

JAMAICA

The IOM estimates that in 2015 almost 28 percent of the Jamaican population lived outside the country. Jamaican emigrants were concentrated mostly in the United States, United Kingdom and Canada.¹ With more than a quarter of its population abroad, Jamaican emigrant policy is shaped by challenges such as avoiding brain-drain and channeling remittances into productive development.²

An analysis of the emigrant policies adopted by Jamaica in recent years shows indeed that there is an incipient strategy to create and maintain links with its diaspora that goes beyond the mere interest for remittances. Jamaica has, for instance, the “Diaspora Advisory Board,” a consultative institution through which emigrants are able to express their interests and demands directly to the government. Furthermore, the Ministry of Foreign Affairs and Foreign Trade has within its structure a Directorate for Diaspora and Consular Affairs, which is in charge of coordinating the action of the government towards its diaspora. The inclusion of the Jamaican diaspora into the political arena of Jamaica, however, is still far from complete, since Jamaicans living abroad cannot participate in elections.

Nevertheless, the importance of remittances for the Jamaican economy can be observed through the adoption of regulation to promote transparency of remittance channels. Brain-gain has also been a policy dimension that has been present in Jamaica in recent decades. The current “Returning Resident Program,” for instance, ensures that returnees can import their possessions without paying taxes. Jamaica has also developed social and symbolic policies.

CITIZENSHIP/NATIONALITY

DUAL OR MULTIPLE NATIONALITY REGULATION

Jamaica does not differentiate between ‘nationality’ and ‘citizenship.’ Furthermore, neither the Jamaican Constitution nor the Jamaican Nationality Act refers to the conditions to acquire other nationalities. This lack of regulation allows Jamaicans to take on other nationalities. There is no limit in regards to the generations of Jamaicans abroad that can retain Jamaican nationality. There is also no restriction on which nationalities they may acquire.³

1 International Organization for Migration, “Jamaica.”

2 Ibid.

3 The Queen’s Most Excellent Majesty in Council, *The Jamaica (Constitution) Order in Council*; House of Representatives, *Jamaican Nationality Act*.

LOSS OF CITIZENSHIP/NATIONALITY

The Jamaican Constitution and the Jamaican Nationality Act differentiate between citizens by birth and citizens by naturalization. The former cannot be deprived of their citizenship.⁴ The latter, however, can lose their citizenship if they reside abroad permanently for more than seven years.⁵

SUFFRAGE

VOTING RIGHTS OF NON-RESIDENT CITIZENS

Jamaica has a parliamentary system. The legislative power is divided in two chambers, the Senate and the House of Representatives.⁶ The 21 members of the Senate are elected indirectly; they appointed by the Governor-General in accordance with the Prime Minister and the Leader of the Opposition.⁷ In regards the lower house, the House of Representatives, the Jamaican Constitution establishes that a person may register as an elector only if he/she resides in Jamaican territory at the moment of registration.⁸ Therefore, non-resident citizens are not allowed to vote in elections held in Jamaica.

CANDIDACY RIGHTS OF NON-RESIDENT CITIZENS

The Jamaican Constitution establishes that only those persons that have resided in Jamaican territory for at least twelve months preceding an election may be appointed as Senators or elected to the House of Representatives.⁹ Therefore, non-resident Jamaican citizens cannot be candidates in elections.

INSTITUTIONAL PARTICIPATION

CONSULTATIVE BODIES AT NATIONAL LEVEL

Jamaica has a consultative body of emigrant affairs at the national level since 2004. The Diaspora Advisory Group emerged from the first Biennial Jamaica Diaspora Conference. Its primary function is to advise the Minister of Foreign Affairs and Foreign Trade with the responsibility of Diaspora Affairs on issues that affect Jamaican citizens living abroad. The members of the

4 The Queen's Most Excellent Majesty in Council, *The Jamaica (Constitution) Order in Council*, Art. 8 (1)

5 House of Representatives, *Jamaican Nationality Act*, Art. 8(3)

6 The Queen's Most Excellent Majesty in Council, *The Jamaica (Constitution) Order in Council*, Art. 34.

7 Ibid. Art. 35.

8 Ibid. Art. 37.

9 Ibid. Art. 39.

Advisory Board are elected by their peers and appointed by the Minister for Diaspora Affairs, they serve a two year term with the possibility of reelection and are required to keep in touch with the Jamaican diaspora. Members should represent the main Jamaican diaspora locations. The consultative body meets in Jamaica at least twice per year, but also has the possibility of convening telephone conferences on a quarterly basis. Although the Minister for Diaspora Affairs is also the chairman of the Advisory Board, the board is free to discuss all the issues that concern the community of Jamaicans abroad, however, they do not have the right of initiative to make their own reports or recommendations to the government, nor is the government obliged to give an official response to their demands.¹⁰

ADMINISTRATION

CONSULATES

Jamaica has 3 consulates and 80 honorary consulates in 66 countries. The consulates are not open on weekends nor do they offer online services or mobile offices.¹¹ Furthermore, Jamaican consulates do not offer legal, psychological, or financial consultancy.

HOME COUNTRY ADMINISTRATION

Jamaica has two administrative units related to emigrant policies. One is the Directorate of Diaspora and Consular Affairs, which is subordinated to the Foreign Services Operations Division of the Ministry of Foreign Affairs and Foreign Trade. This office is in charge of coordinating all policy programs designed to reach the Jamaican diaspora. The directorate is located on the third administrative level within the hierarchical administration of the Ministry.¹² The other administrative unit is the Implementation Council. It has the mandate of implementing the recommendations emanating from the Fifth Biennial Diaspora Conference held from June 16 to 19, 2013. It is essentially an intergovernmental body with representation of other societal actors such as foundations.¹³

10 Lincoln Downer, Assistant Director of the Jamaican Diaspora and Consular Affairs Department, in an interview.

11 Ibid.

12 Jamaica Information Service, "Jamaicans Overseas & Consular Affairs Department."

13 Jamaican High Commission, "Minister for Diaspora Affairs Welcomes the Establishment of Post Diaspora Conference Implementation Council."

ECONOMIC POLICIES

REMITTANCES

Jamaica has developed a framework to regulate remittance channels with the goal of controlling money laundering. The framework is managed by the Bank of Jamaica and the Ministry of Finance and Planning.¹⁴ Furthermore, the Jamaica's International Migration and Development Policy has established as a goal that, by 2030, there should be already a system for the transmission and management of remittances that enhance development. Under this framework, Jamaica plans to take operative actions such as improving the regulation of remittances or promoting financial literacy for migrant and recipients.¹⁵

INVESTMENT

Jamaica has made some efforts in recent years to develop a policy to attract investments from non-resident nationals. Examples of these efforts are tax breaks for investing in the Jamaican Stock Exchange that applies for Jamaicans living in Canada¹⁶ or the celebration of a Diaspora Conference organized by the Ministry of Foreign Affairs, focused on investment opportunities for the diaspora.¹⁷

BRAIN-CIRCULATION NETWORKS AND BRAIN-GAIN PROGRAMS

The Diaspora Youth Connect Project is managed by the Jamaica Diaspora Institute¹⁸ and its main goal is to incorporate the knowledge and financial resources of the diaspora into the Jamaican economic structure.¹⁹

RETURN POLICIES

Jamaica recognizes qualifications obtained abroad. Interested applicants must send an "Application for Assessment of Credentials" to the University Council of Jamaica. Once the application has been registered, the process ought to take up to 15 working days (however, the process can be extended if it involves

14 Bank of Jamaica, "Supervision of Remittance Services."

15 Lincoln Downer, Assistant Director of the Jamaican Diaspora and Consular Affairs Department, in an interview.

16 "Jamaican Diaspora Commended for Support to Country"; "Jamaica Deemed Ready for Diaspora Investments."

17 McIntosh, "Investment Opportunities Main Area of Focus at Diaspora Conference - Jamaica Information Service."

18 The Jamaica Diaspora Institute is a branch of the Jamaican Diaspora Foundation, established after the 2004 Jamaica Diaspora Conference and located in the Mona School of Business and Management at the University of the West Indies (Kingston, Jamaica). Jamaica DiasporaConnect, "About Us."

19 Jamaica Diaspora Institute, "Diaspora Youth Connect."

extensive research).²⁰ Moreover, the Ministry of Foreign Affairs and Foreign Trade has developed the “Returning Residents Program,” which consists essentially of an import tax exemption for household and personal items for returnees. The status of ‘Returning Resident’ is awarded to all Jamaicans that comply with three requirements: being at least 18 years old, having lived abroad for 3 consecutive years, and returning to Jamaica to reside permanently.²¹

OBLIGATIONS

MILITARY SERVICE, SOCIAL SERVICE, TAXES

Jamaica has neither mandatory conscription nor social service.²² Furthermore, only residents must pay taxes in Jamaica. Therefore, Jamaicans living permanently abroad do not have any legal or fiscal obligation towards the Jamaican state.

EXIT AND TRANSIT POLICIES

Jamaica passed the Trafficking in Persons (Prevention, Suppression and Punishment) Act in 2007. This piece of legislation created the instruments to combat human trafficking in Jamaica. Based on this act, the country has carried out diverse activities that fall under the category of exit and transit policies. For instance, between 2012 and 2013, the Ministry of Justice tried to raise awareness of the issue by conducting public education campaigns through media (radio programs, Facebook campaigns etc.) and training in human trafficking detection for officials involved in the management of migration.²³

SOCIAL POLICIES

Non-resident Jamaicans cannot participate in the Jamaican healthcare system from abroad.²⁴ However, they can make social security contributions and receive a pension in their country of residence, but only if they reside in a

20 The University Council of Jamaica, “Credential Assessment & Recognition.”

21 Jamaican High Commission, “Returning Residents FAQs”; Ministry of Foreign Affairs and Foreign Trade, “Returning Residents Information Booklet.”

22 Central Intelligence Agency, “Jamaica.”

23 Ministry of Justice Government of Jamaica, “Combating Trafficking in Persons in Jamaica.”

24 Jamaica Information Service, “Social Security Reciprocal Agreements at Disapora Conference.”

country that has signed an agreement with Jamaica (United Kingdom, Canada, Quebec and the countries members of the CARICOM community²⁵).²⁶ The National Insurance Scheme does not include unemployment benefits.

SYMBOLIC POLICIES

Jamaica organizes conferences abroad that target emigrants every two years. The conferences are organized by the Ministry of Foreign Affairs and Foreign Trade and focus on a topic of interest to the diaspora. The theme of the last conference, held in 2015, was “Jamaica and the Diaspora: Linking for Growth and Prosperity” and focused on investment possibilities for emigrants.²⁷ Furthermore, Jamaica organizes the annual “Governors-General’s Achievement Awards-Diaspora.” These awards target Jamaican emigrants that have made an important contribution to the Jamaican diaspora.²⁸ Jamaica also celebrates the ‘Diaspora Day’ every June 16.

REFERENCES

PRIMARY LEGAL SOURCES

- House of Representatives. *Jamaican Nationality Act*, 1962. <http://www.pica.gov.jm/wp-content/uploads/2014/01/The-Jamaican-Nationality-Act.pdf>.
- The Queen’s Most Excellent Majesty in Council. *The Jamaica (Constitution) Order in Council*, 1962. http://www.caribbeanelections.com/eDocs/legislation/jm/jm_constitution_1999.pdf.

OTHER SOURCES

- Bank of Jamaica. “Supervision of Remittance Services.” Accessed July 8, 2016. http://www.boj.org.jm/financial_sys/remittance.php.
- Central Intelligence Agency. “Jamaica.” *The World Factbook*. Accessed July 8, 2016. <https://www.cia.gov/library/publications/the-world-factbook/fields/2024.html>.

25 Antigua & Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Montserrat, St Kitts & Nevis, St. Lucia, St. Vincent & the Grenadines, and Trinidad & Tobago.

26 Jamaica Information Service, “Social Security Reciprocal Agreements at Diaspora Conference.”

27 Jamaica DiasporaConnect, “6th Biennial Diaspora Conference 2015.”

28 Governor General, “Programme Guidelines GGAA Diaspora.”

- Downer, Lincoln. Interview with Lincoln Downer, Assistant Director of the Jamaican Diaspora and Consular Affairs Department., August 8, 2015.
- Governor General. "Programme Guidelines GGAA Diaspora." Accessed July 8, 2016. http://www.congenjamaica-ny.org/wp-content/members/admin/uploads/814_GGPE-Programme-Guidelines-GGAA-Diaspora.pdf.
- International Organization for Migration. "Jamaica." *International Organization for Migration*, February 4, 2015. <http://www.iom.int/countries/jamaica>.
- "Jamaica Deemed Ready for Diaspora Investments." *Jamaica Information Service*, May 10, 2015. <http://jis.gov.jm/jamaica-deemed-ready-diaspora-investments/>.
- Jamaica DiasporaConnect. "6th Biennial Diaspora Conference 2015." Accessed July 8, 2016. http://jamaicadiasporaconnect.com/conference/6th-biennial-diaspora-conference-2015?option=com_content&view=article&id=105&Itemid=543.
- . "About Us." Accessed September 15, 2016. <http://jamaicadiasporaconnect.com/about-us>.
- Jamaica Diaspora Institute. "Diaspora Youth Connect." Accessed July 8, 2016. <http://dyc.jamaicadiasporaconnect.com/>.
- Jamaica Information Service. "Jamaicans Overseas & Consular Affairs Department." *Jamaica Information Service*. Accessed September 15, 2016. <http://jis.gov.jm/jamaicans-overseas-consular-affairs-department/>.
- . "Social Security Reciprocal Agreements at Disapora Conference." *Jamaica Information Service*, June 15, 2015. <http://jis.gov.jm/social-security-reciprocal-agreements-disapora-conference/>.
- "Jamaican Diaspora Commended for Support to Country." *Jamaica Information Service*, January 9, 2015. <http://jis.gov.jm/jamaican-diaspora-commended-support-country/>.
- Jamaican High Commission. "Minister for Diaspora Affairs Welcomes the Establishment of Post Diaspora Conference Implementation Council." *Jamaican High Commission*. Accessed September 16, 2016. <http://www.jhcuk.org/news/minister-for-diaspora-affairs-welcomes-the-establishment-of-post-diaspora-conference-implementation-council>.
- . "Returning Residents FAQs." Accessed July 8, 2016. <http://www.jhcuk.org/faq/returning-residents/>.
- McIntosh, Douglas. "Investment Opportunities Main Area of Focus at Diaspora Conference - Jamaica Information Service." Accessed July 8, 2016. <http://jis.gov.jm/investment-opportunities-main-area-focus-diaspora-conference/>.
- Ministry of Foreign Affairs and Foreign Trade. "Returning Residents Information Booklet." Accessed July 8, 2016. <http://www.jhcuk.org/assets/files/documents/returning-residents-information-booklet.pdf>.

Ministry of Justice Government of Jamaica. "Combating Trafficking in Persons in Jamaica." Accessed July 8, 2016. <http://moj.gov.jm/stophumantrafficking>.

The University Council of Jamaica. "Credential Assessment & Recognition." Accessed July 8, 2016. <http://www.ucj.org.jm/content/credential-assessment-recognition-0>.