



MINISTRY OF LABOUR

WORK PERMIT GUIDELINES

***A General Guide to the Foreign Nationals and Commonwealth Citizens
Employment System in Grenada***

JUNE 2020

TABLE OF CONTENT

Introduction	5
List of Terms	6
1.0 Grenada’s Foreign Employment Laws	11
1.1 Regulating the Employment of Foreign Nationals: Why regulate?	11
1.2 Applicable Laws	11
1.3 Compliance with the Laws	12
1.3.1 Employers Compliance with Immigration and Employment Laws	12
1.3.2 Foreign Nationals Compliance With all Laws of Grenada	12
2.0 The Work Permit	12
2.1 Limitations of Work Permits - Subjected to Conditions	12
3. Individuals Required to Obtain Work Permits	13
3.1 Exemptions	13
3.1.1 Specific Non-Citizen Exemptions	13
3.1.2 Other Exempted Categories	14
4.0 Offences and Penalties	14
4.1 Employment Without Work Permits	13
4.2 Breach of Work Permit Conditions	14
4.3 Providing False or Misleading Information	14
4.3 Failure to Produce Work Permit	14
5.0 Granting of Work Permits	15
5.1 Minister’s Discretion	15
5.2 Approving Entities – Ministry of Labour (MOL) and Immigration Department	15
5.2.1 Responsibilities of MOL Work Permit Division	16
5.2.2 Responsibilities of Passport and Immigration Department	16
6.0 Work Categories for Work Permits	16
6.1 Skilled	17
6.2 Dependents	17
6.3 International/Humanitarians	18
6.4 Special Work	18
6.5 Volunteers	18
7.0 Processing of Work Permit Applications	19
7.1 General Procedural Provisions	19
7.2 Processing Steps	20
7.3 Processing Timeframe	21
8.0 Fees and Refund Policy	21
8.1 Fees	21
8.2 Fee Exemption	22
8.3 Refund Policy	22
9.0 Applying for Work Permits	23
9.1 General Requirements	23
9.2 Offers of Employment	24
9.3 Use of Agents - Roles and Responsibilities of Agents	25
9.4 Work Permit Applications	26

9.5 Application Forms	26
9.6 Requirements for <u>NEW</u> Applicants	26
9.7 Requirements Specific to Each Category of Workers	27
9.7.1 Religious Workers	28
9.7.2 Students and Trainees	29
9.7.3 Entertainment (Arts, Culture and Sports)	29
9.7.4 Specific Purpose or Event	31
9.7.5 Exempt Person Work Category	32
10.0 Denial of Applications	32
11.0 Cancellation	33
11.1 Automatic Cancellation of Work Permits	33
11.2 Cancellation of Work Permits by the Minister	33
11.3 Cancellation of Exemption Certificates	34
12.0 Replacement & Amendment of Work Permits and Exemption Certificates	34
12.1 Replacement of Work Permit	34
12.2 Amendment of Work Permit	34
12.3 Replacement of Exemption Certificates	35
12.4 Return of Work Permits	35
12.5 Annual Reporting	35
13.0 Renewing Work Permits	35
13.1 Requirements for renewal	36
13.2 Renewal for religious workers	36
14.0 Procedures for Processing Work Permit Applications	37
14.1 Processing Applications - The Steps in Detail	37
(i) Step 1 – Reviewing, Verifying Completeness and Recording Receipt of Applications	37
(ii) Step 2 – Incomplete Applications	37
(iii) Step 3 – Verification and endorsement	38
(iv) Step 4 – Post-Approval and Payment	38
(v) Step 5 - Issuance of Work Permits and Exemption Certificates	39
15.0 Frequently Asked Questions and Answers (FAQs)	40
15.1 Why Regulate the Employment of Foreign Nationals?	40
15.2 Which Laws Apply?	40
15.3 Who are required to hold Work Permits?	40
15.4 Are certain non-citizen employees exempted from the requirement to hold Work Permits?	41
15.5 What are the penalties for working without a Work Permit?	42
15.6 Does Work Permits come with special conditions?	43
15.7 What is an Agent?	43
15.8 Do I need to use an Agent to apply for a Work Permit?	43
15.9 What are the requirements for a new Work Permit?	45
15.10 How is my Work Permit Application Processed?	46
15.11 How long does it take to process a Work Permit application?	46
15.12 What happens if my new Work Permit application is not processed in time?	46
15.13 How long is my Work Permit valid?	46
15.14 What are the Requirements for Renewal?	47
15.15 Can I apply for and receive a Work Permit while in Grenada on a Visitor’s Visa?	48
15.16 Can a dependent of foreign national worker be granted a Work Permit?	48
15.17 What are the circumstances for denying an application for a Work Permit?	48
15.18 Can my Work Permit be recalled or cancelled?	48

15.19	Are Work Permit fees refundable or transferable?	49
15.20	What happens if I damage or lose my Work Permit Card?	50
15.21	What happens if I have a Work Permit and it is about to expire?	50
15.22	What happens if my Work Permit expires before it can be renewed?	50
15.23	Who is an Authorised Officer?	51
15.24	What are evidence of appointment?	51
15.25	What powers does an Authorised Officer have?	51
15.26	What does it mean to co-operate with an Authorised Officer	52
15.27	What action(s) are offences against Authorised Officers?	52
16.0	ANNEXES	
	ANNEX 1 –APPLICATION FORM	53
	ANNEX 2 - LIST OF CARICOM & OECS COUNTRIES	55
	ANNEX 3 - LIST OF COMMOWEALTH COUNTRIES & BRITISH OVERSEAS TERRITORIES	56-57
	ANNEX 4 – ENGLISH SPEAKING COUNTRIES	58
	ANNEXES 5-8 - Guidance/Checklists for the Issuance of Work Permits	59
	ANNEX 5 - CATEGORY A – SRO24/2017	59
	ANNEX 6 - CATEGORY B – Exempted Persons including Governments	61
	ANNEX 7 - CATEGORY C – Religious/Missionaries/Interns/NGO's	62
	ANNEX 8 - CATEGORY D – Entertainment - Arts, Culture and Sports	63

Introduction

Managing the Employment of Foreign Workers in Grenada

The Constitution of Grenada bestows to all citizens the right to participate fully in the economy of the country. Accordingly, each citizen is entitled to have access to employment, the chance to train and develop their skills to their full potential and to enjoy an unimpeded right to career advancement opportunities available within our nation.

Businesses on the other hand, are acknowledged as the engine which drives the economy. Owners and investors in businesses enterprises, often do so at significant financial and personal risks. Naturally, business owners and operators strive to allocate their resources to optimize the efficiency of their business operations and maximize the return on their investments. Thus, in instances where businesses are unable to find qualified and skilled workers locally, they must be allowed to recruit qualified, skilled and experienced foreign workers.

The Foreign National and Commonwealth Citizens (Employment) Act Cap. 115 of the 2010 Continuous Revised Laws of Grenada provides for the issuance of Work Permits to foreign nationals for gainful employment in the State of Grenada.

This Legislation gives the Minister for Labour, discretionary power to grant or not grant Work Permits. However, as the implementing agency, the Ministry of Labour has an obligation to ensure that the Work Permit System functions in an impartial and equitable manner. This is done to carefully balance competing interests by protecting certain jobs for citizens, while at the same time catering to the business community's legitimate need to recruit qualified, skilled and experienced foreign national workers, where these workers cannot be recruited from within the country. In order to achieve this objective, the Work Permit System must ensure businesses are able to engage foreign workers, without unnecessary impediments and 'red-tape'.

These Guidelines provide instructions to the Ministry's staff about how to implement the Work Permit Programme. The guidelines are particularly important because it outlines the various requirements associated with each Work Permit stream and provides information to guide workers on how to process Work Permit applications. The Guidelines also contain useful information about the Work Permit System to assist clients in their dealings with the Ministry of Labour.

The Work Permit System explained in these Guidelines, is specific to Grenada. It is a System which is continually evolving to meet the changing requirements of the local labour market.

List of Terms

Act	The Foreign Nationals and Commonwealth Citizens (Employment) Act, Chapter 115.
Advertised Occupations	Currently available jobs openings, which must be advertised within Grenada, before a foreign national employee can be employed.
Agent	For the purpose of these Guidelines, an Agent is an individual who assists businesses/employers, with engaging the services of foreign nationals, for employment, in Grenada.
Application Form	The form which is contained within the Foreign Nationals and Commonwealth Citizens (Employment) (Amendment) Regulations 2017 and which must be used when applying for a new Work Permit or renewal of an existing Work Permit.
Authorised Person/Officer	An individual appointed, by the Minister for Labour, pursuant to Section 5 of the Foreign Nationals and Commonwealth Citizens (Employment) Act, or an Immigration Officer appointed pursuant to Section 3 (1) of the Immigration Act, who has powers to conduct inspections of workplaces, for Work Permits, to ensure employers and employees are complying with the law relating to foreign employment in Grenada.
Cancellation	Refers to the cancellation of a Work Permit, by the Minister for Labour, prior to the expiration date of the Work Permit.
Card System	The IT system that is used to administer the Work Permit Card.
Carnival Season	For the purpose of Work Permit applications, 'Carnival Season' means the period immediately following the official launch of Spicemas to the Sunday following the "Parade of the Band and Last Lap".
Certificate of Exemption	A Certificate issued by the Minister for Labour, to a foreign national stipulating that the named individual is exempted from all or any of the provisions of the Act by virtue of an Order, under the Foreign Nationals and Commonwealth Citizens (Employment) Act - Subsidiary Legislation 7(1).
Commonwealth Citizen	Means an individual who is not a citizen of Grenada but is a citizen of one of the Commonwealth Countries specified by the Governor General in an Order made pursuant to Section 3 of the Citizen Act.
Conditions	Specifically prescribed requirements or obligations related to the granting and maintaining of the validity of Work Permits.

Eastern Caribbean Dollar	For the purposes of the Work Permit Application, the Eastern Caribbean Dollar means the currency of all seven full members and one Associate Member of the Organization of Eastern Caribbean States (OECS). The Eastern Caribbean dollar symbol code is <i>XCD</i> .
Employers' Register	Every employer who employs foreign national workers should keep a record/register of Work Permits.
Employment	<p>Mean:</p> <ol style="list-style-type: none"> 1) A paid work arrangement between an employer and an employee (a normal employer/employee relationship); 2) Individuals engaged in self-employment activities which produces goods and services and offer same for sale. <p>This includes:</p> <ol style="list-style-type: none"> 1) Full-time and part-time work; 2) Fixed term and contract; 3) Apprentices and trainees; 4) Commission and piece rate work; 5) Temporary/Casual work; 6. Work as a Consultant.
Fees	<p>Fees prescribed in Regulation 3(1) of SRO 24/2017 and Regulations 5 of SRO 26/2008. Examples of authorised fees are:</p> <ol style="list-style-type: none"> 1) Applications Forms: Non-refundable fee of one hundred <i>Eastern Caribbean Dollars</i> (\$100.00 XCD), {SRO 48/2014}; 2) Work Permit Approval Fees – Fees due for the various foreign worker categories, upon approval of the applications, by the Minister for Labour (<i>SRO 16/2010 & SR) 26/2008</i>); 3) Replacement of Work Permits: One Hundred Eastern Caribbean Dollars (\$100.00 XCD) {SRO 24/2017}; 4) Penalty Fee for Late Submission for Renewal: One Hundred Eastern Caribbean dollars (\$100.00 XCD), {SRO 24/2017}.
Financial Rewards	Monetary incentives that are paid to an individual or employee as a result of providing agreed work, goods or services.
Foreign National	An individual who is neither a citizen of Grenada or a Commonwealth Citizen.
Full-Time Employment	Full-time employment is considered to be a minimum of 40 hours of work per week.

Gain or Reward	Includes any payment or benefit that can be valued in terms of money, such as board and lodging, goods (e.g. food or clothing) and services (e.g. transport).
Grenada	State of Grenada (Grenada, Carriacou and Petite Martinique).
Minister	The Minister (in Cabinet), for the time being responsible for matters concerning labour.
MOL	Ministry of Labour. The Ministry of Labour is the Government Agency responsible for administering the Work Permit System.
Non-citizen	Any individual who is not a citizen of Grenada.
Penalty	Consequences (including monetary fines, imprisonment and deportation) levied for breach of the Act and the associated regulations.
Permanent Resident	A foreign national who is granted the privilege, by the Ministry of Home Affairs, to enter, live and work in Grenada, after meeting certain requirements. A Permanent Resident is not a citizen of Grenada and must apply for a Work Permit to work in Grenada.
Prescribed	Mandatory requirements or provisions outlined in the Regulations.
Proficient	The ability of a foreign national to speak, understand and write, the English language, for normal conversational and written communication purposes.
Regulations	Statutory rules and Orders regulating the employment of foreign nationals in Grenada: (The Foreign Nationals and Commonwealth Citizen Employment Amendment Regulation SRO 24/2017; SRO 25/2015; SRO 48/2014; SRO 16/2010; SRO 26/2008; etc.)
Religious Work	<p>For the purpose of Work Permit applications, Religious Work must substantially be a <i>‘Primary Role’</i>, performed by Ministers of Religion, missionaries, and members of religious orders, which must include one or more of the following:</p> <ol style="list-style-type: none"> 1) Teaching or guidance in religious scripture or philosophy; 2) Leading religious practice, worship or prayer; 3) Conducting religious initiations, ordination or ritual; 4) Ministering or pastoral care; 5) Roles of religious leadership in relation to any of the above. <p>Religious work, as defined above, may include:</p> <ol style="list-style-type: none"> 1) Employment for a position that is paid a salary or wages;

- 2) Work for a position that is paid a stipend;
- 3) Work for a position that does not receive direct financial return;
- 4) Work for a position that is paid through any alternative arrangement to above.

- a) **Secondary roles such as cooking or cleaning which a religious worker may undertake, will not in themselves qualify as religious work for the purposes of Work Permit considerations;**
- b) **Religious study is not considered religious work for the purposes of these assessments.**

Renewal	The renewal of an existing Work Permit under the following conditions: <ol style="list-style-type: none"> 1) Continued employment with the same employer; 2) For the same employee; 3) In the same occupation.
Self-Employed	Refers to a foreign national who is working in an occupation for him or herself. He/she does not work for an employer who pays him/her a consistent salary or wage.
Senior Manager/ Executive	For the purpose of Work Permit assessment, this means an individual who: <ol style="list-style-type: none"> 1) Is a senior employee of an organization; 2) Is responsible for the entire organization's operations in Grenada, or a substantial part of it, while receiving general supervision or direction, principally from higher level executives, the Board of Directors or stockholders of the business.
Specialist Personnel	For the purpose of Work Permit assessment, 'Specialist Personnel' is an individual who: <ol style="list-style-type: none"> 1) Is an employee of an organization, being transferred to undertake a specific or specialist task at a senior level within the company; 2) Possesses knowledge of an organization's service, research equipment, techniques or management.
Spouse	The husband or wife of an individual also includes de facto relationships.
Visitor Visa	Entry permit granted by the Immigration Department, which allows a foreign national to enter Grenada as a tourist. Work is prohibited.
Volunteer	Someone who does work or offers to do a particular task or job without being forced too, for reasons other than financial reward.
Volunteer Work	Work which is undertaken entirely for reasons other than financial reward.
Work	Any activity undertaken for gain or reward. An individual is considered to be undertaking work in Grenada, if at any time he/she engaging in working activities in relation to the following:

- 1) Any craft, artificial island, installation, or structure anywhere within the territorial waters of the State of Grenada;
- 2) Any artificial island, installation or structure, anywhere within the exclusive economic zone, or on or above the continental shelf of the State of Grenada;
- 3) On board any craft that is registered in Grenada and is engaged in activities anywhere, within the exclusive economic zone, or on or above the continental shelf of the State of Grenada.

This does NOT include:

- 1) Visits by individuals participating in meetings;
- 2) Official business in the service of any government, or of any inter-governmental or international organizations, that are entitled to any privileges and immunities;
- 3) Study or training under a scholarship or other award recognized by the Minister;
- 4) Visits by guests of Government (guest of government status is granted by Ministry of Foreign Affairs).

Work Permit **Employer** - Means a written permission issued by the Minister for Labour, in the name of an employer and his/her place of employment, specifying the named individual is, or is about to be, his/her employee to perform a specific task.

Individual - Means a written permission issued by the Minister for Labour, to and in the name of an individual, authorizing that individual to be employed or to engage in a specific occupation in Grenada.

Work Permit Card Is a card issued to each foreign national who is granted a Work Permit. The Work Permit Card has a photograph and other encrypted identifying information about the holder. The Work Permit Card must be retained, by the employee, and produced to an Authorised Officer on request.

Work Permit System Is the system administered by the Ministry of Labour, which regulates the employment of foreign national workers in Grenada.

Work Permit Unit The Unit, within the Ministry of Labour, responsible for administering the Work Permit System.

1. GRENADA'S EMPLOYMENT LAWS

1.1 Regulating the Employment of Foreign Nationals: Why regulate?

The Government of Grenada recognises that foreign workers, with specialized, essential skills are sometimes necessary, to enhance the human resource capacity, within the island. For this reason, one of the key objectives of the Work Permit System is to assist employers with recruiting qualified, skilled and experienced foreign national workers, where these skills cannot be found locally.

The Foreign National and Commonwealth Citizens (Employment) Act Cap. 115 of the 2010 Continuous Revised Laws of Grenada, provides for the issuance of Work Permits, to foreign nationals, for gainful employment, within the State of Grenada. These regulations, are also intended to protect the interests of citizens, by safeguarding Grenadian's rights to participate fully and benefit from all employment opportunities, within the country. The legislation does this, among other measures, by stipulating:

- 1) Employers ***MUST*** advertise certain jobs locally, before they can engage the services of foreign nationals;
- 2) Employers ***MUST*** ensure that relevant training are provided to local workers, in the same areas that Work Permits are granted to foreign nationals, in order to build local capacity.

1.2 Applicable Laws

The employment of foreign workers in Grenada is regulated by the following laws:

- 1) The Foreign Nationals and Commonwealth Citizens (Employment) Act;
- 2) The Foreign Nationals and Commonwealth Citizen (Employment) (Amendment) Regulations (**SRO24/2017**);
- 3) Foreign National and Commonwealth Citizens (Employment) Act- Subsidiary Legislation
- 4) The Employment Act of 1999.
- 5) Immigration Act, CAP.145 of the 1990 Revised Laws of Grenada
- 6) Immigration (Extension of Permit Fee) (Amendment) (No.2) Regulation (**SRO 37/2019**)

1.3 Compliance with the Legislation

1.3.1 Employers Compliance with Employment and Immigration Laws

All employers and/or organizations wishing to employ foreign nationals, or permanent residency holders, to work in Grenada, must comply fully, with all relevant employment and immigration laws in force in Grenada. Employers are liable for prosecution under Section 3(1-3) of the Act if they:

- 1) Allow an individual who is not entitled, under the Act, to work in the employer's service/employment;
- 2) Continue to allow any individual to work, in that employer's service, knowing that the individual is not entitled under the Act to do so;
- 3) Fail to ensure that the objectives and all conditions of Work Permit instructions are met.

1.3.2 Foreign Nationals Compliance with Grenada's Laws

All foreign nationals who are granted the right to work in Grenada are required to comply with all the laws of Grenada.

2.0 THE WORK PERMIT

The Work Permit is the formal legal document that confirms permission to work has been granted. The Work Permit Card is tangible evidence of that approval. In accordance with Section 4(1) of the Foreign Nationals and Commonwealth Citizens (Employment) Act, application for a Work Permit is made to the Minister, who has the authority to grant or refuse a work permit.

2.1 Limitations of Work Permits

Pursuant to Section 4 (1) of the Act, the Minister “**in his absolute discretion**”, may grant or refuse to grant a Work Permit, “**with or without conditions**”. Where Work Permits are granted subject to conditions, the conditions will be clearly stated on the Work Permit.

Work Permits are only issued:

- 1) To a specified employer;
- 2) For a specified foreign national;
- 3) For a specified industry, trade, occupation or profession;

- 4) Work Permits are granted for a period of one year;
- 5) Work Permits are non-transferable i.e. it may not be used by another foreign national employee;
- 6) Foreign national employee may not move from one company to another company without obtaining a new Work Permit.

Please Note: Work Permits will NOT be granted to foreign national under the age of 18.

3.0 INDIVIDUALS REQUIRED TO OBTAIN WORK PERMITS

All foreign nationals who are seeking employment, within the private sector in Grenada, must possess a valid Work Permit, before they can commence employment. The Work Permit is granted by the Minister for Labour, in accordance with The Foreign Nationals and Commonwealth Citizens (Employment) Act, Cap 115.

3.1 Exemptions

In accordance with Section 3(4) of the Act, the Minister, at his/her absolute discretion, may exempt certain individuals, from all or any of the provisions of the Act.

The Foreign Nationals and Commonwealth citizens (Employment) Exempted Persons Order lists the category of individuals to be exempted (***SRO 66 of 1968***).

Exemptions will only be granted if there are very compelling reasons. Individuals wishing to apply for an exemption, are required to write to the Minister for Labour, outlining the reason or reasons, for the exemption application.

In accordance with Section 7 (1) of the Subsidiary Regulations, Certificates of Exemption are issued by the Minister for Labour, to any individual stipulating the named individual is exempted from all or any of the provisions of the Act.

3.1.1 Specific Non-Citizen Exemptions from the Requirement to Hold Work Permits

Section 10.1 of the Act outlines the various categories of foreign nationals who are not required to obtain Work Permits to engage in employment in Grenada. They are:

- 1) A Judge of the High Court or the Court of Appeal;
- 2) An individual employed in the service of the Crown, or the Government in a civil capacity;

- 3) A legal representative engaged in defending an individual charged with a criminal offence;

3.1.2 Other Exempted Categories – Cabinet Directives

- 1) Citizens of a Protocol Member State of the Organization of Eastern Caribbean States OECS Citizens - In accordance with **SRO24/2015**, Work Permits are abolished for OECS Citizens; also supported by **Cabinet Conclusion # 520 of 30 March 2015**;
- 2) Employees of Saint George’s University Work Permit Exemption Order - This Order grants exemptions to citizens of a Commonwealth or Foreign State who are employed as faculty of St George’s University (**SRO 25/2015**);
- 3) Holders of any other type of CARICOM Skilled Certificate whose, conditions authorize the holder to undertake employment in Grenada. **These individuals are processed through the Ministry of Foreign Affairs**

4.0 OFFENCES AND PENALTIES UNDER THE ACT

4.1 Employment Without Valid Work Permits

It is an offence to work in Grenada without a Work Permit. Section 3 (3) of the Act, stipulates that an employer of a foreign national, who is engaged in activities in Grenada, that fall within the definition of employment must apply for a Work Permit for such foreign national.

In addition, if an employee’s entitlement to work was for a limited period, and the employer continued the employment, without the benefit of renewal, that employer is in breach of the Act.

An individual who commits an offence under the Act, is liable to a fine and in some cases, a term of imprisonment. It is possible that more than one penalty (fine and imprisonment) may apply in the same situation.

Section 3 (3) of the Foreign Nationals and Commonwealth (Employment) Act details the offences as follows:

- 1) An employer who employs a foreign national who does not have a valid Work Permit commits **“an offence and liable on summary conviction to a fine of five hundred(\$500.00) dollars and in default of payment to imprisonment for six months and, in the case of a continuing offence, to a further fine of five**

hundred dollars for each day for which the offence continues and to imprisonment for six months” ;

- 2) A foreign national employee who is employed without a valid Work Permit commits an offence and on summary conviction can be fined;
- 3) A self-employed foreign national who works without a valid Work Permit commits an offence and on summary conviction can be fined.

4.2 Breach of Work Permit Conditions

As provided for in Section 8 (d) of the Act, any individual who breaches the conditions of a Work Permit, is guilty of an offence and may result in the cancellation of the Work Permit and liable on summary conviction, to a fine of one thousand dollars (\$1,000.00), and in default of payment, six months imprisonment.

4.3 Providing False or Misleading Information

In accordance with Section 8 of the Act, an individual who provides false information in the procurement of a Work Permit shall be guilty of an offence and is liable to a fine of one thousand dollars (\$1,000.00) and in default of payment, imprisonment for six months.

4.4 Failure to Produce Work Permits

Section 6 (3) of the Act makes it an offence for an employer or foreign national employee to refuse to produce a Work Permit, when requested to do so by an Authorised Officer. The penalty for such an offence is a fine of one thousand dollars (\$1,000.00.) and in default of payment, imprisonment for three months.

5.0 GRANTING OF WORK PERMITS

5.1 Minister’s Discretion

Section 4.1 of the Act provides that the Minister may choose to grant or refuse a Work Permit application.

5.2 Approving Entities:

Ministry of Labour (MOL) and Immigration and Passport Office

Approval must be obtained from two separate Government Departments; the Ministry of Labour (MOL) and the Immigration Passport Office, before a foreign worker can commence employment in Grenada.

5.2.1 Responsibilities of Ministry of Labour (MOL) Work Permit Division - Processing and Issuing Work Permits

The Ministry of Labour is the only government agency authorised to process and issue Work Permits. All applications for Work Permits are processed by the Work Permit Unit of the Ministry.

The Ministry of Labour is also responsible for monitoring the activities of foreign workers, while they are in Grenada. Where a foreign national employee is found breaching the law, the Minister may cancel the Work Permit, or impose a penalty on the employee and the company involved.

All decision with regards to the approval of applications for Work Permits will be made by the Minister for Labour. The Minister will consider applications, in accordance with the Foreign Nationals and Commonwealth Citizens (Employment) Act and the Foreign Nationals and Commonwealth Citizen Employment (Amendment) Regulations.

5.2.2 Responsibilities of the Immigration and Passport Office – Visas and Passports

The Immigration and Passport Office is responsible for the processing and issuing of passports and entry permits (Visas). Visas allow foreign nationals to enter and remain in Grenada, for a specific period. The Immigration and Passport Office is also responsible for monitoring the stay and exit of all foreign nationals. All decisions regarding Visa applications, are made in accordance with the Immigration Act.

Once a Work Permit, has been issued, the recipient is required to proceed to the Immigration and Passport Office for the appropriate entry Visa.

6.0. WORK CATEGORIES FOR WHICH WORK PERMITS ARE ISSUED

There are four (4) main work categories within the Work Permit Regime:

- 1) Skilled Category
- 2) Dependent Category
- 3) International/Humanitarian Category
- 4) Special Work Category

6.1 Skilled Category

Two examples of “Skills” Category at Senior Management level are:

- 1) Senior Manager or Executive
- 2) Specialist Personnel

The Skilled Category consists of four broad sets, under which Grenada facilitates the entry of skilled individuals. The four broad sets are:

- 1) Work to Residency;
- 2) Essential Skills;
- 3) Specific Purpose or Event;
- 4) Students/Trainees.

6.1.1 Work to Residency

Facilitates the entry of individuals, whose skills are in demand and provides them with a pathway to residency.

6.1.2 Essential Skills

Facilitates the entry of individuals, required on a temporary basis, to fill shortages where Grenada nationals or citizens, are not qualified or available for the work offered.

6.1.3 Specific Purpose or Event

This Permit facilitates the entry of individuals or groups, who have demonstrated skills, expertise or attributes, which are likely to benefit Grenada, where there is no risk of negative impact on opportunities for Grenadian nationals and citizens.

6.1.4 Students and Trainees

Facilitates the entry of students and trainees, to gain practical work experience or to train as part of their studies.

6.2 Dependent Work Category

There are no restrictions on the employment of dependents of foreign nationals, who are already working in Grenada. However, applications by dependents of foreign nationals for Work Permits, will be assessed in their own right – it is not ‘linked’ to the Work Permit held by their spouses, partners or parents and will be considered against all the requirements of the Act.

The Family Work Category enables the following individuals, to undertake temporary employment in Grenada:

- 1) Spouses or partners of Grenadians nationals, citizens or permanent residency holders;
- 2) Spouses or partners of long-term business Work Permit holders, whose ultimate intention is likely to apply for residency;
- 3) Spouses or partners of holders of Work Permits.

6.3 International/Humanitarians

International and Humanitarian category consists of:

- 1) Working holiday schemes to allow people from other countries to be granted permission to work on a reciprocal basis;
- 2) Provisions to enable Grenada to meet its humanitarian and international obligations.

6.4 Special Work Category

The Special Work category consists of:

- 1) Seasonal workers;
- 2) Foreign crew of ships/vessels, working in Grenadian waters, for a specific sector, e.g. telecom sector;
- 3) Religious workers;
- 4) Special events personnel.

6.4.1 Seasonal Workers

Seasonal Work Permit facilitates the entry of seasonal workers to support seasonal sectors such as construction, agriculture etc.

6.4.2 Foreign Crew of Ships/Vessels Working in Grenadian Territorial Waters for a Specific Sector

This Permit provides for the granting of Work Permits, to foreign crew employed on ships/vessels, working for a particular sector and specific duration, in Grenada's territorial waters.

6.4.3 Religious Workers

The religious worker Work Permit enables the entry of workers, to undertake religious work in Grenada, facilitating the opportunities for Grenadians to practice, maintain and advance their religious beliefs.

6.4.4 Special Events

Special events Permits facilitates cultural events and entertainment activities.

6.5 Volunteers

Foreign volunteers who are engaged in full-time activities, are required to obtain a valid Work Permit.

However, full time foreign workers who hold a valid work permit and wish to engage in informal, voluntary activities are not required to seek an additional Work Permit. This include activities such as: fundraising for charities, providing meals to the homeless or hospital patients etc.

However, these voluntary activities must meet the following criteria:

- 1) The activity occurs on an irregular basis;
- 2) There are no employment contracts;
- 3) Volunteers receive no remuneration in cash, or in kind;
- 4) The activities do not deprive Grenadian nationals and citizens of opportunities for employment.

7.0 PROCESSING OF WORK PERMITS APPLICATIONS

7.1 General Procedural Provisions

- 1) No application should be submitted, for approval, to the Minister, without the knowledge of the Supervisor of the Work Permit Unit and the Permanent Secretary;
- 2) Applications will ***NOT*** be processed for holders of Visitor Visas. In accordance with **SRO 37/2019 of the Immigration (Extension of Permit Fee) (Amendment) (No 2) Regulations**, visitors wishing to change their Visitor Status must proceed to the Immigration and Passport Office to effect same.
- 3) Work Permits shall not be processed or granted to individuals who are residing on island illegally;
- 4) Individuals not completing the process, may have their application returned to them;

- 5) Inquiries on pending or outstanding Work Permits applications, shall be given to the **Applicant ONLY**;
- 6) Applications of concern regarding the entry status of the applicant, ***MUST*** be forwarded to the Immigration and Passport Office for clarification and/or verification. After clearance, the Minister, may choose to approve or deny the Work Permit;
- 7) Where serious concerns are raised by the Immigration and Passport Office, the Minister, at his/her sole discretion, may choose to grant or refuse the Work Permit;
- 8) Work Permits applications will be approved only for skills that are not available or are in short supply in Grenada;
- 9) In accordance with the Regulations, all employers or sponsoring organizations are required to advertise, available position(s) locally, for three (3) conservative weeks, before submitting an application for Work Permit. Evidence of same, must accompany all Work Permit applications;
- 10) The Immigration and Passport Department ***MUST*** be informed of all cancellation of Work Permits;
- 11) A Joint Work Permit and Immigration Enforcement Team, will visit work places to ensure compliance with the Act;
- 12) A New Work Permit is required when the holder of an unexpired or expired Work Permit is changing employment or employer.

7.2 Processing Steps

All applications received are processed by the Work Permit Unit, within the Ministry of Labour. Processing of Work Permit applications involves the following:

- 1) **Pre-screening:** All applications are checked to ensure that the application forms have been completed, and all supporting documentation is attached.
- 2) **Assessing:** Applications are assessed to ensure that:
 - a) Supporting documentations are genuine;
 - b) Occupation advertising requirements have been met;
 - c) Applicant has the necessary qualifications, skills and experience;
 - d) Language, age and professional registration are met, if required.
- 3) **Recording:** If all documents are in order, the date is affixed and the applications are recorded, in the Work Permit Application ledger;

- 4) **Verification and Endorsement:** Applications are submitted to the Immigration and Passport Office for verification and endorsement after due diligence checks are performed by the said Office;
- 5) **Approval:** Applications verified and recommended for approval, by the Immigration and Passport Office are forwarded to the Minister, for a decision on whether or not to grant the Work Permit;
- 6) **Payment for Work Permit:** Upon approval of the applications, by the Minister for Labor, applicants make payments for the Work Permit at the Ministry of Finance, - Treasury Department
- 7) **Printing of Work Permit:** Work Permits Cards are printed;
- 8) **Collection:** Work Permit Cards, for approved applications are now available for collection;
- 9) **Stamped:** Holders of Work Permit Cards are now required to proceed to the Immigration and Passport Office, where their passports will be stamped, to complete the process.

7.3 Processing Timeframe

It is a statutory requirement under ***The Foreign Nationals and Commonwealth Citizen (Employment) (Amendment) Regulations 2017***, that all new Work Permit applications and all renewal applications be processed, within 12 working days, ***providing all supporting documentations are in order***. The Ministry of Labour will routinely process all applications, within 2 weeks, of the submission date.

8.0 FEES AND REFUND POLICY

8.1 Fees

Section 5 of the Foreign Nationals and Commonwealth Citizen (Employment) Act - Subsidiary Legislation authorises the payment of fees, to the Accountant General (Treasury, Ministry of Finance), once an applicant has been notified that his/her application has been approved. Payment receipts must be presented as proof of payment to the Ministry of Labour within forty-eight (48) hours. Authorised fees are as follows:

- 1) **Applications Forms:** Non-refundable fee of one hundred *Eastern Caribbean Dollars* (\$100.00 XCD), ***{SRO 48/2014}***.
- 2) **Foreign Nationals of The Bahamas, Barbados, Belize, Guyana, Jamaica, Montserrat, Suriname, Trinidad and Tobago and Cuba:** One Thousand

Eastern Caribbean Dollars (\$1,000.00 XCD), for each desired year of employment (SRO 26/2015).

- 3) **Other Commonwealth Citizens, North America, United Kingdom and European Union Nationals:** Three Thousand *Eastern Caribbean Dollars (\$3,000.00 XCD)*, for each desired year of employment **{SRO 26/2008}**.
- 4) **Foreign Nationals (other than those mentioned in #3):** Five Thousand *Eastern Caribbean Dollars (\$5,000.00 XCD)*, for each desired year of employment **{SRO 26/2008}**.
- 5) **Replacement of Work Permits:** One Hundred Eastern Caribbean Dollars (\$100.00 XCD) **{SRO 24/2017}**.
- 6) **Penalty fee for late submission, for renewal:** One Hundred Eastern Caribbean dollars (\$100.00 XCD), **{SRO 24/2017}**.

8.2 Fee Exemptions

- 1) Holders of a Certificate of Recognition of Caribbean Community (CARICOM) Skills Qualification **{SRO 6/2015 & SRO 26/2008}**;
- 2) CARICOM Entertainers: Waiver of Work Permit fees to CARICOM Artistes only **(Cabinet Directive 15th May, 2017)**;
- 3) OECS Citizens: Antigua and Barbuda, Dominica, St. Christopher (St. Kitts) and Nevis, St. Lucia and St. Vincent and the Grenadines are exempt **(SRO 26/2015 & Cabinet #520 of 30th March 2019)**.

Exemptions from the payment of Work Permit Fees are granted by the Ministry of Finance. Any person seeking a waiver of work permit fees is required to write to the Ministry of Finance for same.

Please Note: No exemptions are granted on fees for application forms.

8.3 Refunds Policy

All application fees are non-refundable and non-transferable.

What this means is that if a Work Permit application is denied, the **application fee** will not be refunded. Likewise, if an application is withdrawn, at any stage during processing, the application fee will not be refunded.

If a Work Permit holder departs Grenada, prior to the expiration of his or her Work Permit, the fee paid for that Work Permit is not refundable and the unused time on the Work Permit is not transferable to another or replacement employee.

The employer may recruit another foreign national in the same position, but will have to apply for a New Work Permit and pay the full fee for the new worker.

9.0 APPLYING FOR WORK PERMITS

9.1 General Requirements

All employers and/or organizations wishing to employ foreign nationals, or permanent residency holders, to work in Grenada, must comply with and provide proof of compliance, with all relevant employment and immigration laws in Grenada. Evidence of compliance include, but is not limited to:

- 1) Ensuring Work Permits are provided to all foreign national employees;
- 2) Complying with all mandatory terms and conditions in employment agreements, ensuring deductions are reasonable and adhering to all minimum standards within the employment legislation;
- 3) Meeting all holidays and special leave requirements and all other provisions, required under the Labour Code, paying employees, no less than the appropriate statutory minimum wage or other contracted industry standard; in addition, meeting minimum statutory criteria, such as making deduction and remittances, to the National Insurance Scheme (NIS) and complying with health and safety obligations, taxes, etc.
- 4) Notifying the Minister, within 14 days, of any changes in circumstances affecting the accuracy of information submitted, with the application, so same can be corrected in the records of the Ministry;
- 5) Submission of Documents in the Prescribed Manner: Employers are required to obtain and submit documents as stipulated in the Regulations (SRO24/2017). This includes ensuring that all supporting documents, submitted with applications, are in English.
6. Ensuring that applicant is proficient or able to communicate in the English language, to enable the sharing of knowledge and community participation;
7. Ensuring that Work Permits are returned to the Ministry at the conclusion of the employee's employment. Additionally, Work Permits must be returned under the following circumstances:

- a) The Work Permit is cancelled by the Minister; where a Work Permit was granted, and it is later found that false or misleading information was given as part of the Work Permit application;
 - b) The employee is terminated;
 - c) The Work Permit has expired;
8. Employers can only apply for Work Permits for foreign national employees of their own companies – he/she cannot act as an Agent, to obtain Work Permits for employees of other organisations.

Employers may consider keeping a register of foreign national workers, in their employment in order to facilitate Returns and annual reporting.

9.2 Offers of Employment

Employers must verify applicant's skills and job experience, are "in-line" with what is required for the job; they must also verify that the applicant has attained the age of 18, prior to the Work Permit application date. Work Permits will **NOT** be granted to foreign nationals under the age of 18.

All offers of employment must be genuine and sustainable. Unless otherwise stated, all offers of employment should contain the following information:

- a) Name, address, email and telephone number of the employer;
- b) Name and address of the individual, to whom the job is offered;
- c) Full job description including:
- d) The job title or designation;
- e) The address of the place of employment, if different from that of the employer's main office;
- f) The type of work, duties and responsibilities involved;
- g) Formal employment agreement;
- h) Compensation package, including allowances, benefits and other conditions of employment;
- i) Hours of work;
- j) Qualifications, experience or training requirements;
- k) The duration of the offer, and the job.

9.3 Use of Agents - Roles and Responsibilities of Agents

In some cases, employers may decide to engage the services of an Agent, such as an Attorney, to assist with the Work Permit application process. Agents work exclusively on behalf of prospective employers and provide the link between employers and the Ministry of Labour.

It is therefore important that there is a good understanding of the roles and responsibilities of Agents. At the same time, Agents must have a good understanding of the legal requirements regulating the employment of foreign nationals in Grenada.

An employer does not need to engage the services of an agent to obtain a Work Permit. Employers may use members of their own staff (e.g. Human Resource Manager etc.) to perform this task. However, the decision to engage the services of an Agent is solely at the discretion of the prospective employer.

Agents are responsible for:

- 1) Ensuring that all Work Permit application forms are filled out correctly and all necessary supporting documents are attached;
- 2) Ensuring that the application form is signed and stamped, and that the information provided is true and correct;
- 3) Ensuring that requests for additional information, from the Ministry, are passed on to clients and requested information provided in a timely manner;
- 4) Following-up on the progress of the Work Permit application with the Ministry and update clients on a regular basis;
- 5) Collecting Work Permit Cards, for approved applications, from the Ministry and deliver same to clients;
- 6) Informing clients if or when applications are refused by the Ministry.

9.4 Work Permit Applications

Section 3.2 of the Act stipulates that an employer cannot employ a foreign national, under any circumstances in Grenada, unless a Work Permit has been granted. In accordance with this requirement, an application must be made for a Work Permit, prior to engaging foreign nationals, in any occupation in Grenada.

All Work Permit applications must be lodged at the following address:

Ministry of Labour
3rd Floor, Ministerial Complex
Sir Eric Matthew Gairy Botanical Gardens
Tanteen
St. George
Grenada

9.5 Application Forms

All applications for Work Permit, must be submitted using the prescribed application form, (***Annex 1***). Applications submitted on incorrect forms will not be accepted under any circumstances.

Application forms are available from the Ministry of Labour(MOL), Work Permit Unit. Fees for application forms must be paid to the Accountant General/Treasury and receipt presented to the MOL.

No exemptions are granted on fees for application forms.

9.6 Requirements for NEW Applicants

SRO24/2017 outlines the requirements for new applicants as follows:

- 1) Completed application, on the prescribed form, ***in duplicates***, with company stamp affixed (***Annex 1***);
- 2) Copy of applicant's Passport Bio-data page and page showing details of the last date of arrival/extension to Grenada, where applicable;
- 3) Two (2) passport-size photos, with applicants' names written in (block letters), on the back;
- 4) Letter of application for a Work Permit from employer for a foreign national, addressed to the Permanent Secretary, Ministry of Labour;

- 5) Police Record/Clearance must be **ORIGINAL**, from country of residence for the preceding six(6) months;
- 6) Notarized copies of certificates of qualification: all certifications of qualification, submitted as part of Work Permit applications, must be notarized, “as true and correct”, by a Justice of the Peace or other Notary Public, to demonstrate that the foreign national has the formal qualifications (skills and job experience) to do the job, for which the Work Permit is being sought;
- 7) Two (2) letters of professional references, from previous employers or reputable citizen (if no previous employer);
- 8) Copy of Proof of Finance/Bank Statement of sufficient funds, from reputable banks/financial institutions from the Employer, sponsoring entity or foreign national, if self-employed;
- 9) Copy of Business Incorporation;
- 10) Tax obligation status from the Inland Revenue Division;
- 11) Certificate of Compliance/Registration from the National Insurance Scheme (NIS);

Please note:

- All supporting documents, submitted with applications ***MUST*** be in English.
- All documents which are not in English must be accompanied by a translation, into English. The translation must be accompanied by a statement in English, from the translator setting out:
 - a) The translator’s full name, address and occupation;
 - b) The translator’s qualifications;
 - c) A statement that the translation is true and correct;

12) Professional Registration - Medical and Dental Practitioners

- a) Doctors and Dental Practitioners - registration with The Grenada Medical and Dental Council;
- b) Medical Technicians – registration with Allied Health, Ministry of Health.

Work Permit applications for foreign nationals will not be processed, unless written proof of registration is provided.

9.7 Requirements Specific to Each Category of Workers

In addition to the general requirements for all new applicants, employers or sponsoring organisations must ensure that the following requirements are met, with applications for the following category of workers:

9.7.1 Religious Workers

Sponsors of applicants recruited to undertake religious work, in Grenada must show that the work the applicant is being sponsored to perform, directly serves the religious objectives of the sponsoring organisation.

To be granted a Work Permit as a Religious Worker, applicants must:

- 1) Be sponsored by a religious organization:
 - a) Whose primary purpose is advancing religion;
 - b) Who can demonstrate a genuine need for the applicant to work for the sponsoring religious organization as a religious worker;
- 2) Provide evidence from the sponsoring organization that they have the financial ability to meet all sponsorship undertakings;
- 3) Submit a statement from the sponsoring organization explaining why there is a genuine need for the applicant to work as a religious worker;
- 4) Not previously denied a Work Permit as a Religious Worker, or Ministers of religion, missionaries, and members of religious orders;
- 5) Provide evidence of at least two years training and/or experience relevant to the religious work, the applicant is being sponsored to undertake including, but not limited to:
 - a) Testimonials;
 - b) Certificates of ordination;
 - c) Curriculum vitae;
 - d) Documentation demonstrating relevant work experience; or
 - e) A verified or certified copy of an awarding certificate for a relevant qualification

The Minister for Labour may decline an application for a Work Permit under Religious Worker category, where it's considered that granting the Work Permit would undermine the integrity, credibility or reputation of Grenada's immigration or employment relations systems.

9.7.2 Students and Trainees

- 1) Meet all the requirements under New Applicants Entry instructions for lodging an application for an internship/temporary programme.
- 2) The offer of an internship must include evidence of funds or evidence of provision/sponsorship for maintenance (room and board), while in Grenada;
- 3) Include an offer of internship;
- 4) Include a detailed job description and ideal person specification for that offer of internship;
- 5) Include evidence that the applicant is suitably qualified by training and/or experience to undertake the offer of internship;
- 6) Include, where necessary,
 - a) Evidence of full or provisional registration at an educational institution, if full or provisional registration is required by law to take up the offer of internship;
 - b) For medical trainees, evidence from the Grenada Medical and Dental Association and Allied Health that medical applicants are eligible for full or provisional registration.

9.7.3 Entertainment (Arts, Culture and Sports)

Employers, promoters, agents or producers are required to apply for Work Permits, for each foreign artist/entertainer, for all events.

Approved Work Permits must be available and shown to the Immigration and Passport Officer, on arrival of the artist at the Airport.

In order to apply for Work Permits under the Entertainment (Arts, Culture and Sports) Work Permit Category, the sponsoring organization must:

- 1) Submit an application to include:
 - a) Completed application form **in duplicates, INDIVIDUALLY**, for **each artist/entertainer**, with the company's stamp affixed;
 - b) Two original passport size photos endorsed at the back, in block letters;
 - c) Copy of applicant's Passport Bio-data page and details of arrival/extension;

- d) **ORIGINAL** police certificates, not more than 6 months old, when the application is lodged, from the applicant's country of citizenship or residence (from any country in which they have lived, for 5 or more years).
- e) Evidence of an applicant's engagement.

2) Where necessary, provide documents which demonstrate that:

- a) The applicant has an international reputation and record of excellence in their declared field, or ethnic significance, or is manifestly essential to the presentation or production;
- b) The applicant is still prominent in the declared field;
- c) That the applicant has exceptional talent in a declared field of art, sport or culture;
- d) The applicant's presence in Grenada will enhance the quality of Grenada's accomplishments and participation in the declared field of art, culture or sport;
- e) They have considered engaging available Grenadian entertainers or professionals;
- f) A guarantee of accommodation and repatriation for each applicant

3. Obtain the authorisation of the relevant Grenadian Professional Association or Cultural foundations/organizations such as Spicemas Corporation.

In cases of events scheduled during Carnival Celebrations, **ALL** promoters, agents or producers and entertainers, are required to do the following:

- a) Obtain permission or a license from, the Spicemas Corporation and other relevant Grenada Cultural Associations, to host events during the Carnival Season, after the launch of Carnival. ***This license must be attached to ALL Work Permit applications;***
- b) Where necessary, provide tangible evidence that all required information has been submitted to Spicemas Corporation or other relevant professional association(s), of all individuals involved in the performance or production;

If the relevant Cultural Foundation/Spicemas Corporation or professional association does not object to the application, the Ministry of Labour will process the application, within the prescribed provisions.

9.7.4 Specific Purpose or Event

Application for a Work Permit for a Specific Purpose or Event Work is to facilitate entry to Grenada, for such purposes for which the applicant has demonstrated skills, expertise or attributes, that are likely to benefit individuals and/or Grenada and where there is no risk of a negative impact on opportunities for Grenadian nationals, citizens or residents.

To apply for a Specific Purpose or Event, the sponsoring employers, agents or producers must:

- 1) Submit a completed application form ***in duplicates***, with the company's stamp affixed;
- 2) Provide two passport-size photos, endorsed at the back, in block letters;
- 3) Submit a copy of applicant's Passport Bio-data page and details of any previous arrival/extension;
- 4) Provide **ORIGINAL** police certificates, not more than 6 months old, when the application is lodged, from the applicant's country of citizenship or residence, whichever is applicable.
- 5) Provide evidence that the applicant's engagement does not put the engagement of Grenadian entertainers or professionals, at risk, in equivalent work, unless the wider benefits to be obtained from the applicant's employment, outweighs the loss of job opportunities for Grenadian nationals, citizens;

The Work permit for a Specific Purpose or Event will be granted with the following conditions:

- 1) The duration of the Permit, will be enough or equal to the time needed, to be in Grenada, to complete the purpose/event, starting from either:
 - a) The applicant's first arrival in Grenada, if the applicant is outside Grenada;
 - b) From the date the work permit is granted if the applicant is in Grenada;
- 2) The conditions appropriate to the holder's work in Grenada (***i.e. the holder may only work as [occupation] for [employer or Grenadian entity] in [Grenada location of the work]***);

9.7.5 Exempt Person Work Category

All individuals in the Exempt category are required to submit an official Work Permit application under the Exempted Persons Category and must:

- 1) Meet all the requirements under New Entry instructions for lodging an application for a Work Permit. All Work Permit applications must be fully completed with the relevant documents attached;
- 2) Include an offer of employment from an employer that meets the requirements for offers of employment.

10.0 DENIAL OF APPLICATIONS

The Ministry of Labour will decline an application for a Work Permit under the following conditions:

- 1) Where it considers granting a Work Permit would undermine the integrity, credibility or reputation of the Grenadian immigration or employment relation systems;
- 2) Past history of violations, including, but is not limited to, not meeting the requirements of the Foreign Nationals and Commonwealth (Employment) Act and any other legislation relating to employment;
- 3) Determination that the employment offer is not genuine and sustainable;
- 4) The employment was offered as a result of payment made or promised, by the applicant (or their Agents), to the employer (or their Agents), in exchange for securing that offer of employment;
- 5) The Work Permit application is supported by, or includes a job offer based on employment with an employer who has a history of non-compliance with employment laws;
- 6) An employer has an investigation or case pending with the Ministry of Labour or the Courts;
- 7) Applicants have entered and are residing illegally on the island;
- 8) Applicants are holders of Visitor Visas;
- 9) Application found to contain false or misleading information;
- 10) Determination that vacant positions were not advertised locally, for the required three (3) consecutive weeks, before submitting applications, for Work Permits;

- 11) The Ministry is otherwise not satisfied that the employer meets all the requirements;

11.0 CANCELLATION OF WORK PERMITS AND EXEMPTION CERTIFICATES

Section 7 of the Act allows the Minister to vary or cancel a Work Permit, after giving the individual to whom it was issued, not less than 7 days written notice.

11.1 Automatic Cancellation of Work Permits

Work Permits are automatically cancelled under the following circumstances:

- 1) The foreign national ceases to hold a valid Visa;
- 2) Foreign national's employment is terminated for any reason;

11.2 Cancellation of Work Permits by the Minister

Work Permits may be cancelled, by the Minister under the following circumstances:

- 1) The Work Permit holder has not complied with the conditions of the Work Permit;
- 2) The Work Permit application contained information that was false or misleading;
- 3) The individual who holds the Work Permit is not a 'fit and proper' person to continue to hold a Work Permit. For example, an individual is not considered to be 'fit and proper' if:
 - a) He/she has been convicted of a criminal offence or have engaged in criminal activity;
 - b) He/she has been assessed by the relevant authority as being a risk to national security;
 - c) He/she is physically or mentally unable to continue performing their duties;
 - d) He/she has mistreated Grenadian workers;
 - e) He/she has breached the Act;

When cancellation occurs, the matter will be referred to Immigration and Passport Office, for entry permit cancellation and the foreign national may be removed from Grenada.

11.3 Cancellation of Exemption Certificates

Section 7 (2) of the Foreign Nationals and Commonwealth Citizens (Employment) Act – Subsidiary Legislation refers to the cancellation of a Certificates of Exemption, when the individual to whom it relates to, ceases to be exempt.

12.0 REPLACEMENT AND AMENDMENT OF WORK PERMITS AND EXEMPTION CERTIFICATES

12.1 Replacement of Work Permits

All requests regarding lost, damaged or defaced Work Permits, **MUST** be made in writing to the Minister, setting out the circumstances, pertaining to the lost, damaged or defacement.

Where the Minister is satisfied that the Work Permit has been lost, damaged or defaced, the Minister may issue a replacement Work Permit, in accordance with Section 6 (1) of the Foreign Nationals and Commonwealth Citizens (Employment) Act – Subsidiary Legislation. **In such cases, an entry will be made in the Register of Work Permits.**

In circumstances where a Work Permit has been defaced, it is a requirement that the Work Permit be returned, before a replacement is issued.

In accordance with **SRO 24/2017**, a fee of \$100.00 XCD will be applied for replacement of loss permits.

12.2 Amendment of Work Permits

Where the holder of a Work Permit desires to have his/her Work Permit amended, he/she **MUST** apply to the Minister, setting out the details of the proposed amendment and the reason in accordance with Section 6 (2) of the Foreign Nationals and Commonwealth Citizens (Employment) Act – Subsidiary Legislation. The present Work Permit, must also be surrendered with the application.

Where the Minister is satisfied and approves the amendment, the changes are then entered in the **Register of Work Permits.**

Section 10 (3) of the Foreign Nationals and Commonwealth Citizens (Employment) Act – Subsidiary Legislation authorises the individual, to whom a Work Permit has been issued, to notify the Minister, within 14 days, in writing, of any change in circumstances, affecting the accuracy of the information furnished by or in relation to such individual so that the necessary corrections can be made to the records of the Ministry.

12.3 Replacement of Certificates of Exemption

Section 7 (3) of the Foreign Nationals and Commonwealth Citizens(Employment) Act – Subsidiary Legislation requires that where a Certificate of Exemption is lost, defaced or damaged, the individual to whom it was issued, must set out in writing the circumstances and apply to the Minister for the replacement of same and the Minister shall, if he thinks fit, issue a new Certificate of Exemption to that individual.

12.4 Return of Work Permits

All Work Permits are to be returned to the Ministry under the following circumstances:

- d) Conclusion of the employee's employment period;
- e) Cancellation by the Minister;
- f) Termination of the employee's employment;
- g) Expiration of the Work Permit;

12.5 Annual Reporting

In accordance Section 10 (1) of the Act – employers are to submit annually, between 1st and 15th December, information on the number of foreign national in his/her employment on the prescribed form.

13.0 RENEWING WORK PERMITS

The Foreign Nationals and Commonwealth Citizens (Employment) (Amendment) Regulations Regulation 2017 provides that an existing Work Permit holder may make an application to renew the Work Permit, **three (3) months prior to the expiration date**, of the existing Work Permit.

Renewal only applies if the application is for the same position, within the same company i.e., the holder of a valid Work Permit wishes to remain in the same occupation with the same employer.

All renewal of applications must be made on the official Application Form (**Annex 1**).

Please note: A New Work Permit is required when the holder of an unexpired or expired Work Permit is changing employment or employer.

13.1 Requirements for Renewal

- 1) Application must be submitted three (3) months prior to the expiration date of current Work Permit; a fine will be imposed for late applications for renewals;
- 2) Submission of completed application form ***in duplicate***, with Company's or employer's stamp affixed;
- 3) Previous Work Permit/Exemption Certificate (original);
- 4) Cover letter from employer;
- 5) Two (2) passport-size photos;
- 6) Copy of applicant's Passport Bio-data page, along with the details of the last date of arrival or extension (if any) in Grenada;
- 7) Certificate of Tax Compliance from the Inland Revenue Division;
- 8) Certificate of Compliance/Registration from the National Insurance Scheme.

13.2 Renewal for Religious Workers

To be eligible for renewal of a Work Permit, as a Religious Worker:

- 1) The applicants must:
 - a) Hold a current Work Permit, granted as Religious Worker such as Ministers of Religion, missionaries, and members of religious orders;
 - b) Be in Grenada;
 - c) Submit an application in the prescribed manner;
 - d) Pay the appropriate fee;
 - e) Provide evidence to satisfy the Ministry of Labour that they have been working to advance the religious objectives of the sponsoring organization for the past period; evidence may include, but is not limited to, letters from the sponsoring organization, wage slips, and/or other records.
- 2) The sponsoring organization must provide a statement establishing the reasons why it considers that there is an ongoing need for the applicant to continue working as a religious worker;

14.0 THE PROCESSING OF WORK PERMITS APPLICATIONS

14.1 Processing Applications - The Steps in Detail

STEP 1 – Recording receipt of application, screening and assessment

All applications received at the Ministry of Labour is recorded in the Registry and then sent to the Work Permit Unit to begin processing as follows:

- 1) Supervisor checks that the necessary documents are attached and if correct, write “**Recommended**” in red ink, at the top of every application which has all of the supporting documents.
- 2) Individuals who qualify for exemptions, under the relevant agreements, must provide document of proof in order to enjoy this benefit.
- 3) Work Permit Clerks review all Work Permit applications and supporting documents and record the documents;
- 4) Provided that all documents are in order, affix Applicant information and date of submission in the Work Permit Application Ledger;
- 5) The Supervisor prepares a Memorandum to the Officer- in - Charge of the Immigration and Passport Office, for further due diligence and verification;

STEP 2 – Incomplete Applications

In cases where individuals submit incomplete applications:

- 1) **Applications received by mail:** Applicants will be contacted immediately, either by telephone or email and advised of the outstanding document(s), required for processing;
- 2) **Applications delivered by hand/in person:** Applications will be reviewed by Supervisor and all incomplete applications will be returned to the applicant with instructions to complete and resubmit with the required documents;
- 3) Upon receipt of additional information, applications will be processed;

STEP 3 – Verification and Endorsement

- 1) The Work Permit Unit Supervisor prepares and submits, the Memorandum Correspondence with all applications marked “**recommended**” to the Permanent Secretary, for review and signature.
- 2) The Memorandum with the attached “**recommended**” applications are sent to the Officer-in-Charge of the Immigration and Passport Office, for further due diligence;
- 3) Verified applications from the Immigration and Passport Office, are returned to the Ministry of Labour;
- 4) All verified and recommended applications, from Immigration, are sent to the Permanent Secretary for onward submission to the Minister for Labour, for approval/refusal and signatures;
- 5) All approved applications from the Office of the Minister must be returned to the Permanent Secretary;

STEP 4 – Post-Approval and Payment

- 1) The Permanent Secretary sends all approved applications to the Work Permit Unit, for the preparation of payment vouchers;
- 2) The Work Permit Unit will contact applicants immediately to advise of approval and payment arrangements. Payment must be made within 48 hours of notification. Applicants experiencing problems that prohibits payment must contact the Ministry before the expiration of the 48 hours.
- 3) Work Permit Clerk will write notification date on the back of application Forms as evidence of notification for payment;
- 4) Work Permit Clerks will issue vouchers to applicants, for payment of related/appropriate fees, to the Treasury, Ministry of Finance;
- 5) The Treasury payment receipt and the relevant section of the payment voucher must be returned to the Ministry of Labour and presented to the Work Permit Clerk. The Work Permit Clerk checks both documents, keeps the voucher and returns the receipt to the applicant.
- 6) All payments must be recorded at the Ministry of Labour at the bottom of the Application Form.

STEP 5 - Issuance of Work Permit and Exemption Certificate (Print, Collect and Stamp)

- 1) Work Permit Unit will print Work Permits approved, and paid for by applicants;
- 2) Work Permit Unit will prepare Exemption Certificate which was approved by the Minister;
- 3) Work Permit Cards and Exemption Certificates will be submitted to the Permanent Secretary for signature;
- 4) All Work Permits should be available for collection, from the Ministry of Labour within 5 days, after the receipt is submitted;
- 5) Applicants must sign as having received their Work Permits;
- 6) All Work Permit and Exemptions Certificates issued must be recorded in the specified format by the Work Permit Clerk;
- 7) Employers, sponsoring organizations, agents or employee must proceed to the Immigration Department, with the related passports for the necessary endorsement (stamp) to complete the process;

15.0 Frequently Asked Questions and Answers (FAQs)

15.1 Why Regulate the Employment of Foreign Nationals?

The Government of Grenada recognises that foreign workers, with essential skills are sometimes necessary, to enhance the human resource capacity and assist overall national development. For this reason, one of the key objectives of the Work Permit System is to assist employers with recruiting qualified, skilled and experienced foreign national workers, where these skills cannot be found locally.

However, Grenada's foreign employment system must also look after the interests of its citizens. These legislations are intended to ensure that Grenadians can participate in, and benefit fully from opportunities, within their own country. To this end, the legislation does this, by regulating the employment of foreign workers, by among other measures, stipulating that local employers are required to advertise certain jobs locally before they can engage the services of foreign nationals.

Further, employers are to ensure that relevant training is provided to local workers, in the same areas that Work Permits are granted to foreign nationals, to build local capacity.

15.2 Which Laws Apply?

The employment of foreign workers in Grenada is regulated by the following legislation:

- 1) The Foreign Nationals and Commonwealth Citizens (Employment) Act;
- 2) The Foreign Nationals and Commonwealth Citizen (Employment) (Amendment) Regulations;
- 3) The Employment Act of 1999;
- 4) Immigration Act, CAP.145 of the 1990 Revised Laws of Grenada;
- 5) Immigration (Extension of Permit Fee) (Amendment) (No.2) Regulation;

15.3 Who are required to hold Work Permits?

All foreign nationals who are seeking employment, within the private sector in Grenada, must possess a valid Work Permit, before they can commence employment. The Work Permit is granted by the Minister for Labour, in accordance with The Foreign Nationals and Commonwealth Citizens (Employment) Act, Cap 115.

15.4 Are there any foreign national employees who are exempted from the requirement to hold a Work Permit?

Section 10.1 of the Act outlines the categories of foreign national's employees who do not require a Work Permit to engage in employment in Grenada:

- 1) A Judge of the High Court or the Court of Appeal;
- 2) An individual employed in the service of the Crown, or the Government in a civil capacity;
- 3) A legal representative engaged in defending a person charged with a criminal offence.

Other Exempted Categories are:

- 1) In accordance with **SRO24/2015**, Work Permits are abolished for citizens of a Protocol Member State of the Organization of Eastern Caribbean States (OECS);
- 2) Holders of CARICOM Skilled Certificate whose conditions authorize the holder to undertake employment in Grenada. ***These individuals are processed through the Ministry of Foreign Affairs.***

PLEASE NOTE: Foreign Nationals who have been granted Permanent Residency status MUST apply for a Work Permit to work in Grenada.

15.5 What are the penalties for working without a Work Permit?

Section 3 (3) of the Act, makes it is an offence to work in Grenada without a Work Permit. An employer of a foreign nationals, who are engaged in activities in Grenada, that fall within the definition of employment, must apply for a Work Permit for such foreign national.

Any employer, of foreign national workers, who fails to meet this provision, is liable to be fined, upon summary conviction. In addition, if an employee's entitlement to work was for a limited period, and the employer continued the employment, without the benefit of renewal, that employer is in breach of the Act.

Similarly, an individual who commits an offence under the Act, is liable to a fine and in some cases, a term of imprisonment. It is possible that more than one penalty (fine and imprisonment) may apply for the same offence.

Section 3 (3) of the Foreign Nationals and Commonwealth (Employment) Act details the offences as follows:

1) **Employment Without Valid Work Permits**

- a. An employer who employs a foreign national who does not have a valid Work Permit commits **“an offence and liable on summary conviction to a fine of five hundred(\$500.00) dollars and in default of payment to imprisonment for six months and, in the case of a continuing offence, to a further fine of five hundred dollars for each day for which the offence continues and to imprisonment for six months”** ;
- b. A foreign national employee who is employed without a valid Work Permit commits an offence and on summary conviction can be fined;
- c. A self-employed foreign national who works without a valid Work Permit commits an offence and on summary conviction can be fined.

2) **Breach of Work Permit Conditions**

As provided for in Section 8 (d) of the Act, any individual who breaches the conditions of a Work Permit, is guilty of an offence and may result in the cancellation of the Work Permit and liable on summary conviction, to a fine of one thousand dollars (\$1,000.00), and in default of payment, six months imprisonment.

3) **Providing False or Misleading Information**

In accordance with Section 8 of the Act, an individual who provides false information in the procurement of a Work Permit shall be guilty of an offence and is liable to a fine of one thousand dollars (\$1,000.00) and in default of payment, imprisonment for six months.

4) **Failure to Produce Work Permits**

Section 6 (3) of the Act makes it an offence for an employer or foreign national employee to refuse to produce a Work Permit, when requested to do so by an Authorised Officer. The penalty for such an offence is a fine of one thousand dollars (\$1,000.00.) and in default of payment, imprisonment for three months.

15.6 Does Work Permits come with special conditions?

Section 4 (1) of the Act, grants the Minister absolute discretion, to grant Work Permits, with or without conditions. Where Work Permits are granted subject to conditions, the conditions will be clearly stated on the Work Permit.

Work Permits may only be issued:

- 1) To a specified employer;
- 2) For a specified foreign national;
- 3) For a specified industry, trade, occupation or profession;
- 4) Work Permits are granted for a period of one year;
- 5) Work Permits are non-transferable i.e. it may not be used by another foreign national employee;
- 6) Foreign national employee may not move from one company to another company without obtaining a new Work Permit.

15.7 What is an Agent?

An Agent is an individual (such as an Attorney) who assists businesses/employers, with engaging the services of foreign nationals, for employment, in Grenada.

15.8 Do I need to use an Agent to apply for a Work Permit?

An employer does not need to engage the services of an Agent to obtain a Work Permit. An employer may use a member of its own staff (e.g. Human Resource Manager), to perform this task. The decision to engage the services of an Agent is solely at the discretion of the prospective employer.

However, employers wishing to employ a foreign national worker may engage the services of an Agent, such as an Attorney, to assist with the Work Permit application process. Agents work exclusively on behalf of prospective employers. They provide the link between employers and the Ministry of Labour and is not a representative of the Ministry.

Please note: employers may only apply for Work Permits, for foreign national employees of their own companies – he/she cannot act as an Agent, to obtain Work Permits for employees of other organisations.

15.9 What are the requirements for a new Work Permit?

Requirements for NEW Applicants:

- 1) Completed application, on the prescribed form, (**Annex 1**), in duplicates, with company stamp affixed;
- 2) Copy of applicant's Passport Bio-data page and page showing details of the last date of arrival/extension, to Grenada;
- 3) Two (2) passport-size photos, with applicants' names written in (block letters), on the back;
- 4) Letter of application for a Work Permit from employer for a Foreign National, addressed to the Permanent Secretary, Ministry of Labour;
- 5) Police Record/Clearance Certificate must be **ORIGINAL**, from the applicant's country of residence, not more than 6 months old, when the application is lodged;
- 6) Notarized copies of certificates of qualification: It is a requirement of the Foreign Nationals and Commonwealth Citizens (Employment) (Amendment) Regulations 2017, that all certifications of qualification, submitted as part of Work Permit applications, must be notarized, "as true and correct", by a Justice of the Peace or other Notary Public;
- 7) Two (2) letters of professional references, from previous employer or reputable citizen (if no previous employer);
- 8) Copy of Finance/Bank Statement, from reputable banks/financial institutions, showing proof of sufficient funds of sponsoring entity
- 9) Copy of Business Incorporation;
- 10) Official tax obligation status from the Inland Revenue Division;
- 11) Certificate of Compliance/Registration from the National Insurance Scheme (NIS);

Please note the following:

- Professional Registration - for Medical and Dental practitioners – In accordance with **SRO 24 of 2017**, It is the responsibility of the employer and the foreign national to ensure they are registered with the appropriate Professional Association:

Doctors - The Grenada Medical and Dental Council, and
Medical Technicians - Allied Health – Ministry of Health.

The Ministry will not process these applications, until written proof of registration is provided;

- All supporting documents, submitted with applications ***MUST*** be in English. All documents which are not in English must be accompanied by a translation into English by a registered Public Translator and notarised.
- Detailed verifiable proof of the employee's skills and job experience must be provided in an updated curriculum vitae (CV) as part of the Work Permit application, to demonstrate that the foreign national has the formal credentials to do the job, for which the Work Permit is being sought;

15.10 How is My Work Permit Application Processed?

All applications received are processed by the Work Permit Unit, within the Ministry of Labour. Processing of Work Permit applications involves the following:

- 1) **Pre-screening:** All applications are checked to ensure that the application forms have been completed, and all supporting documentation are attached.
- 2) **Assessing:** Applications are assessed to ensure that:
 - a) Supporting documentations are genuine;
 - b) Occupation advertising requirements have been met;
 - c) Applicant has the necessary qualifications, skills and experience;
 - d) Language, age and professional registration are met.
- 3) **Recording:** If all documents are in order, the application and the date are recorded, in the Work Permit Application Ledger;
- 4) **Verification and Endorsement:** "***Recommended***" applications are submitted to the Immigration and Passport Office for due diligence checks;
- 5) **Approval:** Applications verified and recommended for approval are referred to the Minister for a decision on whether or not to grant the Work Permit;
- 6) **Payment for Work Permit:** Upon approval by the Minister, applicants make payment for the Work Permit at the Treasury Department, Ministry of Finance
- 7) **Printing of Work Permit:** Work Permits are printed
- 8) **Collection:** Cards for approved Work Permit applications are now available for collection;

- 9) **Stamped:** Holders of Work Permit cards are now required to proceed to the Immigration and Passport Department, where their passports will be stamped, to complete the process.

15.11 How long does it take to process a Work Permit application?

It is a statutory requirement under: ***The Foreign Nationals and Commonwealth Citizen (Employment) (Amendment) Regulations 2017***, that all new Work Permit applications and all renewal applications be processed, within 12 working days, if all supporting documentations are in order. The Ministry of Labour will routinely process all applications, within 2 weeks, of the submission date.

15.12 What happens if my new Work Permit application is not processed in time?

Foreign national who finds themselves in this situation should not commence their new job until the new Work Permit is granted.

15.13 How long is my Work Permit valid?

Work Permits are granted for a period of one year.

15.14 What are the Requirements for Renewal?

The Foreign Nationals and Commonwealth Citizens (Employment) Amendment Regulations Regulation 2017 provides that an existing Work Permit holder may make an application to renew a Work Permit, ***three (3) months in advance, of the expiration date***, of their existing Work Permit. A renewal only applies if the application is for the same position within the same company.

A fine of one hundred *Eastern Caribbean Dollars* (\$100.00 XCD), in addition to the renewal fee, will be imposed on each late application for renewal.

General Requirements for Renewal:

Work Permits are renewed **ONLY** when the holder of a valid, unexpired Work Permit wishes to remain in the same occupation with the same employer

- 1) Application for renewal must be submitted three (3) months, prior to the expiration date of current Work Permit; a fine will be imposed for late applications;
- 2) Completed application form ***in duplicates***, with company's or employer's stamp affixed;
- 3) Previous Work Permit/Exemption Certificates (Original):
- 4) Cover letter from employer;
- 5) Two (2) passport-size photos, signed on the back in block letters;
- 6) Copy of applicant's Passport Bio-data page, along with the details of the last date of arrival or extension (if any) in Grenada;
- 7) Certificate of Tax Compliance from Inland Revenue Division;

- 8) Certificate of Compliance/Registration from the NIS.

Renewal for Religious Workers

To be eligible for renewal of a **Work Permit**, as a Religious Worker, applicants must:

- 1) Hold a current Work Permit, granted as Religious Worker such as Ministers of Religion, missionaries, and members of religious orders;
- 2) Be in Grenada;
- 3) Submit an application in the prescribed manner;
- 4) Pay the appropriate fee;
- 5) Provide evidence to satisfy the Ministry of Labour that they have been working to advance the religious objectives of the sponsoring organization for the past period; evidence may include, but is not limited to, letters from the sponsoring organization, wage slips, and/or other records;
- 6) The sponsoring organization must provide a statement establishing the reasons why it considers that there is an ongoing need for the applicant to continue working for same as a religious worker;

15.15 Can I apply for and receive a Work Permit while in Grenada on a Visitor's Visa?

Applications will **NOT** be processed for holders of Visitor Visas, unless their status is regularised.

In accordance with **SRO 37/2019 of the Immigration (Extension of Permit Fee) (Amendment) (No 2) Regulations**, visitors wishing to change their Visitor Status must proceed to the Immigration and Passport Office to effect same.

15.16 Can a dependent of foreign national worker be granted a Work Permit? Yes.

There are no restrictions on the employment of dependents of foreign nationals, who are already working in Grenada. However, applications by dependents of foreign nationals for Work Permits, will be assessed in their own right – it is not 'linked' to Work Permits held by their spouses or parents and will be considered against all the requirements of the Act. The Family Work Category enables the following individuals, to undertake temporary employment in Grenada:

- 1) Spouses or partners of Grenadians nationals, citizens or permanent residency holders;
- 2) Spouses or partners of long-term business Work Permit holders, whose ultimate intention is to apply for residency;
- 3) Spouses or partners of holders of Work Permits.

15.17 What are the circumstances for denying an application for a Work Permit?

The Ministry of Labour will decline an application for a Work Permit under the following conditions:

- 1) Where it considers granting a Work Permit would undermine the integrity, creditability or reputation of the Grenadian immigration or employment relation systems;
- 2) Past history of violations, including, but is not limited to, not meeting the requirements of the Foreign Nationals and Commonwealth (Employment) Act and any other legislation relating to employment;
- 3) Determination that the employment offer is not genuine and sustainable;
- 4) The employment was offered as a result of payment made or promised, by the applicant (or their Agents), to the employer (or their Agents), in exchange for securing that offer of employment;
- 5) The Work Permit application is supported by, or includes a job offer based on employment with an employer who has a history of non-compliance with employment laws;
- 6) An employer has an investigation or case pending with the Ministry of Labour or the Courts;
- 7) Applicants have entered and are residing illegally on the island;
- 8) Applicants are holders of Visitor Visas;
- 9) Application found to contain false or misleading information;
- 10) Determination that vacant positions were not advertised locally, for the required three (3) consecutive weeks, before submitting applications, for Work Permits;
- 11) The Ministry is otherwise not satisfied that the employer meets all the requirements;

15.18 Can my Work Permit be recalled or cancelled?

Section 7 of the Act – Subsidiary Legislation allows the Minister to vary or cancel a Work Permit, after giving the individual to whom it was issued, not less than 7 days written notice. Work Permits are changed/varied or cancelled under the following conditions:

1) Automatic Cancellation of Work Permits

- (i) The foreign national ceases to hold a valid Visa. In other words, if a foreign national's Entry Visa becomes invalid, his/her Work Permit is automatically invalid;
- (ii) Foreign national's employment is terminated for any reason;

2) Cancellation of Work Permits by the Minister

Work Permits may be cancelled, by the Minister under the following circumstances:

- (i) The Work Permit holder has not complied with the conditions of the Work Permit;
- (ii) The Work Permit application contained information that was false or misleading;
- (iii) The individual who holds the Work Permit is not a 'fit and proper' person to continue to hold a Work Permit. For example, a person is not 'fit and proper' if:
 - a) He/she has been convicted of a criminal offence or have engaged in criminal activity;
 - b) He/she has been assessed by the relevant authority as being a risk to national security;
 - c) He/she is physically or mentally unable to continue performing their duties;
 - d) He/she has mistreated Grenadian workers;
 - e) He/she has breached the Act;

When cancellation occurs, the matter will be referred to Immigration and Passport Office, for entry permit cancellation and the foreign national may be removed from Grenada.

15.19 Are Work Permit fees refundable or transferable?

All application fees are non-refundable and non-transferable.

What this means is that if a Work Permit application is denied, the application fee will not be refunded. Likewise, if an application is withdrawn, at any stage during processing, the application fee will not be refunded.

If a Work Permit holder departs Grenada, prior to the expiration of his or her Work Permit, the fee paid for that Work Permit is not refundable and the unused time on the Work Permit cannot be transferred to a new foreign worker.

15.20 What happens if I lose or damage my Work Permit Card?

Replacement of Work Permits

All requests regarding lost, damaged or defaced Work Permits or Work Permits Cards, ***MUST*** be made in writing, setting out the circumstances, pertaining to the lost, damaged or defacement. Where the Minister is satisfied that a Work Permit or Work Permit Card has been lost, damaged or defaced, the Minister may issue a replacement Work Permit or Card, in accordance with Section 6(1) of the Act –Subsidiary Legislation. In such cases, the replacement Work Permit or Card will be clearly marked as a replacement.

In circumstances where the Work Permit has been defaced, it is a requirement that the Work Permit is returned before a replacement card is issued.

A fee of one hundred *Eastern Caribbean Dollars* (\$100.00 XCD), will be required for replacement of loss Work Permit.

Amendment

Where the holder of a Work Permit desires to have his/her Work Permit amended, he /she ***MUST*** apply to the Minister setting out the details of the proposed amendment and the reason. The current Work Permit must also be surrendered with the application. Where the Minister is satisfied and approve the amendment, the changes are then recorded in the records of the Ministry.

15.21 What happens when my Work Permit is about/due to expire?

If you have a Work Permit which is about to expire, you must submit a renewal application, with the Ministry of Labour. According to the Regulations, this must be done *three (3) months in advance*, of the expiration date.

A fee of one hundred *Eastern Caribbean Dollars* (\$100.00 XCD), will be applied for late submission of application for renewal.

15.22 What happens if my Work Permit expired before it can be renewed?

Foreign Nationals found to be working without valid Work Permits, will be subjected to significant penalties. These penalties may be levied against both the company employing the foreign national and the foreign national worker (***Section 3.3***). In addition, these foreign workers may also be removed from Grenada and prevented from returning.

Work Permit renewals are usually processed prior to the expiration of an existing valid Permit, provided a renewal application was submitted on time, ***that is, three (3) months in advance of the expiration date***.

In instances where the renewal is not completed, due to negligence or failure on the holder to submit a renewal application, prior to the expiration date of the last valid Work Permit, the foreign national employee will be required to apply for a renewal of the Work Permit.

A fee of one hundred Eastern Caribbean Dollars (\$100.00 XCD), will be applied for late submission of application for renewal.

15.23 Who is an Authorised Officer?

An Authorised Officer is a person appointed by the Minister, in accordance with Section 5 (1), who has powers to conduct inspections/visitations of workplaces, to ensure employers and employees are complying with the law relating to foreign workers employment in Grenada.

15.24 What is the evidence of appointment of an Authorised Officer?

An employer or a foreign national employee may request an Authorised Officer to provide evidence of their appointment as an Authorised Officer.

Proof of appointment will be:

- A letter signed by the Minister for Labour, confirming the appointment of the individual as an Authorised Officer in accordance with Section 5 (2) of the Act. An Authorised Officer may be accompanied by an interpreter or other observers. Interpreters and observers are not required to be appointed Authorised Officers and does not have the powers of an Authorised Officer.

15.25 What powers does an Authorised Officer have?

In accordance with Section 6 (1-2) of the Act, foreign national workers are required to keep their Work Permits with them at all times and present it to an Authorised Officer or police Officer, on demand, and shall answer all question for the purpose of establishing his/her identity.

An Authorised Officer may:

- 1) Enter any workplace where a foreign national is employed;
- 2) Inspect any work done by a foreign national or any machinery and equipment used by a foreign national;
- 3) Ask questions and request information about a foreign national worker
- 4) Examine Work Permits;
- 5) Examine information or record; including passports and employment contracts, which may be relevant to the employment of foreign national;

15.26 What does it mean to co-operate with Authorised Officer?

The foreign national, presents on demand, to an Authorised Officer his/her Work Permit, passport or employment contract and answer all questions, for the purpose of establishing his/her identity and entitlement to live and work in Grenada.

15.27 What action(s) are considered to be offences against Authorised Officers?

- **Failure to produce Work Permit and Card to an Authorised Officer**

Section 6 (1) of the Act requires that the Work Permit must be produced on the request of an Authorised Officer. A foreign national employee must be able to produce his/her Work Permit Card, if requested by an Authorised Officer.

Examples of when a person may be required to produce a work permit includes when an Authorised Officer visits employment premises to undertake an inspection, or when a foreign national attend the offices of the Ministry of Labour, Work Permit Unit.

Failure to produce the Work Permit is an offence under the Act and is subject to a fine of \$1,000.00 and in default of payment; to imprisonment of three (3) months.

ANNEX 1
GRENADA
APPLICATION FOR WORK PERMIT
FOREIGN NATIONALS AND COMMONWEALTH CITIZEN (EMPLOYMENT) ACT
(to be completed in duplicates)

MINISTRY OF LABOUR A NO		
WORK PERMIT/EXEMPTION APPLICATION FORM		
FIRST SCHEDULE – FORM 1		
Foreign Nationals and Commonwealth Citizens (Employment) Act		
Please indicate the type of Application: Work Permit <input type="checkbox"/> <input type="checkbox"/> Exemption		
Part I: To be completed by Prospective Employee		
First Name	Last Name	Middle Name
Local Address	Gender M F	Occupation:
Address Overseas (except in case of Renewal)	Date of Birth / /19.....	Country of Birth
	Marital Status	Nationality
Telephone No.	Passport No.	Passport Expiry Date / /20.....
E Mail Address	Country of Issue	Expiry Date: / /20.....
Fax No.	Previous Work Permit No.	Last Date of Entry: / /20.....
Qualification (Certificate Attached)	Name and Address of Previous Employer	
Work Experience (CV Attached)		
PART II: EMPLOYER		
Business/Name of Employer		TIN:
Business Address	Request for Work Permit is in relation to: <input type="checkbox"/> Bilateral/multilateral agreement <input type="checkbox"/> Investment <input type="checkbox"/> Missionary Work Other (Specify).....	Date of Registration: / /
		Date of Incorporation: / /
		NIS Number
Nature of Business	Steps taken to employ Nationals	
Job Title and Duties to be Performed (Attached)	<input type="checkbox"/> Employment Agency <input type="checkbox"/> GIDC <input type="checkbox"/> Internal Recruitment <input type="checkbox"/> Advertisement (attach Copy) Local Overseas Other	
Qualification necessary for Job (Details on attachment)	Reason for Application	Gross Salary Offer \$

If no steps taken please state reason (Attach details)

Details of programme (if any) instituted by Employer to train citizens of Grenada to fill posts now held by persons who are not citizens of Grenada (Full explanation attached)

Staff Composition	Citizenship	Professional	Clerks/Service Worker	Skilled Workers	Plant and Machinery	Elementary Occupations	Total
	Grenadian						
	CARICOM/OECS						
	Commonwealth						
	Foreign National						

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

_____ **Date**

_____ **Signature of Employer**

FOR OFFICIAL USE

Application approved/refused For a period of Days/Year.....

Fee Paid \$.....

Payment Receipt No

W.P.

...

...../...../20.....

Minister for Labour

Date

Issued/Renewed/Cancelled

Valid from/...../20..... **To**/...../20.....

ANNEX 2

LISTING OF CARICOM AND OECS COUNTRIES

CARIBBEAN COMMUNITY (CARICOM) COUNTRIES

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

ORGANISATION OF EASTERN CARIBBEAN STATES (OECS)

Antigua and Barbuda
Dominica
Grenada
St. Lucia
St. Kitts and Nevis
St. Vincent and the Grenadines
Montserrat
Anguilla

ANNEX 3

COMMOWEALTH COUNTRIES & BRITISH OVERSEAS TERRITORIES **COMMOWEALTH COUNTRIES**

Antigua and Barbuda	Malaysia	St Vincent and the Grenadines
Australia	Malta	Swaziland
Bangladesh	Mauritius	The Bahamas
Barbados	Mozambique	Tonga
Belize	Namibia	Trinidad and Tobago
Botswana	Nauru	Tuvalu
Brunei	New Zealand	Uganda
Cameroon	Nigeria	United Kingdom
Canada	Pakistan	United Republic of Tanzania
Dominica	Papua New Guinea	Vanuatu
Fiji	Republic of Cyprus	Zambia
Gambia	Rwanda	Zimbabwe
Ghana	Samoa	
Grenada	Seychelles	
Guyana	Sierra Leone	
India	Singapore	
Jamaica	Solomon Islands	
Kenya	South Africa	
Kiribati	Sri Lanka	
Lesotho	St Kitts and Nevis	
Malawi	St Lucia	

BRITISH OVERSEAS TERRITORIES

Anguilla

Bermuda

British Antarctic Territory

British Indian Ocean Territory

Cayman Islands

Falkland Islands

Gibraltar

Montserrat

Pitcairn, Henderson, Ducie and Oeno Islands

South Georgia and the South Sandwich Islands

Sovereign Base areas of Akrotiri and Dhekelia on Cyprus

St Helena, Ascension and Tristan da Cunha

Turks and Caicos Islands

Virgin Islands

ANNEX 4

English Speaking Countries

Applicants from the following countries are assumed to be proficient in English and do not need to submit evidence of English Language Proficiency at the time of application:

Antigua and Barbuda	Liberia	Seychelles
Australia	Malawi	Sierra Leona
Bahamas	Malaysia	Singapore
Barbados	Maldives	Solomon Islands
Belize	Mali	South Africa
Canada	Malta	St. Vincent & Grenadines
Cook Islands	Marshall Islands	Swaziland
Dominica	Mauritius	Tanzania
Federated States of Micronesia	Namibia	Tonga
Fiji	Nauru	Trinidad and Tobago
Gambia	Nepal	Tuvalu
Ghana	New Zealand	Uganda
Guam	Nigeria	United Kingdom
Guyana	Niue	United States of America
Ireland	Palau	Vanuatu
Israel	Papua New Guinea	Zambia
Jamaica	Philippines	Zimbabwe
Kenya	Saint Kitts and Nevis	
Kiribati	Saint Lucia	
Lesotho	Samoa and American Samoa	

ANNEX 5

Guidance/Checklist for the Issuance of Work Permits

The following guidelines are to familiarize applicants with the procedures for the granting of Work Permits:

Category A – SRO24/2017

- 1) All documents must be in English or translated by a registered public translator and notarized;
- 2) Supporting documents must be attached;
- 3) Applications will be processed within twelve (12) working days, providing all required supporting documents are included;

Requirements for NEW Applicants

- 1) Completed application forms (*Annex 6*), ***in duplicate*** with company stamp affixed;
- 2) Copy of applicant's Passport Bio-data page and page showing details of the last date of arrival/extension (if any);
- 3) Two (2) passport-size photos, with applicants' names written in (block) letters on the back;
- 4) Letter from employer addressed to the Permanent Secretary, Ministry of Labour;
- 5) **ORIGINAL Police Record/Clearance** certificates, not more than 6 months old, when the application is lodged, from the applicant's country of citizenship and from any country in which they have lived, for 5 or more years since attaining the age of 17 years;
- 6) Notarized copies of certificates of qualification;
- 7) Two (2) letters of professional references, from previous employer or reputable citizen (if no previous employer);
- 8) Copy of Proof of Finance/Bank Statement, of the sponsoring organization/employer from (reputable financial institutions)
- 9) Copy of Business Incorporation;
- 10) Original official tax obligation status, from the Inland Revenue Division;
- 11) Certificate of Compliance/Registration from the National Insurance Scheme (NIS)

Other Requirements

- 1) Registration/Certificate for medical practitioners and Allied Health workers must be attached with submissions to the Ministry of Labour;
- 2) Letter of Exemption from payment of fees, where applicable;

Please note the following:

- 1) Applications will not be processed under the following conditions
 - a) Applications from individuals who entered and are residing illegally on the island, unless status is regularized;

- b) Holders of Visitor Visas;
- 2) Persons without a valid Work Permit will be subjected to Immigration Laws
- 3) All positions **MUST be advertised locally, for three (3) consecutive weeks before, submitting applications, for Work Permits;**

Fees and Fines

- 1) A fee of one hundred *Eastern Caribbean Dollars* (\$100.00 XCD), will be required for replacement of loss Permits;
- 2) A fine of one hundred *Eastern Caribbean Dollars* (\$100.00 XCD), will be applied for late submission of application for renewal.

Requirements for Renewal

- 1) Application for renewal must be submitted three (3) months prior to the expiration date of current Work Permit, fines will be imposed on each late application;
- 2) Submission of completed application form, (Annex 6), **in duplicate**, with Company's or employer's stamp affixed;
- 3) Original current or previous Work Permit/Exemption Certificates;
- 4) Cover letter from employer
- 5) Two (2) passport-size photos;
- 6) Copy of applicant's Passport Bio-data page, along with the details of the last date of arrival or extension (if any) in Grenada;
- 7) Certificate of Tax Compliance from Inland Revenue Division;
- 8) Certificate of Compliance/Registration from the NIS.

UPON RECEIPT OF A WORK PERMIT, THE HOLDER MUST PROCEED TO THE IMMIGRATION AND PASSPORT OFFICE WITH THEIR PASSPORT, FOR THE NECESSARY ENDORSEMENT.

ANNEX 6

Guidance/Checklist for the Issuance of Work Permits

Category B - Exempted Persons

Applications under the Exempted Persons Category must:

- 1) Individuals who qualify for Exemptions, under the relevant agreements, must provide document of proof in order to enjoy this benefit;
- 2) Meet all the requirements under instructions for lodging a new application for a Work Permit;
- 3) Include an offer of employment from an accredited employer that meets the requirements for offers of employment;
- 4) All documents must be in English or translated by a registered public translator and notarized;
- 5) All Work Permit applications must be fully completed with the relevant supporting documents must be attached;
- 6) Completed application form (Annex -) ***in duplicate***, with Ministry/Organization stamp affixed;
- 7) Copy of Passport Bio-data page and last date of arrival/extension;
- 8) Two (2) Passport-size photos;
- 9) Cover letter from supporting Ministry/Organization;
- 10) Include, where necessary:
 - a) Evidence of full or provisional registration, or eligibility for such registration, if full or provisional registration is required by law to take up the offer of employment for the occupations requiring registration;
 - b) Evidence from the Grenada Medical and Dental Council that they are eligible for full or provisional registration subject only to attending a personal interview with a Council representative within one month of their arrival in Grenada;
- 11) Applications will be processed within twelve (12) working days, providing all required supporting documents are included;

Annex 7

Guidance/Checklist for the Issuance of Work Permits

Category C – Religious/Missionaries/Interns/NGO's

- 1) All documents must be in English or translated by a registered public translator and notarized;
- 2) Supporting documents must be attached;
- 3) Completed application forms (Annex 7), ***in duplicate***, with company/supporting Organization stamp affixed;
- 4) Copy of Passport Bio-data page and details of arrival/extension;
- 5) Two passport-size photos;
- 6) Cover Letter from supporting Ministry/organization;
- 7) **ORIGINAL** Police Record Clearance, for the preceding six months from the country of citizenship;
- 8) Certificate of Incorporation (NGO/Religious Organizations/Business);
- 9) Applications will be processed within twelve (12) working days, providing all required supporting documents are included;
- 10) Application will be cancelled if all documents are not submitted within one (1) month, from the notification date of missing documents or application date;
- 11) Payments for approved Work Permits must be made within forty-eight (48) hours, after notification of approval;

Annex 8

Guidance/Checklist for the Issuance of Work Permits

Category D – Entertainment - Arts, Culture and Sports

- 1) All documents must be in English or translated by a registered public translator and notarized;
- 2) Supporting documents must be attached;
- 3) Completed application form (Annex 7), ***in duplicate*** with company's stamp affixed;
- 4) Two passport-size photos;
- 5) Copy of Passport Bio-data page and details of arrival/extension;
- 6) License or Agreement from the relevant Grenadian Cultural/Spicemas Corporation or Professional Association;
- 7) **ORIGINAL** Police Record Certificate, for the preceding six months, from the applicant's country of citizenship and from any country in which they have lived for 5 or more years since attaining the age of 17 years;
- 8) Applications will be processed within twelve (12) working days, providing all required supporting documents are included;
- 9) Payments for approved Work Permits must be made within forty-eight (48) hours, after notification of approval;
- 10) Provide where necessary documents which demonstrate that:
 - a. The applicant has an international reputation and record of excellence in their declared field;
 - b. The applicant is still prominent in the declared field;
 - c. The applicant's presence in Grenada will enhance the quality of Grenada's accomplishments and participation in the declared field of art, culture or sport;
- 11) Promoters must be registered with the Inland Revenue Department of the Ministry of Finance, and a copy of the contract for events must be submitted to the said Ministry.