED THE ISLAND AND TO WHICH COUNTRIES THEY FLED. AVAILABLE DATA SHOW AN INCREASE, WITH RESPECT TO THE PREVIOUS YEAR, OF 6 PER CENT IN THE ARRIVAL OF DOMINICANS TO ANTIGUA AND BARBUDA AND OF 13.5 PER CENT TO BARBADOS.

IOM IDENTIFIED OVER 2,000 INTERNALLY DISPLACED PERSONS, ALTHOUGH UNOFFICIAL DISPLACEMENT SITES AND HOST FAMILIES WERE NOT ASSESSED.

Government representatives commonly cited the similarity of OECS Protocol Member States as a key factor in their ability to find consensus and implement policies quickly. Specifically, similarities in colonial experiences, previous efforts at regional integration and similar economies facilitated further integration, such as a common currency and regional institutions. This in turn creates the opportunity to collaborate quickly and effectively to facilitate the free movement of persons. Interviewees highlighted both a sense of common history and a sense that the region must band together in order to succeed economically as critical to OECS success.

IMPLEMENTATION CHALLENGES

Most government representatives praised the successes of OECS integration and the free movement of OECS nationals, however, it has been noted that one

of the major challenges, as highlighted by immigration officials, is that there is little way to monitor who is moving, how long they stay in a Member State or what they do in each State. Moreover, there are concerns regarding the need to strengthen security features on ID cards in order to prevent people from travelling with fraudulent documents. This poses significant security challenges, as officials are unable to monitor movement, and immigration officials rely on data from regional security institutions, such as the Caribbean Community Implementation Agency for Crime and Security (IMPACS) and the Joint Regional Communication Centre (JRCC) to provide protection, as will be discussed below.

*Reference for sidebar: International Organization for Migration, "Dominica Recovering One Year After Hurricane Maria, But Thousands Still in Need," September 21, 2018, www.iom.int/news/dominica-recovering-one-year-after-hurricane-maria-thousands-still-need.

Free movement within the OECS



PERSONS ALLOWED FREE MOVEMENT WITHIN OECS

- All OECS nationals holding a valid photo ID
- Spouses and dependents



ID CARDS VALID TO TRAVEL WITHIN OECS

- Driver's license
- National identification card
- Voter registration card
- Social security card
- Passport



LENGTH OF STAY ALLOWED

- Indefinite for all OECS nationals

Employment within the OECS



PERSONS ALLOWED TO WORK WITHIN OECS

- All OECS nationals who are holders of a valid photo ID
- Spouses, and dependents



PROCESS REQUIRED TO ACCESS EMPLOYMENT

- No work permit or special processes required



ELEMENTS OF THE RIGHT TO EMPLOYMENT

- Granted indefinitely
- The OECS ensures the portability of social security benefits

Success and challenges



ELEMENTS OF SUCCESS

- Similar background and context among Protocol Member States
- Integration among Protocol Member States
- Common currency
- Regional institutions



OPPORTUNITIES FOR IMPROVEMENT

- Mobilization of Protocol Member States towards common goals
- Monitoring of travellers
- Strengthening security on ID cards
- Identification of fraudulent documents

THE CARICOM SINGLE MARKET AND ECONOMY (CSME)

The CSME free movement regime was established and has progressed through a phased approach, facilitating mobility for a limited list of categories of people. Over time, CSME Member States have expanded the categories able to move. This is done through the Facilitation of Travel and five regimes among which, there are three relevant for the free movement of people:

- Indefinite stay for skilled nationals,
- Movement of service providers, and
- Movement as part of the right of establishment.¹⁰⁷

THE FACILITATION OF TRAVEL

The Facilitation of Travel entitles all CARICOM nationals to the right of definite entry, an automatic six-month stay. Both entry and stay must be definite and hassle free. Under the right of definite entry, the purpose of the visit is irrelevant as long as the intended activity is not illegal. CARICOM nationals who are granted a six-month stay are not entitled to automatic indefinite stay, and cannot take up residence, work without permission, provide services or establish a business. Thus, non-nationals who wish to change their status must follow the established procedures with the respective and appropriate authorities. For example, a national must provide the required documentation to apply for permission to reside or work as a Skilled National or as a service provider.¹⁰⁸

Government representatives discussed definite entry as the prevailing mechanism used to facilitate movement throughout the region, as it allows individuals to visit friends and family, take vacations and engage in tourism and cultural exchange. Definite entry is particularly valuable for a Member State's economy during large events, such as carnivals and festivals, which attract many visitors from around the Caribbean through the Facilitation of Travel.

However, government representatives cited concerns about correct implementation of the Facilitation of Travel provisions. These concerns are centred on the lack of harmonization about definite entry processes in different Member States and the lack of ability to track when individuals stayed past their approved six months. A primary factor driving this situation is that only four countries in the region – Antigua and Barbuda, Barbados, Jamaica and Trinidad and Tobago – possess border management systems (BMS) which can automatically flag people staying beyond their allowed definite stay, which makes the work of immigration and border officials more challenging and may pose a security threat to the States.¹⁰⁹

¹⁰⁷ The regimes, not directly related with free mobility are the free movement of goods and capital.

¹⁰⁸ CSME, "Right of Definite Entry," 2019.

¹⁰⁹ IOM, Migration Governance, 2018.

* References for sidebar: Caribbean Community, "The Revised Treaty," CARICOM, accessed September 10, 2019, www.caricom.org/about-caricom/who-we-are/our-governance/the-revised-treaty/; Azad Ali, "Bahamas Wants No Part of CSME," Caribbean Life, July 14, 2018, www.caribbean-lifenews.com/stories/2018/7/2018-07-20-azad-bahamas-csme-cl.html.



THE BAHAMAS AND CARICOM*

THE BAHAMAS HAS BEEN A MEMBER STATE OF CARICOM SINCE 1983, BUT IT IS NOT PART OF THE CSME. THE STATE IS A MEMBER OF CARICOM SECURITY INSTITUTIONS AND THE PROVISIONS OF *THE TREATY OF CHAGUARAMAS* BUT THEY DID NOT SIGN ONTO THE PROVISIONS OF *THE REVISED TREATY OF CHAGUARAMAS*. IN 2005, THE BAHAMAS SIGNED A SPECIAL MEMBERSHIP AGREEMENT TO MAINTAIN ITS MEMBERSHIP AND PARTICIPATION IN CARICOM AS IT EXISTED IMMEDIATELY PRIOR TO THE DATE THE REVISED TREATY OF CHAGUARAMAS ENTERED INTO FORCE. AT THE SAME TIME, THE BAHAMAS SIGNED A SPECIAL AGREEMENT ENABLING THE REVISED TREATY TO ENTER INTO FORCE.

THE GOVERNMENT OF THE BAHAMAS REITERATED THIS POSITION IN 2018 IN A STATEMENT FROM PRIME MINISTER HUBERT MINNIS, WHO EMPHASIZED THAT THE BAHAMAS IS NOT AND HAS NO PLANS TO BE PART OF THE CSME AND THAT WHILE THE BAHAMAS WILL ALLOW CARIBBEAN NATIONALS INTO THE COUNTRY ACCORDING TO THE RULES OF THE STATE, THE COUNTRY WILL NOT ALLOW THE FREE MOVEMENT OF PERSONS.

IMPLEMENTATION STATUS: NATIONAL IMMIGRATION ACT AMENDED TO INCLUDE RIGHT OF A SIX-MONTH ENTRY FOR CARICOM NATIONALS

ANTIGUA AND BARBUDA

- Inclusion of provision in the immigration laws: NO
- Administratively implemented: YES
- Consistency: Inconsistent practices reported by the CARICOM Secretariat
- Right to appeal: The *Immigration and Passport Act* establishes the Immigration Appeals Tribunal. Any person aggrieved by or dissatisfied with any decision of an immigration officer may appeal within seven days of the communication of the decision to the person

BARBADOS

- Inclusion of provision in the immigration laws: NO
- Administratively implemented: YES
- Consistency: Inconsistent practices reported by the CARICOM Secretariat
- Right to appeal: No court has the jurisdiction to review, reverse, or interfere with any decision made by the Minister or an immigration officer relating to the denial of entry or the removal of any person from Barbados

BELIZE

- Inclusion of provision in the immigration laws: NO (*Immigration Act*, Cap.156 speaks to the rights of Skilled Nationals and their spouses and dependents)¹¹⁰
- Administratively implemented: YES
- Right to appeal: The *Immigration Act* includes right of appeal for certain categories of persons. As of April 2018, the amendment of the *Immigration Act* was under discussion

DOMINICA

- Inclusion of provision in the immigration laws: Under review by the CARICOM Secretariat
- Administratively implemented: YES

GRENADA

- Inclusion of provision in the immigration laws: Under review by the CARICOM Secretariat
- Administratively implemented: YES

GRENADA

- Inclusion of provision in the immigration laws: YES (*Immigration Act*, No. 28 of 2007)¹¹¹
- Administratively implemented: YES
- Right to appeal: The *Immigration Act* includes right of appeal for certain categories of persons

HAITI

No available information

¹¹⁰ Government of Belize, Immigration Act, chapter 156 (2000), www.belizelaw.org/web/lawadmin/PDF%20files/cap156.pdf.

¹¹¹ Government of Guyana, Immigration (Amendment) (No. 2) Act 2007 (2007), www.parliament.gov.gy/documents/acts/2801-act_no._28.pdf.

IMPLEMENTATION STATUS: NATIONAL IMMIGRATION ACT AMENDED TO INCLUDE RIGHT OF A SIX-MONTH ENTRY FOR CARICOM NATIONALS

JAMAICA

- Inclusion of provision in the immigration laws: Under review by the CARICOM Secretariat
- Administratively implemented: YES
- Consistency: Inconsistent practices reported by the CARICOM Secretariat

SAINT KITTS AND NEVIS

- Inclusion of provision in the immigration laws: Under review by the CARICOM Secretariat
- Consistency: Inconsistent practices reported by the CARICOM Secretariat

SAINT LUCIA

- Inclusion of provision in the immigration laws: Under review by the CARICOM Secretariat
- Administratively implemented: YES
- Consistency: Inconsistent practices reported by the CARICOM Secretariat

SAINT VINCENT AND THE GRENADINES

- Inclusion of provision in the immigration laws: Under review by the CARICOM Secretariat
- Administratively implemented: YES

SURINAME

- Inclusion of provision in the immigration laws: YES (regulation under the immigration law)
- Administratively implemented: YES
- Right to appeal: The *Immigration Act* is to be reviewed regarding the right to appeal

TRINIDAD AND TOBAGO

- Inclusion of provision in the immigration laws: Under review by the CARICOM Secretariat
- Administratively implemented: YES



RELATED CARIBBEAN COURT OF JUSTICE (CCJ) DECISIONS*

WHILE *THE SHANIQUE MYRIE V THE STATE OF BARBADOS* CASE IS THE MOST WELL-KNOWN CASE RELATED TO FREE MOVEMENT OF PERSONS ABOUT WHICH THE CCJ HAS PASSED JUDGMENT, TWO OTHER CASES ARE RELEVANT TO HOW PEOPLE MOVE THROUGHOUT THE REGION.

IN THE CASE OF *BAIN V TRINIDAD AND TOBAGO*, THE COURT RULED IN MAY 2019 THAT CLEAR DOCUMENTATION OF NATIONALITY IS REQUIRED TO ACCESS THE RIGHTS TO FREE MOVEMENT THROUGHOUT THE CSME. SPECIFICALLY, THE COURT FOUND THAT PRODUCING A NATIONAL DRIVER'S LICENSE AND VOTER IDENTIFICATION CARD WERE NOT SUFFICIENT DOCUMENTATION TO PROVE CITIZENSHIP OF A CARICOM MEMBER STATE.

THE CASE OF *TOMLINSON V BELIZE; TOMLINSON V TRINIDAD AND TOBAGO*, YIELDED A MORE COMPLICATED VERDICT. THE CASE CHALLENGED PROVISIONS OF THE IMMIGRATION ACTS OF BELIZE AND TRINIDAD AND TOBAGO THAT SOUGHT TO PROHIBIT HOMOSEXUAL PERSONS FROM ENTERING THOSE STATES. IN 2016, THE CCJ FOUND THAT (A) HOMOSEXUAL CARICOM NATIONALS HAVE A RIGHT TO FREEDOM OF MOVEMENT ON THE SAME TERMS AS OTHER CARICOM NATIONALS, AND (B) THAT THE PRACTICES OF BOTH STATES WERE IN KEEPING WITH THE TREATY. NONETHELESS, THE COURT SIGNALLED THAT MEMBER STATES MUST STRIVE TO ENSURE THAT NATIONAL REGULATIONS AND ADMINISTRATIVE PRACTICES ARE CONSISTENT WITH THEIR OBLIGATIONS UNDER COMMUNITY LAW.

The lack of harmonization for entry requirements under Facilitation of Travel has generated concerns, as some nationalities are denied entry more often than others: the majority are Guyanese with 3,057 cases, followed by Jamaicans with 2,638.¹¹²

Other reports, including one by IOM,¹¹³ also emphasized this unequal treatment of migrants, particularly discrimination based on nationality. In

most countries, immigration officers are ultimately the ones who determine who is allowed entry, and the use of discretionary practices has led to an unequal implementation of free movement provisions across nationalities. To respond to these concerns, CARICOM created procedures for denial of entry to be harmonized across the region. Immigration officials reported that in order to deny a CARICOM national entry, the national must be determined to be

* References for sidebar: "Evidence of Nationality Required to Exercise Right of Freedom of Movement – CCJ," CARICOM Today, May 31, 2019, www.today.caricom.org/2019/05/29/evidence-of-nationality-required-to-exercise-right-of-freedom-of-movement-ccj/; "CCJ Dismisses Gay Rights Activist's Case," CARICOM Today, June 10, 2016, www.today.caricom.org/2016/06/10/ccj-dismisses-gay-rights-activists-case/.

112 Available data from 2013-2017, missing information on denials issued in Dominica, Grenada, Saint Lucia, Saint Kitts and Nevis and Suriname.

113 IOM, 2017; Kairi Consultants Ltd., 2013.

a security threat or a “potential burden on the public purse.” Additionally, when a national is denied entry, the national must be informed of the reason why, the reason must be documented and the national must be informed of his/her right to appeal the decision. These new procedures were solidified as a result of the Caribbean Court of Justice (CCJ) ruling in the *Shanique Myrie vs. The State of Barbados* case.

The CCJ is the institution in charge of creating a body of Community Law and reinforcing the rights of Caribbean Community members.¹¹⁴ The CCJ has placed emphasis on the right of freedom of movement, as noted in a 2007 Conference Decision, “All CARICOM Nationals should receive entry of six months upon arrival in a Member State in order to enhance their sense that they belong and can move in the Caribbean Community, subject to the right of Member States to refuse undesirable persons entry and to prevent persons from becoming a charge on public funds.” This decision was met with intense resistance from some governments.¹¹⁵ *Shanique Myrie v The State of Barbados* in 2013 was the first time the Caribbean Court of Justice (CCJ) was called upon to work on freedom of movement of persons. The CCJ ruled that the right to automatic stay or definite entry upon arrival for six months does not depend on discretionary evaluations of immigration officers or other authorities. The right of freedom of movement has been accorded primacy by the CCJ, so CARICOM States are now under a strict legal obligation to ensure that the right to free movement is guaranteed.

The ruling means that, whereas exceptions to the right could have been invoked almost at will in the past, certain stringent criteria now have to be complied with before any restrictions can be lawfully imposed. States now must fully account for the actions of their respective immigration authorities.¹¹⁶ Additionally, Article 222 of the *Revised Treaty of Chaguaramas* allows CARICOM nationals to petition the CCJ directly to secure their right to free movement.¹¹⁷

This CCJ decision has had many ramifications for movement within the CSME. The influence of this case was also seen when, Member States agreed unanimously to lift the requirement for visas for Haitian citizens. In 2018, the 29th CARICOM Heads of Government Summit accepted a legal opinion that Haitians have the right to an automatic six-month stay in CARICOM Member States.¹¹⁸ The legal opinion from CARICOM’s Office of the General Counsel states, “Based on the law set out in *Myrie v The State of Barbados*, and on the fact that the Republic of Haiti is a party to the Revised Treaty, and in the absence of a reservation by Haiti excluding participation in the CARICOM Single Market and Economy (CSME), it was advised that Haitian nationals, as Community nationals, are entitled to an automatic stay of six months.”¹¹⁹ However, only six confirmed Member States have implemented this change at the time of publication: Montserrat, Saint Vincent and the Grenadines, Grenada, Dominica, Suriname and Guyana.

114 Wickham, et al., 2004.

115 Haynes, 2016.

116 Haynes, 2016.

117 Ibid.

118 “Haitians Welcome! – Visa Requirement to Enter Regional States To Be Lifted,” The Gleaner, July 8, 2018, www.jamaica-gleaner.com/article/lead-stories/20180708/haitians-welcome-visa-requirement-enter-regional-states-be-lifted; “Haitians Allowed Automatic Stay in CARICOM with Financial Prerequisite,” Loop News Barbados, August 28, 2018, www.loopnewsbarbados.com/content/haitians-allowed-automatic-stay-caricom-financial-prerequisite.

119 “Haitians Welcome,” 2018.

IMPLEMENTATION STATUS: AMENDMENT OF IMMIGRATION ACT OR ISSUANCE OF AN ORDER TO REMOVE VISA REQUIREMENTS FOR HAITIAN NATIONALS

| | |
|---|--|
| ANTIGUA AND BARBUDA | Removal of visa requirements: NO |
| BARBADOS | Removal of visa requirements: NO. *Visa requirements for Haitian nationals were removed temporarily, but are required as of the publication of this report |
| BELIZE | Removal of visa requirements: YES |
| DOMINICA | Removal of visa requirements: NO *Visa requirements for Haitian nationals were removed temporarily, but are required as of the publication of this report |
| GRENADA | Removal of visa requirements: YES |
| GUYANA | Removal of visa requirements: YES |
| JAMAICA | Removal of visa requirements: NO |
| MONTserrat | Removal of visa requirements: VISA NOT REQUIRED |
| SAINT KITTS AND NEVIS | Removal of visa requirements: NO |
| SAINT LUCIA | Removal of visa requirements: NO |
| SAINT VINCENT AND THE GRENADINES | Removal of visa requirements: VISA NOT REQUIRED |
| SURINAME | Removal of visa requirements: YES |
| TRINIDAD AND TOBAGO | Removal of visa requirements: NO |

MONTSERRAT AND CARICOM

MONTSERRAT, A BRITISH OVERSEAS TERRITORY, HAS BEEN A MEMBER STATE OF CARICOM SINCE 1974. LIKE THE BAHAMAS, MONTSERRAT IS A MEMBER STATE OF CARICOM BUT DID NOT SIGN ONTO THE CSME. IN 2006, MONTSERRAT SIGNED A SPECIAL MEMBERSHIP AGREEMENT TO MAINTAIN MEMBERSHIP IN CARICOM AS IT EXISTED IMMEDIATELY PRIOR TO THE DATE *THE REVISED TREATY OF CHAGUARAMAS* ENTERED INTO FORCE BECAUSE MONTSERRAT HAD NOT RECEIVED THE ENTRUSTMENT FROM THE GOVERNMENT OF THE UNITED KINGDOM THAT WOULD ALLOW FOR MONTSERRAT'S SIGNATURE AND RATIFICATION OF THE REVISED TREATY.

IN 2014, IN A STATEMENT TO THE THIRTY-FIFTH REGULAR MEETING OF THE CONFERENCE OF HEADS OF GOVERNMENT OF MONTSERRAT SAID THAT IT WAS PROGRESSING IN RECEIVING ALL NECESSARY ENTRUSTMENTS TO ENABLE ACCESSION TO THE REVISED TREATY. HOWEVER, IT HAS NOT YET JOINED THE CSME.

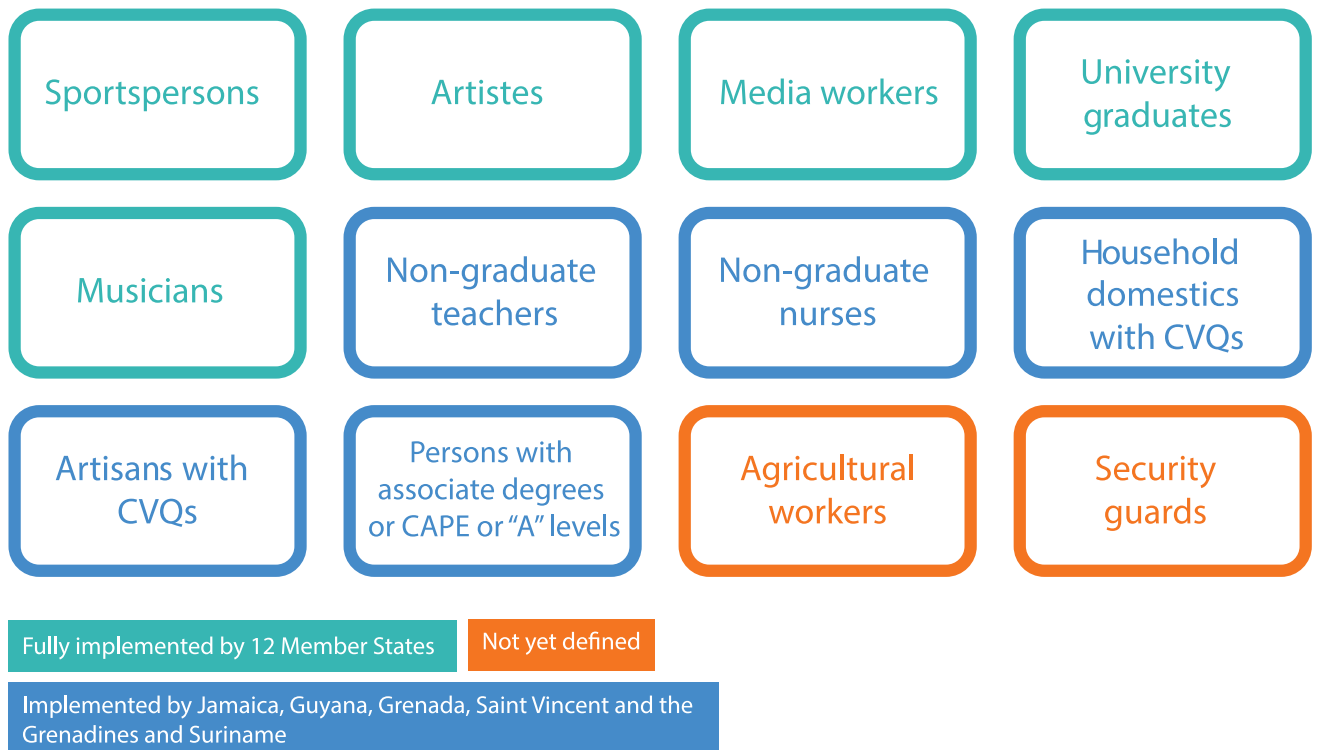


INDEFINITE STAY FOR SKILLED NATIONALS

A CARICOM national entering a Member State with a Skills Certificate issued by another Member State must be granted a definite entry of six months and has the right to work immediately. A CARICOM national entering with a Skills Certificate issued by the receiving country must be granted indefinite entry.¹²⁰ Verification is required within the definite period of six months for persons entering with a Skills Certificate issued by another Member State, and nationals are allowed definite entry for six months if verification has not already been completed.¹²¹

In July 1995, the 16th Conference of Heads of Government agreed that CARICOM nationals who are

university graduates should be allowed to move freely in the region for work without the need for work permits. The Secretariat provided model legislation on the free movement of skilled nationals, as well as their spouses and dependents, which Member States adjusted to their national needs. In July 1996, the Conference expanded the categories of persons allowed free movement to include Artistes, Sportspersons, Musicians, and Media Workers.¹²² At the time of this report, twelve categories of Skilled Nationals have been approved for free movement. Certain categories require a Caribbean Vocational Qualification (CVQ) to provide expertise in that skill. The twelve approved categories which allowed to move freely under the Skilled Nationals regime are:¹²³



¹²⁰ CARICOM Single Market and Economy, "Development and Status of the Right of Establishment," CSME (2019), accessed June 19, 2019, www.csmeonline.org/news/regimes/right-of-establishment.

¹²¹ Ibid.

¹²² Caribbean Community, "Skill – Free Movement in the CARICOM Single Market and Economy/CSME," accessed June 19, 2019, www.caricom.org/skill-free-movement-in-the-caricom-single-market-and-economy-csme/.

¹²³ CARICOM Single Market and Economy, "CSME – Professional Services," CSME (March 31, 2016), www.caricom.org/csme-professional-services; Curlan Campbell, "Caricom Heads of Government Expands Category of Skilled Workers," NOWGrenada, December 6, 2018, www.nowgrenada.com/2018/12/caricom-heads-of-government-expands-category-of-skilled-workers/.

So far, five categories have been fully implemented by all 12 participating Member States, and five additional (for a total of ten) categories have been implemented only by Jamaica, Guyana and Grenada. Saint Vincent and the Grenadines and Suriname facilitate travel for the initial five categories and nurses and teachers. The two newest categories, agricultural workers and security guards, are still being defined, with a plan to be facilitated administratively by December 2019 and implemented legislatively by July 2020.

Each of the ten already implemented categories have been well defined and are believed to be well-understood, and individuals must be able to provide documentation, whether in the form of a university diploma or a Caribbean Vocational Qualification (CVQ), that they are skilled in that category. Member States have created national training agencies or similar institutions to verify individuals' skills. At the time of this report, the new categories created in 2018 — security officers and agricultural workers—have yet to be defined, and CVQs or other proof of skill for these categories had not been standardized.



IMPLEMENTATION STATUS: FACILITATION OF MEASURES TO ENSURE THAT ALL CATEGORIES THAT SHOULD HAVE ENJOYED FREE MOVEMENT ARE GRANTED THAT RIGHT

| | |
|---|---|
| ANTIGUA AND BARBUDA | <p>Categories not yet facilitated: holders of Associate degrees, artisans, nurses, teachers and household domestics</p> <p>*In 2019, the country was granted a five-year deferral for nurses, teachers, security officers and agricultural workers</p> |
| BARBADOS | <p>Categories not yet facilitated: holders of Associate degrees, artisans with a CVQ, nurses, teachers and household domestics</p> |
| BELIZE | <p>Categories not yet facilitated: holders of Associate degrees, artisans with a CVQ, nurses, teachers and household domestics</p> |
| DOMINICA | <p>Categories not yet facilitated: holders of Associate degrees, artisans with a CVQ, nurses, teachers and household domestics</p> |
| GRENADA | <p>Ten categories facilitated</p> |
| GUYANA | <p>Ten categories facilitated</p> |
| HAITI | <p>No arrangements in place</p> |
| JAMAICA | <p>Ten categories facilitated</p> |
| MONTSERRAT | <p>No arrangements in place</p> |
| SAINT KITTS AND NEVIS | <p>Categories not yet facilitated: holders of Associate degrees, artisans with a CVQ, nurses, teachers and household domestics. *The country was granted a five-year deferral for agricultural workers and security guards. Household domestics with a CVQ are facilitated, but this has not been formalized in legislation</p> |
| SAINT LUCIA | <p>Categories not yet facilitated: holders of Associate degrees, artisans with a CVQ, nurses, teachers and household domestics</p> |
| SAINT VINCENT AND THE GRENADINES | <p>Categories not yet facilitated: holders of Associate degrees and household domestics</p> |
| SURINAME | <p>Categories not yet facilitated: holders of Associate degrees and household domestics</p> |
| TRINIDAD AND TOBAGO | <p>Categories not yet facilitated: holders of Associate degrees, artisans with a CVQ and household domestics</p> |

However, Skills Certificate application processes differ by country; some Member States have created online systems for processing applications, while others require paper applications. Most countries have a Skills committee or team that verifies and approves Skills Certificate applications. In some cases, this committee also provides guidance and feedback that is used in regional negotiations and decision-making. There is also disagreement among Member States about how and when verification should be done for Skilled Nationals. One of the highlighted challenges is that some individuals have reported long waiting times for their Skills Certificate to be verified.¹²⁴ Additionally, artisans are reportedly limited in their ability to move freely, due to the difficulty to accurately assess their qualifications, some Member

States – Antigua and Barbuda, Belize, Dominica, Saint Kitts and Nevis and Suriname – have been unable to issue them a CVQ; therefore, the artisans cannot apply for Skills Certificates.¹²⁵ The CARICOM Secretariat has initiated an online processing system, the CARICOM Single Market Application Processing System (CAPS). This is an initiative to integrate, through a web-based information management system, the Skills Certificate application process across Member States and provide data on free movement in the Single Market.¹²⁶ As of the time of publication of this report, while nine Member States had uploaded data into the CAPS – the exceptions being Barbados, Suriname and Trinidad and Tobago – only Guyana is using the CAPS.

IMPLEMENTATION STATUS: USE OF CAPS BY COUNTRY

| | |
|---|--|
| ANTIGUA AND BARBUDA | NO |
| BARBADOS | NO |
| BELIZE | NO |
| DOMINICA | NO |
| GRENADA | NO *Grenada commenced the use of the CAPS, but some issues were reported. Grenada is now back to the manual system until issues are resolved |
| GUYANA | YES |
| HAITI | No arrangements in place |
| JAMAICA | NO |
| MONTserrat | No arrangements in place |
| SAINT KITTS AND NEVIS | NO |
| SAINT LUCIA | NO |
| SAINT VINCENT AND THE GRENADINES | NO |
| SURINAME | NO |
| TRINIDAD AND TOBAGO | NO |

¹²⁴ Girvan, 2007; Kairi Consultants, Ltd., 2013.

¹²⁵ Haynes, 2016.

¹²⁶ CARICOM Single Market and Economy, "CARICOM Single Market Application Processing System (CAPS)," CSME (March 10, 2015), www.csmeonline.org/news/caps.

Although CARICOM nationals may stay for a definite time with the six month entry, the right to freedom of movement remains limited to more highly skilled individuals.¹²⁷ One study estimated that by the end of 2008, only 0.1 per cent of CARICOM citizens held CARICOM Skills Certificates that would allow them to work and live in other CSME countries without the need for a work permit.¹²⁸ In 2011, it was estimated that the volume of undocumented low-skilled intra-Caribbean migration exceeded authorized migration.¹²⁹ Furthermore, as was discussed in Chapter 2, the data indicate that the number of individuals travelling under the Skilled Nationals regime has now exceeded those travelling with long-term work permits in most countries, but not the number of persons utilizing short-term work permits.¹³⁰

The data presented in Chapter 2 show that the use of Skills Certificates for intraregional travel is increasing, and although numbers remain relatively small, more Skills Certificates are being issued and processed every year. This increase is a sign that the regime is improving effectiveness and that there has been improvement in terms of public awareness about the available free mobility provisions; however, it is notable that is not yet the main mechanism facilitating movement. Moreover, many of the government officials interviewed for this project identified important areas of improvement in the implementation of the regime and had the perception that work permits were more commonly issued than Skills Certificates. Some government representatives expressed concern about continuing the expansion of categories of free movement, noting

that the existing challenges, particularly related to lack of harmonization across Member States, have not been resolved.

MOVEMENT OF SERVICE PROVIDERS

Article 30 of the *Revised Treaty of Chaguaramas* defines the right of CARICOM nationals to “supply services” across borders and within the territory of a Member State. Such free movement of services requires that nationals supplying services from one Member State are entitled to supply services to a consumer in or from another Member State without limitations on entry of firms, foreign equity limitations, quotas on output, requirements regarding the legal form of establishment, or licensing or certification requirements where no such restrictions are placed on nationals supplying the same services.¹³¹ The 13th Conference of Heads of Government of the Caribbean Community expressed how market access, entry, and participation would be achieved in 2002 - and the majority of restrictions were removed by Member States by July 2006.¹³² A temporary service provider should register as a service provider in the Member State in which he or she lives and works in order to be issued a certificate, which will facilitate entry into another Member State. In order to receive the certificate, the national must provide proof of CARICOM nationality as well as one of three items: proof of competency to provide the service; proof of contract to offer the service; or a letter from relevant association or reputable person or body.¹³³

127 Girvan, 2007.

128 Jessica Byron, “Developmental Regionalism in Crisis? Rethinking CARICOM, Deepening Relations with Latin America,” *Caribbean Journal of International Relations & Diplomacy* 2, no. 4 (2014): 23-50.

129 Jacqueline Mazza and Eleanor Sohnen, *Labor Migration in Latin America and the Caribbean: A Look at New Trends and Policies* (Washington, DC: Inter-American Development Bank, 2011), <https://www.iadb.org/en>.

130 The number of short-term work permits remains higher than the number of Skills Certificates.

131 CARICOM Single Market and Economy, “Services Within the CSME,” CSME (2019), www.csmeonline.org/news/regimes/services-within-the-csme.

132 CSME, “Services,” 2019.

133 CARICOM, 2017.

RIGHTS

- To provide services from the territory of one Member State into the territory of another Member State.
- To provide services in the territory of one Member State to the service consumer of another Member State.
- To provide services through commercial presence in the territory of another Member State.
- To provide services through the temporary presence of natural persons of a Member State in the territory of another Member State.
- To be granted an extension of stay to complete a project if the work is not completed or is extended at the end of the original contract period.

RESPONSIBILITIES

- To have a valid passport issued by a CARICOM Member State.
- To have a valid Certificate of Registration as a CARICOM Service Provider.
- To have a valid Letter of Invitation or Contract to provide services outlining the period for which the wish to engage in work temporarily in the receiving Member State.
- To be truthful at all times to the relevant authorities of the Member State.
- To obey the laws of the Member State.
- To apply to the appropriate authorities for an extension if the work is not completed or is extended at the end of the original contract period.

CARICOM nationals who are certified service providers and are travelling to another Member State to provide services on a temporary basis must be granted by immigration authorities sufficient time to provide the service, as long as they are holders of (a) a Certificate of Registration as a CARICOM Service Provider, (b) a valid passport, and (c) a contract or letter of invitation to provide the service.¹³⁴ Although the length of stay depends on the length of time required to provide the service, the certificate proving registration as a service provider is valid indefinitely.¹³⁵

These agreed arrangements have not been implemented by Member States and a review is ongoing on how best to improve the movement under this Regime.

THE RIGHT OF ESTABLISHMENT

A self-employed person from a CARICOM Member State has the right to engage in non-wage-earning activities of a commercial, industrial, agricultural, or artisanal nature, which may take the form of creating

and managing economic enterprises for the production of or trade in goods or the provision of services. Nationals exercising this right may move to another Member State on a permanent basis,¹³⁶ exercising their "Right of Establishment". Affiliated with the right of establishment is the right to move the technical, supervisory and managerial staff of these entities, as well as spouses and immediate dependent family members. However, these individuals are not allowed to move in their own right unless they fall under another form of sanctioned movement.¹³⁷

CARICOM nationals who wish to move from one Member State to another in order to establish a business will have to present (a) a valid passport, (b) return ticket, and (c) proof of financial resources for personal maintenance at the point of entry. After entry has been granted, the individual must submit proper documentation to the Competent Authority. Upon entry, Immigration should grant definite entry. Once the business is established, the CARICOM national may apply for indefinite stay.¹³⁸

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ CSME, "Development and Status," 2019.

¹³⁷ Ibid.

¹³⁸ CARICOM, 2017.

IMPLEMENTATION STATUS: ESTABLISHMENT OF REGULATIONS TO PROVIDE FOR THE TREATMENT OF TECHNICAL, MANAGERIAL AND SUPERVISORY STAFF. TO REMOVE ALL RESTRICTIONS ON THE MOVEMENT OF MANAGERIAL, TECHNICAL AND SUPERVISORY STAFF OF ECONOMIC ENTERPRISES AND ON ESTABLISHING AGENCIES, BRANCHES AND SUBSIDIARIES OF COMPANIES AND OTHER ENTITIES ESTABLISHED IN THE COMMUNITY.

NEXT STEP IS TO INTRODUCE FORMAL REGULATIONS

Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago

FACILITATES ADMINISTRATIVELY

Antigua and Barbuda, Barbados, Belize, Guyana, Jamaica, Saint Lucia

MOVEMENT OF SPOUSES AND DEPENDENT FAMILY MEMBERS

For individuals moving under the rights of Skilled Nationals, service providers, or right of establishment provisions, spouses and dependent family members are also allowed to move. Spouses have the right to work. However, Member States implement these provisions differently, and a number of Member States have yet to create legislation that allows spouses to work.



THE EXPERIENCE OF THE CRICKET WORLD CUP*



In 2007, the Caribbean hosted the Cricket World Cup and instituted a single-entry visa in order to facilitate easy movement between islands. During the July 2006 CARICOM Summit, leaders reached an agreement to ensure hassle-free movement for visitors to the Cricket World Cup, as well as intelligence-sharing for security during the event. Individuals were able to travel among the nine host countries and Dominica between 1 February 2007 and 15 May 2007. During this time, the ten countries became a “single domestic space”, and the entry and departure form were standardized for all the countries. Once in the Single Domestic Space, individuals were not required to have their documents processed to clear customs and immigration and did not need to have their passports stamped, though they still needed their passports to travel. At their first port of entry, they were provided with a blue CARICOM wristband that identified them for hassle-free movement throughout the Single Domestic Space. When the Single Domestic Space ended on 15 May 2007, nearly 45,000 visas had been issued.

This experience is particularly important because the region was able to create and test mechanisms to unify border control processes and facilitate travel throughout the Single Domestic Space.¹¹⁷ Multiple government representatives cited the 2007 experience as a blueprint for expanding movement around the region in the future.

* Reference for sidebar: CARICOM, “Special Visa.” Caribbean Community, “CARICOM Agreement on Social Security,” CARICOM, accessed June 19, 2019, www.caricom.org/about-caricom/who-we-are/our-governance/about-the-secretariat/offices/office-of-the-general-council/treaties-and-agreements/caricom-agreement-on-social-security.

IMPLEMENTATION STATUS: FACILITATION OF MEASURES TO ENSURE THAT PERSONS WHO ARE MOVING TO EXERCISE THE RIGHT OF ESTABLISHMENT, THE PROVISION OF SERVICES, AND THE MOVEMENT OF SKILLS, HAVE THE RIGHT TO MOVE WITH THEIR SPOUSE AND IMMEDIATE DEPENDENT FAMILY MEMBERS

ANTIGUA AND BARBUDA

- Inclusion of provision in the immigration laws: NO
- Administratively implemented: YES

BARBADOS

- Inclusion of provision in the immigration laws: NO
- Administratively implemented: YES

BELIZE

- Inclusion of provision in the immigration laws: NO
- Administratively implemented: YES

DOMINICA

- Inclusion of provision in the immigration laws: NO
- Administratively implemented: YES

GRENADA

- Inclusion of provision in the immigration laws: NO
- Administratively implemented: YES

GUYANA

- Inclusion of provision in the immigration laws: NO
- Administratively implemented: YES

HAITI

No available information

JAMAICA

- Inclusion of provision in the immigration laws: NO
- Administratively implemented: PARTIALLY *Spouses and Dependents who are not CARICOM Nationals are not receiving 6 months entry and are treated based on their nationality (passports).

MONTSERRAT

No available information

SAINT KITTS AND NEVIS

- Inclusion of provision in the immigration laws: NO
- Administratively implemented: YES

SAINT LUCIA

- Inclusion of provision in the immigration laws: NO
- Administratively implemented: YES

SAINT VINCENT AND THE GRENADINES

- Inclusion of provision in the immigration laws: NO
- Administratively implemented: YES

SURINAME

- Inclusion of provision in the immigration laws: NO
- Administratively implemented: YES

TRINIDAD AND TOBAGO

- Inclusion of provision in the immigration laws: NO
- Administratively implemented: YES

IMPLEMENTATION SUCCESSES

Across the region and within both CARICOM and the OECS, significant progress has been made towards regional integration. This is particularly evident in the regional collaboration efforts made in order to promote the access of CARICOM nationals to their rights under the Treaty, ensure the portability of social benefits and the implementation of a scaled approach.

PROMOTION OF THE RIGHTS OF CARICOM NATIONALS

The successful establishment of a regime in which all CARICOM citizens are able to move with the region for a period of six months has provided a mechanism that ensures that people would have the right to travel to other CARICOM countries in a “hassle-free” manner. It also established a system through which many nationals from participant Member States are able to apply for a Skills Certificate to allow them to travel and work in a CARICOM country other than their home country, under the same conditions as a national.

In order to ensure all CARICOM nationals, have the same access to their rights, as stipulated in the Treaty, the CARICOM Secretariat has made important efforts to harmonize standards. Some of the most important procedures being the introduction of a “Denial of Entry Procedure”, which specifies the conditions under which a CARICOM citizen can be refused entry into another CARICOM Member State, and the “Complaints Procedure” for CARICOM nationals

who have had certain experiences for which they wish to complain. Although not all countries are implementing these procedures in the same manner (See Table. Implementation status: Availability of the complaints form), its development represents an important step towards regional harmonization. Additionally, as previously mentioned, the CARICOM Secretariat developed an online platform—CAPS—ensuring Member States have an online registration of businesses and for Skilled Certificates. The CAPS also has the possibility of offering a module for the movement of managerial, technical and supervisory personnel. This is yet to be further developed.

PORTABILITY OF SOCIAL BENEFITS

Significant advances have been made in ensuring the portability of social security and social benefits. The *CARICOM Agreement on Social Security* recognized the need to harmonize social security legislation, and the agreement entered into force in 1997.¹³⁸ All CARICOM Member States have signed the Agreement except Haiti and Suriname.

In February 2019, all CSME participating Member States signed the *Protocol of Contingent Rights* and most of them declared being prepared to initiate provisional implementation, which is a critical component of the CSME and ensuring labour mobility. The Protocol addresses the rights of nationals from participating Member States, their spouses and their immediate dependent family members to access social services, including education and healthcare, as they move under the CSME regimes.¹³⁹

139 Caribbean Community, “CARICOM Integration Advances: All CSME Participating.”

IMPLEMENTATION OF A PHASED APPROACH

One of the main challenges identified from the conception of the Treaty are important and numerous differences among CSME Member States, as well as the diverse country-specific limitations and capacities, which may place a burden on some States, particularly in regard to the migration management capacities and social welfare programmes. In order to address this potential issue, the implementation of the Treaty and its relevant Protocols, has been done through a phased approach.

Although not all phases have been implemented in compliance with the initially stipulated time frames, this measure has given Member States the flexibility to delay the implementation of specific provisions through deferrals in order to establish the structures needed for an orderly and safe implementation. This measure, in addition to funding provided through the CARICOM Development Fund, has also allowed the development of special conditions for the smaller States in the region.

IMPLEMENTATION CHALLENGES

While significant progress has been made toward regional and subregional integration, serious challenges remain. The most common issues discussed by government representatives were lack of harmonization of entry and exit procedures across the region, a lack of capacity and funding to process and verify certificates and a lack of information about migration and migration trends.

LACK OF HARMONIZATION

While progress has been made to harmonize security and entry procedures, full harmonization has not been achieved. Government officials overwhelmingly reported concerns about the differing levels of implementation across the region, particularly in entry procedures and issuing of Skills Certificates, as has been discussed above. Some Member States have not completed full legislative compliance for all approved categories of nationals,¹⁴⁰ and the lack of harmonization has a direct impact on how CARICOM nationals can move in the region.¹⁴¹ In particular, many government representatives spoke about the importance of harmonizing entry and exit documentation in order to facilitate data collection and information sharing about who is moving in the region.

An important effort made in order to standardize migration data collection is the development of Embarkation/Disembarkation Forms. However, while significant progress has been made, implementation remains uneven.

IMPLEMENTATION STATUS: INTRODUCTION OF COMMON EMBARKATION/ DISEMBARKATION FORMS

| | |
|---|--|
| ANTIGUA AND BARBUDA | Provision implemented: YES |
| BARBADOS | Provision implemented: NO |
| BELIZE | Provision implemented: YES |
| DOMINICA | Provision implemented: YES. *All airlines are using the E/D forms, but the statutory instrument is pending. |
| GRENADA | Provision implemented: YES |
| GUYANA | Provision implemented: YES |
| HAITI | Provision implemented: NO |
| JAMAICA | Provision implemented: YES *Initially implemented the common E/D form but made changes over the years due to modernized initiatives. Current form incorporates the information required by the E/D form. |
| MONTSERRAT | Provision implemented: YES |
| SAINT KITTS AND NEVIS | Provision implemented: YES |
| SAINT LUCIA | Provision implemented: YES |
| SAINT VINCENT AND THE GRENADINES | Provision implemented: YES |
| SURINAME | Provision implemented: YES |
| TRINIDAD AND TOBAGO | Provision implemented: YES |

Reportedly, migrants have experienced difficulty accessing the benefits of the CSME because of inconsistent implementation practices, particularly by immigration officers. This has included allowing migrants to stay in a country less time than provided for by CSME rules.¹⁴² The ruling in the case of *Shanique Myrie v The State of Barbados* and the new formalized procedures guiding denial of entry are meant to address these problems, but officials cited that it

is evident and known that certain nationalities are denied entry more often than others. As discussed above, CARICOM nationals have the right to file a complaint when denied entry to a CSME Member State. However, both uneven implementation by Member States and a lack of knowledge about the complaint procedure on the part of CARICOM nationals has led to significant variations in how nationals can file a complaint.

¹⁴⁰ Haynes, 2016.

¹⁴¹ International Labour Organization, Labour Migration in Latin America and the Caribbean: Diagnosis, Strategy and ILO's Work in the Region (Lima: ILO Regional Office for Latin America and the Caribbean, 2017), www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms_548185.pdf.

IMPLEMENTATION STATUS: AVAILABILITY OF THE COMPLAINTS FORM AT ALL POINTS OF ENTRY IN THE ARRIVAL AND DEPARTURE AREA, THE MINISTRY OF TRADE, THE MINISTRY OF FOREIGN AFFAIRS, THE MINISTRY OF LABOUR, THE MINISTRY OF NATIONAL SECURITY, THE CSME FOCAL POINT AND ONLINE

| | |
|---|--|
| ANTIGUA AND BARBUDA | Form available at all entry points: NO |
| BARBADOS | Form available at all entry points: NO |
| BELIZE | Form available at all entry points: YES |
| DOMINICA | Form available at all entry points: NO |
| GRENADA | Form available at all entry points: YES *Country reported that persons don't seem to be interested in utilizing this facility |
| GUYANA | Form available at all entry points: YES *Available at the Cheddi Jagan International Airport and available online at the Ministry of Foreign Affairs |
| HAITI | The next step for Haiti is to make the form available |
| JAMAICA | Form available at all entry points: YES |
| MONTSERRAT | Form available at all entry points: NO |
| SAINT KITTS AND NEVIS | Form available at all entry points: YES |
| SAINT LUCIA | Form available at all entry points: NO |
| SAINT VINCENT AND THE GRENADINES | Form available at all entry points: NO |
| SURINAME | Form available at all entry points: NO |
| TRINIDAD AND TOBAGO | Form available at all entry points: YES *Available at the Ministry of Foreign and CARICOM Affairs and on the Ministry's website. |

LACK OF CAPACITY AND FUNDING

The lack of capacity and funding was overwhelmingly reported by officials; this is an overarching concern that affects the ability to screen individuals entering a Member State, to issue or verify Skills Certificates, to track visa overstays and to educate both government representatives and the general public about the rights of CARICOM and OECS nationals.

LACK OF INFORMATION

Government officials commonly cited not having access to data and information about migration trends. In cases when officials did have information on entries and exits, the data were often not stored in a way that was accessible or useful. Many officials were unsure about the overall migration trends occurring, including whether CARICOM nationals are travelling with Skills Certificates or work permits, whether the national border management system is appropriately flagging visa overstays and other security risks and the impact of the movement of CARICOM and OECS nationals on the economy and labour market.

LACK OF PUBLIC AWARENESS

Many government officials noted that they believed that CARICOM nationals were not fully knowledgeable or aware of their rights within CARICOM, how to apply for a Skills Certificate or how to file a complaint if denied entry to another CARICOM Member State.



Free movement within the CSME



PERSONS ALLOWED FREE MOVEMENT WITHIN CSME

- Limited to a list of categories of people
- All CARICOM nationals are facilitated movement through an automatic six-month stay



FREE MOVEMENT MECHANISMS

- Definite entry for all CARICOM nationals
- Indefinite stay for Skilled Nationals
- Movement of service providers
- Indefinite entry under the right of establishment



LENGTH OF STAY ALLOWED

- Six months for all CARICOM nationals
- Indefinite for Skilled Nationals, after approval of the verification process and persons moving under the right of establishment

Employment within the CSME



PERSONS ALLOWED TO WORK WITHIN OECS

- Holders of a Skills Certificate, after approval of the verification process
- Verified Service Providers;
- Right of Establishment



PROCESS REQUIRED TO ACCESS EMPLOYMENT

- Application for a Skills Certificate
- Application for a CVQ (if relevant)
- National verification process
- Services certificate



ELEMENTS OF THE RIGHT TO EMPLOYMENT

- Granted indefinitely for holders of Skills Certificates
- Granted for definite periods of time for service providers
- Right of Establishment

Success and challenges



ELEMENTS OF SUCCESS

- Promote access of CARICOM citizens to their rights under the Treaty
- Ensure access to social benefits
- Implementing a phased approach towards the free movement of persons. The goal is total free movement



OPPORTUNITIES FOR IMPROVEMENT

- Promote the harmonization of entry and exit procedures across the region
- Improve the required capacity and funding to process and verify certificates
- Enhance the quantity and quality of data about migration and migration trends
- Disseminate information about the rights of CARICOM nationals within CARICOM

MAIN CONCLUSIONS: IMPLEMENTATION SUCCESSES AND CHALLENGES

- The CSME and ECEU free movement regimes fundamentally shape migration within the Caribbean, and they both provide opportunities for individuals and families to pursue employment, education and cultural exchange.
- The region has seen significant success in facilitating movement, such as facilitating portability of social benefits. However, challenges remain, specially within the CSME, around ensuring the implementation of these arrangements, and harmonizing entry procedures and issuance and verification of Skills Certificates.
- The lack of capacity to collect data, process and issue certificates, and verify applications for individuals moving through the Skilled Nationals regime is an obstacle to greater implementation throughout the region, as Member States rely on cooperation and reciprocal action to facilitate movement between States; if one State is not able to issues certificates or verify qualifications, it affects movement to other States in the region.
- The dearth of data about migration trends and the profile of the individuals who are moving between Member States is a significant challenge; improving the body of data and achieving full implementation of existing protocols may be desirable and important before embarking on new processes aimed at regional and subregional integration.
- While this chapter maps much of the free movement provisions being applied in the Caribbean, more collection and sharing of data is needed and concerns of the Member States to ensure the appropriate and harmonized implementation of the measures already mandated by CARICOM and OECS. In addition, the regional institutions can call upon international organizations and external partners for targeted support specifically for capacity-building in operating and maximizing border management systems and collection of disaggregated administrative entry and exit data.

An aerial photograph of a tropical ocean. The water is a vibrant turquoise color, transitioning to a deeper blue as it meets the horizon. A large, dark, irregularly shaped area in the middle of the water indicates a coral reef. The sky is a clear, deep blue with a few scattered white clouds. The overall scene is bright and serene.

4.
The impact
of the free
movement of
persons

FREE MOVEMENT AND THE ECONOMY

The CSME and OECS fundamental principles of free mobility have changed not only the history of intra-regional migration but also the legal, political, social and economic developments of the Member States. Moreover, free movement continues to be particularly significant for the people themselves as more CARICOM nationals are able to adapt their lives through movement, and this expansion is expected to continue in the upcoming years.

This chapter explores the current impact, including benefits and challenges, related to the free movement of people in the Caribbean. The different contributions of literature and key informants are brought together to provide a regional assessment of the dynamics precipitated by free mobility, focusing on the economic and security dimensions. Additionally, in an attempt to better understand the political economy of free movement as well as its outputs and outcomes, specific experiences from some Member States will be used as case studies, these countries are: Antigua and Barbuda, Dominica, Grenada, Guyana, Jamaica and Saint Lucia.

IMPACT ON THE ECONOMY

ECONOMIC OVERVIEW

The CARICOM region is made up of 15 developing countries characterized by having small open

economies, which, while engaging in the global market, are considered small when compared to their competitors. Furthermore, most Caribbean countries are commodity-dependent, particularly on fossil fuels, and have little to no influence on international market prices and interest rates. This means that they are particularly vulnerable to market volatility, economic swings,¹⁴³ and fluctuations in commodity prices.¹⁴⁴

Additionally, although the economies are open, they lack diversity, focussing on very few economic activities. These are primarily manufacturing, agriculture, and the fastest growing activity, tourism.¹⁴⁵

Regardless of having several economic aspects in common, the Caribbean is heterogeneous in terms of GDP, geographic size and population. For example, the GDP per capita in The Bahamas in 2017 was USD 30,762, while in Haiti it was approximately USD 765. Population size also varies widely; Jamaica and Trinidad and Tobago have populations of 2,934,855 and 1,389,858, respectively, while Dominica and Saint Kitts and Nevis have comparatively small populations, with fewer than 75,000 people each. According to the World Bank's Atlas method,¹⁴⁶ which classifies economies into four income groups, the majority of CARICOM countries are ranked as upper-middle or high-income economies, with the exception of Haiti, which is considered a low-income economy.

¹⁴³ Alan Deardorff, *Glossary of International Economics* (Michigan, USA: World Scientific Books, 2014).

¹⁴⁴ Economic Commission for Latin America and the Caribbean, *The Caribbean Outlook*

¹⁴⁵ Fuchs and Straubhaar, 2003.

¹⁴⁶ World Bank, *World Bank Country and Lending Groups*, World Bank Data Helpdesk, accessed July 7, 2019, www.worldbank.org.

THE EXPERIENCE OF GUYANA*

THE DISCOVERY OF IMPORTANT DEPOSITS OF PETROLEUM OFF THE SHORES OF GUYANA AND THE COMMENCEMENT OF OIL PRODUCTION IN 2020, MAKE THE COUNTRY'S ECONOMIC PROSPECTS VERY FAVOURABLE. EARLY ESTIMATIONS INDICATE THERE ARE MORE THAN FOUR BILLION BARRELS OF RECOVERABLE OIL IN GUYANA, WHICH AT TODAY'S PRICES WOULD BE WORTH OVER USD 200 BILLION.

STRUCTURAL REFORMS WILL BE REQUIRED IN ORDER TO MANAGE THE UPCOMING ECONOMIC GROWTH. SPECIFIC NEEDS, SUCH AS STRENGTHENING THE FRAMEWORK FOR ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING, HAVE ALREADY BEEN IDENTIFIED AND THERE ARE EFFORTS ALREADY BEING MADE TO FACE THESE POTENTIAL ISSUES.

AT THE SAME TIME, THE DIVERSIFICATION OF THE COUNTRY'S ECONOMY IS SEEN AS AN OPPORTUNITY TO INCREASE THE ECONOMIC RESOURCES DEDICATED TO ADDRESS INFRASTRUCTURE NEEDS AND AS WELL AS SKILLED LABOUR SHORTAGES.

FIGURE 11.
GDP PER CAPITA BY COUNTRY, 2017

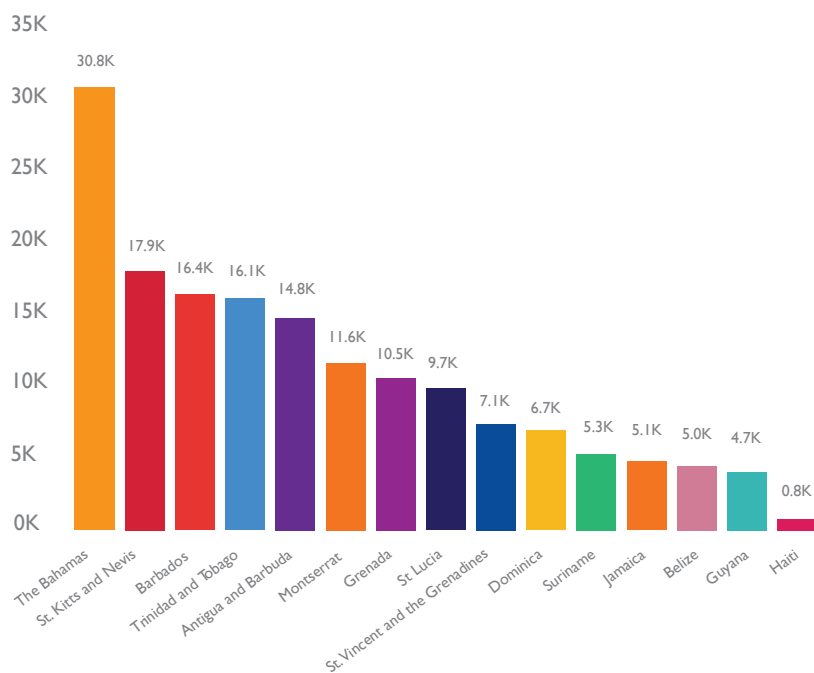


FIGURE 12.
CARICOM MEMBER STATES BY INCOME GROUP, 2017

| GROUPING | COUNTRIES |
|---------------------|--|
| High-income | Antigua and Barbuda, The Bahamas, Barbados, Saint Kitts and Nevis and Trinidad and Tobago |
| Under-middle-income | Belize, Dominica, Grenada, Guyana, Jamaica, Saint Lucia, Saint Vincent and the Grenadines and Suriname |
| Lower-income | Haiti |

Country groups are calculated using the GNI per capita, low-income (\$1,025 or less); lower middle-income (\$1,026 and \$3,995); upper middle-income (\$3,996 and \$12,375); high-income economies (\$12,376 or more)

* References for sidebar: World Bank, "The World Bank in the Caribbean," World Bank (2019), accessed July 2, 2019, www.worldbank.org/en/country/caribbean/overview.



REPORTED REGIONAL LOSSES AFTER 2017 HURRICANE SEASON

- USD 8.6 BILLION
- 826,100 VISITORS
- 11,005 TOURISM-BASED JOBS

These countries also experience differential impacts of environmental change and natural hazards. In the last two years crisis response efforts have cost the region an estimated USD 8.6 billion.¹⁴⁷ And although the entire region is vulnerable, the exposure of small island countries of the Eastern Caribbean to natural threats is particularly high. This exacerbates their economic vulnerability to external shocks, as disaster recovery often generates additional costs and disrupts productive activities, especially those related with the provision of services, such as tourism.

The 2017 hurricane season affected several islands, leaving significant losses, including an estimated loss of 826,100 visitors to the Caribbean, which could have generated USD 741 million and 11,005 jobs.¹⁴⁸ Dominica suffered a loss of 226 per cent of its 2016 Gross Domestic Product (GDP).¹⁴⁹ The 2017 hurricane season had an especially harmful impact on the Caribbean economies, particularly the travel and tourism sectors. Although not all the countries in the region were struck by the storms, there was a public misconception that the entire Caribbean was affected, which dampened tourism revenue throughout the region.¹⁵⁰

In 2018, in addition to the arduous task of rebuilding hurricane-hit islands, the region also had to manage escalating tensions in the global market, including volatility in commodity markets, and uncertainty surrounding the withdrawal of the United Kingdom from the European Union and the changes in trade policies of major trading partners.¹⁵¹

In spite of these developments, the region showed great capacity to bounce back in the face of adversity. In 2018, economies grew in most Caribbean countries, and the regional GDP increased by 1.9 per cent, compared with 0.5 per cent in 2017. According to the Caribbean Development Bank,¹⁵² the economic outlook for 2019 is also positive, and regional GDP is projected to rise by 2.1 per cent, as construction, tourism and extractive industries, such as gold and oil, expand.

The Caribbean region faces increasingly complex and multi-dimensional challenges related to globalization, competitiveness, production and climate vulnerability. These same challenges, however, also provide opportunities for reinforcing regional capacities and agendas, in order to better adapt to external changes and align efforts with the 2030 Agenda for Sustainable Development.

¹⁴⁷ World Bank, "The World Bank in the Caribbean," World Bank (2019), accessed July 2, 2019, www.worldbank.org/en/country/caribbean/overview

¹⁴⁸ World Travel and Tourism Council, The Impact of the 2017 Hurricane Season on the Caribbean's Tourism Sector (WTTC, 2018), www.wttc.org/-/media/files/reports/2018/caribbean-recovery-report---executive-summary.pdf.

¹⁴⁹ Government of the Commonwealth of Dominica, Post-Disaster Needs Assessment, Hurricane Maria, September 18, 2017 (Dominica, 2017), www.reliefweb.int/sites/reliefweb.int/files/resources/dominica-pdna-maria.pdf.

¹⁵⁰ World Travel and Tourism Council, 2018.

¹⁵¹ Scott MacDonald, Caribbean Economies and the Year Ahead (Washington, DC: Center for Strategic and International Studies, 2018), www.csis.org/analysis/caribbean-economies-and-year-ahead-2018.

¹⁵² Caribbean Development Bank, 2018 Annual Report (Barbados: CDB, 2018), www.caribank.org/publications-and-resources/resource-library/annual-reports/cdbs-2018-annual-report.

IMPACT OF THE FREE MOVEMENT OF PERSONS ON THE ECONOMY

For post-colonial States in a globalizing world, the regional integration of relatively small states into stronger trade blocs emerged as a response to deepening global economic challenges. This, in conjunction with the facilitation of the freer movement of people, allowed for more efficient use of resources and the distribution of labour within these regions. Regional economic integration in the Caribbean was perceived as a means to enhance economic development through the removal of trade and political barriers to movement and the creation of regional policies to better position the region in the world market.¹⁵³

Although both the CSME and ECEU regimes include provisions for allowing free movement of persons, they are at very different stages of development and implementation,¹⁵⁴ and a primary factor is the recognition through action by Member States that free mobility may have positive impacts on their economies, rather than acknowledging only the inherent challenges.

SIZING THE IMPACT

There is no Caribbean country currently collecting information specifically on the economic contribution of nationals from other CARICOM countries to their

economies, nor on the contribution of businesses established under the provisions of the free movement regimes. Though most business activity in the region is undertaken by small and medium sized family-owned enterprises, there are no data available on whether the owners of these businesses are nationals or come from another CSME or OECS country. Limited information can be found on foreign investment flows to the Caribbean, but these data address the greater region of Latin America and the Caribbean. These data indicate that from 2013 to 2017 the top “investor economies” were the United States, followed by the Netherlands.¹⁵⁵

In addition, available statistics show that the number of CARICOM nationals which have travelled between the Member States since the date of inception of the CSME indicate that intraregional movement remain rather low compared to extraregional movements,¹⁵⁶ and most countries in the Caribbean are sending countries of migration. The only exception to this is The Bahamas, which does not participate in any of the free movement regimes and is the only country in the region with a confirmed positive net migration rate.

Derived from the data on foreign direct investment (FDI) and the relatively small numbers of CARICOM nationals travelling within the region, it can be inferred that the level of economic influence of the free mobility regimes remains small when compared to the impact of extraregional migration and foreign investment flows.

¹⁵³ Andrew Axline, “Integration and Development in the Commonwealth Caribbean: The Politics of Regional Negotiations, International Organization” (1978): 953-973.

¹⁵⁴ See Chapter 3 for more details.

¹⁵⁵ United Nations Conference on Trade and Development, World Investment Report 2019 (Geneva: UNCTAD, 2019), www.unctad.org/en/pages/PublicationWebflyer.aspx?publicationid=2460.

¹⁵⁶ The phrase “date of inception” refers to the date in which countries sign on to the implementation treaties: the Revised Treaty of Chaguaramas and the Revised Treaty of Basseterre.

While the gradual approach applied for the implementation of provisions in the CSME may explain these figures, the same argument would not apply to the OECS. Another explanation could be related to the complex dynamic between push and pull factors influencing the decision of CARICOM nationals to move. In the report *Economic Integration in the Caribbean*,¹⁵⁷ Fuchs and Straubhaar stress that the establishment of free movement within CARICOM is not and will not stimulate strong mobility flows. The authors make a comparison with the minimal fluctuation in intraregional mobility within the EU and explain that citizens often preferred to remain in their home country, even if wages were higher in other EU Member States, because psychological, social and cultural factors have a powerful influence on the decision to stay. Considering the high levels of emigration in the Caribbean, it is possible to state that most CARICOM nationals that are looking to move to another country on a permanent or semi-permanent basis are not necessarily travelling under the free movement provisions and/or they have a preference for travelling to countries outside of the region. Some factors possibly influencing this trend are: (1) the lack of incentives for the movement of labour within CARICOM countries, (2) CARICOM represents a relatively small market, in terms of area and population, and (3) the proximity of the larger U.S. labour market, which is more attractive to those already looking to migrate.

MEASURING ECONOMIC IMPACT

Measuring the macroeconomic impacts of free movement is always difficult, particularly when there is no counterfactual to use as the basis to infer a causal connection.¹⁵⁸ However, statistical inference based on available data, such as indicators of economic performance, unemployment rates and remittances, can be used in order to better understand this issue.

ECONOMIC DISPARITY

There is a prevalent concern in the region that the economic benefits obtained as a result of the arrangements are not distributed equally, and that bigger countries which already exhibit a better economic performance, are the ones benefitting the most. This may be true in terms of trade as larger economies tend to have a more developed export capacity, but not necessarily in terms of free mobility. This argument is partially supported by indicators on economic performance, as countries with the largest GDPs per capita are in fact the main intraregional destination countries. However, the smallest economies are not necessarily the ones with the highest rates of emigration. Belize, with the third smallest GDP per capita, has the least mobile population among the CARICOM Member States.

Population size differential is another aspect that has given rise to imbalanced development in the region –the countries with the largest populations, particularly Guyana, Jamaica and Trinidad and Tobago, are among the largest “senders” of people travelling

¹⁵⁷ Fuchs and Straubhaar, 2003.

¹⁵⁸ Counterfactual theories of causation state that the meaning of causal claims can be explained in terms of counterfactual conditionals like “If A had not occurred, C would not have occurred”. Peter Menzies, “Counterfactual Theories of Causation,” *Stanford Encyclopedia of Philosophy* (2014), accessed July 2019, www.jstor.org/stable/187472#metadata_info_tab_contents.

within the Caribbean. Nevertheless, the number of persons travelling as a proportion of the overall population may be more significant in countries with smaller populations. For example, in 2017, 1.3 per cent of nationals from Jamaica travelled to other CARICOM countries, compared to the 45 per cent of nationals from Saint Vincent and the Grenadines. It is a key challenge that although the number of persons moving from larger countries represents a small portion of the population in their countries of origin, if the destination country is considerably smaller, it may signify a volume of travellers that pushes their absorption capacity, highlighting migration management challenges.

When analysing regional disparity, it is also important to note that the economic impacts of the CSME and the ECEU regimes are not necessarily comparable. Among the small island states of the OECS, there are many more commonalities than those shared by countries within the CSME. The OECS Protocol Member States are considered to be more similar in terms of size and economy, and this is often identified as a key element which has helped them to achieve a more advanced and balanced level of implementation. In this subregion, according to government officials, the overall economic benefits of the OECS agreement are perceived to be greater compared to those brought by the CSME. Improving the collection of data on the direct economic aspects of the provisions of both regimes, such as the impact of migration on GDP, would help to better assess the real effects as countries achieve further integration.

FIGURE 13.
PERCENTAGE OF INTRAREGIONAL REMITTANCES
(USD MILLION), 2017

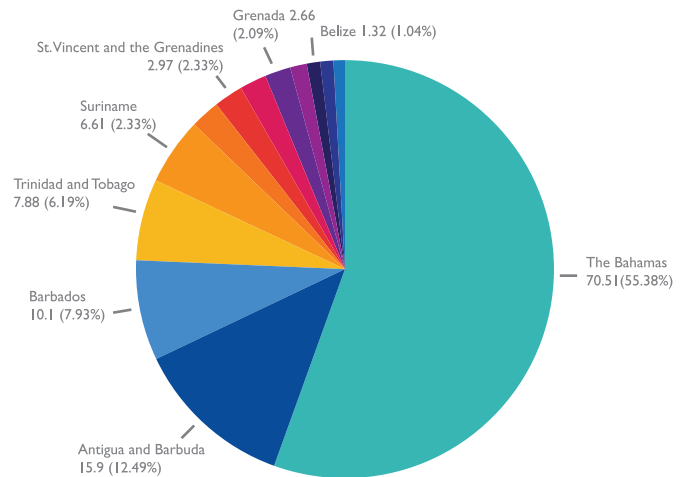
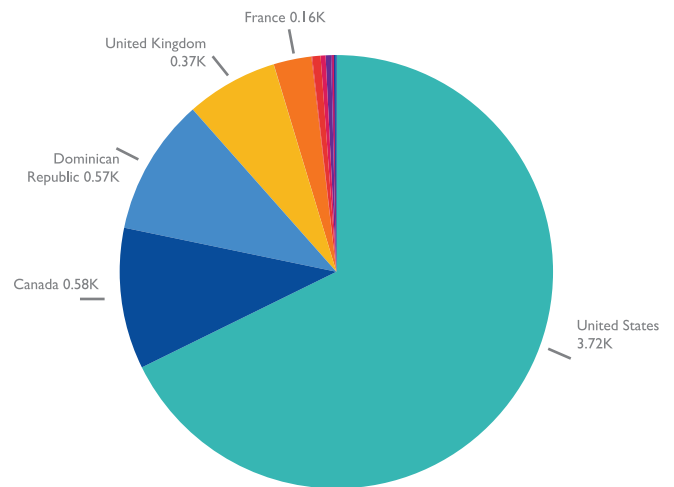


FIGURE 14.
MAIN SENDERS OF EXTRAREGIONAL REMITTANCES
(USD MILLION), 2017



REMITTANCES

The remittance effect of migration is particularly significant for Caribbean economies and constitutes a key income source for reducing poverty and enabling development. Furthermore, at the family level, remittances are often complementary to other sources of income, allowing recipient families to invest in housing, businesses, education and health.¹⁵⁹

The Caribbean countries are mostly receiving countries of remittances while the United States and Canada are the main sources of remittances to the region, which in 2017 accounted for USD 3,719 million and USD 584 million, respectively.

At the intraregional level, estimates for 2017 show that approximately USD 131 million in remittances was sent to and from CARICOM Member States, which represents 2.3 per cent of overall remittances sent to CARICOM countries in 2017. The available evidence is not enough to determine conclusively whether free movement has had a positive or negative impact on these figures, and the size and incidence of economic gains and losses are highly contingent. However, the relatively small number of skilled persons utilizing free movement provisions to travel within the region, along with the amount of remittances being generated intraregionally, makes it possible to deduce that the economic influence of

intraregional mobility is still less significant than the impact of extraregional emigration.

In absolute figures, the country that sent the largest amount in remittances to other CARICOM Member States is The Bahamas with USD 70.5 million, followed by Antigua and Barbuda with USD 16 million. The main receiving countries of remittances from other CARICOM Member States are Haiti with USD 58.7 million and Jamaica with USD 24 million. Over half of the total of intraregional remittances are being sent from The Bahamas, a country that does not take part of any of the free movement regimes. This reinforces the argument that those intraregional remittances cannot be attributable to the implementation of free mobility, as the intraregional migrants who are sending those remittances did not travel using any of the free mobility provisions. Additionally, most remittances are sent to Haiti, and though the further integration of Haiti into the CSME is under discussion, it is not yet fully integrated into the CSME regime.

How these trends will play out as regional integration is further consolidated remains to be seen and improving the quantity and quality of free mobility data will be critical in order to assess the real impact of the free movement agreements.

¹⁵⁹ International Development Bank, *Economic Status and Remittance Behavior Among Latin American and Caribbean Migrants in the Post-Recession Period* (Washington, DC: Multilateral Investment Fund, 2014), www.thedialogue.org/wp-content/uploads/2015/04/EconomicStatusRemittanceBehaviorFINAL_Eng.pdf.

Economic overview



MAIN ECONOMIC COMMONALITIES

- High level of vulnerability to changes in the global market
- Most economies are commodity-dependent
- Most economies focus on few economic activities, primarily agriculture and tourism



MAIN DIFFERENCES IMPACTING NATIONAL ECONOMIES

- GDP and GDP per capita
- Geographic size (usable land area)
- Population size
- Differential impacts of environmental change and natural hazards

Impact of free movement on the economy



SIZING THE IMPACT

- Impact remains small compared to other migratory movements
- Intra-regional movements remain low compared to extra-regional movements
- Main FDI flows come from countries outside the region (United States and the Netherlands)
- Possible explanation: most CARICOM nationals looking to move to another country on a permanent or semi-permanent basis:
 - a) Do not travel under the free movement provisions
 - b) Prefer to move to countries outside of the region



MEASURING THE IMPACT

- Countries with the largest GDPs per capita are the main intra-regional destination countries
- Smallest economies are not necessarily the main intra-regional sending countries
- Although the number of persons moving from larger countries may represent a small portion of the population in their home countries, if the destination country is smaller, it may signify a volume of travellers that pushes absorption capacity
- Intra-regional remittances represent a 2.3% of the overall remittances received in the region
- Over half of the total of intra-regional remittances are being sent from The Bahamas, which does not take part of any of the free mobility agreements



FREE MOVEMENT AND LABOUR MARKETS

LABOUR MARKET OVERVIEW

As regional and economic integration advance in the Caribbean, understanding the different labour market dynamics in the region is key to managing labour mobility and developing labour market policies and programmes that effectively improve social and economic well-being.

Labour market trends fundamentally shaped mobility within the Caribbean. In the 19th century, after the period of decolonization, labour migrants began moving within the region looking to improve their working conditions, and this movement continued in the twentieth century. In the 1970s, the emergence of the oil and energy production industry attracted many Caribbean nationals from the small island states to work in the producing countries, specifically the United States Virgin Islands, Aruba, the Netherlands Antilles and Trinidad and Tobago. The energy sector crisis during the 1980s catalysed, out of necessity and geography, the growth of the tourism sector in the 1990s, along with an increase in the need for workers dedicated to the service industry, which in many cases had to be fulfilled by a foreign-born labour force.¹⁶⁰

In the past two decades, labour markets in the Caribbean have changed significantly as a result

of the regional integration processes and changes in populations and modes of production. The establishment of open economies, exposure and the increasing level of vulnerability to natural hazards have reshaped economies and labour markets, in some cases leading to a reduction in the local demand for labour and wages, and an increase in unemployment and poverty levels.¹⁶¹ At the same time, more dynamic processes of production have also generated an increased demand for service-oriented skills, and a raise in the number of self-employed persons, small and micro-enterprises and informal businesses.¹⁶² International Labour Organization (ILO) estimates indicate that an average of 66.2 per cent of the total labour force in the region works in the service industry.¹⁶³

UNEMPLOYMENT

The high level of vulnerability of Caribbean economies to fluctuations in the global market instigated a deterioration of labour market conditions after the 2007–2008 global financial crisis,¹⁶⁴ and the more recent 2014–2016 fall in oil prices.¹⁶⁵ As a consequence, unemployment levels have seen a significant increase in the last two decades, currently representing one of the most important challenges to Caribbean States.

Although data on unemployment are not collected consistently across the region and updated information on other labour market indicators is

¹⁶⁰ Economic Commission for Latin America and the Caribbean, Caribbean Labour Market Challenges and Policies (Santiago: ECLAC, 2006), www.cepal.org/en/publications/5410-caribbean-labour-market-challenges-and-policies.

¹⁶¹ ECLAC, 2006.

¹⁶² Economic Commission for Latin America and the Caribbean, Flexible Labour Markets, Workers' Protection and Active Labour Market Policies in the Caribbean (Chile: ECLAC, 2009), www.cepal.org/en/publications/5453-flexible-labour-markets-workers-protection-and-active-labour-market-policies.

¹⁶³ ILO, "Employment by Sector," 2018.

¹⁶⁴ World Bank, Youth Unemployment in the Caribbean (World Bank LAC, 2014), www.worldbank.org.

¹⁶⁵ World Bank, "The Impact of the 2014-16 Oil Price Collapse," Special Focus (January 2018): 51-71.

very limited, these global economic shocks have left most Caribbean countries with a negative economic growth rate and increased levels of unemployment, according to the World Bank. The countries with the fastest rise in unemployment rates are The Bahamas (from 7.9% in 2007 to 12.7% in 2016), Barbados (7.4% in 2007 to 9.7% in 2016) and Saint Lucia (from 14% in 2007, to 21.3% in 2016). Moreover, the duration of unemployment for individuals in the Caribbean tends to last a long period of time, meaning that, after leaving or losing their last job, unemployed people in the region often spend more than a year looking for a new job.

Unemployment among youth is a particularly concerning and salient issue in the region. Despite the dearth of data, available information shows that regional youth unemployment is almost double the total unemployment. After 2008, the global financial crisis had an especially deep effect on unemployment levels among those between 15 and 24 years old, moving from 21 per cent in 2007 to 26 per cent in 2013. In some countries, like Barbados, Trinidad and Tobago, Jamaica and The Bahamas, youth unemployment rates are nearly 2.4 times higher than total unemployment rates.

It is probable to infer that application of free movement provisions has not generated substantial changes in terms of lowering unemployment rates. Nevertheless, this does not necessarily indicate a shortcoming of free movement regimes to reduce or stabilize unemployment rates, as it is a complex and multicausal phenomenon. Available literature highlights the importance of some key issues that

may be partially causing or, at minimum, aggravating the situation:

- **SUPPLY FACTORS:** There is a “mismatch problem”, a gap between the skills required by employers or enterprises and the distribution of knowledge and skills among the labour force.¹⁶⁶ This strongly correlates with the obstinate limitations in access to adequate education. Compulsory primary-level education in the region is almost universal, but despite collaborative efforts in areas such as curriculum development, teacher training, and the establishment of The Caribbean Examinations Council (CXC) –which administers the Caribbean Advanced Proficiency Examinations (CAPE) and Caribbean Vocational Qualifications (CVQ) examinations, which qualify individuals to move throughout the CSME– secondary-level is only considered universal in The Bahamas, Barbados, Saint Kitts and Nevis and Saint Lucia. Tertiary-level education enrolment remains relatively low, with a regional average of 9 per cent.¹⁶⁷ In this regard, reform of education and training models in the region is pivotal in preparing CARICOM nationals to be able to join and participate in the new labour market in their own countries and region.

- **DEMAND FACTORS:** an important causal factor in youth unemployment, as reported by the International Labour Organization, is related with the fact that the region still represents a relatively small market, and as a consequence, the economies lack capacity to produce enough jobs particularly for young people and in the areas in which they are searching for job opportunities.¹⁶⁸

¹⁶⁶ ECLAC, 2006.

¹⁶⁷ World Bank, A Caribbean Education Strategy (Washington, DC: World Bank, n.d.), www.fao.org/fileadmin/templates/ERP/docs2010/IWGE-4june2010.ppt.

¹⁶⁸ Organization of American States, “Towards Concrete Solutions for Addressing Youth Employment in the Caribbean,” Regional Forum on Towards Concrete Solutions for Addressing Youth Employment in the Caribbean (Barbados: OAS, 2018).

“EVIDENCE SUGGESTS THAT CARIBBEAN LABOUR MARKETS APPEAR TO BE FINDING INCREASING DIFFICULTIES TO COME CLOSE TO CLEARING THEMSELVES. NOT MERELY IS THIS ALREADY EVIDENT IN TERMS OF THE FORMAL SECTOR, BUT ALSO IN TERMS OF THE INFORMAL SECTOR. THEREFORE, ALTHOUGH THE SHARE OF YOUNG PEOPLE IN THE TOTAL POPULATION OF THE CARIBBEAN APPEARS TO HAVE PEAKED, WHILE EDUCATIONAL AND EMPLOYMENT TRAINING PROGRAMMES ARE INCREASING, THE JOB MARKET AND INCOME PROSPECTS ARE NOT REFLECTING A SIMILAR TREND. PART OF THE REASON IS KNOWN.”

| COUNTRY | EMPLOYMENT TO POPULATION RATIO, 15+, TOTAL (%) | EMPLOYMENT IN SERVICES (% OF TOTAL EMPLOYMENT) | UNEMPLOYMENT, TOTAL (% OF TOTAL LABOUR FORCE) (2016) |
|---|--|--|--|
| ANTIGUA AND BARBUDA | No data | No data | 8.4 (2001) |
| THE BAHAMAS | 66 | 81 | 12.7 (2016) |
| BARBADOS | 59 | 78 | 9.7 (2016) |
| BELIZE | 61 | 68 | 6.6 (2017) |
| DOMINICA | No data | No data | 11.0 (2001) |
| GRENADA | No data | No data | 22.9 (2015) |
| GUYANA | 50 | 56 | 12.0 (2017) |
| HAITI | 59 | 40 | 14.1 (2012) |
| JAMAICA | 61 | 68 | 9.1 (2018) |
| MONTSERRAT | No data | No data | No data |
| SAINT KITTS AND NEVIS | No data | No data | 5.1 (2001) |
| SAINT LUCIA | 53 | 68 | 21.3 (2016) |
| SAINT VINCENT AND THE GRENADINES | 55 | 66 | 18.8 (2008) |
| SURINAME | 48 | 68 | 7.2 (2015) |
| TRINIDAD AND TOBAGO | 59 | 69 | 3.0 (2016) |

LABOUR MARKET DATA

For most countries in the Caribbean region, information on the labour market and the labour force is only available for years in which the Population Census was conducted, which is normally once every ten years. Statistics on unemployment, income levels and other labour force indicators are either non-existent or very scarce.¹⁶⁹

One of the first initiatives aimed at improving the body of labour market information was initiated by the ILO in 2002, through the development of a Caribbean Labour Market Information System (CLMIS) with the purpose of creating a regional system to generate reliable and comparable labour statistics.¹⁷⁰

In 2007, the ILO, in collaboration with the CARICOM Secretariat and its Standing Committee of Caribbean Statisticians, conducted Labour Force Surveys in the region in order to support the harmonization of data collection processes, including production of statistics on under-employment and informal employment.¹⁷¹ The only countries that continue to compile and produce regular labour market information, by means of a household Labour Force Survey, are The Bahamas, Belize, Jamaica and Saint Lucia.¹⁷²

However, regional organizations and several CARICOM Member States' governments are

partnering with international organizations to begin important initiatives to collect information on the labour force as well as the markets' demand for labour. In March 2010, during the Twenty-First Inter-Sessional Meeting of the Conference of Heads of Government of the Caribbean Community, Member States emphasized the need for collecting and centralizing labour market information by giving CARICOM the mandate to create a regional electronic network for labour market information and highlighting the need to enhance data collection efforts in order to better assess the performance of free mobility in the labour market. In December 2014, CARICOM commenced the project for a regional LMIS with support from the Tenth European Development Fund and in collaboration with ILO and the University of the West Indies.¹⁷³ The regional LMIS was launched in 2017 and is currently operational, supported by national inter-institutional networks.¹⁷⁴ However, as reported by ILO and CARICOM officials, and confirmed during interviews with government representatives, by July 2019 no country had been able to compile and/or upload the required information into the system.

In 2015, parallel to the CARICOM regional LMIS, Saint Vincent and the Grenadines started a pilot project to develop a LMIS in the OECS subregion, also with technical assistance from the ILO, and in collaboration with the Secretariat of the OECS and the Caribbean Centre for Development Administration (CARICAD).¹⁷⁵ The ILO supported the OECS by

169 Government of Saint Vincent and the Grenadines, OECS Labour Market Information Systems Project Document (2019), accessed 16 August 2019, www.stats.gov.lc/data/data-tables/.

170 International Labour Organization, Caribbean: Labour Market Information, ILO (15 July, 2019), www.ilo.org/caribbean/areas-of-work/emp-promotion/labour-market-info/lang-en/index.htm.

171 ILO, 2019.

172 International Labour Organization, "Labour Force Surveys," ILO (2017), www.ilo.org/dyn/lfsurvey/lfsurvey.list?p_lang=en.

173 Rosa-Mae Whittier, "LMIS and Migration Policy in the CARICOM Single Market and Economy," Labour Migration Workshop (San José, Costa Rica: CARICOM Secretariat, 2017), www.slideplayer.com/slide/1283834/.

174 CARICOM, 2017.

175 ILO, Caribbean, 2019.

providing a customized LMIS software whose purpose was to provide an electronic platform for the dissemination and analysis of both labour market indicators and administrative data. However, in order to avoid overlaps with the CARICOM CLMIS system, the ILO refocused the software on the latter component addressing needs and gaps identified through a Caribbean-wide needs analysis conducted in 2016.¹⁷⁶

Although important efforts have been made in order to improve the available data on the labour market, more work needs to be done in order to create the essential capacities to collect and systematize data into the existing platforms, as well as to identify and develop ways to make data collection sustainable.

EMIGRATION OF HIGHLY SKILLED AND TRAINED NATIONALS

In 2017, an estimated 22 per cent of the Caribbean population was living abroad, and half of the Caribbean emigrant population is located in United States, Canada and the United Kingdom. Within the Caribbean, The Bahamas, Barbados and Trinidad and Tobago, are important intraregional destinations.

Between the years 1965 and 2000, approximately 12 per cent of the Caribbean labour force emigrated. All Caribbean countries are heavily affected by the emigration of highly skilled individuals,¹⁷⁷ and

by the departure of their workforce in the most productive age segments.¹⁷⁸ Studies have also shown that between 1990 and 2000, on average over 65 per cent of all CARICOM nationals with a tertiary-level education migrated to countries in the Organization for Economic Co-operation and Development (OECD) such as the United States, United Kingdom and Canada.¹⁷⁹

At the personal level, emigration is often viewed as beneficial for those who emigrate, as they may have been unemployed or working in low-skilled jobs if they had stayed in their country of origin. At the national level, if those emigrants are part of the professional and skilled labour force that could have stayed to fulfil jobs demanded by the national labour market, their emigration may lead to lower productivity and reduced economic growth. The relative loss of highly educated or specialized people can impact economies by impeding an increase in average qualification levels and hindering the knowledge transfer processes from high-skilled to lower-skilled workers. Furthermore, this represents an indirect loss for some countries such as Jamaica, Trinidad and Tobago and Barbados, which invest considerable amounts in tertiary education.¹⁸⁰

These consequences of the emigration of highly skilled labour force are particularly concerning for a region such as the Caribbean, because although the number of emigrants from the Caribbean may constitute a

176 "ILO Office in Port of Spain Trains Users of New Labour Administration Software," ILO Caribbean Newslink, December 2018, www.ilo.org/caribbean/information-resources/publications/WCMS_664252/lang-en/index.htm.

177 The ILO notes that there is no uniform definition of "skills," but that in many countries they are defined in terms of occupational skills and/or educational attainment levels. Within CARICOM, Skills Certificates define the qualifications for certain categories of skills. (International Labour Organization 2019).

178 Par Aymeric Faure, "Migratory Patterns in the Caribbean: Impacts and Perspectives for Caribbean Countries," Open Diplomacy, EU, July 8, 2018, www.open-diplomacy.eu/blog/migratory-patterns-in-the-caribbean-impacts-and-perspectives-for-caribbean.

179 Keith Nurse and Jessica Jones, Brain Drain and Caribbean-EU Labour Mobility (Barbados: Shridath Ramphal Centre for International Trade Law, Policy and Services, 2009), www.academia.edu/3454522/Brain_Drain_and_Caribbean_EU_Labour_Mobility.

180 Elizabeth Thomas-Hope, Caribbean Migration (Barbados: University of the West Indies Press, 2002).

small portion of the work force of the destination countries, they represent a significant percentage of the domestic labour markets.¹⁸¹

IMPACT ON THE LABOUR MARKET

The free movement of labour is considered as one of the most important factors affecting the equilibrium in national labour markets, and it can have positive and negative impacts on both sending and receiving countries.

There are limited to no data on this; still, it is possible to evaluate current perceptions about the phenomena through a theoretical analysis, and in light of available data which may serve as proxy indicators.

DISPARATE IMPACT ON SENDING AND RECEIVING COUNTRIES

During interviews, government officials mentioned that in the Caribbean there is a two-tier situation: larger countries are the ones benefiting most from the free movement arrangements.

Leaving aside intraregional trade provisions also included in the agreements and looking at the specific impact of free mobility for CARICOM nationals and their families, regional statistics show that in many cases, the primary sending countries are also the main receivers, which might be an indication of proportionality. The only two cases in which the numbers do seem to be disparate are Antigua

and Barbuda and Guyana, which may require special attention from the implementation units at OECS and CSME, in order to ensure that these countries have the capacity required to assess and manage the effects of implementation.

As for economic benefits, studies have shown that in countries receiving labour migration, foreign workers tend to contribute to the economies by boosting the development of new businesses and generating new jobs; at the same time, they may also compete for jobs with the local labour force and bring wages down if they are willing to work for a lower pay. In sending countries, labour mobility may lead to a redistribution of the labour force, increasing wage growth of those skilled professionals which remain in-country, but the loss of working-age populations and highly skilled workers can also bring negative consequences in economic productivity. Research also shows that under challenging economic conditions, such as a financial crisis, the impact of labour migration tends to be less favourable.¹⁸² The available regional information is not enough to draw effective conclusions; however, there are several examples which reflect that the mobility of low and medium-skilled workers can alleviate the economies of the countries of origin, while also supporting development efforts in the destination countries. The case of Dominica after Hurricane Maria in 2017 serves as a powerful example of the impact of the OECS free movement regime, as it facilitated the temporary movement of those affected by the crisis but it also made it possible to recruit OECS nationals to support reconstruction efforts.

¹⁸¹ ECLAC, 2006.

¹⁸² Meghan Benton and Milica Petrovic, *How Free is Free Movement? Dynamics and Drivers of Mobility within the European Union* (Brussels: Migration Policy Institute Europe, 2013), www.migrationpolicy.org/research/how-free-free-movement-dynamics-and-drivers-mobility-within-european-union.

JOB COMPETITION AND OVERSUPPLY OF LABOUR

One of the most prevalent concerns related to the free movement of persons is that the supply of external labour surpasses the demand and that integrating non-nationals into the national labour markets generates labour competition pressure, as nationals have to compete against non-nationals for already-limited job positions.

In this regard, Fuchs and Straubhaar explain that labour does not work as a homogenous commodity: rather, the qualifications of the worker determine the value of his/her worked hours, and one hour of work is not always interchangeable for another. Hence, one worker is not necessarily substitutable for another. In the context of labour mobility, it is more likely that a less highly skilled labour migrant, who works for a relatively low pay, would complement the work of skilled nationals rather than compete with them, but he/she can also create stronger competitive pressure on less highly skilled national workers. In the opposite case, the migration of highly skilled persons or specialists, can also be complementary as the integration of foreign nationals into the domestic labour markets normally responds to specific shortages which need to be fulfilled. At the same time, the emigration of highly skilled persons can reduce the supply of skilled labour in the sending country and create more competition of skilled labour in the receiving country. Theory indicates that a positive effect is dependent on having favourable economic conditions and on facilitating the movement of

persons with the level and match of skills required by the labour market.¹⁸³

In the Caribbean region, the labour force is comprised of both highly skilled and unskilled nationals, and the free mobility of both is to a certain degree possible. Within the OECS, the common labour market allows the free movement of all nationals from the Protocol Member States; and within the CSME, although implementation has been executed through a phased approach, the movement of relatively less skilled persons such as domestic workers and agriculture workers has already been approved. In mixed scenarios such as this, the average qualification of the foreign workers will determine his or her impact on the domestic labour market.¹⁸⁴ Unfortunately, there is not enough readily available information about the level of qualifications of those mobilizing intraregionally to be able to determine definitively whether the impact is being positive or negative. However, as explained above, if labour mobility responds to labour market demands and complements national labour, it can create new jobs and reduce national unemployment rather than increase it.

LABOUR MIGRATION OUTSIDE OF THE LABOUR MOBILITY AGREEMENTS

There is a perception that some CARICOM nationals are travelling to other CARICOM countries and engaging in work activities outside of the labour mobility provisions established by the free movement regimes.

183 Fuchs and Straubhaar, 2003.

184 Ibid.

The available figures (data on migration stocks, Skills Certificates, and work permits) do not show significant movements of persons utilizing labour mobility provisions, and this may be partially explained by the fact that many activities and intraregional migrant workers are engaged in the informal sector and cannot be measured. Nonetheless, the informal sector is extremely important for Caribbean economies –estimated figures from 2017 indicate that on average, the informal economy ranges from 29 to 37 per cent of the officially recorded regional GDP.¹⁸⁵

The significant importance of the informal sector for most Caribbean economies makes it imperative to enhance data collection efforts. Government officials recognized that gathering information about unofficial and other activities of nationals from other CARICOM countries which are allowed to remain in-country for up to six months, is one of their major challenges. This difficulty is not specific to the Caribbean region, but rather a global challenge. In many instances, it is a result of the lack of capacity to develop appropriate tracking systems but, is also because very often those participating in the informal economy do not wish to be identified.¹⁸⁶

Further promoting the use of regular channels for migration, such as those provided through the already implemented free movement provisions and improving the dissemination of information about the rights of CARICOM citizens under the free movement regimes, could not only help to reduce informality but also to better regulate and track movement.

¹⁸⁵ International Development Bank, *Estimating the Size of the Informal Economy in Caribbean States* (Washington, D.C.: IDB, 2017), www.publications.iadb.org/en/estimating-size-informal-economy-caribbean-states.

¹⁸⁶ *Ibid.*



Labour market overview



CONTEXT

- Labour migrants began moving within the region since the period of decolonization
- Recent changes:
 - a. increased demand for service-oriented skills
 - b. increased number of self-employed persons and informal businesses
- Unemployment levels have seen a significant increase in the last two decades
- Regional youth unemployment is almost double the national unemployment



LABOUR MARKET DATA

- Statistics on unemployment, income levels and other labour force indicators are either non-existent or very scarce.
- Main sources of data:
 - a. Population Census: available in all countries, conducted every 10 years
 - b. Labour Force Survey: The Bahamas, Belize, Jamaica and Saint Lucia
 - c. LMIS: no country had been able to compile/upload information into the system

Impact of free movement on the labour market



IMPACT PROPORTIONALITY

- Impact seems to be proportionate, the only two cases in which the numbers do seem to be disparate are Antigua and Barbuda and Guyana
- The standards which CARICOM nationals need to meet to be certified has been harmonized



LABOUR SUPPLY

- There is no information readily available about the level of qualifications of those mobilizing intraregionally to be able to determine whether this labour force complements or competes with national workforces



LABOUR MIGRATION OUTSIDE THE AGREEMENTS

- There is an indication that part of the labour mobility and engagement in labour activities happens informally and cannot be measured
- The informal economy ranges from 29 to 37 per cent of estimated regional GDP



SECURITY DIMENSIONS OF FREE MOVEMENT OF PERSONS

When addressing security dimensions of free movement regimes in the Caribbean, there are issues that affect the region as a whole, issues that are domestic in nature, and challenges that pose risks to human security. These challenges intersect and are at times mutually reinforcing. This section will discuss the security concerns that affect the Caribbean as a region, then detail security issues related specifically to free movement of persons in the region, followed by an analysis of the regional and national security infrastructure in place to address these issues.

SECURITY ISSUES IN THE CARIBBEAN

The regional, national, and human security issues at play in the Caribbean overlap, and although these issues exist independently of the free movement regimes, they also affect how free movement of persons is facilitated in the region.

REGIONAL SECURITY CHALLENGE: GEOGRAPHIC LOCATION

The Caribbean Community Implementing Agency for Crime and Security (IMPACS) has identified the geographic position of the Caribbean as a defining feature of its security concerns, as it is located between source and destination countries in the drug

and small arms trade throughout the Americas.¹⁸⁷ Exposed and isolated coastal borders are difficult to patrol and make Caribbean States susceptible to irregular migration.¹⁸⁸ These characteristics also make them vulnerable to drug trafficking and trade in illegal arms¹⁸⁹ –often these illegal goods accompany, sometimes unwittingly, smuggled migrants or persons being trafficked. Some security officials that were interviewed highlighted this challenge and emphasized that individuals attempting to reach the United States for illicit activities tend to travel through the Caribbean, placing these countries in the middle and subject to major regional security issues.

DOMESTIC SECURITY CHALLENGE: IRREGULAR MIGRATION

There is a lack of data on irregular migration globally, and in particular in the Caribbean.¹⁹⁰ Broadly, irregular migration occurs in three ways: migrants enter legally but without fulfilling terms of their entry permit or disappearing into the country; migrants enter through the regular channels with falsified or fraudulent documentation; and migrants enter by crossing the border illegally.¹⁹¹ These categories are also applicable for the Caribbean, however, there are certain circumstances which are unique to the region, in particular, the closeness of those islands, which is key to irregular migration flows.¹⁹² For example, the Bahamas has a demand for cheap labour, and irregular migrants from the neighbouring

187 CARICOM Implementation Agency for Crime and Security, "CARICOM Crime and Security Strategy 2013: Securing the Region" (Port-au-Prince, Haiti: Conference of Heads of Government of CARICOM, February 18-19, 2013), www.caricomimpacs.org/Portals/0/Project%20Documents/CCSS_STRAT.pdf.

188 Elizabeth Thomas-Hope, Irregular Migration and Asylum Seekers in the Caribbean, WIDER Discussion Paper 2003/48 (Helsinki: The United Nations University World Institute for Development Economics Research, 2003).

189 IOM, Migration Governance, 2018; Girvan, 2007.

190 IOM, Migration Governance, 2018.

191 Thomas-Hope, 2003.

192 IOM, 2010.

islands Haiti, Jamaica, and Cuba fill that demand. Frequently, migrants intending to enter irregularly travel on boats operated by smuggling rings.¹⁹³ These smugglers often facilitate the irregular movement of young women and girls to be trafficked for sex work and sexual exploitation, frequently connected to the tourist industry, a primary industry in many Caribbean countries.¹⁹⁴ These migrants who seek transportation through smugglers can easily fall prey to exploitation.¹⁹⁵

HUMAN SECURITY CHALLENGE: HUMAN TRAFFICKING

Caribbean island States are particularly vulnerable to both irregular migration and trafficking in persons because of their exposed maritime borders.¹⁹⁶ However, not all cross-border trafficking occurs through irregular channels. A 2010 IOM report shows that in Barbados, Saint Lucia, the Netherlands Antilles and Trinidad and Tobago, migrants enter through legal migration channels but are being trafficked or will later be victim to trafficking.¹⁹⁷ In Jamaica, for example, migrants who enter legally but overstay, fall out of regular status and become vulnerable to exploitation.¹⁹⁸

According to analysis by IOM, human trafficking

in the Caribbean and Central America is largely intraregional; 83 per cent of identified victims in the region were trafficked within the region.¹⁹⁹ The majority of victims of trafficking in the Caribbean and Central America (46%) are girls, and the most common forms of exploitation are sexual exploitation, forced labour, begging, and illegal adoption.²⁰⁰

Women and girls tend to be more vulnerable to human trafficking due to gender-based violence, discrimination, and sexual exploitation, but men and boys are also increasingly at risk.²⁰¹ Women are exploited more often in domestic work, garment work and prostitution, while men and boys are generally exploited in agriculture, construction, sawmills, and mining. Many migrants are recruited for employment that is perceived to be legal but results in exploitation.²⁰² For example, there are records of women being brought to Jamaica, Saint Lucia, Suriname, The Bahamas and the Netherlands Antilles with a permit to work or dance, then forced into sexual exploitation.²⁰³ Other migrants who are in transit to another country but are delayed until they can find more funds also become vulnerable to exploitation.

Prosecution and conviction of traffickers has been a significant challenge for Caribbean States.²⁰⁴

193 Thomas-Hope, 2003.

194 Caribbean Expert Group, 2005; IOM, 2010.

195 IOM, 2010.

196 IOM, 2010; IMPACS, 2013.

197 IOM, 2010.

198 IOM, Migration in the Caribbean, 2017.

199 International Organization for Migration, Trafficking in Human Beings and Smuggling of Migrants in ACP Countries: Key Challenges and Ways Forward (Brussels: IOM, 2018), www.iom.int/sites/default/files/our_work/DMM/MAD/traff1.pdf.

200 IOM, Trafficking, 2018; IMPACS, 2013.

201 IOM, 2010.

202 Ibid.

203 IOM, 2010.

204 IOM, Migration Governance, 2018.

Anti-trafficking prosecutions often target low-level perpetrators rather than high-level leaders, which makes the criminal networks often involved in these crimes more difficult to interrupt.²⁰⁵ However, some countries have made progress in passing anti-trafficking legislation recently.²⁰⁶ Saint Lucia and Saint Vincent and the Grenadines in particular have adopted legislation and created administrative structures to address human trafficking.²⁰⁷ Interestingly, as will be discussed below, some officials connected citizenship by investment programmes to an increased potential risk of trafficking in persons throughout the region.

SECURITY CONCERNS RELATED TO FREE MOBILITY

Free movement of people creates an inherent conflict between facilitating the freedom to move and ensuring that States know who is entering, present in and exiting their country. Government officials cited several security concerns linked directly with free movement of persons. These concerns are often centred on limited capacity to track movement, confirm who is moving and identify potential health and security issues related to the movement of people.

LIMITED ABILITY TO TRACK INDIVIDUALS

The most common concern reported by government officials was the limited ability to track people who are travelling throughout the region, particularly individuals coming through the six-month definite stay or through the indefinite stay permitted by

the OECS free movement regime, which do not require individuals to report a reason for entry and do not allow immigration officials to track the activity of travellers or migrants. The movement of skilled nationals within CSME was cited by several immigration officials as being more easily managed in terms of border security. The trade-off of allowing for free movement and knowing who is moving is a fundamental challenge for free movement regimes. For example, European Union (EU) citizens have the right to move and reside within the EU, but a June 2019 regulation adopted by the European Parliament and Council strengthened the security of identity cards required for individuals moving throughout the region.

INDIVIDUALS NATURALIZED THROUGH CITIZENSHIP BY INVESTMENT PROGRAMMES

One of the most prevalent issues in the Caribbean linked to this lack of information, particularly for OECS countries, is movement of people naturalized through citizenship by investment programmes. Citizenship by investment programmes grant citizenship to individuals who invest a certain amount of money in the Member State, and the individual is then entitled to all the rights of a national, including free movement throughout the OECS.

Several government officials, particularly those from Member States with citizenship by investment programmes, expressed the opinion that citizenship by investment should not be a topic for concern. Others argued that citizenship by investment could pose a significant security threat to the region and

205 IOM, Trafficking, 2018.
206 IOM, 2017.
207 IOM, Trafficking, 2018.

CONCERNS RELATED TO THE INTEGRATION OF HAITI INTO THE CSME

HAITI IS A MEMBER OF CARICOM AND SIGNED *THE REVISED TREATY OF CHAGUARAMAS* BUT HAS NOT IMPLEMENTED ALL THE PROTOCOLS OF THE CSME. THE VOLATILITY OF THE HAITIAN GOVERNMENT LED TO THE CREATION OF THE UNITED NATIONS MISSION FOR JUSTICE SUPPORT IN HAITI (MINUJUSTH) IN JUNE 2019. THIS VOLATILITY ALSO CREATED CHALLENGES FOR HAITI TO IMPLEMENT THE DIFFERENT PROVISIONS OF THE CSME AND TO ENGAGE IN INTELLIGENCE-SHARING MECHANISMS SUCH AS THE APIS.

HAITIANS ALSO EXPERIENCE DISCRIMINATION AS THEY TRAVEL THROUGHOUT THE REGION, AND IOM HAS PREVIOUSLY DOCUMENTED THIS DISCRIMINATION. LIFTING VISA REQUIREMENTS FOR HAITIANS TO MOVE THROUGHOUT THE CSME REMAINS LARGELY UNIMPLEMENTED. CONCERN ABOUT HAITIANS MOVING WITHIN CSME HAS BEEN HIGHLIGHTED IN RECENT PUBLICATIONS IN CARIBBEAN MEDIA OUTLETS. HOWEVER, ACCORDING TO *THE REVISED TREATY OF CHAGUARAMAS (RTC)* HAITIANS ARE TO HAVE THE RIGHT TO MOVE THROUGH THE ESTABLISHED PROVISIONS OF THE TREATY.

wants to ensure that countries are properly vetting candidates for citizenship by investment. Other officials took a middle road, acknowledging that vetting must be done properly, and that vetting is important for regional security, but arguing that citizenship by investment is no different than other means of gaining citizenship.

While citizenship by investment is a national policy, representatives of governments and international organizations argued that it requires regional attention, particularly in ensuring proper legal and financial due diligence and harmonizing policies to ensure that all countries can benefit in a sustainable manner. This is particularly important in the OECS, as the five countries in the region that have citizenship by investment programmes are OECS Member States: Antigua and Barbuda, Dominica, Grenada, Saint Kitts and Nevis, and Saint Lucia. At the Sixty-Seventh Meeting of the OECS Authority held in June 2019, the Authority recommended that the JRCC, the OECS Commission, and the Eastern Caribbean Central Bank serve as an oversight committee to audit the operations of Member States and make recommendations for improvements in the citizenship by investment programmes. Heads also noted the need to increase efforts to standardizing due diligence arrangements, application protocols, and sharing information across countries. It was also recommended to create a pool of funding from the Member States with citizenship by investment programmes to support the appointment of a focal point in the Communications Unit of the Commission to disseminate information about citizenship by investment programmes.²⁰⁸

²⁰⁸ Organization of Eastern Caribbean States, Communique of the 67th Meeting of the OECS Authority, OECS (June 21, 2019), www.pressroom.oecs.org/communique-of-the-67th-meeting-of-the-oecs-authority.

The concern about lack of information about who is moving is inherently connected to the other security challenges delineated in this section, as most of them are strongly associated to the inability to determine who is moving and in which activities they are involved while in a particular country.

FEAR OF INCREASED CRIME

Inherently connected to the concern about the inability to track individuals and their movement is the concern about how those individuals might contribute to local crime rates. However, most countries do not collect or publish statistics on crime rates disaggregated by nationality.

CONCERNS RELATED TO TERRORISM

While terrorism organizations engage in recruitment worldwide, the Islamic State (ISIS) has been known to engage in recruitment in the Caribbean region. IMPACS estimates that by the beginning of 2018, more than 200 individuals from CARICOM States travelled to conflict zones in the Syrian Arab Republic and Iraq. In its Counter-Terrorism Strategy, IMPACS argues, “Even if not an actual target for terrorist attacks, a country may be the source of terrorists and or terrorist sympathizers who prepare for, provide assistance to, or travel to another country for the purpose of committing a terrorist act. Individuals in one country may raise funds for or recruit individuals to commit a terrorist attack in the home country or in a third state.”²⁰⁹ There is concern that CARICOM

States may be targeted in order to impact the economic interests of the United States, Canada, and European countries, and the region’s porous borders may also increase this risk.²¹⁰ This issue has made the Caribbean a particular security concern for the United States, and it is reflected in United States’ policy on Caribbean engagement as a top security priority targeted at “Countering Transnational Criminal and Terrorist Organizations”.²¹¹

Recruitment has been most notable in Trinidad and Tobago, where more than 100 Trinidadians have left to join ISIS, a significant proportion for the small size of the country’s population.²¹² In 2016, Trinidad and Tobago had the highest rate of ISIS recruitment in the Western hemisphere.²¹³ Free movement of radicalized individuals was cited by immigration officials as a clear security concern for the region.

SECURITY INFRASTRUCTURE

Both regional and national security systems are critical to facilitating safe and regular movement of people. Significant progress has been made to create a regional apparatus for managing intelligence and gathering security alerts. Both coordination at the regional level and training and efficient implementation at the national level are critical for effective border management and minimizing security issues.

209 CARICOM Implementation Agency for Crime and Security, CARICOM Counter-Terrorism Strategy (Port-au-Prince, Haiti: Conference of Heads of Government of the Caribbean Community, 2018).

210 IMPACS, 2018.

211 United States Department of State, U.S. Strategy for Engagement in the Caribbean (Washington, DC: United States Department of State Bureau of Western Hemisphere Affairs, 2019), www.state.gov/u-s-strategy-for-engagement-in-the-caribbean/.

212 Emma Graham-Harrison and Joshua Surtees, “Trinidad’s Jihadis: How Tiny Nation Became Isis Recruiting Ground,” The Guardian, February 2, 2018, www.theguardian.com/world/2018/feb/02/trinidad-jihadis-isis-tobago-tariq-abdul-haqq.

213 Simon Cottee, “ISIS in the Caribbean,” The Atlantic, December 8, 2016, www.theatlantic.com/international/archive/2016/12/isis-trinidad/509930/.

REGIONAL INSTITUTIONS

There are several key security institutions in the Caribbean, and the most notable is the CARICOM IMPACS, which has led much of the regional harmonization and intelligence-sharing. These regional institutions are key for addressing the security issues discussed at the beginning of this chapter.

CARICOM IMPACS FOCUSES ON FOUR TIERS OF RISKS AND THREATS:

• **TIER 1, IMMEDIATE SIGNIFICANT THREATS:** MUTUALLY-REINFORCING RELATIONSHIPS BETWEEN TRANSNATIONAL ORGANIZED CRIMINAL ACTIVITIES INVOLVING ILLICIT DRUGS AND ILLEGAL GUNS, GANGS, ORGANIZED CRIME, CYBER-CRIME, AND FINANCIAL CRIMES AND CORRUPTION.

• **TIER 2, SUBSTANTIAL THREATS:** HUMAN TRAFFICKING AND SMUGGLING, NATURAL DISASTERS, AND PUBLIC DISORDER CRIMES.

• **TIER 3, SIGNIFICANT POTENTIAL RISKS:** ATTACKS ON CRITICAL INFRASTRUCTURE AND TERRORISM.

• **TIER 4, FUTURE RISKS:** ENVIRONMENTAL CHANGE, PANDEMICS, AND MIGRATORY PRESSURE.

CARIBBEAN COMMUNITY IMPLEMENTATION AGENCY FOR CRIME AND SECURITY (CARICOM IMPACS)

CARICOM IMPACS is the primary security institution for CARICOM and, since OECS countries are also Member States of CARICOM, it serves as their primary security institution as well. The work of IMPACS and its sub-agencies is fundamental to understanding where and how individuals are moving within the region and to ensuring that migration is conducted regularly and safely.

In 2001, to support CSME implementation, a Regional Task Force on Crime and Security was established in recognition of the need for a structure within CARICOM to address security issues. In 2005, the Conference of Heads of Government created the Regional Management Framework for Crime and Security, which defined the way forward to address crime and security issues in the region.²¹⁴ In July 2006, the CARICOM Heads signed an Inter-Governmental Agreement to create the Implementation Agency for Crime and Security (IMPACS), which was mandated to give effect to the regional crime and security agenda. In 2007, the Heads of Government established crime and security as a Fourth Pillar of the *Revised Treaty of Chaguaramas* (RTC).²¹⁵ IMPACS convenes meetings of five standing committees: Commissioners of Police, Military Heads, Chiefs of Immigration, Comptrollers of Customs, Heads of Intelligence and Financial

²¹⁴ CARICOM Implementation Agency for Crime and Security, The Regional Management Framework for Crime and Security (IMPACS, n.d.), www.carico-mimpacs.org/Portals/0/Project%20Documents/The%20Regional%20Management%20Framework%20for%20Crime%20and%20Security.pdf; CARICOM Implementation Agency for Crime and Security, One Team, One Space, One Caribbean (Port of Spain, Trinidad and Tobago: CARICOM IMPACS, 2007).

²¹⁵ IMPACS, 2013.

Intel Units, and Heads of Corrections and Prison Services.²¹⁶ CARICOM's Crime and Security Strategy lays out goals and strategies for security in the region which include improving trans-border intelligence and information sharing, and strengthening mechanisms against human trafficking.²¹⁷ IMPACS works towards coordinating regional and international response to transnational crimes, arguing that if it is only addressed at the national level, it can simply shift the issue from one country to another.²¹⁸

IMPACS has two sub-agencies, the Regional Intelligence Fusion Centre (RIFC) and the Joint Regional Communications Centre (JRCC).²¹⁹ The RIFC, located in Trinidad, is the centre of CARICOM's intelligence-sharing mechanism, receiving intelligence from regional law enforcement and security agencies and from international sources. It shares threat assessments with national and regional decision-makers and supports the JRCC with border security. The JRCC, located in Barbados, receives advance passenger information and checks it against regional and international watch lists, including the CARICOM Interactive Border Security System (CARIBSEC), INTERPOL watchlist and UN watchlist.²²⁰ This is done through the Advance Passenger Information System (APIS) and CARIBSECS.²²¹ APIS requires regional and international aircraft and vessels to submit passenger information prior to arrival in and upon departure from all of the twelve Member

States of CSME.²²² CARIBSECS is a regional watchlist and facilitates sharing and analysis of intelligence, including about lost or stolen passports, criminal offences and terrorist affiliations.²²³ All of these systems are critical for understanding who is moving in the region and ensuring that border management is done effectively.

REGIONAL SECURITY SYSTEM (RSS)

In 1982, four OECS Protocol Member States – Antigua and Barbuda, Dominica, Saint Lucia and Saint Vincent and the Grenadines – and Barbados, signed the *Treaty Establishing the Regional Security System* in order to create a collective response to security threats. Saint Kitts and Nevis joined after gaining independence in 1983, and Grenada joined in 1985. The Regional Security System (RSS), based in Barbados, was designed to react to the security needs of Member States if requested, and it was first utilized in 1983 when, together with the United States and Jamaica, the RSS deployed troops to Grenada. The RSS security forces are comprised of both military and police personnel who remain under the command of their respective Heads.²²⁴ The RSS focuses on immediate response, training exercises and operations, research and intelligence, security sector collaboration, advising on national and regional security, and technical and administrative support to Member States.²²⁵

216 Herman E.B. Browne, "Intelligence Led Border Security in the Caribbean Community (CARICOM)," presented at the Sixth Symposium and Exhibition on ICAO MRTDs, Biometrics and Security Standards (Montreal, Canada: International Civil Aviation Organization, 2010), www.icao.int/Meetings/AMC/MRTDsymposium2010/Documentation/Browne.pdf; CARICOM Implementation Agency for Crime and Security, "Our Governance," CARICOM IMPACS (2019), accessed June 21, 2019, www.caricomimpacs.org/aboutus.

217 IMPACS, 2013.

218 IMPACS, 2013.

219 Ibid.

220 Browne, 2010.

221 IMPACS, 2013.

222 CARICOM *Advance Passenger Information System*, "CARICOM Advance Passenger Information System," eAPIS (n.d.), accessed August 16, 2019, www.caricomeapis.org.

223 IMPACS, 2013.

224 Regional Security System, "About Us," RSS (2018), www.rss.org.bb/about-us/.

225 Regional Security System, "Core Services," RSS (2018), www.rss.org.bb/core-services/.

NATIONAL SECURITY STRUCTURES

VETTING AND BORDER MANAGEMENT SYSTEMS

National immigration and border management officials are the front line in determining which individuals pose a threat to the country, and they have discretion, within the CSME determined guidelines for denial of entry, to vet individuals entering the country. A well-utilized, robust and comprehensive border management system (BMS) is essential to accomplish this effectively.

Optimized border management systems are key to flagging visa overstays and ensuring that individuals enter the country regularly and stay for the approved period of time. In some Caribbean countries, BMSs are integrated with watchlists from the JRCC and the APIS, which provide critical security support. CARICOM is also planning to create an Advance Cargo Information System (ACIS) to provide information about cargo being carried between countries.²²⁶

In addition to acquiring and utilizing an effective national BMS, it is important to integrate and harmonize systems in the region to facilitate information-sharing and to ensure the most hassle-free travel for individuals.

When asked about capabilities required for full free movement within CARICOM, immigration officials emphasized that their departments would require greater staff capacity and financial support. Some also cited that IMPACS also requires greater financial and staff support to keep up with the required vetting and information-sharing.

TRAINING PROGRAMMES

Training of border officials is critical to ensure both that national security is protected, and that individuals' rights are respected. Many immigration officials spoke about the training regimens their countries implement, and some discussed collaborations with CARICOM IMPACS and CSME to ensure that officials are informed and able to make appropriate decisions and take the corresponding actions.

However, given the issues previously discussed around denial of entry procedures, there is some concern that the frequent rotation of border officials limits the number of active and trained personnel available. Regular training schedules may be necessary to ensure that both new and experienced officials understand and know how to approach free movement provisions, facilitating a more uniformed implementation across border crossing points and across countries.

Security issues in the Caribbean

GEOGRAPHIC LOCATION

- The region is located between source and destination countries of the drug and small arms trade throughout the Americas

IRREGULAR MIGRATION

- The closeness of those islands, which is key to irregular migration flows
- Frequently, migrants in tending to enter irregularly travel on boats operated by smuggling rings

HUMAN TRAFFICKING

- The region is particularly vulnerable to trafficking in persons because of their exposed maritime borders
- 83 per cent of identified victims in the region were trafficked within the region

Security concerns related to free movement

- Limited ability to track people moving throughout the region, particularly individuals utilizing the six-month definite stay
- Individuals naturalized through citizenship by investment programmes
- Fear of increased crime
- Concerns related to terrorism

Security infrastructure

REGIONAL

- Caribbean Community Implementation Agency for Crime and Security (CARICOM IMPACS)
- Regional Security System (RSS)

NATIONAL

- Vetting and Border Management Systems
- Training programmes





Conclusion

The OECS and CARICOM regimes for free movement of persons and their implementation fundamentally shape how people are moving throughout the region. This report, in responding to needs expressed by Caribbean States, strived to identify opportunities for capacity-building and partnership to improve harmonization, data collection, and regional cooperation. It examines the economic and security dimensions of free movement of people in the Caribbean region, combining a theoretical analysis of the impact of free mobility with empirical findings. The study encompasses an important review of their structures, as well as a comprehensive analysis of the scope, level of implementation and concerns and opportunities that free mobility arrangements have brought to the region. Some of the main findings are the following:

- CARICOM and OECS Member States have made important progress in advancing regional integration, and the avenues to allow people to move are expanding, facilitating greater opportunity to travel, seek employment, and establish businesses. However, challenges remain, particularly in supporting countries to implement the free movement agreements equally

and in harmonizing the necessary procedures to ensure that free mobility happens in a safe and orderly manner, benefiting both Member States and travellers.

- The current institutions and arrangements governing the movement of persons have evolved from a long history of close relationships and collaboration in the region, building on common experiences to facilitate integration. These experiences are a key foundation for deeper regional integration and have been a particularly important factor for the success of the Eastern Caribbean Economic Union.

- The number of intraregional migrants and of people utilizing Skills Certificates continues to increase each year; however, these figures remain small when compared to the number of persons moving to countries outside the region, mainly to the United States and Canada, in search of more opportunities to improve their economic situation and better utilize their training, skills and knowledge. Similarly, the economic impact of intraregional mobility is less significant when compared to the impact of extraregional remittances and foreign direct investment.

- The available figures (data on migration stocks, Skills Certificates, and work permits) do not show substantial movements of persons utilizing labour mobility provisions, and this may be partially explained by the available information indicating that many intraregional migrant workers are engaged in the informal sector.

- Both the CSME and the ECEU free movement regimes have made significant progress to ensure the access and portability of social security benefits. Nonetheless, implementation of social security agreements remains uneven, and the development of mechanisms to facilitate the access to short-term benefits and the portability of long-term social benefits would contribute to greater integration.

- There are several security challenges affecting the region and the potential security impacts of free movement of persons. While most countries do not publish security or crime data disaggregated by nationality, there are widespread concerns related to: (a) the limited ability to track people moving throughout the region and utilizing the six-month definite stay, (b) the limitations in the system to vet individuals applying for citizenship by investment programmes and (c) terrorist networks with links in the region.

- This study provides an unparalleled analysis of migration trends in the region through the free movement regimes that facilitate movement. However, improved development of indicators to allow the collection of comparable empirical data on the free movement of persons and its impact on regional and national economies, labour markets, and security, is

lacking. This is crucial to conducting a deeper and more systematic analysis of these trends. This analysis is also vital for creating responsive and effective national and regional migration policies to facilitate safe and orderly migration.

- There is a lack of public awareness about the available free mobility provisions as well as the rights and responsibilities of CARICOM and OECS nationals under the *Revised Treaty of Chaguaramas* and the *Revised Treaty of Basseterre*. This study provides evidence that countries can use in further educating both government officials and, importantly, the general public about the regimes, their policies, and the rights afforded to them under the Treaties.

The results presented above demonstrate that although determining the impact of free movement is always difficult, regional integration in the Caribbean and free movement provisions are shaping the way CARICOM and OECS nationals move across the region. Although there are still challenges to overcome, and the regimes for free movement are just one component for greater regional economic integration. Free movement of persons has the potential to serve as a tool of national and regional development only if managed in an orderly, safe, regular and responsible manner as envisioned by IOM's Migration Governance Framework realizing the benefits and full potential of migration requires planned, well managed and well governed approaches to migration and human mobility". The OECS has achieved free movement of persons and, as CARICOM endeavours the same for willing Member States by 2021, the region seeks to cement its place in the global economy and support prosperity for all Caribbean people.



Recommendations for future research

This study highlighted the need for States to take action in harmonizing border management and labour migration provisions in order to maximize the benefits of migration while minimizing the risks. The study found several key information gaps on migration trends and policies related to free movement of persons within the Caribbean. Some general recommendations for future research are:

- Research could be conducted on movement of persons in the aftermath of disasters in the region; free movement regimes can both protect people in the wake of disasters and facilitate rebuilding.
- Further research should be conducted on the experiences of migrants themselves as they seek to understand and utilize their right to move within the region. It is notable that the perspectives of policymakers and the general public may differ. Many government officials emphasized that the public was largely unaware of their rights related to free movement.
- There is a need to understand the circular migration flows happening within the region. A migration profile could provide critical insight into how people are moving within and outside of the Caribbean.



Glossary

ADMISSION (INTO A STATE): The authorization by the immigration authorities to enter into the State.

ARRIVAL/DEPARTURE CARD: A card filled out for customs, and immigration and emigration procedures by an individual prior to or upon arrival in or departure from the country of destination and presented (along with identity documents and, if requested, a visa) to officials at the border crossing point.

BORDER CONTROL: Border checks and border surveillance activities conducted at the physical borders – air (airports), sea (sea, lake, river ports) and land borders (land, railway) – of the State aimed at regulating the entry (or the intention to enter) and departure of persons, animals and goods to and from the State's territory, in exercise of its sovereignty.

BORDER CONTROL POINT/CROSSING POINT: A place authorized by the competent authorities to cross the border (for persons or goods), or a place officially designated by the legal framework of the State as an official entry to / exit from the State.

BORDER GOVERNANCE: The legislation, policies, plans, strategies, action plans and activities related to the entry into and exit of persons from the territory of the State, comprising detection, rescue, interception, screening, interviewing, identification, reception, referral, detention, removal or return, as well as related activities such as training, technical, financial and other assistance, including that provided to other States.

BORDER MANAGEMENT: The administration of measures related to authorized movement of persons (regular migration) and goods, whilst preventing unauthorized movement of persons (irregular migration) and goods, detecting those responsible for smuggling, trafficking and related crimes and identifying the victims of such crimes or any other person in need of immediate or longer term assistance and/or (international) protection.

BORDER OFFICIAL: An official assigned, in accordance with national law, to carry out tasks related to border management.

BORDER SURVEILLANCE: Surveillance of borders between border crossing points and the surveillance of border crossing points outside their fixed opening hours, in order to prevent persons from circumventing border checks.

CHANGE/SWITCHING OF STATUS: Procedure whereby a non national present in a State may seek a different immigration status.

CIRCULAR MIGRATION: A form of migration in which people repeatedly move back and forth between two or more countries.

COUNTRY OF DESTINATION: In the migration context, a country that is the destination for a person or a group of persons, irrespective of whether they migrate regularly or irregularly.

COUNTRY OF ORIGIN: In the migration context, a country of nationality or of former habitual residence of a person or group of persons who have migrated abroad, irrespective of whether they migrate regularly or irregularly.

COUNTRY OF TRANSIT: In the migration context, the country through which a person or a group of persons pass on any journey to the country of destination or from the country of destination to the country of origin or the country of habitual residence.

DEPENDENT: In the migration context, any person who is granted entry into a State for the purpose of family reunification on the basis of being supported by a “sponsor” with whom the individual has a proven family relationship.

DISCRIMINATION: Any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion,

political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.

DISPLACED PERSONS: Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, either across an international border or within a State, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human made disasters

DISPLACEMENT: The movement of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human made disasters.

DOCUMENTED MIGRANT: A migrant authorized to enter and to stay pursuant to the law of that State or to international agreements to which that State is a party and who is in possession of documents necessary to prove his or her regular status in the country.

ECONOMIC MIGRANT: While not a category in international law, the term is sometimes used to refer to any person who is moving or has moved across an international border or within a State, solely or primarily motivated by economic opportunities.

ECONOMIC MIGRATION: The movement of a person or a group of persons, either across an international border, or within a State motivated solely or primarily by economic opportunities.

EMIGRATION: From the perspective of the country of departure, the act of moving from one's country of nationality or usual residence to another country, so that the country of destination effectively becomes his or her new country of usual residence.

ENTRY: In the migration context, any crossing of an international border by a non national to enter into a country, whether such a crossing is voluntary or involuntary, authorized or unauthorized.

ENTRY STAMP: A mark made by a border official in a person's travel document stating the date and place of that person's entry into the State.

EXIT STAMP: A mark made by a border official in a person's travel document stating the date and place of that person's exit from the territory of the State.

EXPLOITATION: The act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one's own benefit.

EXTRADITION: The process whereby under treaty or upon the basis of reciprocity one State surrenders to another State at its request a person accused or convicted of a criminal offence committed against the laws of the requesting State, such requesting State being competent to try the offender or to apply the sentence or detention order.

FREEDOM OF MOVEMENT (ALSO REFERRED TO AS FREE MOBILITY): In the context of free movement agreements, the freedom of entry and residence into another State that is a party to the agreement.

GROSS DOMESTIC PRODUCT (GDP): Represents the monetary value of all goods and services produced within a country over a specified period of time.

IDENTITY DOCUMENT: An official piece of documentation issued by the competent authority of a State designed to prove the identity of the person carrying it.

IMMIGRATION: From the perspective of the country of arrival, the act of moving into a country other than one's country of nationality or usual residence, so that the country of destination effectively becomes his or her new country of usual residence.

IRREGULAR ENTRY: The act of crossing borders without complying with all the legal and administrative requirements for entry into the State.

IRREGULAR MIGRATION: Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination.

LABOUR MIGRATION: Movement of persons from one State to another, or within their own country of residence, for the purpose of employment.

LABOUR MOBILITY: Labour mobility – or mobility of workers – can be either occupational (movement along the occupational ladder) or geographic (movement across geographic locations). In the context of migration, geographic labour mobility is implied.

LEGAL ENTRY: In the context of migration, the entry of a person into a country of which he or she does not have the nationality, in compliance with the legal requirements of the State.

LGBTI: An acronym for lesbian, gay, bisexual, transgender and intersex persons.

MIGRANT FLOW (INTERNATIONAL): The number of international migrants arriving in a country (immigrants) or the number of international migrants departing from a country (emigrants) over the course of a specific period.

MIGRATION GOVERNANCE: The combined frameworks of legal norms, laws and regulations, policies and traditions as well as organizational structures (subnational, national, regional and international) and the relevant processes that shape and regulate States' approaches with regard to migration in all its forms, addressing rights and responsibilities and promoting international cooperation.

MIGRATION MANAGEMENT: The management and implementation of the whole set of activities primarily by States within national systems or through bilateral and multilateral cooperation, concerning all aspects of migration and the mainstream-

ing of migration considerations into public policies. The term refers to planned approaches to the implementation and operationalization of policy, legislative and administrative frameworks, developed by the institutions in charge of migration.

NATIONAL: A person having a legal bond with a State.

NON-ADMISSION: The refusal by immigration authorities to permit entry into the State's territory. **Overstay:** To remain in a country beyond the period for which entry or stay was granted.

PUSH-PULL FACTORS: A model categorizing the drivers of migration into push and pull factors, whereby push factors are those which drive people to leave their country and pull factors are those attracting them into the country of destination.

REFUSAL OF ENTRY: Refusal to let a person enter the State when the person does not fulfil all the entry conditions laid down in the national legislation of the country of which entry is requested.

REGULAR MIGRATION: Migration that occurs in compliance with the laws of the country of origin, transit and destination.

REMITTANCES: Private international monetary transfers that migrants make, individually or collectively.

SAFE, ORDERLY AND REGULAR

MIGRATION: Movement of persons in keeping both with the laws and regulations governing exit from, entry and return to and stay in States and with States' international law obligations, in a manner in which the human dignity and well being of migrants are upheld, their rights are respected, protected and fulfilled and the risks associated with the movement of people are acknowledged and mitigated.

SEXUAL EXPLOITATION: Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.

SMUGGLING OF MIGRANTS: The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the irregular entry of a person into a State Party of which the person is not a national or a permanent resident.

TRAFFICKING IN PERSONS: The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

TRAVEL DOCUMENT: A document issued by a government or by an international organization which is accepted as a proof of identity for the purpose of crossing international borders.

UNDOCUMENTED MIGRANT: A non national who enters or stays in a country without the appropriate documentation.

VISA: An endorsement by the competent authorities of a State in a passport or a certificate of identity of a non national who wishes to enter, leave, or transit through the territory of the State that indicates that the authority, at the time of issuance, considers the holder to fall within a category of non nationals who can enter, leave or transit the State under the State's laws. A visa establishes the criteria of admission into, transit through or exit from a State.

WORK PERMIT: A legal document issued by a competent authority of a State authorizing a migrant worker to be employed in the country of destination during the period of validity of the permit.



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