



**The Ministry of  
National Security**

# **National Visa Policy**



**PASSPORT**



# NATIONAL VISA POLICY

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## ACRONYMS

API	Advance Passenger Information
APIS	Advance Passenger Information System
CARICOM	Caribbean Community
CSME	CARICOM Single Market and Economy
EGC	Economic Growth Council
GDP	Gross Domestic Product
GOJ	Government of Jamaica
ICAO	International Civil Aviation Organization
IMPACS	Implementation Agency for Crime and Security
IOM	International Organisation for Migration
IRCC	Immigration Restriction (Commonwealth Citizen)
JAMPRO	Jamaica Promotions Corporation
JAMTA	Jamaica Travel Authorisation
JCA	Jamaica Customs Agency
JCF	Jamaica Constabulary Force
JDF	Jamaica Defence Force
JERP	Jamaica Economic Residency Programme
JRCC	Joint Regional Communications Centre
MDAs	Ministries, Departments & Agencies
MEGJC	Ministry of Economic Growth & Job Creation
MFAFT	Ministry of Foreign Affairs & Foreign Trade
MICAF	Ministry of Industry, Commerce, Agriculture and Fisheries
MLSS	Ministry of Labour & Social Security
MNS	Ministry of National Security
MOT	Ministry of Tourism
NIB	National Intelligence Bureau
PICA	Passport Immigration & Citizenship Agency
PIOJ	Planning Institute of Jamaica
SDG	Sustainable Development Goals
UNSCR	United Nations Security Council Resolution

## ACKNOWLEDGEMENTS

The development of the National Visa Policy (NVP) is a collaborative initiative of the Government of Jamaica, spearheaded by the Ministry of National Security (MNS) with support from technical experts from multiple sectors. The MNS wishes to thank the Policy Steering Committee and the representatives from the many Ministries, Departments and Agencies (MDAs), for the work undertaken in developing this policy.

MNS would also like to specially thank the chairpersons and sub-committee members for providing technical guidance, leadership and commitment to the completion of the Policy.

Gratitude is being expressed in particular, to the representatives of the many organizations – MDAs, private sector and bilateral partners for providing pertinent data, participating in the consultative process and endorsing the development of this Policy in support of Jamaica's national development goals and strategic objectives.

## MESSAGE FROM THE MINISTER

The Government of Jamaica remains committed to the continued protection of our borders while facilitating travel. I am pleased to present Jamaica's first National Visa Policy, which sets out clear goals, objectives and outcomes for the achievement of the vision of "a secure, robust, modern, and technology-driven visa regime, which facilitates efficient cross-border travel and significantly contributes to sustainable development."

The development of a National Visa Policy is a continuation of a series of innovation and reengineering in Jamaica's border security. It supports policy-makers by providing reliable traveller information for risk management, security and threat assessments in immigration processing. For travellers, it exemplifies the commitment of the Government of Jamaica to improving passenger processing, improving service delivery and facilitating the ease of doing business in Jamaica through a uniformed visa process.

In addition to the reforms that have been taking place in the security of our borders, the Policy incorporates and places emphasis on the principles of ease of access, transparency and accountability. As Jamaica enters a phase of economic growth and development, the steady increase in the number of travellers visiting our shores requires a facilitative and inclusive approach to making Jamaica the place of choice to live, raise families and do business. The government is optimistic about the potential impact of this Policy on the achievement of the development goals.

Finally, thanks to core team of persons who worked tirelessly to make this a reality and to the chief implementing agency, the Passport, Immigration and Citizenship Agency for the boldness to commit to building Jamaica's future through the well- managed movement of people.



## MESSAGE FROM THE PERMANENT SECRETARY

As the Government of Jamaica continues to pursue an agenda for transformation, border security remains a key area in national security on this journey of change. As the Ministry with responsibility for our border security agency, processing over 4.3 million travellers annually, technology and innovation continues to be the catalyst for change.

As the Chief Immigration Officer, I am pleased to note that our National Visa Policy is another area in which the government is moving from siloism to a collaborative approach in developing evidence-based policies. Through the combined efforts of key stakeholders, the government intends to leverage innovations in border security to effectively utilise resources, minimize the use of paper, increase access and, increase ease of travel.

This represents a shift towards being more technology-driven and to changing the way we do business by enhancing travel facilitation, while maintaining a focus on national security. All in an effort to make “Jamaica the place of choice to live, work, raise families and do business.”

## EXECUTIVE SUMMARY

Over the last three decades, global travel has experienced significant changes, and the concept of 'travel facilitation' has evolved tremendously. One of the most significant changes has been the introduction of technology and innovation in immigration processes to bolster security and improve the travel experience while crossing borders. Technology and innovation allow border officials to use information and digital systems for improved risk management and more accurate decision-making before travellers arrive at their chosen destination. It also facilitates greater efficiency in immigration and customs processes, reducing delays, and the overall time spent screening at the ports of entry.

The development of Jamaica's first National Visa Policy is therefore relevant and timely, as it underpins policy-action directly linked to the achievement of **Goals 2 and 3** of the Vision 2030 Jamaica – National Development Plan. It recognises the need to facilitate travel while securing the nation's borders with the ultimate goal to provide **"a secure, robust, modern, and technology-driven visa regime, which facilitates efficient cross- border travel and significantly contributes to sustainable development."**

Jamaica is renowned globally for its natural and cultural resources. The country's appeal to tourists continues to grow despite increasing competition and external forces that challenge the stability of the wider global economy. According to the 2022 Economic and Social Survey of Jamaica (ESSJ), the country recorded revenues totaling US\$3.64 billion in 2019 from visitor arrivals, representing approximately 2.2% of the country's GDP (US\$15.8B)<sup>1</sup> in that year. This was significantly impacted by the COVID-19 global pandemic that followed, which resulted in border closures in most territories across the world. According to data obtained from the Planning Institute of Jamaica, total Foreign Exchange Earnings from Tourism, declined to US\$1.25 billion and US\$2.09 billion in 2021 respectively, owing to the pandemic but recovered close to Pre-Covid levels with US\$3.62 billion recording in 2022.<sup>2</sup>

Therefore, more than ever, Jamaica must continue to align its economic development priorities with global standards, to remain competitive in the global marketplace. The government through the Economic Growth Council (EGC) identified the need for a Visa

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<sup>1</sup>

[https://datacommons.org/place/country/JAM?utm\\_medium=explore&mprop=amount&popt=EconomicActivity&cpv=activitySource,GrossDomesticProduction&hl=en](https://datacommons.org/place/country/JAM?utm_medium=explore&mprop=amount&popt=EconomicActivity&cpv=activitySource,GrossDomesticProduction&hl=en)

<sup>2</sup> Planning Institute of Jamaica, (2022). Economic and Social Survey of Jamaica (2022), Planning Institute of Jamaica, Kingston.

Policy as part of a broader approach to “(i) modify and expand the existing visa programmes to facilitate the entry of experienced, talented and entrepreneurial foreigners to work and live in Jamaica for extended periods; (ii) make it easier for such persons to work in Jamaica without the need for ongoing renewal of work permits and in specific instances without a work permit; (iii) revamp the eligibility categories, the time required and the criteria for attaining permanent residence or citizenship for such persons; (iv) create a more welcoming and less bureaucratic experience for such persons at all ports of entry.”<sup>3</sup>

The Policy is aligned to the economic development priorities and sets clear goals, objectives and outcomes to bolster national security imperatives, continue incremental introduction of technology in border management, and makes recommendations to amend or introduce legislation to support the thrust to improve immigration processing. It reflects Jamaica’s commitments as signatory to several bilateral and multilateral agreements and partnerships to facilitate trade and investment towards economic growth and job creation, and also seeks to manage Jamaica’s international obligations with respect to protecting its citizens as well as migrants to Jamaica.

Jamaica is poised to leverage the benefits of the changes in travel facilitation, as new technologies and continuous innovation offer the potential to further strengthen the national security thrust, particularly against external threats. Furthermore, greater use of intelligence to minimise these threats, will bolster the border management capabilities in monitoring the movement of persons of interest crossing Jamaica’s borders.

The development of this National Visa Policy will streamline the governance and regulatory framework for the issuance of visas, and the review of the relevant legislation to support implementation, by advancing the following priorities:

- a. Introduction of expanded visa categories to enhance travel facilitation, as well as to enable strategic investors;
- b. Development of Standard Operating Procedures (SOPs) for stakeholders and applicants;
- c. Simplification of the application process, including the introduction of advanced security or control features for visas; and the utilisation of a Visa Issuance System or online platform for processing applications; and
- d. Introduction of an optional electronic travel authorisation programme, and

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<sup>3</sup> Economic Growth Council (2016). 5 in 4 Call to Action. Retrieved from <https://cabinet.gov.jm/wp-content/uploads/2017/09/EGC-ADVERTORIAL-5col-x-35cm.pdf> (p. 14).

application fees relating to visas.

The benefits that will accrue to the government and beneficiaries of the Policy include:

- a. Harmonisation of all immigration-related laws and regulations;
- b. Strengthened governance and regulatory environment, reinforcing accountability and inter-agency coordination;
- c. Increased transparency, standardization in management processes, and stronger enforcement activities in cross-border travel;
- d. Improved national security and public safety through greater use of risk management practices in border control;
- e. Enhanced procedures to facilitate the ease of movement of people, goods and services between Jamaica and other countries; and
- f. Facilitation of economic development through a more enabling environment for promoting job creation and strategic partnerships.

The Government of Jamaica recognises that it is imperative that the management of Jamaica's borders, as the first point of contact on entering the country, demonstrates efficiency, clarity, transparency and sophistication, as a signal of how Jamaica does business. Investors often gauge their experience on arrival into the country as a general indication of how the Government interfaces with its clients. It is therefore important that the visa regime takes into consideration the various reasons for which a traveller will come to Jamaica, while recognising that any traveller – whether for business or leisure – is a potential investor, or may have very close ties with those with a strong interest in Jamaica as an investment location.

# **CHAPTER ONE:**

## **BACKGROUND & SITUATIONAL CONTEXT**

## INTRODUCTION

The Government of Jamaica (GOJ) has recognised that annual visitor arrivals to Jamaica has the potential to contribute to economic growth through seamless travel, business development and formal exchange programmes. Consequently, the GOJ has embarked on a multi-stakeholder approach to leverage the benefits of travel facilitation in economic development through the development and implementation of a comprehensive National Visa Policy.

The purpose of this Policy is to establish rules, as well as outline the framework and governance structure supporting the strategic direction of the government, to all relevant stakeholders in the visa issuance process. It shall apply to all non-nationals seeking entry to Jamaica for whom a visa is required. This Policy is important because of the increased awareness globally, of the positive impacts of visa facilitation on tourism, international travel and job creation, which is a major part of the GOJ's initiative to promote economic growth. The overall goal of the Policy is **"a visa regime that facilitates and promotes cross-border travel, as well as greater access to business, tourism, education and culture, while safeguarding national security and public health."**

One of the strategic priorities of the GOJ is to keep Jamaica secure, through border management and cross-border travel facilitation, through implementation of this policy, as means to strengthen Jamaica's border management capacity while facilitating trade and development. Key strategies underpinning this Policy include modernisation, the use of technology and institutional strengthening of the entities involved in border management. These strategies are aligned to the achievement of the goals (particularly Goals 2 and 3, which speak to security and economic prosperity, respectively) of the Vision 2030 Jamaica - National Development Plan, the National Policy on International Migration and Development and align with international best practices.

In 2015, the United Nations as a part of its 2030 Agenda for Sustainable Development launched the Sustainable Development Goals, which for the first time explicitly included migration. The goal specifically, commits to facilitating orderly, safe, regular and responsible migration and mobility and the implementation of planned and well-managed migration policies. These measures include efforts to combat trafficking and exploitation of persons as well as increase international student mobility, labour migration and employment. Furthermore, the National Investment Policy also factors under its Policy Goals the need 'to spur investments and respond to the needs of investors through immigration and labour service delivery'. These efforts are also encapsulated in the

thematic areas under this Policy – Tourism, Business, Culture, Health and Security and are addressed under three (3) priority areas: Visa Process, Health and Security and Enforcement.

## Background

Globally, there has been increased awareness of the positive impact of visa facilitation on tourism, international travel, job creation and economic growth. International travel and tourism are predicated on the travelers' ability to freely and seamlessly enter destinations such as Jamaica, without compromising the integrity and security of borders. Consequently, the Passport, Immigration and Citizenship Agency (PICA), an Executive Agency of the Ministry of National Security (MNS), has implemented a number of modernization initiatives which include Facial Recognition Technology through implementation of electronic gates (eGates) and automated kiosks.

According to the Travel and Tourism Competitiveness Report (2019), Jamaica ranked 76 out of 140 countries. Countries are ranked based on 14 pillars and 90 indicators on a scale of 1 to 7, with 1 being worst and 7 being best. The indicators used to establish this ranking includes, an enabling environment, a certain degree of openness and travel facilitation. Jamaica ranks second (2<sup>nd</sup>) globally and tops the rankings for the Americas in the area of prioritization of travel and tourism, due to government spending, prioritization and effectiveness of its tourism marketing. Notwithstanding, the country received its lowest ranking is in the area of cultural resource and business travel.<sup>4</sup>

A cumbersome visa requirement was identified as one of the top reasons why tourists elect not to visit a particular country. According to the Travel & Tourism Development Index 2021, Rebuilding for a Sustainable and Resilient Future Insight Report (May 2022),

*"Reduced visa requirements fuel international tourism and additional air service agreements open up markets to more airlines, routes, competition and, ultimately, better service.... Given the recent decline in international route capacity and travel demand, prioritizing visa and air service agreement liberalization will be important – with those economies most dependent on tourism exports and lacking large domestic markets standing to benefit the most."*<sup>5</sup>

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<sup>4</sup> World Economic Forum. (2019). The Travel and Tourism Competitiveness Report (2019), World Economic Forum, Geneva.

<sup>5</sup> Travel & Tourism Development Index 2021: Rebuilding for a Sustainable and Resilient Future. Retrieved from <https://www.weforum.org/publications/travel-and-tourism-development-index-2021/>

The World Tourism Organisation's Visa Openness Report (last published in 2015), highlighted that between 2010 and 2015, fifty-four (54) countries facilitated the visa process for citizens of thirty (30) or more countries by changing their visa policies from 'traditional visas' to either e-Visas, visa on arrival or removing the requirement for visas totally.<sup>6</sup>

This is an indication that globally, countries are reducing the requirement for obtaining a tourist visa.<sup>7</sup> Where the requirement for a visa remains, countries have been making the process less bureaucratic and more user friendly using technology and innovation. Innovation and technology in border security, such as digital identification and authentication through biometrics, are integral to increasing accuracy, efficiency and security in travel facilitation. Jamaica has been incrementally integrating technology in its border management infrastructure.

The Travel & Tourism Development Index 2021 highlights that, "*Restrictive policies such as cumbersome visa requirements diminish tourists' willingness to visit a country.*" It is against that background that Jamaica is in the process of updating its legislative framework to support the implementation of an overhauled and up-to-date visa regime that reflects the contemporary situational context. Consequently, Jamaica will join a number of countries that have either introduced an online application review process for visas, electronic visas (e-Visas) and/or visas on arrival at ports of entry to bolster their border security infrastructure. The advantages of introducing e-Visas or facilitating applications online include, but not limited to the following:

- a. Easier access and more transparent process for submitting visa applications.
- b. Reduction or elimination of the need to visit an overseas Mission and bear associated costs.
- c. Reduced queues at the formal ports of entry to process visa applications.
- d. Linking of e-Visas with Advanced Passenger Information System (APIS) which allows countries to pre-screen travelers based on information collected through the visa application process.
- e. Real-time access to the reasons for travel to Jamaica.
- f. Less physical contact required to process visa application, facilitating the redeployment of human resources to other critical functions.

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<sup>6</sup> World Tourism Organisation. (2016). Visa Openness Report (2015), UNWTO, Madrid.

<sup>7</sup> World Economic Forum. (2019). The Travel and Tourism Competitiveness Report (2019), World Economic Forum, Geneva.



## Policy Outline

This Policy is articulated in four (4) chapters presented in a logical and sequential manner.

**Chapter One** contains the Situational Context and Background, which provides the rationale for the Policy and outlines the issues and challenges with the existing regime.

**Chapter Two** outlines the Policy Framework and the three (3) Priority Areas considered under this Policy: (i) Visa Process, (ii) Health and Security and (iii) Enforcement.

**Chapter Three** details the Institutional and Legislative Framework. Together, Chapters Two and Three articulate a new strategic vision for visa issuance and the regulatory framework for the six (6) visa categories established by the policy.

**Chapter Four** outlines the cycle and approach to Monitoring and Evaluation. Several appendices are included such as the Action Plan for implementing the Policy, and the Standard Operating Procedures. Citations of legislation, regulations, sources, and other explanatory references appear in footnotes. Figures have been included to supplement, illustrate and simplify the information to facilitate a better understanding of the issues addressed herein.

## SITUATIONAL ANALYSIS

Jamaica has been significantly impacted by tourism. Annual figures for total visitor arrivals which stood at 4.2 million in 2019, declined to 1.3 million in 2020 and 1.5 million in 2021, owing to the border closures that followed the advent of the COVID-19 pandemic. Despite this downturn, there was a significant increase in 2022 to 3.3 million visitors. This represented a 72.8% over previous year.<sup>8</sup>

Figure 1 shows the visitor arrivals for the period each year broken down by cruise and stopover arrivals.

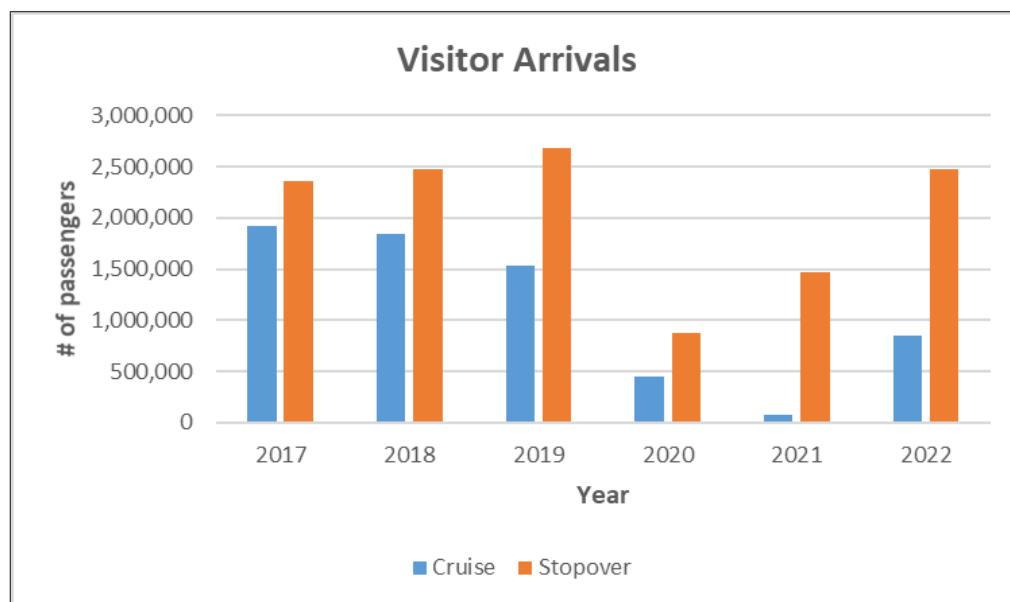


Figure 1: Travellers to Jamaica by Mode of Travel 2017 to 2022

According to data obtained for the period 2016 to 2022, applications for Jamaican visas have increased steadily, averaging approximately five thousand (5000) applications per year. The majority of applications are primarily for tourism, business or study purposes.

Figure 28 shows data over the period 2016 to 2023 for visa applications.<sup>9</sup>

<sup>8</sup> Ibid.

<sup>9</sup> Passport, Immigration & Citizenship Agency (2023).

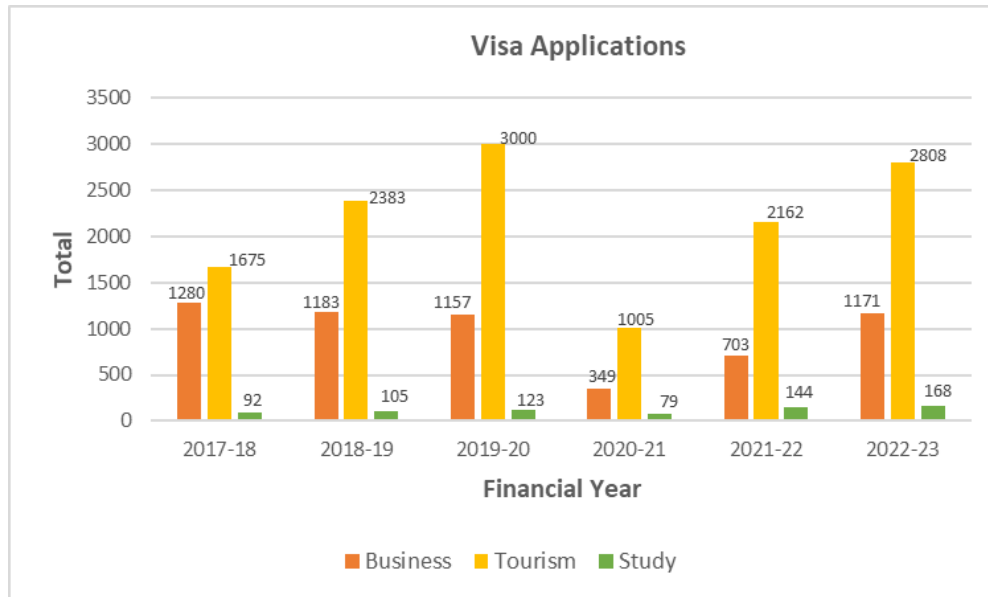


Figure 2: Number of Visa Applications by Reason for Travel 2017-2022

## Border Security Architecture

The GoJ recognizes that international travel and tourism are heavily dependent on systems that allow travellers to move freely and seamlessly between countries while maintaining the integrity and security of their borders. Jamaica has been strengthening its border security infrastructure since 2004, with the introduction of technology solutions such as the Entrex Border Management System.<sup>10</sup> This system enabled automatic identification of travellers, by supplying limited data on incoming and outgoing passengers. It allows for easier tracking of the movement of travellers in and out of the country and provides information on persons who may appear on national or international watch lists.

The system was improved with the introduction of the Advanced Passenger Information System (APIS) in 2012, which further enhanced border security by providing Immigration Officers with pre-arrival and departure manifest data. APIS is an automated system that provides a list of persons on board a vessel including biodata and carrier information. Data is uploaded and cross-checked forty-five (45) minutes prior to the departure or arrival of the vessel. Since its introduction, Jamaica has realised the benefit in several cases where travellers were assessed and deemed as undesirable for admission, based on the results from those advanced checks.

Incrementally integrating technology in PICA's operations has been a strategic priority for

<sup>10</sup> The Passport, Immigration & Citizenship Agency is the Agency with responsibility for Jamaica's Entrex Border Management System.

border management and national security. The GOJ has also introduced a number of initiatives such as automated border control kiosks at the two main international airports<sup>11</sup>, the use of facial recognition technology and an online passport application system aimed at improving customer focus and service delivery. These developments collectively have set a solid foundation to support the improvements articulated in this policy.

## Legislative Framework

References to visa and exemptions may be found in several pieces of domestic legislation and regional agreements.<sup>12</sup> Section 3 sub-sections (2) and (3) of the Passport Act, 1935, provide for the granting and cancellation of visas. The provision requiring foreign nationals to be in possession of visas to enter Jamaica is stipulated in two (2) other pieces of legislation; for Commonwealth nationals, Section 35(2) of the Immigration Restriction (Commonwealth Citizens) Act (IRCC), 1945 empowers the Minister to impose visas by regulations on any Commonwealth citizen (not being a citizen of Jamaica) coming from outside the island. Similarly, foreign nationals who are not Commonwealth citizens are required under Section 6(h) of the Aliens Act, 1946, to be in possession of a visa.

At the regional level, Articles 45 and 46 of the Revised Treaty of Chaguaramas outline the conditions for the movement of CARICOM nationals as well as specific arrangements for the movement of Skilled CARICOM nationals. These arrangements create an enabling environment necessary to support the Caribbean Single Market and Economy (CSME), an arrangement among CARICOM Member States promoting a single enlarged economic space through the removal of restrictions; allowing the free movement of goods, services, people, capital and technology under specific circumstances. It also confers the right of CARICOM nationals to establish businesses in any participating CARICOM Member State.

Article 46 outlines the right of skilled CARICOM nationals to seek work or engage in gainful employment in any of the participating CSME Member States without the need for a work permit. The Caribbean Community (Free Movement of Skilled Persons) Act, 1997 ("the Act") includes provisions for CSME arrangement is t. In accordance with Section 3 of the Act, a CARICOM skilled person and his dependants may be granted indefinite entry after

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<sup>11</sup> It should be noted that Jamaica has three international airports.

<sup>12</sup> The immigration legislation includes: IRCC Act and Regulations, Aliens Act and Regulations, Foreign National Commonwealth Citizen (Employment), Diplomatic Immunities and Privileges Act, Caribbean Community (Free Movement of Skilled Person) Act, and the Passport Act and Regulations, Treaty of Chaguaramas.

provisional entry is obtained on arrival at the ports of entry.<sup>13</sup> Facilitating the free movement of CARICOM nationals means these nationals can only be refused entry for specific reasons and under specific circumstances.

Further, the Protocol on Contingent Rights, adopted at the 39th Regular Meeting of the Conference of Heads of Government of the Caribbean Community held in 2018, is another agreement that ascribes the right to free movement. Only seven (7) countries<sup>14</sup> have signed this Protocol, which permits CARICOM nationals to exercise the right of establishment, provision of services, movement of capital or free movement of skills. According to the Protocol, spouses and immediate dependants, who may not necessarily be CARICOM nationals, are to receive the same rights and privileges as the skilled person. Jamaica, however, does not extend these rights to spouses and dependants in those circumstances, which underscores the need for the revision undertaken in developing this policy.

### Challenges with Employment Authorisation

The term 'work' is not adequately addressed in the main legislation governing the employment of foreign nationals in Jamaica. A foreign national<sup>15</sup> as defined under Section 2 of the Foreign Nationals and Commonwealth Citizens (Employment) Act, 1964 (FNCC) is required to have a work permit to engage in occupation for reward or profit or be employed in Jamaica. Such a national is required to have approval of work authorisation prior to arrival, if the purpose of travel is to engage in an occupation or be employed in Jamaica. In such cases, a visa, or authorisation to travel may also be required as a precondition for admission. The concept of being employed is quite clear as it encapsulates the employer-employee relationship, however the terms 'reward' or 'profit' could be better explained or defined in the Act.

### Security Considerations

The **National Security Policy** (MNS, 2014) identifies a number of direct and indirect threats to Jamaica's national security. These threats have the potential to derail the achievement of social and economic goals. Direct threats include transnational organised crime<sup>16</sup> (money laundering, racketeering, fraud and gang activities), terrorism,

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<sup>13</sup> The exception to this is where a national is deemed to be a 'Prohibited Caribbean Skilled Person' under specific conditions outlined in the Act.

<sup>14</sup> Barbados, Grenada, Haiti, Jamaica, Saint Lucia, St Vincent and the Grenadines and Suriname.

<sup>15</sup> A foreign national under the Act is a person who is not a citizen of Jamaica or a Commonwealth citizen or a CARICOM national

<sup>16</sup> The United Nations definition of transnational organised crime is used in this Policy, however, some

trafficking-in-persons, human smuggling and cybercrimes. More specifically, it identifies terrorist acts committed overseas as a threat to sustainable development in the areas of tourism, investments and the country's ability to earn foreign exchange.

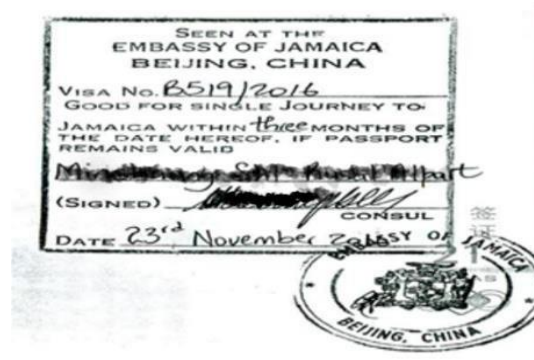
According to the World Bank in its publication, **Border Management Modernisation** (World Bank, 2011), sharp increases in border traffic over the past fifty (50) years and security concerns have resulted in governments reengineering border control and processing. Routine security risk and threat assessments of the security landscape are conducted by the MNS especially in relation to cross-border movements, which is in line with global trends in border security and travel facilitation. These assessments are used to determine the risks associated with countries with which Jamaica may be consider negotiating a visa waiver agreement.

## The Current Visa Regime

### Overview

Currently, the Jamaican visa is a stamp impression, also called a **wet stamp** that is endorsed on the physical page of a passport. It has little or no security features and is highly vulnerable to unauthorised reproduction. The lack of security features presents a significant risk of exploitation by criminal elements. This is exacerbated by the increase in travel volumes and underscores the need for technological enhancements, as well as coordinated efforts to strengthen monitoring mechanisms locally, regionally and internationally.

*Figure 3: Sample of Current Wet stamp visa*



elements have been highlighted based on Jamaica's National Security Policy threat rankings.

The National Security Policy highlighted the need for improvement in the intelligence and monitoring systems and more efficient controls at the border. Border management has there become interwoven in national security, necessitating a more joined-up approach in identifying and managing emerging threats.

In developing this policy, a number of issues and gaps were identified with the existing visa regime. Among those identified were, the need for:

- a. A comprehensive regulatory framework;
- b. A central clearinghouse for visa issuance in keeping with international best practices;
- c. Development of Standard Operating Procedures (SOPs);
- d. Introduction of security and control features in visas;
- e. Expansion of visa categories for simplicity and ease of travel and to facilitation strategic investors and to reflect current travel patterns and industry trends;
- f. Implementation of an appropriate fee structure; and
- g. Integration of a fragmented process.

Currently, the issuance of visas is a fragmented process with no uniform standard or regime governing the modality for issuing visas, the fees to be applied, supporting documents to be submitted, as well as the visa endorsements issued at Jamaica's Overseas Missions. Additionally, the requirements for countries may differ based on the post from where the visa is being issued. This fragmented and outdated visa regime has proven difficult to management and does not feature the desired level of accountability within the process, resulting in much frustration and among travellers and reputational harm for the GOJ.

### Visa Waivers

Governments often negotiate bilateral visa waiver agreements as a strategy to strengthen diplomatic and commercial relations with other countries. Under a visa waiver agreement, nationals of designated countries are able to travel for tourism or business purposes for specific periods without having to obtain a visa. Bilateral agreements for visa waivers are usually entered into after consultation with key stakeholders such as the Jamaica Promotions Corporation (JAMPRO), and Ministries with responsibility for Labour and Social Security (MLSS), Tourism (MOT) and National Security (MNS). These stakeholders guide the scope of the waivers towards the conclusion of formal agreements with clearly defined terms and benefits to be enjoyed by the two countries. In other instances, visa waivers

are made unilaterally, either by Jamaica towards another country or *vice versa*.

There are approximately one hundred and ten (110) visa waiver arrangements in place for Jamaica, each with their own terms and conditions. This has made visa administration a difficult and complex process. These arrangements have been characterised by inconsistencies in the interpretation of visa requirements. Of the total number of countries with visa waiver arrangements, only thirty-eight (38) are reciprocal in nature.

At the time of developing this policy, Visa Waiver Agreements were in place for the majority of Organisation for Economic Cooperation and Development (OECD) countries, offering significant benefits in terms of tourism and business investment opportunities. Most visa waivers in place allow for ninety (90) days visa free entry to Jamaica. China for example, is a non-OECD country and a major trading partner for Jamaica, receives an automatic waiver of the visa requirement for a period of thirty (30) days for tourism purposes.

Increased competition among countries seeking to attract foreign direct investments through increased tourist arrivals, would have spurred amendments to a number of the visa waiver arrangements between Jamaica and other countries. Visa waiver arrangements in place for nationals visiting from Colombia, Panama, Venezuela, and eastern European countries such as Czech Republic, Hungary, Poland, Slovak Republic, Russian Federation and Ukraine, all have varying conditions which increase the complexity and inequity in Jamaica's visa waiver regime. This policy mandates the review of these arrangements guided by human rights principles, reciprocity and transparency in providing for a regularization of existing and future partnerships.

### Visa Fees

Jamaican visa fees are collected by PICA and Jamaican Missions overseas. The fees charged by PICA vary based on Cabinet directives and are applied based on the specific circumstances and operational conditions in a given country. Where a visa is obtained outside of Jamaica, the Jamaican Mission provides guidance on the application process to those making enquiries; and receives visa applications from eligible travellers seeking to visit Jamaica. This process is resource intensive and involves hidden costs that may not be recovered in the visa application fees.

Traditionally, visa fees have been established on the basis of reciprocity, however, this is not standardised throughout the Foreign Service. For example, in the USA alone, the fees charged by Missions in that country, that is, the Consulates-General in Miami and New



York and the Embassy in Washington D.C. range from as little as 6 USD to a maximum of 140 USD for similar travelling scenarios. A consular (administrative) fee is generally charged by the Mission for processing, which may also vary across Missions.

This policy will streamline the application of visa fees across Jamaica's network of over eighty-five (85) consulates globally.

### Study and Exchange Programmes

PICA requires persons interested in studying in Jamaica to enroll in an institution registered with the Ministry of Education and Youth (MOEY). The granting of approval to study is predicated on admission into a specific course of study and for a specific duration. Challenges sometimes emerge where a distinction cannot be made readily between the programme of study and engagement in activities 'for reward or profit.'

This results in inconsistencies in the application of the laws governing work authorisation and the treatment of such students, including conditions attached to their immigration status. Some foreign nationals travel to Jamaica for exchange programmes, primarily to increase understanding about the people of Jamaica. Some exchange programmes are bilateral in nature and clearly defined, such as the programmes coordinated with India, China or the United States of America. These programmes promote professional development, educational and cultural advancement, and promote international cooperation between countries. Other non-formalized exchange programmes, initiated by institutions on behalf of the foreign nationals are usually for the purpose of research or training and do not provide for much accountability. This also results in inconsistent application of the immigration and work authorisation requirements.

Jamaica's astounding performance in global athletics, as given rise to an emerging trend of athletes visiting Jamaica to train in certain disciplines but there is a lack of formalised arrangements which contributes to the inconsistent application of the immigration requirements. Generally, foreign athletes typically enter Jamaica consequent on bilateral cooperation agreements or other formal exchange programmes. The challenge exists where athletes are not attached to an educational institution nor covered under an agreement but are training with specific clubs and/or coaches.

There is an overlap in the period during which these foreign nationals could be considered in training or employed or engaging in occupation for remuneration or reward. This results in challenges in determining whether work authorisation is required which results in the inconsistent application of visa requirements and conditions attached to their immigration

status. Noting that these persons fall outside the realm of ordinary students, there is no clear guidelines for how they ought to be treated.

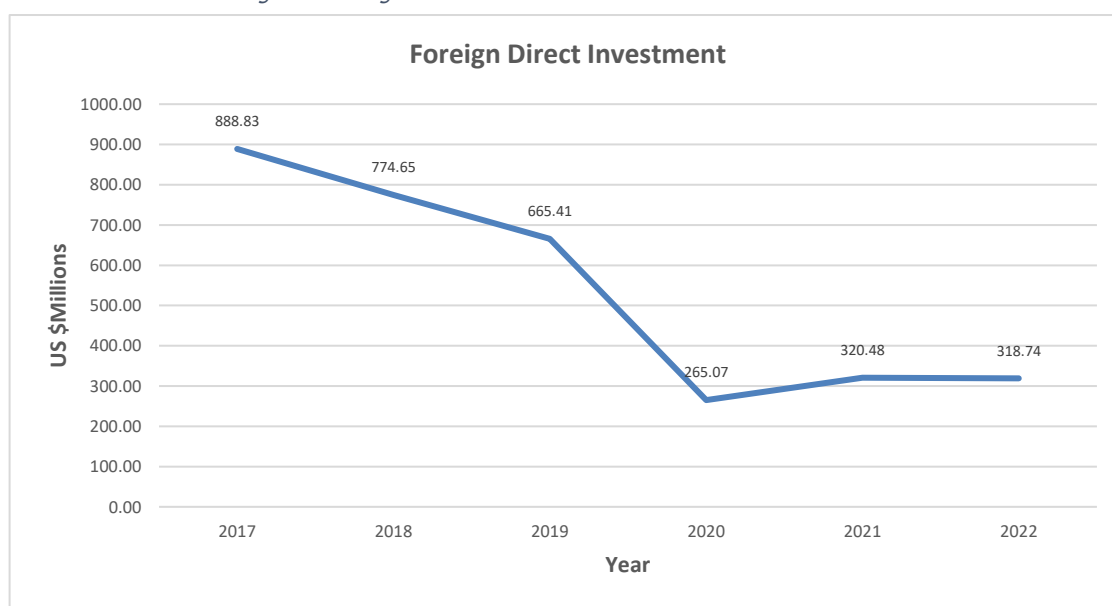
This policy will provide for the development of procedures guiding the immigration requirements for athletes and other categories of trainees such as doctors, as well as students affiliated with overseas institutions who engaged in internships locally in fulfillment of their academic programme. Also, procedures will be developed for missionaries and other categories of unpaid service providers who carry out not for profit functions.

### Business Considerations

Jamaica's Foreign Direct Investment (FDI) inflows since the 2017-2018 global financial crisis, have declined from US\$888 million in 2017 to a low of US\$265 million in 2020, impacted by the COVID-19 global pandemic. However, the post-COVID-19 levels indicate an upward trajectory with US\$320 million in 2021 and US\$318 million in 2022.

Similarly, Jamaica continues to demonstrate signs of recovery with her foreign exchange reserves in 2023, being US\$4.7 billion approaching US\$5 billion, greater than it has ever been, and up 56 per cent from the COVID-19 pandemic,"<sup>17</sup> This policy seeks to support the creation of a favourable business environment, by providing incentives that will continue to attract investors from different countries across the globe.

Figure 4: Foreign Direct Investment Inflows in Jamaica 2017-2022<sup>18</sup>



<sup>17</sup> Retrieved from <https://jis.gov.jm/jamaicas-economic-performance-the-best-ever-minister-clarke/>

<sup>18</sup> Bank of Jamaica (2023). Retrieved from <https://boj.org.jm/statistics/external-sector/foreign-direct-investments/>

Currently, many investors and businesspersons encounter challenges restricting travel which runs counter to the underlying objective of this policy. These include:

- a. **Elevated scrutiny at the port due to frequent travel.** Investors may need to make several frequent trips to the country in order to undertake pre-incorporation activities. These activities may include conducting business surveys and assessments, seeking to acquire land, establishing partnerships and obtaining relevant pre-investment information. In some cases, their travel patterns raise a 'red flag' for Immigration Officers, which sometimes result in an unfavorable experience due to extra scrutiny by Immigration Officers.
- b. **Limited visa validity period.** This may prove to be restrictive when multiple trips are required to facilitate the process of scoping and developing an investment activity in Jamaica.
- c. **Limited accessibility in visa issuing locations.** Investors and business travellers may not have access to Jamaican Mission in their home country. In these cases, they may have to first travel to the nearest overseas Mission to obtain a visa, and in the event of any difficulty after arriving in Jamaica, it may be challenging to secure an extension of stay.
- d. **Not being able to apply for Work Permit while in Jamaica.** Upon deciding to invest in Jamaica and having incorporated a company, they are required to leave Jamaica in order to apply for a work permit which would also need to be renewed from time to time. This application process takes six (6) to eight (8) weeks which is costly and inconvenient to the investor.
- e. **Bureaucratic process to obtain permits for dependants.** Even after obtaining authorisation to work, the investor's dependants require permits themselves to facilitate working or attending educational institutions, which requires a high level of coordination between visits. It should be noted that the immigration authorisation granted to spouses or other dependants of a work permit holder, does not allow that spouse or dependant to work.

These challenges serve as a significant deterrent to potential investors with viable projects.

## Monitoring and Enforcement

A major challenge faced with foreign nationals who require visas and work authorisations

is monitoring and enforcement. There is a breakdown in the process specifically as the responsibility for visas fall under the MNS while work authorisation falls under the remit of the MLSS. The requirement of a visa or work authorisation in some cases is overlooked or not captured by one entity, which may not be communicated to the other. An example is found in students who get landed for the duration of their study but there is no control mechanism in place to verify whether they remain enrolled in the programme for the period during which they are allowed to remain in the country.

Entertainers are also examples of another category of persons who, by the nature of the service they provide, experience inconsistent application of immigration and employment criteria. The planning of events without proper stakeholder engagement and/or involvement results in misinformation regarding immigration and employment requirements. This poses enforcement challenges with elevated potential for embarrassment to Jamaica, and loss of potential revenue.

## Health Considerations

The inclusion of health requirements as a condition for visa waivers has posed implementation challenges. The requirement for entry visas and the requirement to meet certain health standards are provided for in different sections of the immigration legislation. Possession of a visa does not guarantee entry, however, under the law, entry may be denied if the traveler has a valid visa but does not satisfy the health requirements.

Specifically, Section 6(d) of the Aliens Act provides that an “alien” shall not be given leave to land unless “he is not the subject of a certificate given to the immigration officer by a Health Officer that for medical reasons, it is undesirable that the person be permitted to land.” Furthermore, Section 4(c) of the IRCC Act similarly provides that a Commonwealth citizen is a prohibited immigrant if he is “certified by a Health Officer to be suffering from a communicable disease which makes his entry into the Island dangerous to the community.” Section 4(h) of the IRCC Act also provides that a Commonwealth citizen is a prohibited immigrant if, based on reliable information or advice, the Minister deems him to be an undesirable inhabitant or visitor.

Globally, border security has been expanding to prevent human and animal health risks with Article 13 of International Health Regulations mandating States to “develop, strengthen and maintain, as soon as possible but no later than five years from the entry into force of these Regulations for that State Party, the capacity to respond promptly and effectively to public health risks and public health emergencies of international

concern..."<sup>19</sup>

Locally, the Ministry of Health and Wellness (MOHW) periodically reviews the International Health Regulations and Schedule of Diseases and updates them accordingly to improve the responsiveness in line with global health assessments such as the recent COVID-19 pandemic, the outbreaks of Ebola, Yellow Fever, Cholera, and other highly contagious diseases. These Regulations and guidelines are published by the World Health Organisation (WHO) and do not preclude the implementation of health measures in response to specific public health risks or public health emergencies of international concern.

Over seventeen (17) countries that have visa arrangements with Jamaica have health restrictions attached to their visa waiver arrangements. Some countries that do not need visas have no requirement for mandatory proof of vaccination and may be experiencing public health issues that warrant health restrictions. This has raised concerns regarding public health risks in light of the recent global incidences of some communicable diseases.

Given the unpredictable nature of outbreaks, this policy mandates the implementation of standard operating procedures, scheduled reviews and contingency protocols to increase effectiveness in the response mechanisms at ports of entry.

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<sup>19</sup> World Health Organisation. (2016). International Health Regulations (2005) Third Edition, WHO, Geneva

## SCOT ANALYSIS OF JAMAICA'S VISA REGIME

The immigration legislation (IRCC and Aliens Acts) were enacted prior to 1962. Border security and cross-border movements have changed significantly since then. This reinforces the need for updated rules or guidelines, policies, regulations and national legislation, which explicitly outline the institutional framework for coordination as well as reviews. Despite the fragmented nature of the existing visa issuance regime, a number of developments locally, regionally and globally highlight the fact that there is a window of opportunity to improve the management and accountability of the process as well as develop a proper framework for how visas are approved, issued, cancelled or revoked, and how exemptions, waivers and fees are applied. Figure 5 below illustrates strengths, challenges opportunities and threats.

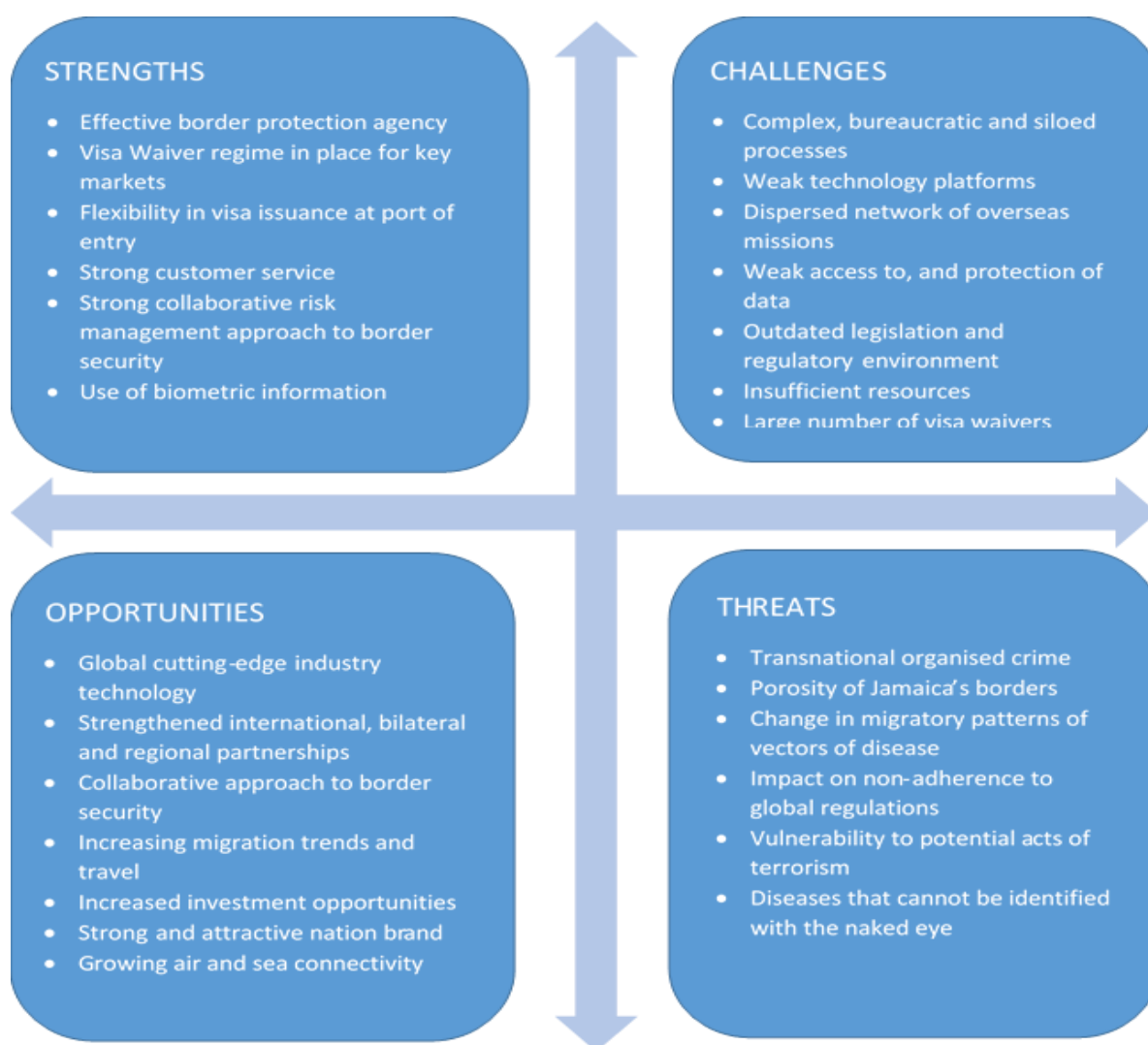


Figure 5: Strengths, Challenges, Opportunities and Threats for Jamaica's Visa Regime

## **CHAPTER TWO: POLICY FRAMEWORK**

## POLICY FRAMEWORK

VISION	A secure, robust, modern, and technology-driven visa regime, which facilitates efficient cross-border travel and significantly contributes to sustainable development.
GOAL	A visa regime that facilitates and promotes cross-border travel, as well as greater access to business, tourism, education and culture, while safeguarding national security and public health.

## POLICY OBJECTIVES

The **specific objectives** of the Policy are to:

1. Preserve national security and public health through effective application of risk management practices in border control systems;
2. Strengthen transparency, and standardise the management processes, the Standard Operating Procedures and enforcement activities for cross- border travel;
3. Provide for the harmonized treatment of visa-related matters in immigration legislation;
4. Establish an effective and efficient governance and institutional framework that reinforces accountability and improves inter-agency coordination;
5. Infuse technology in all relevant visa related processes;
6. Improve the ease of movement of people, between Jamaica and other countries; and
7. Support the facilitation of sustainable development through an enabling environment that encourages strategic partnerships, investment and trade.



## GUIDING PRINCIPLES

The Policy is guided by the following principles:

- ❖ **Accountability** for adherence to policies and procedures as set out in domestic law and in accordance with international obligations and guided by **Transparency** in operations.
- ❖ **Adaptability** and **Responsiveness** to evolving customer needs and changing environments.
- ❖ **Ease of Access** through a modern and convenient online system.
- ❖ **Efficiency** and **Cost Effectiveness** through standardised and improved business processes.
- ❖ **Observance of Human Rights** in respect of the movement of persons across Jamaica's borders.
- ❖ **Reciprocity** in Jamaica's diplomatic relations.
- ❖ **Security** for travellers and nationals in line with global agreements for safe, responsible, orderly and regular migration.

## MAJOR POLICY CONSIDERATIONS

The following policy considerations will be ascribed to the visa process:

### Priority Area 1: Visa Process

In view of the challenges with the existing visa issuance process, a new visa regime is therefore proposed to address these issues as well as facilitate decisions on visa applications that reflect the GOJ's strategic vision and priorities implemented through the MNS. The process has been described as complex and bureaucratic, existing in silos, with weak technology platforms. Furthermore, there is a dispersed network of Overseas Missions, processing times are not synchronised and access to information is weak. This is compounded by an outdated legislative and regulatory environment, a lack of information sharing on the purpose of travel by foreign nationals across relevant agencies and insufficient resource (financial, human, technological) capabilities.

#### *Policy Goal:*

A seamless visa facilitation experience that is user-friendly and responsive to travellers.

#### *Policy Outcomes:*

1. A simplified visa regime, characterised by transparency, technology and efficiency.
2. Streamlined processes for work authorisation and entry for the purpose of study, leisure and business exchanges.
3. Greater monitoring and tracking across agencies, of the specific purposes of travel by foreign nationals coming into Jamaica.
4. A legislative framework that is compliant with international standards and best practices and supports the visa issuance process, with sufficient penalties for visa related offences. This includes the collection and storage of biometric information, subject to the Data Protection Act, for use in the decision-making process for issuing visas.
5. A stronger alignment of visas and waivers issued, with government priorities.
6. Improved traveller experience as a result of the reduction in documentation required for applications, standardised fees and minimized requirement for personal appearance at the Overseas Missions and Honorary Consuls.
7. More effective utilisation of human and financial resources.

### *Outputs:*

1. A responsive, efficient and streamlined visa process guided by Standard Operating Procedures.
2. Established visa categories and eligibility criteria based on purpose of travel.
3. A transparent and uniformed visa fee structure.
4. An electronic visa processing system that is secure, integrated and resilient to cyber threats and fraud.
5. Amended legislation reflective of industry development and best practices.
6. Data used to inform risk assessment and risk management decision-making.

### *Key Actions/Strategies*

The government will:

1. Develop Standard Operating Procedures for processing visa applications.
2. Utilise a dual approach in the visa regime with the following two (2) approaches:

#### Travel Authorisation Programme for Jamaica

- a) The Jamaica Travel Authorisation (JAMTA) will be fast-tracked and issued to eligible travellers, based on a pre-determined assessment of their eligibility for admission and the security risks of the applicant; and

#### Specific visa categories based on purpose of travel

- b) There will be an initial six (6) categories of visas through which travellers who require visas may enter the country. The categories are:
  - i. Tourism/Business
  - ii. Student/Exchange
  - iii. Employment
  - iv. Diplomatic/Official
  - v. Digital Nomad
  - vi. Dependant
3. Establish visa protocols to support the Jamaica Economic Residency Programme.
4. Implement a differentiated fee structure to support the various categories in line with the Financial Instructions to Executive Agencies (2014).
5. Implement an electronic online visa application system which is

interoperable with the border management and work permit systems.

6. Develop legislative and administrative framework to facilitate the introduction of Passenger Name Record (PNR) and Interactive Advanced Passenger Information System (iAPIS)
7. Develop protocols for the collection comprehensive information on the applicants in an effort to facilitate timely decision-making.
8. Enhance the use of advanced passenger information, risk management and intelligence in passenger processing pre and post arrival.
9. Develop and maintain partnerships for designing protocols to guide decisions on visa application processing.
10. Develop mechanisms for assessing, reviewing and aligning visa waiver agreements with the principle of reciprocity and GoJ strategic policy objectives. Further, mandate that costs associated with visa waivers be borne by entities directly engaging or hosting the requests.
11. Develop the administrative and technical capabilities of staff, and structures to support an interoperable visa system.

## **VISA CATEGORIES**

The following outlines the specific policies applicable to each of the six visa categories.

### **1. Tourism or Business**

The Tourist/Business visa category is proposed for foreign nationals who are required to visit Jamaica for the purposes of leisure or business travel, to visit family or friends, for medical treatment and for engaging in select business-related activities. This class of visa also considers investors who exhibit a strong intention to invest in Jamaica and who are required to make multiple trips to Jamaica throughout the project life. This visa allows the holder to visit Jamaica for the purposes of both leisure and business without having to apply for separate visas.

#### *Policy statements:*

1. All tourism/business visas will be processed pre-travel except in the case of an emergency.
2. Leave to land may be granted to a tourist/businessperson for up to 90 days; and extension of stay for up to an additional 90 days

(totaling a maximum 180 days) may be granted under specified circumstances, with a Work Permit Exemption Certificate granted by the MLSS.

3. Tourist visas do not allow for work or study while in Jamaica. However, an application may be made for either as an employee or student, subject to the fees prescribed by the competent authority. An extension of stay may also be required.
4. Tourist visas may be granted as single entry or as multiple entry for 5 years.
5. Persons visiting Jamaica for business reasons may require a tourism/business visa or an employment visa (see list of eligible activities for Business Visa in Figure 5).<sup>20</sup>
6. Persons who own real estate in Jamaica but do not engage in any work-related activity may obtain a multiple entry Tourist/Business Visa for ease of entry. Such persons must maintain tax compliance to remain eligible for entry.

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<sup>20</sup> The Jamaica Economic Residency Programme (JERP) is being proposed for foreign investors who create new sources of income and generate investment. This is in line with a thrust by the GOJ to increase Jamaica's competitiveness and attractiveness as an investment destination. Persons applying for the Jamaica Economic Residency Programme (JERP) will first require a Tourism/Business Visa to travel to Jamaica.

## ELIGIBILITY ACTIVITIES FOR BUSINESS VISAS

- consultations with business associates, (e.g. an employee of a foreign company that provides advice to local staff);
- interview and hire or students for overseas placement;
- undertake job interviews;
- conduct audits, inspections, installations, repairs or maintenance;
- attend meetings;
- issued to principals, directors or managers of companies as well as trainers who by virtue of their position/interest in the company are not engaged directly in its day to day activities but who require multiple travel to:
  - visit the work site;
  - conduct scoping missions;
  - attend mission critical project meetings;
- settling an estate;
- negotiate or finalize contracts;
- participate in court trials;
- participate in short-term training
- solicit sales and investment;
- discuss planned investment or purchases;
- participate in an event or activity as a speaker or lecturer;
- contractors of services (including consultants) rendered by a Jamaican company;
- explore business opportunities;
- lead or participate in business missions or familiarisation tours.
- Other criteria as may be added from time to time.

Figure 6: Eligible Activities for Business Visas

## 2. Employment

Foreign nationals who have obtained approval for work authorisation from the Ministry of Labour and Social Security and who require visas, must submit applications for employment visas prior to their arrival in Jamaica. Visas are issued to facilitate entry to the holder to take up temporary, contractual or permanent employment, internships, voluntary or missionary assignments. The visa will state the company or organization for which the holder has been granted work authorization, or specific skills in the case of

experts, as informed by Labour Market Survey undertaken by the Ministry responsible for labour.

*Policy statements:*

1. Persons undertaking paid work, or work for reward or profit, in Jamaica or who intend to be self-employed require a Work Authorization. Employment Visas are required for foreign nationals applying from countries with Jamaican visa requirements.
2. Employment visas will remain valid for the duration of the work authorization.
3. An employment visa may be granted on the basis of a written work authorisation issued by the competent government organisation. Mechanisms will be introduced to strengthen inter-agency collaboration and communication for monitoring and enforcement purposes.
4. Sub-categories of employment visas will be introduced for the categories of persons outlined in Part 3 of the Foreign Nationals and Commonwealth Citizens Regulations.
5. Undertaking work without obtaining a work authorisation and employment visa may be grounds for revocation or denial of a visa or application.

### **3. Student/Exchange Visas**

Foreign nationals come to Jamaica to study, to improve their skills and to participate in academic, professional, and cultural exchange programmes. These exchange programmes enable the government to further strategic policy priorities, promote knowledge and skills transfer, as well as provide for cultural enrichment to participating persons.

Student/Exchange visas will facilitate entry of such persons who are accepted for enrolment in full/part time programmes. This includes persons undertaking research at registered institutions, or persons participating in bilateral exchange programmes as part of a cooperation agreement.

*Policy statements:*

1. Applies to any foreign national from a country with a Jamaican visa requirement, intending to pursue a course of study approved by the University Council of Jamaica (UCJ) at a tertiary institution in Jamaica.
2. Student visas will be granted based on acceptance from a recognised or approved entity and will state the institution in which the holder is enrolled or assigned.
3. Students may engage in work while studying, once he/she obtains a work permit from the competent government organisation.
4. Student visas will cover the length of the academic or training programme, as well as include an additional period of six months, which may be used, *inter alia*, to apply for a work permit, should he/she desire to pursue work in Jamaica.
5. The principle of reciprocity will be applied to nationals on bilateral exchange programmes.

#### **4. Diplomats and Officials**

Visas are issued to holders of diplomatic and official, special and service passports, as well as persons on official assignment at an international organisation to facilitate entry into Jamaica on short visits, taking up assignments as a member of staff of diplomatic missions or as dependants of staff on assignment.

##### *Policy statements:*

1. Diplomatic or Official visas are issued to persons accredited by the Ministry of Foreign Affairs and Foreign Trade as Diplomatic or Non-Diplomatic personnel.
2. Holders of Diplomatic and Official Passports may be subject to biometric screening.
3. Any person accredited by the Ministry of Foreign Affairs and Foreign Trade as a dependant or member of a diplomatic household will be issued a Diplomatic/Official visa, provided they are formally nominated by the Foreign Affairs Ministry of the sending State, or in the case of International Organisations, by the Headquarters of the organisation. The Jamaican Government will accept as dependants,



a spouse (married or common-law unions) and unmarried children up to 23 years of age who form part of the household of the principal diplomatic agent or representative of an international organisation. This also applies to unmarried children who are enrolled as full time students in Jamaican educational institutions (or educational institutions overseas under special circumstances) and in exceptional cases other accredited persons who are dependent on the Official.

4. Holders of Diplomatic and Official visas may change their status without leaving the country.
5. Holders of Diplomatic and Official visas may apply for work authorisation, where applicable.
6. Diplomatic and Official visas may be granted to persons entitled, under international and domestic law, to diplomatic or consular privileges and immunities, who intend to travel to Jamaica for an official purpose and who fall within one of the following categories:
  - a) Heads of State/Government, members of royal families/reigning houses, special envoys and their accompanying family members;
  - b) Ministers of foreign governments and their accompanying family members;
  - c) Diplomatic agents travelling to or from their diplomatic missions or on a temporary mission to Jamaica;
  - d) Consular officers travelling to or from their consular posts or on a temporary mission to Jamaica;
  - e) Delegates to international organizations Members of Official delegations
  - f) Senior Officials and Staff of international organizations subject to the relevant Headquarters Agreements;
  - g) Diplomatic couriers; and
  - h) Special cases, on authorisation from the MFAFT

## **5. Digital Nomads**

As part of the broader effort to facilitate economic growth and development under the new visa regime, this visa is designed to attract foreign nationals who want to live and work from Jamaica while being employed by a foreign company, self-employed, or operate a business that is outside of Jamaica. These individuals must have critical skills and/or demonstrate an ability to earn income that substantiates their ability to contribute to the local economy and maintain a high standard of living.

A Nomad [live a yard work abroad] Visa will allow foreign nationals who work remotely to continue living in Jamaica for an extended period without the commitments and obligations of a person who ordinarily resides or permanently resides in Jamaica. It is anticipated that this category of travellers will spur other forms of economic activity/skills transfer while in Jamaica, which will contribute to positive growth as the industry develops.

*Policy statements:*

1. Eligible persons be a national of a foreign country with a Jamaican visa requirement.
2. Nomad Visas may be issued for a period of 1 to 3 years.
3. Source of employment from which income is being earned, must be a business registered and domiciled outside of Jamaica.
4. Applicants must show:
  - a) proof of employment and monthly income for the last 3 months prior to making the application, not less than the amount prescribed by Ministry of National Security.
  - b) Sufficient financial means to sustain their stay in Jamaica.
  - c) Adequate health insurance coverage as may be prescribed by the Ministry of National Security.

## **6. Dependant Visas**

The Dependant Visa (DP) facilitates entry of persons who are accompanying or joining a principal applicant/visa holder in the island during his/her period of employment or full time study. This category of visas also applies in cases where the principal has received a form of residence status or citizenship of Jamaica. A dependant is considered to be:

### *Policy statements:*

1. A spouse or common-law spouse (as defined by the laws of Jamaica) of the principal applicant.
2. A child<sup>21</sup> of the principal applicant or the principal applicant's spouse who is not older than 18 years of age.
3. A child of the principal applicant or the principal applicant's spouse who is over 18 years but not older than 23 years of age and who is in full time attendance at a recognized tertiary institution and fully supported by the principal applicant.
4. A child of the principal applicant or the principal applicant's spouse, who is a person with disabilities pursuant to the Mental Health Act and Persons with Disabilities Act, and who is living with and fully supported by the principal applicant.
5. Parents of the principal applicant or of the principal applicant's spouse living with and fully supported by the principal applicant.
6. Persons who are not eligible by virtue of family relationships but are dependent on the principal applicant for financial, family and emotional support.
7. Holders of Dependant Visas who qualify, may:
  - a) change their status without leaving the country
  - b) apply for a Work Permit.
  - c) enroll in registered educational institutions.

## **Priority Area 2: Health and Security**

The International Health Regulations (2005) definitions of "public health emergency of international concern" and "disease", examine threats posed by infectious diseases as well as those caused by the accidental or intentional release of pathogens or chemicals or radio nuclear materials.<sup>22</sup> The effects of globalisation

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<sup>21</sup> Child, as used in this Policy, means a biological, step-child or legally adopted child of the principal applicant, or of the spouse of the principal applicant

<sup>22</sup> World Health Organisation, (2007). World Health Report (2007) - A Safer Future: Global Public Health Security in the 21st Century, WHO, Geneva.

have seen an increase in the movement of people across borders, unintentionally serving as a means of transport for different illnesses, which can sometimes impact countries severely. The most common example is the Seasonal flu, which is estimated to kill an average of 400,000 people annually<sup>23</sup>, and the most recent example is the Covid-19 Pandemic which started in 2020 and claimed over seven million lives throughout its course<sup>24</sup>.

These events, among others, have resulted in the need to balance national security, immigration and health concerns, seeking to promote conditions favourable to economic growth and development, forging partnerships and forming strategic alliances. As a result, the role of visas is not limited to travel facilitation and economic development, but also serves as an important regulatory tool as countries become more accessible to travelers. Currently, the Jamaican visa is a stamped impression with insufficient security features and therefore susceptible to easy replication. The lack of security features presents a significant vulnerability that can be exploited by criminal elements in the commission of transnational crimes. This vulnerability is exacerbated by the increase in travel volumes.

Therefore, the GOJ will apply a holistic approach on the way borders are viewed to safeguard the health and security responses. These include compliance with its international obligations, the use of mitigation strategies such as utilizing technology and streamlined processes, as part of a new approach characterised by risk management but balanced with travel facilitation.

The Policy will assist in setting the conditions to facilitate activities relevant to business facilitation, trade, foreign direct investment, economic growth and sustainable development.

*Policy Goal:* An improved regulatory framework for passenger screening to facilitate legitimate cross-border travel, while mitigating threats to national security.

*Policy Outcomes:*

1. Jamaican visas have robust security features and are less vulnerable to replication.

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<sup>23</sup> Spooner (2022) How many people die from flu - <https://ourworldindata.org/influenza-deaths>

<sup>24</sup> Worldometer,

2. Improved national security through strengthened border management.
3. Public health and safety preserved through enhanced passenger screening, improved response capability and surveillance mechanisms at ports of entry.

## **OUTPUTS**

1. Visas with advanced security features.
2. A risk-based visa decision-making framework based on an assessment of the individual's risk, as opposed to risks associated with just their country or port of origin.
3. Updated passenger screening protocols to protect public health and safety and appropriate surveillance measures to improve protections in cross-border travel.

### *Key Actions/Strategies*

The government will:

- a) Introduce technological and security standards for visas, including e-visas.
- b) Establish improved frameworks for passenger screening to facilitate legitimate cross-border travel while mitigating threats to national security;
- c) Implement secure systems for processing relevant data on travellers for the purpose of risk management and due diligence checks, as well as pursue initiatives to link with other relevant databases;
- d) Engage bilateral and multilateral partners, to negotiate access to the relevant information to facilitate comprehensive vetting requirements;
- e) Establish mechanisms for information sharing among the various MDAs, which have responsibility for the implementation of the Policy;
- f) Build the capacity of staff at the ports of entry to detect, respond and contain any threat to public health, including specialised training and certification (where applicable) and provision of personal protective equipment;
- g) Publish information about health-related conditions that may render an applicant/traveller inadmissible;
- h) Formulate a contingency plan that outlines protocols and strategies that respond to emerging threats; and

- i) Formulate protocols and strategies for compliance with established procedures.

### Priority Area 3: Enforcement

Jamaica has been experiencing positive growth in visitor arrivals and anticipates that this trend will continue well into the future. This policy therefore seeks to emphasize the importance of a whole-of-government, joined-up approach to border security, as a necessity for maintaining territorial protection.

Historically, in addition to Jamaica being known for its tourist appeal, she has also been known to be a strategic location based on her geographic positioning relative to more developed economies in the north. This has carried with it, an appeal to clandestine interests, in the trafficking of weapons, people, drugs and other forms of illicit goods between countries. This is compounded by the existence of an informal economy, estimated as recent as 2017, to be about 43 per cent of the country's GDP.<sup>25</sup> An informal shadow economy sets the conditions for activity in an unregulated commercial environment which is desirable by criminal actors, due to challenges in tracing individual transactions.

Acknowledging these risks and vulnerabilities, collaboration and inter-agency coordination, intelligence and information sharing, compliance with international standards for document security and passenger screening, are critical elements by which the new visa regime is to be characterised. This approach will effectively address issues related to a fragmented system in granting authorisations to enter and/or remain in Jamaica, as well as strengthen mechanisms for enforcement of applicable rules and regulations.

*Policy Goal:* An integrated cohesive and collaborative approach to monitoring and enforcement of the visa regime.

*Policy Outcomes:*

1. Strengthened monitoring, enforcement and governance of the visa regime.
2. Improved transparency and accountability to internal and external

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<sup>25</sup> The Caribbean's shadow economy (2019) – retrieved from: <https://stluciarstar.com/the-caribbeans-shadow-economy/>

stakeholders for more effective performance management.

3. Increased compliance with industry benchmarks and standards.

## **OUTPUTS**

1. An inter-agency mechanism for implementing visa, work, travel and related business/entertainment requirements to avoid misalignment due to fragmentation.
2. Mechanism for feedback and performance improvement.
3. Scheduled Reviews of the visa waiver regime.

### *Key Actions/Strategies*

The government will:

1. Establish a mechanism to periodically review visa waiver arrangements.
2. Formulate a contingency plan that outlines compliance protocols and strategies for responding to public health threats.
3. Review legislative and administrative frameworks, and institute and enforce penalties commensurate with offences for non-compliance.
4. Establish mechanism for institutions to submit to PICA a list of foreign national students registered.
5. Develop a communication mechanism for MDAs to share real time information on visa and work permit cancellation, revocation and expiration.
6. Establish an inter-agency cross sectoral framework for collaboration and coordination applications with cross cutting requirements.
7. Facilitate interagency operations to include inspection, monitoring and investigation.
8. Sensitise stakeholders about legislative and policy changes and train staff on visa related initiatives.
9. Institute a mechanism for feedback.

## **CHAPTER THREE: LEGISLATIVE AND INSTITUTIONAL FRAMEWORK**



## THE LEGISLATIVE FRAMEWORK

### Overview

The issuance, renewal, revocation, and exemption from the requirement for visas is provided for in several pieces of legislation, bilateral or multilateral agreements relating to visa waivers, as well as, regional and international agreements concerning visas in Jamaica. The primary legislation that speaks to visas is the Passport Act and its attendant Regulations. This legislation is very limited in scope, outdated and not in line with international standards and best practices. It also does not effectively support the use of technology nor the application of penalties that serve as a sufficient deterrent.

While the Passport Act refers to visa waivers (which is done administratively) the requirements for these waivers are not expressly outlined. On account of the increase in visa waivers being executed and the lack of uniformity in the arrangements relating to bilateral agreements, variations in the terms and conditions and lack of mandatory provisions for reciprocity, monitoring and enforcement poses a challenge.

In this regard, it is recommended that the law relating to the granting of visas and/or exemptions/waivers thereof be reviewed in order to strengthen the governance and legislative framework.

All pieces of legislation relevant to immigration will be reviewed with a view to harmonize their provisions. The objective being to manage immigration in such a way that balances Jamaica's domestic interests with its international obligations pertaining to citizens and migrants. This approach is similar to those of her regional counterparts such as Trinidad and Tobago, Antigua and Barbuda as well as Barbados. For example, the Trinidad and Tobago Immigration Act provides for the admission of persons to that country, entitlement of citizens, deportation and transportation. The terms, conditions, requirements with respect to the possession of passports, visas or other documents pertaining to admission (including work permit) exemptions are provided for in the legislation. The Act also provides for Aliens, Commonwealth citizens, and residents. Within other Commonwealth jurisdictions, New Zealand provides an example of a holistic framework which manages immigration in a way that balances national interest with international obligations, protecting citizens and migrants.<sup>26</sup> In undertaking a comprehensive review of the legislation for Jamaica, as a Commonwealth country, a comparative analysis will be undertaken with the aforementioned countries.

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<sup>26</sup> New Zealand Immigration Act, 2009

To address several of the identified gaps in the short term, the Passport Act and Regulations would require amendment. This may also result in consequential amendments to the FNCC.

As it regards Jamaica's international obligations, the proposed changes to the legislation will comply with the guiding principles set out under Annex 9 of the Convention on International Civil Aviation (also known as the Chicago Convention), which established the International Civil Aviation Organization (ICAO). The ICAO is a specialised agency of the United Nations (UN) charged with coordinating and regulating international air travel.

### Proposed Amendments to the Passport Act and Regulations

Given the gaps in the primary legislation, the following provisions are proposed to implement the policies outlined:

#### Definition and Classes/Categories

There is a need for a definition of visas in the parent legislation. It is also necessary to define categories and sub-categories of visas and Jamaica Travel Authorization (JAMTA), as well as to outline the requirements for each as proposed in the Policy. It will also be necessary to define dependants of applicants for a visa, save and except for the categories relating to tourism and business. Some dependants may fall outside the traditional definition, and as such, provision is to be made for defining 'economic dependants' as persons who rely on the primary visa holder for economic sustenance.

#### Visa Issuance System and electronic visas

The transition from a paper-based system to an electronic one would require procedural guidelines with legislative underpinning for the application process. Legislative provisions should be developed outlining the conditions or limitations that will be placed on the different categories of visas and e-visas, where visas will be issued, the security features of visas and the review and appeal process.

#### Refusal of Visas

The Passport Act currently provides that the Minister may, in his discretion, grant visas on any passports requiring Jamaican visas, however, the grounds for cancellation or refusal are not stipulated. The following are proposed grounds to either cancel or refuse a visa. Where:

- a) a person fails to provide all required documentation or provides false information;
- b) a person is deemed to have committed a 'terrorist offence', or committed a 'terrorist activity' or is deemed to be a part of a 'terrorist group' under the Terrorism Prevention Act;
- c) there are health considerations- Section 6 (d) of the Aliens Act, deems an alien a prohibited person and should be refused landing where he is not the subject of a certificate given to the immigration officer by a health officer that for medical reasons it is undesirable that the person be permitted to land or on the basis of available information communicated to the Minister, the person is suffering from a communicable disease, which makes his entry into the Island dangerous;

Article 14 of the Convention on International Civil Aviation also provides some guidance for member States on health considerations. Article 14 provides as follows:

*“Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague and such other communicable diseases as the Contracting State shall from time to time decide to designate, and to that end Contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which Contracting States may be parties.”*

- d) a person is likely, if he enters the Island to become a charge on public funds;
- e) a person is a patient under the Mental Health Act, who will be a charge on public funds;
- f) based on information or advice deemed to be reliable, the person is a threat to national security or public moral. A person who does not fulfill such requirements as may be prescribed.

### Visa Application Fees

In outlining the categories of visas and the eligibility criteria, it is also necessary to prescribe in the Regulations, a schedule of fees to be paid and any applicable provisions

which speak to the right to revise said fees.

## Proposed amendments to the Foreign Nationals and Commonwealth Citizens (Employment) Act and Regulations

Sections of the FNCC will require amendments to ensure consistency with the National Visa Policy.

### Offence Provisions

With the establishment of new obligations under the Act, it will be necessary to create new offences. As such, there will also be a need to introduce a schedule of offences in the principal Act, and in determining the types of offences, whether a fine or a term of imprisonment should be imposed.

### Discretion of the Minister

It will become necessary to define the powers of the Minister in the Passport Act (similar to provisions in the Aliens Act) to include where a person may be exempt from the requirements of visas, the requirement to pay a fee or the terms and conditions under which visa waivers would be granted and the revision thereof.

## KEY STAKEHOLDERS AND THEIR ROLES

The Visa Policy Implementation Council (VPIC) will be responsible for oversight and monitoring the implementation of the Visa Policy. It will meet on a quarterly basis and focus on standardization and cohesion in implementing the activities and programmes of the Policy.

The VPIC will have the following specific functions:

- To monitor all activities that relate to visa issuance and cross border facilitation in Jamaica;
- To take the lead role in the coordination of visa related programmes;
- To coordinate the development, review and evaluation of visa waiver arrangements;
- To review the Visa Policy as per the monitoring and evaluation framework; and
- To provide oversight to the development and execution of an effective communication strategy.

The VPIC Secretariat will be based at the MNS and shall comprise the following members to oversee the implementation and deployment of the policy:

- a) **Ministry of National Security (MNS):** The Ministry will chair the VPIC and set the policy agenda relating to visas. In keeping with its mandate to maintain secure borders, it will play a lead role in the implementation of the Visa policy along with PICA, as the main border control entity of the Ministry and other stakeholders. The Jamaica Defence Force (JDF) and Jamaica Constabulary Force (JCF) will carry out monitoring and enforcement functions as well as protection of the nation's borders to include investigation, detection and prevention of cross-border crimes. This includes the National Intelligence Bureau (NIB) and the Counter Terrorism and Organized Crime (CTOC) Investigation Branch of the JCF. **PICA** will be the main entity responsible for operationalizing the Policy.
- b) **Ministry of Foreign Affairs and Foreign Trade (MFAFT):** Pursuant to its mandate to promote and protect Jamaica's interests at the bilateral, regional and multilateral levels, including in the areas of trade promotion, investments and tourism, the MFAFT will play a facilitatory role in the formulation and implementation of this Policy. In this regard, it will be supported by its network of High Commissions, Embassies and Consulates. In addition, the MFAFT will advise the Council on matters affecting Jamaica's visa policy regime, based on emerging issues

in the international arena. The MFAFT, along with the MNS will lead discussions with partner countries on visa waivers.

- c) **Jamaica Promotions Corporation (JAMPRO):** JAMPRO is the Agency within the Ministry of Industry, Commerce, Agriculture and Fisheries (MICAF) that promotes Jamaica's business opportunities in trade and investment to the local and international private sector. As the arm of the Government of Jamaica with responsibility for investment promotion, JAMPRO sees the development of a robust visa policy as a critical success factor in positioning Jamaica as a preferred investment destination. The organization is therefore central to the policy implementation as it seeks to promote policy coherence that facilitates economic growth in the country while leveraging the nation's efficient border control protocols.
- d) **Ministry of Labour and Social Security (MLSS):** The Work Permit issuance process will be integrated with the Visa process resulting in a reduction in the number of steps in the decision to grant work authorisation and visas to foreign nationals. This will enable decisions on work permits in a timely manner and with more information, as decisions on work permits will inform visa issuance resulting in greater efficiencies in the granting of work permits. The modernisation of the work permit system will result in the re-engineering of work permit procedures and the implementation of an effective and user-friendly web-based system to facilitate the inputs of key stakeholders in the processing, review, approval and issuing of work permits. The MLSS will revise its work flow in order to accommodate this integration. MLSS will also be crucial to monitoring and enforcement.
- e) **Ministry of Tourism (MOT):** MOT is responsible for guiding the implementation of the Policy as it pertains to making Jamaica a world class destination. To this end, it will promote coherence and collaborate in the processing of entry and work authorisation for the Tourism sector.
- f) **Planning Institute of Jamaica (PIOJ):** PIOJ is the focal point for the Sustainable Development Goals (SDGs) in Jamaica which provide the framework for the Policy. The implementation of the National Visa Policy is one of the mechanisms to assist the Government of Jamaica (GOJ) to achieve the outcomes of the National Policy on International Migration and Development. Specifically, one of the outcomes of the Governance and Policy Coherence thematic area, which speaks to the need for strengthening border and migration management systems. As the national focal point for

international migration and development, the PIOJ's role on the National Visa Policy Implementation Council will be to provide policy advice and guidance for the implementation of the Visa Policy goals, actions and outcomes.

- g) **Ministry of Finance and Public Service (MFPS):** The Ministry of Finance and Public Service has overall responsibility for developing the Government's fiscal and economic policy framework; collecting and allocating public revenues. It therefore has a key role to play in the execution of capital expenditure targets related to the systems and revenues of the visa and work authorisation processes.
- h) **Ministry of Culture, Gender, Entertainment and Sport (MCGES):** The Ministry of Culture, Gender, Entertainment and Sport as a key partner will facilitate the movement of persons in arts and culture, cultural and creative industries, entertainment and sports and advise on the granting of work authorization to these categories of persons.

In addition, the following stakeholders will have specific responsibilities in implementing the Visa Policy:

- a) **Jamaica Customs Agency (JCA):** The Agency will be a key partner in identifying and countering risks to border security and will collaborate through the use of interactive Advance Passenger Information and Passenger Name Record and intelligence sharing in risk management and decision-making.
- b) **Ministry of Health and Wellness (MHW):** The Ministry of Health and Wellness will be integrally involved in facilitating accessibility to information on health regulations and standards in passenger screening and enforcement of health screening or travel ban of persons who may pose a public health concern.
- c) **Private Sector:** The role of private sector entities will be diverse, ranging from airlines being compliant with providing Advanced Passenger information (API) to facilitate automated screening of passenger to travel agents and recruitment agencies that will advise travellers on the visa requirements or visa waivers applicable to them. All private sector entities involved will need to be kept up to date on the visa and passport requirements for travellers. This includes entities such as the Private Sector Organisation of Jamaica,

Jamaica Employers Federation, Chambers of Commerce, the Board of Airline Representatives of Jamaica, Jamaica Hotel and Tourist Association, and Jamaica Manufacturers and Exporters Association.

- d) **The Ministry of Education, Youth and Information (MEYI):** The Ministry of Education Youth and Information as the focal point on education and training will develop policies and strategies for foreign national students in line with the Policy priorities that have been identified in the development agenda.



## **CHAPTER FOUR: MONITORING AND EVALUATION FRAMEWORK**

## MONITORING AND EVALUATION FRAMEWORK

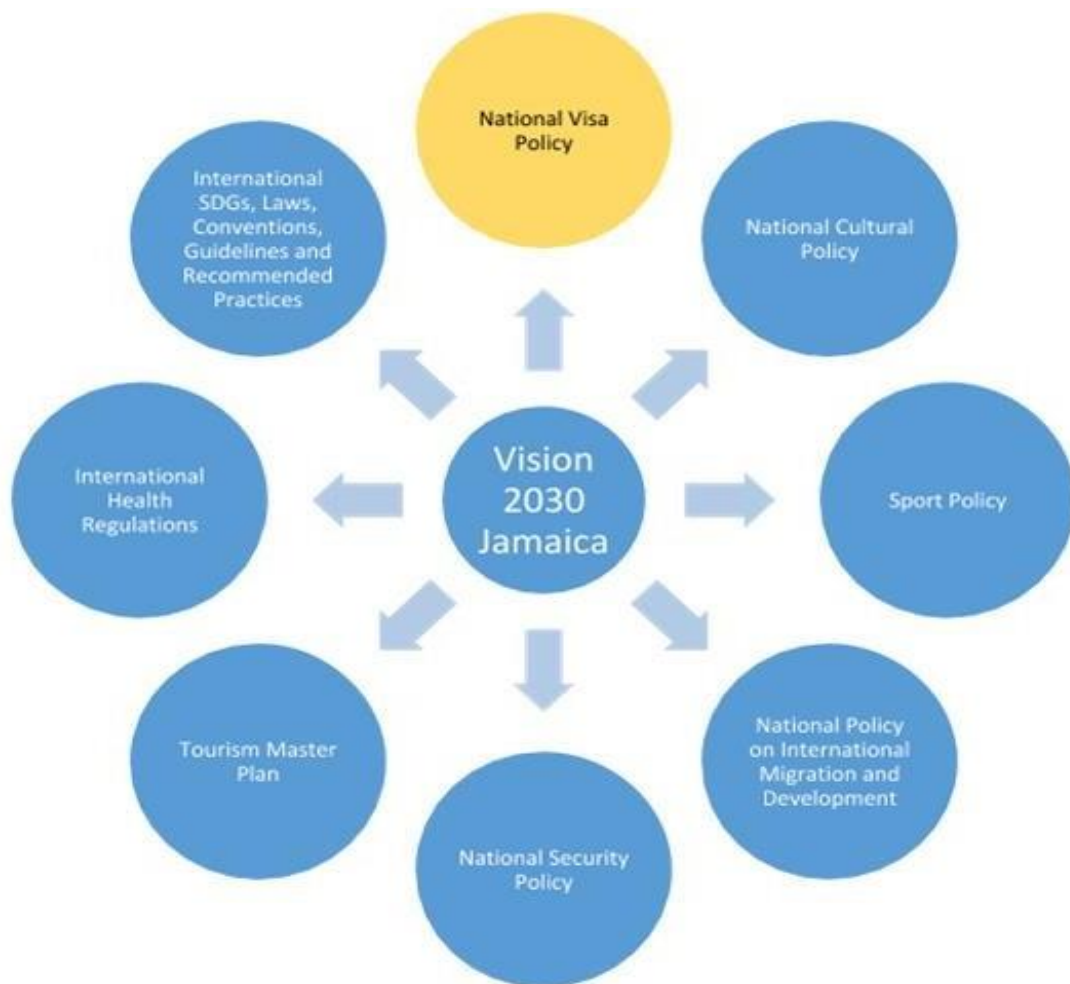
### Monitoring and Evaluation

The Policy will be implemented through a series of five (5) year Action Plans, developed using the logical framework model and risk management tools. A Monitoring and Evaluation (M & E) Framework will be formulated to guide a results-based monitoring and evaluation mechanism that establishes specific indicators and targets to measure and track performance. The Policy is to be implemented by Ministries, Departments and Agencies (MDAs) of the Government as well as select bodies from NGOs, CBOs, the private sector and International Development Partners. The VPIC will undertake activities that strengthen the capacities of the key stakeholders. Each 5-year Plan will include the priority programmes and projects for implementation of the Policy.

The Ministry will conduct an evaluation of the policy at the end of the first year after implementation. Revision of the policy and the status of its implementation will be conducted once every 5 years. A progress report with respect to its impact and achievements will be presented every 3 years after its implementation.

### Linkages with other Policies

The National Visa Policy intersects the policies outlined below and reflects Jamaica's international obligations relating to travel facilitation.



*Figure 7: Visa Policy Link with Other National Policies*

# APPENDICES

## APPENDIX A: VISA POLICY DEVELOPMENT COMMITTEE MEMBERS

NAME	ENTITY
Mr. Rohan A. Richards (Chairman)	Ministry of National Security
Mr. Andrew Wynter (Deputy Chairman)	Passport, Immigration and Citizenship Agency
Mrs. Shullette Cox	JAMPRO
Mrs. Norma Brown-Martin	Ministry of National Security
Ms. Chadine Allen	Ministry of National Security
Mr. Howard Palmer	Ministry of National Security
Ms. Tonelle Beecher	Ministry of National Security
Mr. Richard Foster	Ministry of National Security
Mrs. Sandra O'Meally	Ministry of National Security
Ms. Kimberly Brown	Ministry of National Security
Mr. Denton E. Edwards	Ministry of Tourism
Ambassador Sharon Saunders	Ministry of Foreign Affairs and Foreign Trade
Mrs. Ariel Bowen	Ministry of Foreign Affairs and Foreign Trade
Supt. Paulette Green	Jamaica Constabulary Force
Mrs. Deborah Patrick-Gardner	Ministry of Labour and Social Security
Mr. Ezra Whittock	Passport Immigration and Citizenship Agency
Mrs. Marie Lue	Passport Immigration and Citizenship Agency
Mr. Philbert Smith	Passport Immigration and Citizenship Agency
Mr. Marlon Case	Ministry of Labour and Social Security
Mrs. Kalefa Williams-Douglas	Passport Immigration and Citizenship Agency
Ms. Lisa-Ann Grant	Ministry of Labour and Social Security

## APPENDIX B: GLOSSARY OF TERMS

**Advance Passenger Information:** Advance Passenger Information (API) involves the capture of a passenger's biographic data and other flight details by the carrier prior to departure and the transmission of the details by electronic means to the Border Control Agencies in the destination country. API can also act as a decision making tool that Border Control Agencies can employ before a passenger is permitted to board an aircraft. Once passengers are cleared for boarding, details are then sent to the Border Control Agencies for screening against additional databases and can identify passengers and crew of interest including those subject to United Nations Security Council sanctions lists and travel bans.

**Advance Passenger Information System:** The Advance Passenger Information System (APIS) is a widely used electronic data interchange system that allows carriers to transmit traveler data to CBP. APIS data includes passenger information that would be found on the face of a passport, such as full name, gender, and country of passport issuance.

**Applicant:** A person who formally requests government or legal action, such as the granting of refugee status, a visa or work permit. The term also applies to any foreign national or Commonwealth citizen who submits revised Visa Application Form J for consideration of a visa for entry to Jamaica.

**Admission:** The granting of entry into a State. A non-national has been 'admitted' if he passed through a checkpoint (air, land or sea) and is permitted to enter by border officials. A non-national who has entered clandestinely is not considered to have been admitted.

**Biometrics** – The study of measurable biological characteristics. Biometrics identifiers are pieces of information that encode a representation of a person's unique biological make up such as fingerprints, retinal scans or voice scans.

**Border Control:** A State's regulation of the entry and departure of persons to and from its territory, in exercise of its sovereignty, whether this is conducted at the physical border or outside of the territory in an embassy or consulate.

**Border Management:** Facilitation of authorized flows of persons, including business people, tourists, migrants and refugees, across a border and the detection and prevention of irregular entry of non-nationals into a given country. Measures to manage borders include the imposition by States of visa requirements, carrier sanctions against transportation companies bringing irregular migrants to the territory, and interdiction at sea. International standards require a balancing between facilitating the entry of legitimate travellers and preventing that of travellers entering for inappropriate reasons or with invalid documentation.

**Border Officials:** A generic term describing those officials whose primary task is to guard the border and enforce the immigration (and possibly customs) laws of the State.

**Change of Status:** Procedure whereby a non-national present in a State may seek a different immigration status. For example, provision may be made by law by which a non-national holding a

student visa, on completion of studies, is able to seek a change of status so that his or her student visa is replaced by a work visa.

**Child:** An individual being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier (Art. 1, UN Convention on the Rights of the Child, 1989).

**Commonwealth Citizen:** a national of a British Commonwealth country to whom a visa forms part of a prerequisite for entry to Jamaica.

**Dependant:** In general use, one who relies on another for support. In the migration context, a spouse and minor children are generally considered 'dependants', even if the spouse is not financially dependent.

**Entry:** Any entrance of a non-national into a foreign country, whether voluntary or involuntary, authorized or unauthorized.

**Foreign National:** For the purpose of the SOP, a foreign national is an alien who is a non-Jamaican and to whom a visa forms part of a prerequisite for entry to Jamaica.

**Health:** According to the preamble of the World Health Organization Constitution (1946), health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity

**International Civil Aviation Organization** - ICAO is a specialized agency of the United Nations and was created with the signing in Chicago on 7 December 1944, of the Convention on International Civil Aviation. It is the permanent body charged with the administration of the principles laid out in the Convention. Membership comprises 189 Contracting States

**Immigration Status:** Status of a migrant under the immigration law of the host country.

**Passenger:** Any foreign national or Commonwealth citizen for whom approval has been granted for the issuance of a visa for Jamaica.

**Point of Entry:** A passage for international entry or exit of travellers, baggage, cargo, containers, conveyances, goods and postal parcels as well as agencies and areas providing services to them on entry or exit.

**Port:** A seaport or a port on an inland body of water where ships on an international voyage arrive or depart.

**Public Health Emergency of International Concern:** An extraordinary event which is determined, (i) to constitute a public health risk to other States through the international spread of disease and(ii) to potentially require a coordinated international response.

**Public Health Observation:** The monitoring of the health status of a traveller over time for the purpose of determining the risk of disease transmission.

**Public Health Risk:** A likelihood of an event that may affect adversely the health of human populations, with an emphasis on one which may spread internationally or may present a serious and direct danger.

**National:** A person, who, either by birth or naturalization, is a member of a political community, owing allegiance to the community and being entitled to enjoy all its civil and political rights and protection; a member of the State, entitled to all its privileges. A person enjoying the nationality of a given State.

**Organized Crime:** Usually refers to large-scale and complex criminal activities carried out by tightly or loosely organized associations and aimed at the establishment, supply and exploitation of illegal markets at the expense of society. Such operations are generally carried out with a ruthless disregard of the law, and often involve offences against the person, including threats, intimidation and physical violence.

**Overstay:** To remain in a country beyond the period for which entry was granted.

**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 the territory of the State that indicates that the authority, at the time of issuance, believes 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 a State. International practice is moving towards issuance of machine-readable visas which comply with ICAO (International Civil Aviation Organization) standards, printed on labels with security features.

**Work Permit:** A legal document issued by a competent authority of a State giving authorization for employment of migrant workers in the host country during the period of validity of the permit



## APPENDIX C: REFERENCES

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## **APPENDIX D: LIST OF AGREEMENTS AND LEGISLATION**

### **List of International Agreements**

Annex 9 of the Convention on International Civil Aviation (also known as the Chicago Convention), which established the International Civil Aviation Organization (ICAO)  
CARICOM Protocol on Contingent Rights  
Revised Treaty of Chaguaramas  
Vienna Convention on Consular Relations, 1963 (entry into force 19 March 1967)  
[596 U.N.T.S 261]

### **Table of Legislation**

The Aliens Act, 1946  
The Aliens Regulations, 1946  
Caribbean Community (Free Movement of Skilled Persons) Act, 1997  
Diplomatic Immunities and Privileges Act, 1962  
Foreign National Commonwealth Citizen (Employment), 1964  
Immigration Act (2009) (New Zealand)  
Immigration Restriction (Commonwealth Citizens) Act (IRCC), 1945  
Maintenance Act, 2005  
Passport Act, 1935  
The Passport Regulations, 1962

# VISA POLICY ACTION PLAN

## VISA POLICY ACTION PLAN

**VISION STATEMENT:** A secure, robust, modern, and technology-driven visa regime, which facilitates efficient cross-border travel and significantly contributes to sustainable development.

**POLICY GOAL:** A visa regime that facilitates and promotes cross-border travel, as well as greater access to business, tourism, education and culture, while safeguarding national security and public health.

PRIORITY AREA	POLICY GOAL	OUTPUTS	KEY ACTIONS	INDICATORS	TIMELINE					RESPONSIBILITY
					Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	
VISA PROCESS	<i>A seamless and efficient visa facilitation experience that is user-friendly and responsive to travellers.</i>	A responsive, efficient and streamlined visa process guided by Standard Operating Procedures	Develop Standard Operating Procedures for the visa process	Standard Operating Procedures developed	Draft SOPs Developed	SOPs Approved				MNS, PICA, MLSS
			Streamline process to obtain study and work authorisation	Processing time for work or study authorisation reduced	<5 days	<4 days	<3 days			PICA, MLSS, MEYI
			Develop human resource, administrative and technical capabilities and structures to support an interoperable visa system	Training codified & manuals developed	Training content developed	Training programmes				MNS, PICA,
				Development and training programmes implemented	Baseline Year	>20% of Staff Trained	>40% of Staff Trained	>80% of Staff Trained	100% of Staff Trained	
		Established visa categories and eligibility criteria based on purpose of travel	Implement the Jamaica Travel Authorisation (JAMTA) Programme;	JAMTA implemented	Protocols Developed	User requirements and system design phase completed	Procurement and system testing	Integration with BMS		MNS, PICA

PRIORITY AREA	POLICY GOAL	OUTPUTS	KEY ACTIONS	INDICATORS	TIMELINE					RESPONSIBILITY
					Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	
			Implement visa categories based on purpose of travel.	Visa categories implemented	New Visa categories established					MNS, PICA
			Develop mechanisms for assessing, reviewing and aligning visa waiver agreements with the principle of reciprocity and GoJ strategic policy objectives	Guidelines for visa waivers implemented	Draft guidelines developed	Guidelines approved				MNS
			Establish protocols to support the Jamaica Economic Residency Programme	Standard Operating Procedures for JERP developed	Draft SOPs developed					JAMPRO, MNS, PICA, MLSS
		A transparent and uniformed visa fee structure	Implement a differentiated fee structure to support the various categories in line with the Financial Instructions to Executive Agencies	Differentiated fee structure implemented	Uniformed visa fee structure established					MNS, PICA

PRIORITY AREA	POLICY GOAL	OUTPUTS	KEY ACTIONS	INDICATORS	TIMELINE					RESPONSIBILITY
					Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	
		An electronic visa processing system that is secure, integrated and resilient to cyber threats and fraud	Implement an electronic online visa application system which is interoperable with border management system and the work permit system	Online Visa Issuance System implemented	Business case and user requirements developed	Procurement and system testing	System deployment and testing	Full system deployment		MNS, PICA
		Amended legislation reflective of industry development and best practices	Amend legislative and strengthen administrative framework to facilitate the introduction of Passenger Name Record (PNR) and Interactive Advanced Passenger Information System (iAPIS)	Legislation tabled in Parliament	Aliens & IRCC (Amendment) Bills reviewed and finalised	Aliens & IRCC (Amendment) Bills tabled in Parliament				MNS
		Data used to inform risk assessment and risk management decision-making	Develop protocols for the collection of comprehensive information on the applicants in an effort to facilitate timely decision-making.	Data collection and processing standards established	Draft standards Developed	Standards Approved				MNS

PRIORITY AREA	POLICY GOAL	OUTPUTS	KEY ACTIONS	INDICATORS	TIMELINE					RESPONSIBILITY
					Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	
			Develop and maintain partnerships for designing protocols to guide decisions for visa application processing	Partnership agreements established	(Baseline Year)  Total # of strategic partnerships of interest to be clearly defined	(# TBD) of Partnerships agreements established	(# TBD) of Partnerships agreements established			MNS
HEALTH AND SECURITY	An improved regulatory framework for passenger screening to facilitate legitimate cross-border travel, while mitigating threats to public health and national security.	Visas with advanced security features	Introduce technological and security standards for visas, including e-visas	New visas with advanced security features approved	New visa design and format determined	New visa design and format approved				MNS
		A risk-based visa decision-making framework based on an assessment of the individual's risk, as opposed to risks associated with just their country or port of origin	Establish improved frameworks for passenger screening to facilitate legitimate cross-border travel while mitigating threats to national security	% compliance with standards and protocols for detection and screening	Baseline Year	90%	97%	97%	97%	MOHW
		Updated passenger screening protocols to protect public health and safety and appropriate surveillance measures to improve	Establish mechanisms for information sharing among the various MDAs, which have responsibility for the implementation of the Policy	Information sharing mechanism established	Technical consultations completed and draft procedures developed	Procedures approved for implementation	Procedures implemented			PICA, MOHW

PRIORITY AREA	POLICY GOAL	OUTPUTS	KEY ACTIONS	INDICATORS	TIMELINE					RESPONSIBILITY
					Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	
		protections in cross-border travel								
			Build the capacity of staff at the ports of entry to detect, respond and contain any threat to public health, including specialised training and certification	% of personnel trained	50%	70%	100%			MHW
			Publish information about health-related conditions that may render an applicant/traveler inadmissible	Information published in keeping with health regulations	Information published with 24 hours/as deemed necessary	Information published with 24 hours/as deemed necessary	Information published with 24 hours/as deemed necessary	Information published with 24 hours/as deemed necessary	Information published with 24 hours/as deemed necessary	MOHW, PICA
			Formulate a contingency plan that outlines protocols and strategies that respond to emerging threats	Implementation of Contingency Plan	Contingency Plan formulated and reviewed	Contingency Plan approved for implementation				MNS, MOHW, PICA
ENFORCEMENT		Facilitate inter-agency operations to include inspection, monitoring, investigation and prosecution	Establish mechanism for institutions to remit information on foreign national registered to study	% compliance by tertiary institutions	Baseline Year	80%	90%	98%	100%	PICA, MLSS, MOEY, UCJ
			Develop a mechanism for MDAs to share real time	Sharing Mechanism developed and Implemented	Technical consultations completed and draft procedures	Procedures approved for implementation	Procedures implemented			PICA



PRIORITY AREA	POLICY GOAL	OUTPUTS	KEY ACTIONS	INDICATORS	TIMELINE					RESPONSIBILITY
					Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	
			information on visa and work permit cancellation, revocation and expiration		developed					
			Review legislative and administrative frameworks to support monitoring & enforcement activities	Review conducted as scheduled			Mandatory review completed			MNS



