MEMORANDUM OF INTENT

BETWEEN

THE GOVERNMENT OF THE UNITED STATES OF AMERICA

AND

MEMBER STATES OF THE CARIBBEAN COMMUNITY

ON CO-OPERATION REGARDING THE DEVELOPMENT OF AN ADVANCE PASSENGER INFORMATION SYSTEM
MEMORANDUM OF INTENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND MEMBER STATES OF THE CARIBBEAN COMMUNITY ON CO-OPERATION REGARDING THE DEVELOPMENT OF AN ADVANCE PASSENGER INFORMATION SYSTEM

THE PARTICIPANTS,

Recognizing the necessity of ensuring lasting regional security within the Western Hemisphere, particularly in anticipation of Cricket World Cup 2007 ("CWC 2007"), to be hosted by certain Member States;

Further recognizing the benefits of establishing greater collaboration on border security issues;

Desirous of co-operating in the exchange of information for use in the evaluation and facilitation of air and sea travelers arriving in or departing from a Member State;

Have expressed the intent to collaborate as follows:

ARTICLE I
Use of Terms

In this Memorandum of Intent (MOI), unless the context otherwise requires:

"API data" means the advanced passenger information set out in the Annex to this Memorandum;

"Member State" means a Member State of the Caribbean Community including the CARICOM Single Market and Economy established under the Revised Treaty of Chaguaramas signed at Nassau, The Bahamas on 5 July 2001;

"Participants" mean signatories to this MOI.

ARTICLE II
Objectives of Collaboration

The main objective of this MOI is to set out a framework for the initiation of a collaborative arrangement to facilitate the review of API data transferred to the Member State participants of this MOI.
ARTICLE III

Scope of Collaboration

The measures initiated by the Participants pursuant to this MOI are for the purposes of CWC 2007, and are intended to continue after CWC 2007 for such period and pursuant to such terms as determined by the Participants, as part of a long-term partnership.

ARTICLE IV

Member States

Each Member State participant to this MOI, reiterates its intention to—

a) promptly enact, or confirm the existence of laws which—

i. mandate commercial air and sea carriers to provide prior to departure for or from that Member State as the case may be, the API data, in an electronic format;

ii. permit the API data to be transferred to the Government of the United States of America;

iii. preclude entry into its territory of persons identified as being known to be or suspected of being involved in, or otherwise supporting terrorism or other serious criminal offences;

iv. provide for enforcement of the obligations referred to in sub-paragraph (i), including by the imposition of appropriate penalties for non-compliance.

(b) provide the Government of the United States of America with applicable watch-list information to facilitate the collaboration.

ARTICLE V

United States of America

The Government of the United States of America reiterates its intention to—

a) review the API data, any watch-list information, and any other related information that is transferred to it pursuant to this MOI and, if available and practicable and to the extent authorized by the law of the United States of America, provide the result of
such reviews to the competent authorities of the relevant Member States;

b) advise the competent authority of the relevant Member State in the event of the identification of an individual watch-listed by the Member States under Article IV(b);

c) afford the same degree of confidentiality to the API data received pursuant to this MOI as it applies to similar information in its custody;

ARTICLE VI

Principles of Collaboration

1. The procedures for sharing results of the review referred to in Article V(a) and the categories of information that may be provided in response to the review would be set out in a separate operational protocol.

2. Any information shared pursuant to these arrangements is to be used only for the purposes for which it is transferred, afforded applicable privacy, and protected by the recipient, the details of which are to be set out in a separate operational protocol.

3. The collection, storage or dissemination of data received by a Participant pursuant to this MOI is expected to be in compliance with the applicable laws of that Participant.

4. The Participants may establish Expert Working Groups for the purposes of implementing this MOI, including the preparation of operational and other protocols.

ARTICLE VII

Joint Regional Communications Center

1. In order to facilitate the sharing of information and other collaborative arrangements pursuant to this MOI, the Participants intend to develop a Joint Regional Communications Center (JRCC) which meets the operational requirements of the Participants.

2. The site for the JRCC is to be located in the territory of a Member State participant to this MOI, to be mutually accepted by all Participants.
3. The JRCC is expected to be used for the pre-screening of travelers to or from any Member State participant to this MOI.

4. The Participants intend to have the JRCC staffed by Customs, Immigration or other competent officers acting on behalf of the Member State participants to this MOI, and law enforcement representatives from the Government of the United States of America.

5. The Member State participants to this MOI intend to conclude such necessary internal protocols to give effect to paragraph 4.

ARTICLE VIII

Implementation

The Participants intend to take all necessary action, whether legislative, executive or administrative, for the purpose of giving effect to this MOI.

IN WITNESS WHEREOF, the under-signed representatives duly authorized thereto by their respective Governments have signed this MOI.

Signed by
For the Government of the United States of America on the 20th day of October 2006 at Trinidad & Tobago.

AND

Signed by
For the Government of Antigua and Barbuda on the 21st day of October 2006 at Trinidad & Tobago.

Signed by
For the Government of The Bahamas on the day of 2006 at

Signed by
For the Government of Barbados on the 21st day of October 2006 at

Signed by
For the Government of Belize on the day of 2006 at
Signed by [Signature]
For the Government of the Commonwealth of Dominica on the 10th day of February 2006 at Bridgetown, Barbados

Signed by [Signature]
For the Government of Grenada on the 12th day of December 2006 at

Signed by [Signature]
For the Government of the Co-operative Republic of Guyana on the 19th day of January 2007 at

Signed by [Signature]
For the Government of Jamaica on the 20th day of October 2006 at Kingston, Jamaica.

Signed by [Signature]
For the Government of Montserrat on the day of 2006 at

Signed by [Signature]
For the Government of the Federation of St. Kitts and Nevis on the 17th day of October 2006 at St. Kitts & Nevis

Signed by [Signature]
For the Government of Saint Lucia on the 15th day of October, 2006 at St. Lucia

Signed by [Signature]
For the Government of St. Vincent and the Grenadines on the 17th day of October 2006 at St. Kitts and Nevis.

Signed by [Signature]
For the Government of the Republic of Suriname on the day of 2006 at

Signed by [Signature]
For the Government of the Republic of Trinidad and Tobago on the 26th day of October 2006 at Trinidad and Tobago.
ANNEX A

Advance Passenger Information

To permit effective review of passenger and crew, Advance Passenger Information (API) is to include, at minimum, the following data fields:

1. Traveler's Full Name
2. Date of Birth
3. Travel Document Number
4. Travel Document Country of Issuance
5. Type of Travel Document (passport, visa, national identification card, etc.)
6. Nationality or Citizenship
7. Gender
8. Carrier
9. Flight Number (air only)
10. Vessel Name and Voyage Number (vessels only)
11. International Maritime Organization (IMO) Number (vessels only)
12. Vessel Flag Registry (vessels only)
13. Departing (Embarking) Location
14. Arriving (Disembarking) Location