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**ACP** OBSERVATORY ON MIGRATION  
OBSERVATOIRE ACP SUR LES MIGRATIONS  
OBSERVATÓRIO ACP DAS MIGRAÇÕES

# **INVISIBLE IMMIGRANTS**

## ***A profile of irregular migration, smuggling of migrants and trafficking in persons in Trinidad and Tobago***

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Susan Alfonso

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## Foreword

Trinidad and Tobago is widely viewed as a destination for both regional and extraregional migrants, as a result of its development, employment and integration opportunities. Owing to this reality, this country has also experienced irregular migratory flows which include trafficked persons and smuggled migrants. However, there has been a dearth of information on this phenomenon of irregular migration.

In October 2010, Trinidad and Tobago was selected as a pilot country for an African, Caribbean and Pacific (ACP) Migration Project which was created to assist ACP Member States to more efficiently manage migration issues. The Ministry of National Security was designated as the lead Ministry for all matters pertaining to this Project and Chair of a National Consultative Committee (NCC) on migration, which was established to assist with its implementation. The NCC recommended that a study on *Irregular migration, trafficking in persons and smuggling of migrants in Trinidad and Tobago*, be conducted with an expectation that the study would include:

- Recommendations on short-term and long-term policies on irregular migration and
- Strategies to address inter alia, undocumented migrants, deportees, refugees and victims of trafficking.

The ACP consultant, Ms. Leigh-Ann Waldropt-Bonair, has presented a Study Report which provides information on patterns and trends relating to irregular migration and makes a positive contribution to the scarce literature on this subject. This Report provides data on the profile of irregular migrants and trafficked persons including age, sex and reasons for migrating. It also includes a useful overview on the main entry points and migratory routes. Additionally, the Study Report contains a set of key recommendations on how to apply the findings to the policy priorities of the Government of Trinidad and Tobago.

As Chairperson of the NCC and on behalf of the Ministry of National Security, I endorse this study on *Irregular migration, trafficking in persons and smuggling of migrants in Trinidad and Tobago*, which can certainly contribute to this country's programmatic and policy framework on migration.



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**Ms. Antoinette Lucas-Andrews**  
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## **Abstract**

The overarching objective of this study was to facilitate the creation of evidence-based policies capable of maximizing the potential contribution of migration to the development of Trinidad and Tobago. Moreover, it sought to improve the programmatic and policy framework on cross-border migration, with a focus on irregular migration, trafficking in persons and smuggling of migrants. A qualitative methodology was employed, which involved the use of semi-structured interviews to elicit information from 40 migrants in detention and 25 key stakeholders. Content analysis was used to analyse the field data and, through this process, patterns and trends were established. Irregular migration and migrant smuggling appear to be more common occurrences in Trinidad and Tobago, as opposed to human trafficking which seems to occur on a much smaller scale. Furthermore, migrants in situations of irregularity were exposed to various forms of exploitation and abuse which led to a derogation of their human rights. Another major finding was that human trafficking and irregular migration, particularly undocumented migrant workers and migrant smuggling appear to have deleterious impacts upon the development of Trinidad and Tobago, as these phenomena essentially undermine the potential economic and welfare contributions of irregular migrants, trafficked persons and smuggled migrants. Irregular migration, human trafficking and migrant smuggling therefore, can reverse hard-won developmental gains if the process of migration is not effectively managed. Accordingly, the Government of the Republic of Trinidad and Tobago, in conjunction with law enforcement officials, should seek to address the root causes of irregular migration through the expansion of legal channels for migration. This would also reduce the need for smugglers and traffickers. Furthermore, efforts should be made to mainstream migration into existing development strategies.

**Keywords:** Migration, development, irregular migration, trafficking in persons, smuggling of migrants, asylum-seekers and border control.





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## List of acronyms and abbreviations

ACTT	Accreditation Council of Trinidad and Tobago
API	Advanced Passenger Information
CAPA	Crime and Problem Analysis Unit
CARICOM	Caribbean Community
CSME	Caribbean Community (CARICOM) Single Market and Economy
CSO	Central Statistical Office
ECLAC	Economic Commission for Latin America and the Caribbean
GMG	Global Migration Group
GDP	Gross Domestic Product
IBMS	Integrated Border Management System
ICHRP	International Council on Human Rights Policy
IDC	Immigration Detention Centre
IOM	International Organization for Migration
JRCC	Joint Regional Communications Centre
LWC	Living Water Community
NCC	National Consultative Committee
NGO	Non-Governmental Organization
NIHERST	National Institute of Higher Education, Research, Science and Technology
OECD	Organization for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commission for Human Rights
RCP	Regional Consultative Processes
SLTD	Stolen and Lost Travel Documents
TTPS	Trinidad and Tobago Police Service
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office for Drugs and Crime
US	United States



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## Executive summary

The study presents the findings of a qualitative examination of trends and patterns associated with irregular migration, trafficking in persons and smuggling of migrants in Trinidad and Tobago. It also identifies the impact of these phenomena on development and reveals existing systemic gaps. Some of the major findings include the following:

1. Existing frameworks and systems, such as the refugee determination process, Caribbean Community Single Market and Economy (CSME) Skilled Certificates process, work permits and some immigration procedures, have inherent gaps and deficiencies, which create and support numerous avenues for irregularity;
2. Irregular migrants are mainly economic migrants between the age of 20 and 30, who are drawn to Trinidad and Tobago because of the availability of jobs and attractiveness of wages;
3. Undocumented migrant workers provide services to 'labour-starved sectors' and therefore contribute to the sustainability sustenance of these enterprises. However, they also work for extremely low wages which can have an impact on local wages;
4. Undocumented migrant workers are not fully able to make economic and welfare contributions to the host State as they do not pay income taxes and therefore cannot contribute to tax revenues and receive welfare entitlements in turn;
5. A number of irregular migrants, trafficked persons and smuggled migrants are exposed to various forms of abuse and exploitation; which ultimately lead to a derogation of their human rights;
6. The repatriation of irregular migrants in detention is hindered by several obstacles, especially the determination of the identity of the migrants, which significantly delays the process and leads to the lengthy detention of the migrants;
7. Irregular migration, migrant smuggling and human trafficking engender corruption at various levels of the society;
8. Human trafficking and migrant smuggling encourage the proliferation of transnational organized crime and are closely linked to other forms of criminality such as drug and arms trafficking;
9. A number of key legislative gaps exists, mainly, the absence of migrant smuggling and refugee protection legislation; poor enforcement of the Immigration

Act, 1969 and the Sexual Offences Act, 1986; inconsistencies in the Immigration Act, 1969, pertaining to the treatment of smuggled migrants and the inadequacy of existing labour laws; and

10. Significant gaps in the capture, storage and utilization of data which challenge the generation of evidence-based policies.

Moreover, the study recommends actions to rectify major gaps and maximize the developmental benefits of migration for Trinidad and Tobago such as the following:

1. Avenues for irregularity should be carefully reviewed to reduce or eliminate existing gaps and deficiencies;
2. Options for expanding legal channels for labour migration should be explored to fill apparent shortages and reduce the attractiveness and profitability of clandestine options. Regularization of persons with strong economic and social ties should also be considered to facilitate their welfare and economic contributions and to limit possibilities for their exploitation and abuse;
3. A maximum period of detention for irregular migrants should be considered and more efficient systems should be employed to determine the identity of the migrant through collaboration with key stakeholders and interest groups;
4. Conducting a careful analysis of areas in which migration can contribute significantly to development and integrate migration into existing developmental strategies;
5. Sustained efforts should be made to enforce existing laws such as the Immigration Act, 1969, and the Sexual Offences Act, 1986, and outstanding issues such as migrant smuggling and refugee protection, which require legislative action, should be engaged. Inconsistencies and deficiencies in the Immigration Act of 1969 should also be addressed;
6. More public awareness in the area of trafficking in persons is needed and relevant officials should be properly trained to respond to the needs of victims of trafficking; and
7. Efforts towards data collection and information and intelligence sharing should be standardized in accordance with recognized practices and procedures.

One of the major conclusions emerging from the study was that although some benefits are derived from the employment of undocumented migrant workers in 'labour-starved' sectors, irregular migration, trafficking in persons and

smuggling of migrants generally have a deleterious impact on development in Trinidad and Tobago. More specifically, the true benefits of migration, for both the host country and migrants in these circumstances, cannot fully materialize as the clandestine nature of these arrangements ultimately deprives the country of economic contributions and the migrants of their basic human rights.

Hence it is suggested that law enforcement initiatives be conducted in concert with a broader range of strategies which target the multifaceted nature of these problems and seek to address the root causes.



## Résumé exécutif

La présente étude relate les conclusions d'une analyse qualitative des tendances et des constantes associées à la migration clandestine, à la traite des personnes et au trafic illicite de migrants à Trinité-et-Tobago. Elle observe également l'impact de ces phénomènes sur le développement et fait apparaître les lacunes systémiques existantes. Ses principales conclusions sont notamment les suivantes :

1. Les cadres et systèmes existants présentent des lacunes et des insuffisances intrinsèques, comme le processus de détermination du statut de réfugié, la procédure relative aux certificats de qualification du CSME, les permis de travail et certaines procédures d'immigration, qui créent et favorisent une série de possibilités d'irrégularité ;
2. Les migrants clandestins sont essentiellement des migrants économiques, qui appartiennent au groupe d'âge des 20-30 ans et qui sont attirés par Trinité-et-Tobago en raison des emplois disponibles et des salaires intéressants ;
3. Les migrants sans papiers offrent leurs services aux secteurs accusant un manque cruel de main d'œuvre et contribuent ainsi à la subsistance des entreprises concernées. Mais ils travaillent aussi pour des salaires extrêmement faibles, ce qui nuit aux niveaux de rémunération locaux ;
4. Les migrants sans papiers ne peuvent pas verser de contribution économique et sociale à l'État étant donné qu'ils ne paient pas l'impôt sur le revenu, et ils ne peuvent dès lors pas contribuer aux recettes fiscales ;
5. Un certain nombre de migrants clandestins et de victimes de la traite et du trafic illicite sont exposés à différentes formes de maltraitance et d'exploitation, ce qui se traduit au final par des atteintes à leurs droits humains ;
6. Le rapatriement des migrants clandestins en détention doit faire face à plusieurs obstacles, l'un des principaux étant la détermination de l'identité des migrants, ce qui retarde considérablement le processus et entraîne une détention prolongée des migrants ;
7. La migration clandestine, le trafic illicite de migrants et la traite des êtres humains sont sources de corruption à divers niveaux de la société ;

8. La traite des êtres humains et le trafic illicite de migrants encouragent la prolifération du crime organisé transnational et sont étroitement liés à d'autres formes de criminalité, comme le trafic de stupéfiants et d'armes ;
9. Un certain nombre de lacunes existent au niveau de la législation, à savoir, essentiellement, l'absence de lois sur le trafic illicite de migrants et les demandeurs d'asile, la mauvaise application de la loi de 1969 sur l'immigration et de la loi de 1986 sur les infractions sexuelles, les incohérences de la loi de 1969 sur l'immigration relative au traitement des migrants victimes du trafic illicite et le caractère inadapté de la législation du travail existante ; et
10. Des lacunes considérables dans la saisie, le stockage et l'utilisation des données, qui compliquent l'élaboration de politiques fondées sur des éléments concrets.

L'étude recommande en outre des mesures à prendre pour corriger les principales lacunes et maximiser les bienfaits de la migration pour le développement à Trinité-et-Tobago, par exemple :

1. Il convient de se pencher sérieusement sur les possibilités d'irrégularité afin de réduire ou d'éliminer les lacunes et les insuffisances existantes ;
2. Il convient d'étudier les possibilités d'élargir les voies légales en faveur de la migration des travailleurs afin de combler les lacunes manifestes et de réduire l'attractivité et la rentabilité des options clandestines. Il faut également envisager la régularisation des personnes entretenant des liens économiques et sociaux étroits avec l'île ; cela permettrait aux migrants de verser des contributions économiques et sociales à l'État, mais aussi de limiter les possibilités d'exploitation et de mauvais traitement des migrants ;
3. Il convient d'envisager une période de détention maximale pour les migrants clandestins détectés, ainsi que de recourir à des systèmes plus efficaces pour déterminer l'identité du migrant grâce à une collaboration avec les principaux acteurs et les principaux groupes d'intérêt ;
4. Il faut placer la migration au centre des préoccupations grâce à une analyse approfondie des domaines dans lesquels elle peut contribuer considérablement au développement global et intégrer la migration dans les stratégies de développement existantes ;
5. Des efforts soutenus doivent être consentis pour veiller à l'application des lois existantes, comme la loi

de 1969 sur l'immigration ou la loi de 1986 sur les infractions sexuelles, et il convient de faire face aux questions en suspens qui exigent une action législative, comme le trafic illicite de migrants et les demandeurs d'asile. Il convient également de faire face aux incohérences et autres insuffisances contenues dans la loi de 1969 sur l'immigration ;

6. Il convient de sensibiliser davantage l'opinion publique à la question de la traite des personnes et d'offrir aux agents concernés la formation nécessaire pour répondre aux besoins des victimes de la traite ; et
7. Les mesures en faveur de la collecte de données et du partage d'informations et de renseignements doivent être standardisées conformément aux pratiques et procédures reconnues.

L'une des principales conclusions de l'étude est que même si l'emploi de migrants sans papiers dans les secteurs accusant un manque cruel de main d'œuvre a certaines retombées positives, la migration clandestine, la traite des personnes et le trafic illicite de migrants ont

en général une influence négative sur le développement de Trinité-et-Tobago. Plus précisément, les véritables bienfaits de la migration, tant pour le pays d'accueil que pour les migrants concernés, ne peuvent pas se matérialiser pleinement dans la mesure où la nature clandestine de ces phénomènes prive, en définitive, le pays de contributions économiques et les migrants, de leurs droits humains fondamentaux.

Il est dès lors proposé que des initiatives soient mises en œuvre afin d'assurer le respect de la loi, parallèlement à un éventail plus large de stratégies s'attaquant à la nature complexe de ces problèmes et cherchant à faire face aux causes profondes.





## Resumo executivo

O Estudo apresenta as conclusões de um exame qualitativo das tendências e dos padrões associados à migração irregular, tráfico de pessoas e tráfico de migrantes em Trindade e Tobago. Do mesmo modo, identifica o impacto destes fenómenos no desenvolvimento e revela as lacunas sistémicas existentes. Seguem-se algumas das principais conclusões:

1. As estruturas e os sistemas existentes apresentam lacunas e deficiências inerentes, tais como o processo de determinação de refugiados, processo de Certificação de Competências do Mercado e Economia Únicos da CARICOM (CSME), autorizações de trabalho e alguns procedimentos relativos à imigração, que criam e suportam numerosas vias para a irregularidade;
2. Os migrantes irregulares são sobretudo migrantes económicos, na faixa etária dos 20-30 anos de idade, atraídos para Trindade e Tobago devido à disponibilidade de empregos e atractividade dos salários;
3. Os trabalhadores migrantes sem documentos prestam serviços a 'sectores famintos de mão-de-obra', contribuindo para sustentar as empresas. No entanto, estes trabalhadores também trabalham em troca de salários extremamente baixos, provocando um impacto negativo nos salários locais;
4. Os trabalhadores migrantes sem documentos são privados da oportunidade de efectuar contribuições económicas e sociais para o Estado, uma vez que não pagam impostos sobre os rendimentos, por isso não podem contribuir para as receitas provenientes dos impostos;
5. Numerosos migrantes irregulares, vítimas de tráfico, migrantes ou não, estão expostos a várias formas de abuso e exploração; conduzindo à derrogação dos seus direitos enquanto seres humanos;
6. A repatriação de migrantes irregulares detidos é desafiada por vários obstáculos, sendo que um dos principais é a determinação da identidade dos migrantes, o que atrasa significativamente o processo e conduz à detenção prolongada dos migrantes;
7. A migração irregular, o tráfico de pessoas e migrantes dão origem à corrupção a vários níveis da sociedade;
8. O tráfico de pessoas e migrantes incentiva a proliferação do crime organizado transnacional e está

estritamente relacionado com outras formas de criminalidade, tais como o tráfico de drogas e armas;

9. Existem muitas lacunas ao nível da legislação, incidindo sobretudo na ausência de legislação relativa ao tráfico de migrantes e aos requerentes de asilo; fraco cumprimento da Lei relativa à imigração, 1969, e à Lei relativa às ofensas sexuais, 1986; inconsistências na Lei relativa à imigração, 1969, no que diz respeito ao tratamento de migrantes vítimas de tráfico e à inadequação das leis laborais existentes; e

10. Lacunas significativas na recolha, armazenamento e utilização de dados que desafiam a geração de políticas baseadas em provas.

Para além disso, são recomendadas acções para rectificar lacunas substanciais e maximizar as vantagens da migração ao nível do desenvolvimento de Trindade e Tobago, como por exemplo:

1. As vias para a irregularidade devem ser cuidadosamente analisadas para reduzir ou eliminar as lacunas e deficiências existentes;
2. Devem explorar-se opções para expandir canais legais para a migração, no sentido de suprir a aparente falta de mão-de-obra e reduzir a atractividade e

rentabilidade das opções clandestinas. A regularização de pessoas com sólidos laços económicos e sociais também deve ser considerada e, através deste processo, os migrantes poderiam fazer contribuições económicas e sociais para o Estado, bem como limitar os casos de exploração e abuso;

3. Deve considerar-se um período máximo de detenção para os migrantes que se detecte serem irregulares, empregando-se sistemas mais eficientes para determinar a identidade dos migrantes através da colaboração com os principais intervenientes e grupos de interesse;
4. Integrar a migração através de uma análise cuidada das áreas nas quais pode contribuir significativamente para o desenvolvimento geral e integrar a migração nas estratégias de desenvolvimento existentes;
5. Devem realizar-se esforços sustentáveis para implementar as leis existentes, como por exemplo a Lei relativa à imigração, 1969, e a Lei relativa às ofensas sexuais, 1986, assim como abordar assuntos prementes, tais como o tráfico de migrantes e requerentes de asilo que carecem de acção legislativa. Importa também abordar as inconsistências e deficiências da Lei relativa à imigração, 1969;

6. É necessário promover uma maior consciencialização pública na área do tráfico de pessoas, sendo que os responsáveis relevantes devem receber formação adequada para dar resposta às necessidades das vítimas de tráfico; e

7. Os esforços relativos à recolha e partilha de dados e informação devem ser padronizados em conformidade com as práticas e os procedimentos reconhecidos.

Uma das principais conclusões do estudo foi a de que embora alguns benefícios tenham derivado do emprego de trabalhadores migrantes sem documentos em sectores ‘famintos de mão-de-obra’, de um modo geral, a migração irregular, o tráfico de pessoas e migrantes têm um impacto negativo no desenvolvimento de Trindade e Tobago. Mais especificamente, os verdadeiros benefícios da migração, tanto para

o país de destino como para os migrantes nestas circunstâncias não podem materializar-se totalmente, uma vez que a natureza clandestina destas situações acaba por privar o país das contribuições económicas e os migrantes dos seus direitos básicos enquanto seres humanos.

Assim, sugere-se que se levem a cabo iniciativas de implementação da lei em conjunto com uma gama de estratégias mais ampla tendo como alvo a natureza multifacetada destes problemas, e que se procure abordar as causas do problema.



## I. Introduction and background

Migration involves movement of persons within and between States' borders. It can refer to internal as well as international movements in the form of regular or irregular migration. Regular migration refers to persons who migrate via legally established channels, while irregular migration is associated with persons who either willingly or forcibly migrate via irregular channels.

Borjas and Crisp (2005:1) link increasing migratory movements to factors of globalization such as:

The growing disparity in human security in different parts of the world; improved transportation, communication and information technology systems; expansion of transnational social networks and the emergence of a commercial (and sometimes criminal) industry devoted to conveying people across international borders.

The United Nations Department of Economic and Social Affairs (UN DESA, 2009) indicates that, in 2010, 3.1 per cent of the world's population consisted of migrants with female migrants accounting for 49 per cent of this share. South–South migration was also identified as more prevalent than migration from the South to high-income developed countries (World Bank, 2011).

Moreover, currently the growing number of challenges encountered

by States and individuals have encouraged and in certain cases, forced persons to leave their home countries in search of brighter prospects. Accordingly, robust cases have been made for the development opportunities of migration for host countries, since it has the potential to mitigate labour shortages, enrich human capital, increase job opportunities and wealth and in that way contribute to economic productivity and growth (IOM, 2006). In addition, it offers a viable option for persons in desperate circumstances to improve their life chances and overall standard of living, as well as that of their dependents in the home country, through remittances. Remittance transfers are also considered to be, “the most direct link between migration and development” (Baruah, 2006:5) since it is a “leading source of external finance which is used for the development of many economies” (Hosein et al., 2009:1).

Consequently, due to the multiplicity of benefits to be derived from the migratory process, it attracts persons of various backgrounds. Unlawful migratory movement, however, based on the findings of the study, exposes migrants to exploitative arrangements and often violates their human rights. These practices can, therefore, be considered as

antithetical to human development. Moreover, refugees have also been known to employ irregular migratory methods in their search for asylum.

Within Trinidad and Tobago there have been increasing reports of irregular migration, smuggling of migrants and more recently a few suspected cases of trafficking in persons. However, although several authors have identified these types of migratory movements as producing social and economic costs to the country (Thomas-Hope, 2002; Kempadoo, 2006; Reis, 2007; IOM, 2010a), there appears to be very limited empirical studies on this subject matter.

The absence of such has prevented the development of evidence-based policies and programmes to effectively address this modern-day scourge which is commonly associated with organized crime, sex work, money laundering and narcotics.

The overarching objective of this study, therefore, is to facilitate the creation of evidence-based policies capable of maximizing the potential contribution of migration to the development of Trinidad and Tobago. Moreover, it further aims to improve the programmatic and policy framework on cross-border migration with a focus on irregular migration, trafficking in persons and smuggling of migrants.

The report is divided into the following six sections:

- **Section 1 – Introduction and background:** introduces the concept of migration and outlines the objectives of the study on irregular migration, trafficking in persons and smuggling of migrants in Trinidad and Tobago.
- **Section 2 – Methodology:** discusses the main methodological approach employed for the study and techniques utilized to analyse field data.
- **Section 3 – Literature review:** provides a snapshot of key research and theories of migration.
- **Section 4 – Key findings:** examines the major findings of the study under the broad thematic areas of irregular migration, smuggling of migrants, trafficking in persons, asylum-seekers, border control and migration and development.
- **Section 5 – Key recommendations:** explores policy and programmatic options for maximizing the benefits of migration and reducing the costs of irregular migration, trafficking in persons and smuggling of migrants.
- **Section 6 – Conclusions:** presents the main conclusions of the study.

## **2. Methodology**

### **2.1 Overview**

There is a lack of information on irregular migration, trafficking in persons and smuggling of migrants in Trinidad and Tobago. This is primarily due to these areas being grossly underresearched topics. In addition, few efforts towards empirical investigation have been made.

In developing this project, it was determined that a qualitative methodological approach would be the most suitable form of social inquiry. The primary aim of this process was to understand and explore these phenomena and, in so doing, provide a foundation for other types of inquiry. Therefore, a qualitative research methodology was, therefore, necessary to generate findings of the nature and dynamics of these phenomena. In addition, this methodological approach was best suited to meet the objectives of the study, which ultimately sought to examine the trends and patterns of these types of migration and identify their overall impacts on human development within the host country (Trinidad and Tobago) and home countries. Thus, it was anticipated that in-depth interviews would produce a true reflection of the situation of irregular migration and its other manifestations in the country, based on the observations and experiences of the stakeholders and irregular migrants in detention.

### **2.2 Goals of fieldwork**

The major goals of the fieldwork were as follows:

- a. To map trends and patterns of irregular migration, trafficking in persons (TiP) and smuggling of migrants and their relationship to development efforts in Trinidad and Tobago;
- b. To propose a short and long term strategy for improving data collection and analysis, as well as to identify general information on exits and entries and, where necessary, provide assistance to those in need at border entries;
- c. To identify impacts of irregular migration, trafficking in persons (TiP) and smuggling of migrants on human development in Trinidad and Tobago and home countries;
- d. To indicate main gaps in the existing legislative framework and possible solutions to address obstacles to the implementation of policies and programmes for managing migration; and
- e. To foster a learning process on how migration and development research can be a valuable tool for policymakers in designing development programmes and plans.

## 2.3 Fieldwork strategy

The fieldwork strategy was divided into several phases. However, prior to entering the field, a literature review on the thematic areas of irregular migration, trafficking in persons and smuggling of migrants, was conducted to inform the development of interview guidelines for stakeholder and irregular migrant interviews. These guidelines provided a general framework for the interviews and ensured that the discussions were focused, meaningful and relevant.

### *Target population*

The target population for this study consisted of two groups of individuals namely, key stakeholders and irregular migrants in detention. Key stakeholders, in this instance, referred to senior level professionals from Government Ministries, non-governmental organizations, embassies and international organizations who are actively involved in migration related matters (see **Appendix A**).

Conversely, the irregular migrants were sourced from the Immigration Detention Centre (IDC) and presented a snapshot of the persons at the facility. In sum, 25 key stakeholders and 40 irregular migrants in detention were interviewed.

### *Sampling strategy*

The main sampling strategy utilized in the field was purposive sampling.<sup>1</sup> This type of sampling has been popularized because of its logic and power to select “information-rich cases” for in-depth studies (Patton, 2002:230). Information-rich cases have also been identified as good sources for uncovering issues central to the purpose of the inquiry and can “yield insights and in-depth understanding rather than empirical generalizations” (Patton, 2002:230).

Important criterion for researchers employing this approach, therefore, included the “knowledge and expertise of the respondents and hence their suitability for the study” (Sarantakos, 2005:164). Thus, purposive sampling allowed the researchers to carefully select appropriate respondents for the interview process based on pre-determined criteria.

In the case of the stakeholders, an effort was made to incorporate a cross section of organizations with varying focal areas, which engendered a holistic understanding. Accordingly, 16 Government agencies, five non-governmental organizations (NGOs), two embassies and two international/regional organizations were interviewed.

Stakeholder respondents were also chosen based on their experience,

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<sup>1</sup> Purposive Sampling is also known as Judgement Sampling (Sarantakos, 2005).



seniority and level of involvement in migration-related matters, as persons with these characteristics were considered to be knowledgeable experts, who could richly inform the interview process (see appendix A).

On the other hand, the country of origin and sex were primary determinants in the selection of irregular migrants for the interview process. The researchers therefore sought to interview at least one national from each of the countries represented at the Centre. Therefore, 20 nationals from different countries were interviewed and the remainder of the sample was randomly selected to produce a total of 40 migrants.

Moreover, although the intention was to have an equally representative sample of males and females, only 10 females were at the Centre during of the interview period and, as a result, 30 males were interviewed.

### *Data collection*

The data collection process officially commenced in August 2012 and was concluded in October 2012.

For the purposes of this study, semi-structured interviews were conducted and interview guidelines<sup>2</sup> were created to assist researchers with this process. In developing

the interview guidelines for the stakeholders, efforts were made to include questions which while they were specifically suited for the stakeholder organization, could also unearth the requisite information on irregular migration, trafficking in persons and smuggling of migrants. Therefore interviews with this group were geared towards:

- Examining the impacts of irregular migration, trafficking in persons and smuggling of migrants on the development of Trinidad and Tobago, with special emphasis on economic, security (human and national), social, and health issues;
- Eliciting information on the major challenges and threats posed by irregular entries, trafficking in persons and smuggling of migrants to Trinidad and Tobago and exploring recommendations for expressed vulnerabilities;
- Reviewing gaps and areas in need of improvement and strengthening in existing legislative frameworks;
- Identifying obstacles to effective migration management policies and programmes and highlighting possible solutions; and
- Discussing options for integrating human mobility into national development plans.

Conversely, a standardized guideline was created for the interviews with the migrants, aiming to:

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<sup>2</sup> These guidelines were informed by a literature review conducted prior to the fieldwork.

- Obtain demographic information;
- Examine conditions under which respondents were smuggled/overstayed in Trinidad and Tobago;
- Review the human, socioeconomic and health circumstances encountered prior to detention in Trinidad and Tobago. Special attention was also placed on the type of work and living conditions to which they were subjected;
- Explore the methods through which they were discovered by the authorities and detained; and
- Discuss their experience at the Immigration Detention Centre.

Both the stakeholders and the migrants were required to sign a consent form, which emphasized the confidentiality of their responses and authorized the researcher to conduct the interview.

Apart from this, additional interview guidelines were developed for expert conversations with Immigration staff at six ports of entry and exit, as well as selected units of the Immigration Division, to inform the Border Control Section of the report.

### *Data analysis*

The data generated in the field was transcribed and analysed through the use of content analysis. This involved

a systematic review and coding<sup>3</sup> of the data into patterns and themes, based on the frequency of appearance in the transcripts.

#### *- Validity and reliability*

The researchers engaged in constant validity checks, periodically and where applicable, to guard against interviewer bias.

In addition, intercoder reliability checks were conducted. These tested the appropriateness of the constructs applied to the text, as well as increased confidence in the counts made when adding up the number of times a particular theme is mentioned (Bernard and Ryan, 2010).

### *Strengths and limitations*

The use of a qualitative methodological approach presented opportunities as well as challenges for the study. In the first instance, this approach was exceedingly effective in uncovering the meanings that both practitioners in the field of migration and the migrants themselves ascribed to their reality.

Researchers were also able to engage these subjects in their natural settings and the use of face-to-face interviews facilitated the verification

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<sup>3</sup> Coding in this instance refers to the assignment of codes to a unit identified in the study. Codes can be numbers, words or symbols (Sarantakos, 2005:13).

of statements and interpretations through in-depth probing.

Moreover, the idea of sourcing irregular migrants from the Immigration Detention Centre provided researchers with an ample pool of respondents, as opposed to having to source these migrants themselves. The latter would have been a time consuming process.

On the contrary, the major challenge of employing a qualitative approach was that relationships between variables and causation could

not be established with empirical accuracy, as obtained in quantitative approaches. Another limitation was that it was particularly difficult to locate and engage victims of trafficking for the interview process and therefore this population was excluded in the sample.



### 3. Literature review

#### 3.1 Migration

“An international migrant is any person who changes his or her country of usual residence”<sup>4</sup> (UN DESA, 1998 in ACP Observatory on Migration, 2011:14). A notable distinction can be made between international migration, which involves different places of origin, destination and border crossing, as opposed to internal migration, which refers to movement within borders of the same country (see ACP Observatory on Migration, 2011:14).<sup>5</sup> Individuals move within and across borders for a number of reasons. The driving forces behind these movements are more commonly known as the push and pull factors; with the push factors essentially being those which prompt/force individuals to leave their country of origin while the pull factors are those which attract them to their country of destination. Some commonly cited push and pull factors are reflected in table 1.

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4 Place of usual residence refers to “the place at which the person has lived continuously for most of the last 12 months (that is, for at least six months and one day)” (UN DESA, 2008:102).

5 The term ‘migrant’ can refer to both emigrants and immigrants since it does not specify direction of movement.

Several theorists, however, assert that the push/pull framework presents just one perspective on migratory movements. Accordingly, Faist (2000) posits that migration can be analysed from three stylized levels: the micro, meso and macro.<sup>6</sup>

Further to this, the conventional view that migratory movement occur primarily from developing countries to developed countries has come under increased scrutiny. More recent research has indicated that 60 per cent of migrants in the world move either between developing or between developed countries, with only 37 per cent of the migrants moving from developing to developed countries (UNDP, 2009:21).

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6 The micro level – the individuals’ choices and freedom to make choices related to migration based on their desire to improve their circumstances, the macro level – analysis from the level of the nation state and explored differentials in political, economic and cultural structures within the emigration and immigration countries and the meso level – focuses on the social networks and ties that the movers and stayers have in both the emigration and immigration countries.

**Table 1: Migration push and pull factors**

<b>Push factors (country of origin)</b>	<b>Pull factors (country of destination)</b>
Poverty	-
Economic reasons i.e. lack of employment, jobs, poor standard of living	Economic reasons i.e. availability of employment, jobs, higher standard of living
-	Family reasons i.e. reunification and marriage
Fear of persecution	Social and political freedom
Social exclusion	Social protection (informal or formal)
Lack of/difficult access to infrastructure i.e. roads, electricity, schools, hospitals, etc.	Better access to infrastructure i.e. roads, electricity, schools, hospitals, etc.
Demographic imbalances i.e. labour surpluses	Demographic Imbalances i.e. labour shortages
Environmental factors i.e. natural disasters	-
-	Transnational networks i.e. organized migrant communities in destination countries
Conflict	-

Source: European Commission, 2000; IOM, 2004a; UNDP, 2009; Global Migration Group, 2010; Melde, 2012.

### *Migration in Trinidad and Tobago*

Trinidad and Tobago is a twin-island Republic which covers an area of 5,128 km<sup>2</sup> with a population of approximately 1.3 million based on the last national census (IOM, 2011). It is the southern island of the Caribbean archipelago and shares maritime borders with Venezuela (Bolivarian Republic of), Grenada, Barbados and Guyana. “Once

attached to the South American mainland, the island is situated 12 km (7 miles) northeast of the coast of Venezuela (Bolivarian Republic of) and is separated from it by the Gulf of Paria, in which there are several islets, including Chacachacare, Huevos, Monos and Gaspar Grande” (eTeck, 2011:7).

“Historically the nature, direction and magnitude of migration in

the Caribbean have always been influenced by trends in global and regional socioeconomic development” (ECLAC, 2005:1). The slave trade of the eighteenth and nineteenth centuries is commonly recognized as the first major wave of migration, followed by indentured labour importation schemes (Thomas-Hope, 2003). Slavery can also be regarded as one of the first manifestations of human trafficking in the region.

Trinidad and Tobago has experienced several waves of migration to and from various spheres of the world which have given way to the development of a multi-ethnic and culturally diverse population. As a result, “most of its citizens can trace their ancestry to Africa and India, with smaller percentages of the population being descendants of Amerindians, Latin Americans, Chinese, Middle Easterners and Europeans.” (Government of Trinidad and Tobago and European Community, 2008)

This island has also encountered a significant degree of inter-island migration, partly due to its thriving energy sector, and has been recognized as having one of the highest migrant stocks in the region, with immigrants originating predominantly from within the subregion (Pizarro and Villa, 2005).

Within contemporary times, the diverse and industrialized nature of the Trinidad and Tobago economy have undoubtedly positioned it as an “excellent investment site for international business” (eTecK, 2011) and created a sizeable demand for labourers. This has contributed to its mixed migratory movements which comprise economic migrants, asylum-seekers, trafficked persons and other migrants.





## 4. Key findings

### 4.1 Irregular migration

Irregular migration has been described as a feature of contemporary global migratory movements, which involves the movement of persons to a new place of residence or transit through irregular means without authentic documents (IOM, 2004a:12). More pointedly, IOM highlighted that an irregular migrant is:

A person who, owing to unauthorized entry, breach of a condition of entry, or the expiry of his or her visa, lacks legal status in a transit or host country. The definition covers inter alia those persons who have entered a transit or host country lawfully but have stayed for a longer period than authorized or subsequently taken up unauthorized employment (also called clandestine/undocumented migrant or migrant in an irregular situation) (IOM, 2011:54).

This type of movement produces adverse consequences for both the destination State and the migrant, as it undermines the work of relevant authorities responsible for the entry and stay of non-nationals in the State (IOM, 2008c) and exposes these migrants to various forms of exploitation and abuses before, during and after their irregular entry.

Apart from this, persons seeking asylum in foreign countries can also

be entwined in irregular movements, however, these individuals cannot be classified as irregular migrants but rather are people in need of protection and special assistance. Nevertheless, it must be noted that when opportunities for legal entrances are very limited the asylum channel is sometimes used as a last attempt for legal entrance by economic migrants, which compromises the integrity of refugee determination systems (IOM, 2004a; Pecoud and de Guchteneire, 2006).

Previous research has shown that irregular migration usually mimics the trends, patterns and flows of regular migration (Thomas-Hope, 2003). However, the means through which these migrants enter and reside in their destination country differ considerably to that of regular migration. Globalization has also bolstered these types of movements which rely heavily on transnational networks and organized crime systems.

#### *Push and pull factors*

Generally, irregular migration is prompted by the same causal factors as that of regular migration (Aronowitz, 2001). Additionally, some researchers assert that irregular migration can be fuelled by the lack of legal means for migration,

insufficient mechanisms in expanding economies to allow regular migration to address labour shortages and employers willing to hire irregular migrants in the absence of regular ones (IOM, 2004a; Duvell, 2009 and Triandafyllidou, 2009).

One of the most significant pull factors emerging from the study is the economic lure of Trinidad and Tobago, which was consistent with the work of Väyrynen (2003); IOM (2004a) and Koser (2005). Interviewed practitioners and detainees alike, referred to the availability of jobs and attractiveness of wages as major incentives to migration. There were even accounts of flyers in West African countries marketing the island as a place where persons can earn USD 9 to USD 10 per hour and misleading advertisements for domestic workers in the Jamaican Gleaner.<sup>7</sup>

On the other hand, it was discovered that a few migrants, particularly the African nationals, fled their homes because of economic, political and social instability,<sup>8</sup> issues which were cited by Aronowitz (2001) and ECLAC (2005) as push factors.

Additionally, some of the irregular migrants in detention highlighted that Trinidad and Tobago was not meant to be their final destination, but instead a transit point en route to

Canada or the United States,<sup>9</sup> which concurred with research conducted by IOM (2010a). The migrants also view the country as a place where they could stay and work for a short period, to accumulate extra funds for the remainder of their journey.

### *Routes*

Similar to the experience of regular migration, globalization has facilitated the expansion of extra and intraregional irregular migratory movements in the Caribbean. Appendix B provides mapping of irregular migration in the Caribbean.

Within the framework of the study the routes commonly identified by the stakeholders and confirmed by the migrants in detention included:

- Africa-Venezuela (Bolivarian Republic of)-Trinidad (air and sea routes);
- Panama-Trinidad (air routes);
- Colombia-Venezuela (Bolivarian Republic of)-Trinidad (air and sea routes); and
- West Africa-Brazil-Trinidad (air routes).

Two stakeholders, however, indicated that heightened patrols along the southern coastlines have deterred irregular entrants at these points. Consequently, they are resorting to entry through alternative seaports

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7 Interview\_Ref.6:24; Interview\_Ref.18:25.

8 Interview\_IDC3:3; Interview\_IDC5:2; Interview\_IDC12:2; Interview\_IDC17:2; Interview\_Ref.20:2 and Interview\_IDC21:2.

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9 Interview\_IDC5:2; Interview\_IDC17:2 and Interview\_IDC38:3.

and the Piarco Airport with false employment letters, etc. to validate their admission.<sup>10</sup>

Persons utilizing this method have also been known to recruit local assistance in their efforts. One stakeholder referred to a case whereby an “honorary consular was issuing letters saying that these people are businessmen and coming to do legitimate business in the country, and those letters were to be presented to Immigration to facilitate entry into the country. Of course, it was nothing like that”.<sup>11</sup>

A trend of entry at legal ports was also evident amongst the interviewed migrants in detention, with approximately 80 per cent of these persons reportedly using these channels. The incidents of irregular migrants entering Tobago via the inter-island ferry and residing there was also on the rise. Aside from this, it was emphasized that other migrants, especially the Latin American nationals, are entering under the guise of being tourists or students, to engage in prostitution.<sup>12</sup>

### *Avenues for irregularity*

The International Council on Human Rights Policy (ICHRP) delineated several pathways to irregularity such as:

- Overstaying a visa or residence permit;
- Arbitrary withdrawal by an employer of authorization to work which is tied to the individual’s immigration status;
- Deceived by smugglers and traffickers into believing that their entry/work was regular;
- Denied asylum-seekers who continue to reside in the country irregularly;
- Persons who were either smuggled or trafficked across the border as well as persons who, have by themselves, entered irregularly without the assistance of third parties; and
- Persons whose migrant status becomes irregular because of an arbitrary or unlawful act by a state or non-state actor<sup>13</sup> (2010:17).

In Trinidad and Tobago, there are specific avenues through which irregularity is encouraged mainly because of gaps in existing systems, poor coordination amongst key agencies and inadequate frameworks. The major ones, according to the respondents, are reflected in the table below.

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10 Interview\_Ref.1:22, Interview\_Ref.18:19.

11 Interview\_Ref.No.1:29.

12 Interview\_Ref18:24.

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13 This can refer to cases whereby an employer arbitrarily terminates a migrant workers’ work permit and the worker wished to continue working but is unemployed and suddenly ‘irregular.’

**Table 2: Avenues for irregularity**

Avenue	Issue	Relevant agencies
CSME skilled certificates	<p>Artisans within this framework were not clearly defined, and there was a lack of rigor in issuing these certificates in many Caribbean islands.</p> <p>No follow up to determine whether refused applicants for skills certificates and rights of establishment actually left the country.</p> <p>Chinese nationals are migrating to smaller Caribbean islands to become residents/citizens and then enter Trinidad and Tobago through these channels.</p>	Ministry of Foreign Affairs and Immigration Division
Work permits	<p>Migrants are being sold fraudulent work permits at exorbitant prices and deceived into thinking that they are regular workers.</p> <p>Some migrants are exploring legal channels for work permits with fraudulent qualifications.</p> <p>No follow up to determine whether migrants with expired or terminated work permits have actually left the country.</p>	Work Permits Secretariat, Ministry of Labour and Small and Micro Enterprises and Immigration Division
Immigration extensions	<p>Foreigners are being given or have access to fraudulent extension stamps for their continued stay.</p>	Immigration Division
Residency and citizenship	<p>This system is being corrupted through marriages of convenience to locals and the sale of passports to foreigners.</p>	Immigration Division and Ministry of National Security.

Avenue	Issue	Relevant agencies
Trade fairs and cultural events	Foreigners, particularly nationals of India, enter the country for these events but never leave because of poor monitoring and follow up.	Event Organizers, Businessmen and Immigration Division
Fraudulent job and authorization letters	Some migrants are entering with false job letters. There are instances of a few Embassies issuing bogus authorization letters and claiming that their nationals were visiting for business purposes when they were not.	Immigration Division and Embassies
Refugee determination	Little follow up to determine whether refused asylum-seekers actually left the country.	Living Water and Immigration Division

Source: Interview\_Ref.1, Interview\_Ref.2, Interview\_Ref.9, Interview\_Ref.18, Interview\_Ref.21, Interview\_IDC22, Interview\_IDC26, Interview\_IDC27 and Interview\_IDC36.

Moreover, a few interviews highlighted that some African nationals, who are detained in Trinidad and Tobago, have residency and other documents from Venezuela (Bolivarian Republic of) and Brazil, which facilitated easier movement within the region.<sup>14</sup>

### *Trends*

During the course of the interviews, a number of key trends emerged regarding the entry and existence of irregular migrants in Trinidad and Tobago.

### *- Demographics*

Information obtained from the detainees and stakeholders indicated that irregular migrants are generally economic migrants in their 20s or 30s, and a number of them are undocumented migrant workers.

The majority of these workers are modestly educated, low-skilled individuals, who often engage in jobs predominantly within the informal sector such as:

- Security guards – mostly Africans and to a lesser degree Jamaicans and Guyanese;
- Gas station attendants – Jamaicans, Guyanese and Africans;

<sup>14</sup> Interview\_Ref.24, interview\_IDC27 and Interview\_IDC7.

- Grocery and restaurant workers – Chinese and to a lesser degree Africans;
- Agricultural workers/farmers – Guyanese;
- Domestic workers in homes and hotels – Guyanese and Grenadians; and
- Construction workers – Guyanese, Jamaicans, Vietnamese and Africans.

These findings support the work of IOM (2010a) which highlighted that Guyanese, Chinese, and Africans nationals were engaged in similar work. It was also highlighted by some stakeholders that the overrepresentation of male nationals from particular countries was usually balanced off by a high number of female nationals from other

countries. Yet, this perception was at odds with the fact that there were more males than females in detention during the interview period.

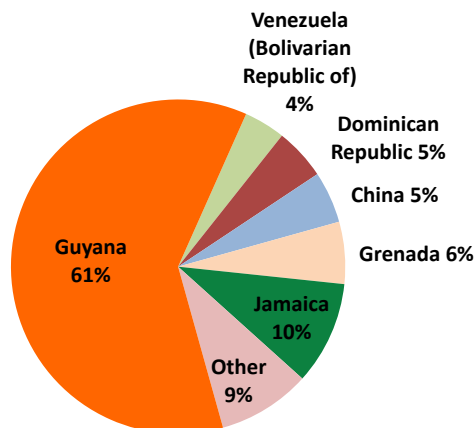
More specifically, data provided by the Crime Analysis and Problem Branch (CAPA)<sup>15</sup> showed that between the period January 2010 to June 2012, the Trinidad and Tobago Police Service (TTPS) detected a higher number of male overstayers as opposed to female. A significant number of them reportedly originated from Guyana, Jamaica, Grenada, China, the Dominican Republic and Venezuela (Bolivarian Republic of). See table 3 and figure 1, respectively.

<sup>15</sup> CAPA is a data processing unit within the Trinidad and Tobago Police Service (TTPS) that analyses information from crime reports and other sources to better inform the crime deterrence, disruption and detection efforts of the Trinidad and Tobago Police Service.

**Table 3: Overstayers by sex and age (January 2010–June 2012)**

Sex	Below 20	20-24	25-29	30-34	35-39	40 and over	Total
Male	6	44	53	45	35	34	217
Female	9	27	26	21	10	18	111
Total	15	71	79	66	45	52	328

Source: Crime and Problem Analysis Branch (CAPA), TTPS, 2012.

**Figure 1: Overstayers by nationality (January 2010–June 2012)**

Source: Crime and Problem Analysis Branch (CAPA), TTPS, 2012.

Similarly, the detected undocumented migrant workers were relatively young, with males significantly outnumbering the females. Guyana, China and Indonesia were identified as popular source countries (see table 4 and figure 2 respectively).

It is noteworthy that the Guyanese and Chinese nationals featured prominently as both overstayers and undocumented migrant workers according to the data supplied by CAPA. With regard to living arrangements, there was a perception that irregular migrants typically settle in areas where they can be easily assimilated into the wider society. For example, Guyanese nationals exhibit a greater tendency to reside in Chaguanas, San Juan, El

Socorro and Aranguez, where there are higher percentages of Indo-of Trinidad and Tobago as opposed to the Nigerians, who settle in Curepe and Enterprise in Chaguanas where there are higher percentages of Afro-Trinidadians. On the other hand, the Latin American nationals reside mainly in Woodbrook and Maraval amongst the 'French Creoles',<sup>16</sup> a population into which they can blend, whilst some migrants venture into Tobago.<sup>17</sup> Therefore, the migrants gravitate to areas where nationals with common characteristics and cultural backgrounds reside.

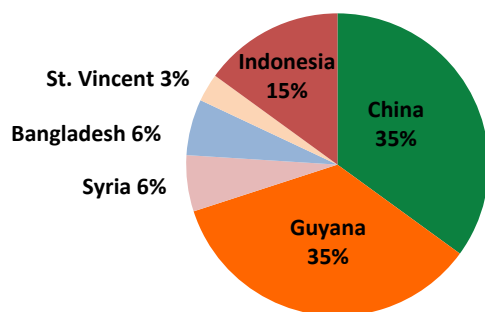
<sup>16</sup> French Creole in this instance refers to persons with French ancestry who have lighter skin complexions.

<sup>17</sup> Interview\_Ref18:24.

**Table 4: Undocumented migrant workers by sex and age (2011–May 2012)**

Sex	Below 20	20-24	25-29	30-34	35-39	40 and over	Total
Male	0	4	11	2	6	3	26
Female	0	3	2	1	1	1	8
Total	0	7	13	3	7	4	34

Source: Crime and Problem Analysis Branch (CAPA), TTPS, 2012.

**Figure 2: Undocumented migrant workers by nationality (2011–May 2012)**

Source: Crime and Problem Analysis Branch (CAPA), TTPS, 2012.

#### - Abuse and exploitation

A major disadvantage faced by irregular migrants is that their status inhibits them from asserting their basic human rights in the destination country (IOM, 2004a; ECLAC, 2005; ICHRP, 2010).

Consequently, from the moment of arrival they are susceptible to the ploys of corrupt bureaucrats and opportunistic locals (Grant, 2005). These persons prey on the vulnerability of the migrants by

offering them fraudulent work permits, passports and other settlement-related documents at exorbitant prices.<sup>18</sup>

Moreover, although some migrants willingly enter these arrangements; there are those, who are unaware of the illegality of the arrangements, and therefore, can be innocently entrapped into breaking the law. In addition, two migrants in detention claimed that they were framed or

<sup>18</sup> Interview\_IDC3:8.



‘set up’ for crimes that they did not commit.<sup>19</sup> Six migrants in detention also stated that they were targeted by thieves, who robbed them of cash and valuables, but they opted not to report these incidents to the police<sup>20</sup>.

In addition, there was a gender element at play, as irregular female migrants appeared to be more vulnerable than their male counterparts (ICHRP, 2010). This was highlighted by a specific case whereby a female migrant stated that she was raped prior to her detention but felt as though that she had no legal recourse because of her irregular status.<sup>21</sup>

Employers are yet another group of individuals, who prey upon the desperation and vulnerability of irregular migrants, by ‘conning’ workers out of their salaries and subjecting them to long work hours and hazardous environments.<sup>22</sup> Similarly, there were complaints of landlords abruptly increasing rents or altering rental agreements to their advantage.<sup>23</sup> These findings are, therefore, analogous to research cited in the literature which concluded that migrants were at risk of violence and abuse from various

agents (Thomas-Hope, 2002; Ryf, 2003, Grant, 2005 and ICHRP, 2010).

#### - Health

In Trinidad and Tobago a number of detainees indicated that they had hassle-free access to health care.<sup>24</sup> Similarly, the view of a relevant stakeholders concurred with these findings, as it was revealed that health care providers do not discriminate against non-nationals in the delivery of services.<sup>25</sup> There was only one detainee who stated that he required a costly procedure and was unable to obtain these services.<sup>26</sup>

#### - Public attitudes

Traditionally, Trinidad and Tobago has been a melting pot of different ethnicities and nationalities, a feature that was spurred by various waves of intra and extraregional migratory movements. However, there is a sense that, as the effects of the financial crisis take root and resources grow scarce, the country’s receptiveness is giving way to feelings of indignation. One stakeholder noted:

We have been a very tolerant society in terms of illegal [*sic!*] migrants and

19 Interview\_IDC1:1 and Interview\_IDC19:10.

20 Interview\_IDC15:5; Interview\_IDC19:9; Interview\_IDC20:4; Interview\_IDC21:5; Interview\_IDC27:5 and Interview\_IDC33:4.

21 Interview\_IDC37:3.

22 Interview\_IDC1:6; Interview\_IDC15:5; Interview\_IDC19:8; Interview\_IDC20:6 and Interview\_IDC26:5.

23 Interview\_IDC15:5 and Interview\_IDC17:5.

24 Interview\_IDC1; Interview\_IDC3; Interview\_IDC4; Interview\_IDC5; Interview\_IDC6; Interview\_IDC10; Interview\_IDC11; Interview\_IDC15; Interview\_IDC16; Interview\_IDC20; Interview\_IDC21; Interview\_IDC22; Interview\_IDC26; Interview\_IDC35 and Interview\_IDC38.

25 Interview\_Ref.7:2.

26 Interview\_IDC35:10.

in terms of migrants coming into the country because, of course, we are a society of migrants. However, now you find a lot of people are reporting these migrants when they coming in... Whether it's because of the economic situation but they are no longer that tolerant.<sup>27</sup>

Furthermore, locals at the lower stratum of the labour pool view migrants as threats to their livelihoods, since they compete for the same jobs and the latter is usually the preferred choice because of their willingness to work for much lower wages.<sup>28</sup>

There have also been increasing reports of male African nationals behaving violently towards local females, with whom they are intimately involved, as well as Jamaicans being closely linked to drug trafficking and gang activities.<sup>29</sup> Consequently, locals are now demanding action and intervention from the Immigration Division to stem this rising tide of irregularity. The irregular migrants, themselves, have referred to episodes of negative encounters with locals citing comments such as, "these foreigners who coming here to run things".<sup>30</sup>

Hence, there seems to be a growing sense of resentment, which needs

to be addressed by the relevant authorities in order to prevent the development of full-blown xenophobic behaviours and attitudes. Nevertheless, it is crucial to note the role of diaspora communities as they offer extensive assistance and support to irregular migrants from their native countries in the form of accommodation, jobs, etc.<sup>31</sup> IOM (2010a) also referred to these diaspora communities in Trinidad and Tobago which played a vital role in the resettlement of migrants from their native countries.

#### - Detention

Irregular migrants in Trinidad and Tobago can be detained in connection with the following immigration offences under the Immigration Act, 1969:<sup>32</sup>

- Entering at a place not an official port of entry and failing to report to an immigration officer;<sup>33</sup>
- Entering irregularly either through the use of fraudulent or misleading documents<sup>34</sup>;
- Overstaying;<sup>35</sup>
- Breach of deportation order;<sup>36</sup> and

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<sup>31</sup> Interview\_Ref.13:15-16.

<sup>32</sup> The Immigration Act, as amended 1969, is the Act that governs Immigration processes and procedures in Trinidad and Tobago.

<sup>33</sup> Immigration Act, 1969: Section 40 (a).

<sup>34</sup> Immigration Act, 1969: Section 40 (b).

<sup>35</sup> Immigration Act, 1969: Section 9 (4) f.

<sup>36</sup> Immigration Act, 1969: Section 9 (4) i.

<sup>27</sup> Interview\_Ref.1:25-26.

<sup>28</sup> Interview\_Ref.1:27.

<sup>29</sup> Interview\_Ref.No1:26.

<sup>30</sup> Interview\_IDC3:13.

- Working or studying without a permit.<sup>37</sup>

Once detected under these circumstances, the migrants are sent to the Immigration Detention Centre (IDC). This Centre is a substantial improvement from the previous option of imprisonment for irregular migrants awaiting repatriation.<sup>38</sup> Within this institution, the researchers observed that great care is taken to ensure that the basic human needs of the migrants, i.e. food, shelter, health care, etc., are met, within a controlled environment. However, when irregular migrants are sent to IDC, they are not given a definitive time period within which they will be released or repatriated, and this has been the root cause of much frustration for the migrants in detention. It has also fuelled hunger strikes and protests at the Centre, with migrants demanding swifter action on their cases (Kambon, 2011; Kowlessar, 2011).

Both irregular migrants in detention and some stakeholders agreed that this practice inflicts undue emotional stress on the migrants, and there have been calls for regulations, which

establish the maximum length of time for which irregular migrants can be detained. Accordingly, a Committee was created by the Government to address this matter, but to date no concerted action has been taken.

However, some of the critical agencies involved in repatriation, have advised that the process is not a straightforward one. A major challenge frequently encountered is the determination of the detainees' identities and nationalities. In many instances, detainees, particularly African nationals, provide false information, which significantly delays the process, as persons cannot be removed unless they have been positively identified.<sup>39</sup> Apart from this, some migrants hire lawyers to present cases on their behalf, and it was perceived by one stakeholder as a stalling tactic although this option was well within the rights of the migrants.<sup>40</sup> Notwithstanding, there was still a general consensus among the stakeholders that more should be done to expedite the process.

Additionally, there has been little discussion or initiative towards the creation of a policy for children of irregular migrants, regarding their status and guardianship, during their parents' detention. This is especially critical as children are not allowed to stay at the detention centre.

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37 Immigration Act, 1969: Immigration Regulations, Sections 9 (6), (7) and 10.

38 The type of repatriation from IDC that would be meted out to the migrant is dependent on the circumstances under which they were detained, i.e. forced repatriation as opposed to voluntary repatriation.

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39 Interview\_Ref.1:20; Interview\_Ref.3:11-12 and Interview\_Ref.16:15.

40 Interview\_Ref.3 (part1):11.

- Repatriations

Apart from determining the identities of detainees, there are a host of other problems that impede speedy repatriations. The major ones are:

1. Route selection and costs – Repatriation of irregular migrants is a complicated process as developed countries with direct flights refuse to have these persons transit through their territories for fear that they abscond. Consequently, circuitous routes are devised for repatriation, such as those through Panama and Brazil, which are very costly in comparison to direct routes through the United States or the United Kingdom;
2. Bureaucratic disbursement of funds – Funds for repatriation are usually obtained from the Ministry of National Security, and the approval process is extremely bureaucratic and lengthy as it requires the authorization of high level officials;
3. Travel documents – Obtaining the detainees' travel documents from some Embassies and Consulates can take a very long time;
4. Escorts – Some repatriation exercises require the use of escorts, which is an expensive addition to the process; and
5. Language barrier – On occasion, there are detainees who speak uncommon languages and

therefore locating translators and interpreters to communicate with them would require extra time.<sup>41</sup>

Considering the outlined challenges, repatriations can therefore be a protracted process.

- Legislation and policies

The Immigration Act, 1969, as amended, stipulates the processes and procedures through which foreign workers should be permitted to work within Trinidad and Tobago.<sup>42</sup> Yet, based on the aforementioned employment trends, it has not been effectively enforced as employers continue to disregard the legal channels and go unpunished for these contraventions. Poor enforcement of this Act has also facilitated the proliferation of undocumented migrant workers, who are subjected to abuse and exploitation under these arrangements because of their irregular status.<sup>43</sup>

Furthermore, although it was discovered that the Labour Inspectorate Unit, Ministry of Labour and Small and Micro Enterprises (MLSME), monitors and investigates workers' wages, irrespective of their nationality, there is no legal body or entity responsible for monitoring the overall conditions of migrant workers and their rights within the workplace.

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41 Interview\_Ref.1.

42 Immigration Act, 1969: Immigration Regulation (10).

43 Interview\_IDC15:5; Interview\_IDC19:8; Interview\_IDC20:6 and Interview\_IDC26:5.

Apart from this, the existing labour laws insufficiently address the issue of migrant labourers and fail to advocate for their protection in accordance with international conventions and best practices. One stakeholder contended that the minimum wage for domestic workers should be implemented to protect this group of workers.<sup>44</sup> It was also noted that the country is not yet party to the Convention for the Protection of All Migrant Workers and Members of their Families.

## 4.2 Smuggling of migrants

Smuggling of migrants was cited as one of the pathways to irregularity (ICHRP, 2010) and is considered to be a central element of irregular migration (Heckmann, 2007). The United Nations Convention on Transnational Organized Crime and its protocol against the smuggling of migrants by land, sea and air, defines migrant smuggling as:

...the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal [*sic!*] entry of a person into a State Party of which the person is not a national or a permanent resident (United Nations Office on Drugs and Crime, 2004:54).

Moreover, the protocol against the smuggling of migrants outlines that

“illegal entry” [*sic!*], which involves crossing borders without complying with the legal entry requirements of the receiving State, was often times effected through the use of fraudulent travel or identity documents (UNODC, 2004:55).<sup>45</sup> It also calls for the criminalization of indirect and direct profiteers of smuggling.

Smuggling is, therefore, recognized as a global crime that undermines the integrity of States’ borders and simultaneously endangers the lives of migrants through perilous, circuitous and lengthy journeys (IOM, 2011). The root cause of this phenomenon, however, lies in “the desire of people to migrate away from conditions such as poverty or oppression in search of better lives” (UNODC, 2010:5).

Its continued existence and sizeable revenues have been attributed to the increased demand for international migration in both the sending and receiving countries. Therefore, the low risk and high profitability accrued by smugglers, coupled with restrictive immigration policies of

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45 Fraudulent travel or identity documents refers to documents that have been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; documents that have been improperly issued or obtained through misrepresentation, corruption or duress or any other unlawful manner and documents that are being utilized by a person other than the rightful holder.

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44 Interview\_Ref.23:20.

destination States and rising demand, have substantially augmented the attractiveness of smuggling initiatives to both migrants and smugglers (Schloenhardt, 1999; IOM, 2011). Yet, definitive figures on the sheer magnitude of migrant smuggling remain unclear because of the clandestine and secretive nature of these operations (Aronowitz, 2001).

### *Trends*

Migrant smuggling in Trinidad and Tobago is facilitated by several factors. The key ones are:

- Indented and poorly guarded coastlines;<sup>46</sup>
- Close proximity to the Venezuelan mainland;<sup>47</sup>
- Corrupt public and embassy officials;<sup>48</sup> and
- Opportunistic locals, such as fishermen, villagers and other citizens, who collude with smugglers.<sup>49</sup>

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46 Interview\_Ref.1:21; Interview\_Ref.4:11; Interview\_Ref.20:4 and Interview\_Ref.23:26.

47 Interview\_Ref.1:21 and Interview\_Ref.15:5.

48 Interview\_Ref.20:4 and Interview\_Ref.23:27.

49 Interview\_Ref.1:22.

### *- Demographics*

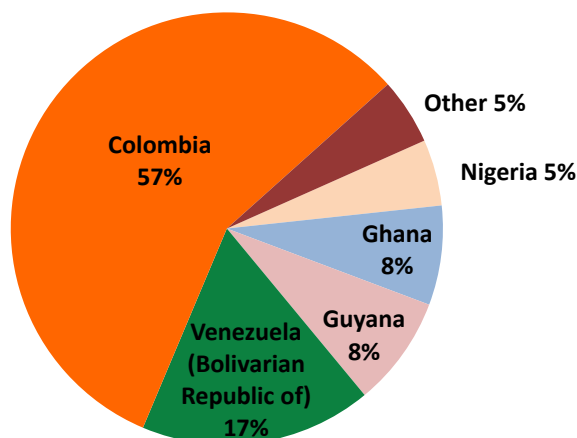
A few stakeholders, based on anecdotal accounts, indicated that the majority of smuggled migrants were Venezuelans, Colombians and Africans,<sup>50</sup> and this view was supported by the information provided by migrants in detention, who were smuggled.

Data supplied by the CAPA also confirmed these claims and presented a much clearer picture on the nationalities of smuggled migrants, who were detected at various points in Trinidad and Tobago, with Colombians being the most common nationality (see figure 3).

It was also highlighted that a large proportion of these individuals were between the ages of 20 to 34 years, with females significantly outnumbering males. Table 5 refers.

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50 Interview\_Ref.1:21; Interview\_Ref.4:12; Interview\_Ref.12:16; Interview\_Ref.13:15; Interview\_Ref.14:6; Interview\_Ref.15:5; Interview\_Ref.16:8; Interview\_Ref.18:24 and Interview\_Ref.22:15.

**Figure 3: Smuggled migrants by nationality (2007– April 2012)**

Source: Crime and Problem Analysis Branch (CAPA), TTPS, 2012.

**Table 5: Smuggled migrants by sex and age (2007–April 2012)**

Sex	Below 20	20-24	25-29	30-34	35-39	40 and over	Total
Male	1	5	13	6	8	7	40
Female	2	18	29	14	7	6	76
Total	3	23	42	20	15	13	116

Source: Crime and Problem Analysis Branch (CAPA), TTPS, 2012.

Further to this, mention was made of the fact that asylum-seekers and refugees utilize the services of smugglers. This finding was consistent with the work of IOM (2004a), which highlighted that refugees can be comingled with irregular migrants.

#### - Organization

There seemed to be two main types of migrant smuggling at work in Trinidad and Tobago. The first is a loosely organized venture which involved

persons, particularly fishermen, transporting migrants from the Venezuelan mainland to Trinidad and Tobago at varying costs ranging from USD 120 to USD 200.<sup>51</sup> Individuals entering through these means are dropped off at the 'safest' point and left to 'fend for themselves' in terms of accessing transportation, jobs and accommodation, etc. This kind of smuggling is similar to the "type

<sup>51</sup> Interview\_Ref.1:22; Interview\_IDC8:4 and Interview\_IDC15:3.

1”<sup>52</sup> migrant smuggling discussed by Neske (2006).

Conversely, the other form involves more intricately organized schemes that rely on key contact persons at every point of the journey to facilitate the undetected entry and settlement of the migrant. Therefore, whilst fishing vessels are also used in this approach, ‘drop offs’ are coordinated and transportation, accommodation and employment arrangements are pre-planned.<sup>53</sup> This approach is comparable to Neske’s (2006) “type 3”<sup>54</sup> smuggling operation. One detainee referred to an extensive network in Africa known as the ‘brotherhood’, which “puts everything in place” for African nationals seeking foreign opportunities. They also coach their clients on effective survival strategies, such as foreign languages and name changes to avoid detection. Furthermore, even after the migrant arrives in Trinidad and Tobago the ‘brotherhood’ continues to offer a

support base taking advantage of the migrant’s vulnerable position.<sup>55</sup>

There was also a strong perception among the stakeholders that migrant smuggling in Trinidad and Tobago is closely linked to organized criminal networks that smuggle other contraband such as guns and drugs.<sup>56</sup> Smuggling also fuels the market for fraudulent documents, as post-arrival these migrants require some form of documentation to access services and employment in the country.

#### - Routes

Innovative and flexible approaches are employed to smuggle persons into Trinidad and Tobago. The interviews highlighted that irregular entrants, who employ sea routes from the South American mainland, enter mainly through coastal areas along the southern, northern and western coasts of Trinidad.<sup>57</sup> One stakeholder noted:

The persons engaged in these activities are sophisticated and smart. They know the law, so the trend is moving further off shore where the jurisdiction is rather ticklish ... where they know water is rough and further out from land they know detection is lower, so it is occurring more and more in the

52 Neske (2006) developed the typologies of migrant smuggling. Type 1 referred to individual smuggling, with a high degree of self-responsibility. This type of smuggling was utilized by persons who lacked financial and logistical options to explore other alternatives and therefore was referred to as poverty smuggling.

53 Interview\_Ref.1:22-23 and Interview\_IDC3.

54 Pre-organized stage-to-stage smuggling involves a chain of key actors or coordinators who organize and assist through each stage of the process.

55 Interview\_IDC3:3,4,7.

56 Interview\_Ref.1:23; Interview\_Ref.4:12 and Interview\_Ref.12:6; Interview\_Ref.18:23; and Interview\_Ref.20:4.

57 See appendix C.



cross-border areas further out at sea.<sup>58</sup>

Smugglers seem to be constantly evolving and adapting their operations in response to environmental stimuli. Moreover, there is an apparent trend of African nationals, who enter Brazil, to make their way to Venezuela (Bolivarian Republic of) and then proceed to Trinidad and Tobago.<sup>59</sup> Also, through the use of unconventional methods, which involve being dropped off at one of the smaller islands surrounding Trinidad that was less frequently patrolled, they generally made their way to Trinidad disguised as “fishermen or commercial traffic”.<sup>60</sup>

It was further posited that villagers in coastal areas and other locals act as facilitators for these activities.<sup>61</sup> Yet, heightened law enforcement efforts seemed to merely displace the operations instead of curtailing them. For example, increased patrols along the southern coast resulted in decreased incidents but authorities have observed concurrent increases along the northern and north-western coastal areas of Las Cuevas, Maracas and Chaguaramas<sup>62</sup> (see appendix C).

The safety of smuggled migrants also emerged as an area of concern,

as many of the detainees were transported without life jackets, on rough oceans in overcrowded and small vessels that were ill-equipped for these types of journeys.

One migrant stated that his initial destination was Barbados but:

It was because of the rough ride that led me to tell him to drop me somewhere really close, because he told me that from here to Barbados would spend some extra hours again, so I was just scared. I told him that I can't continue.<sup>63</sup>

In some instances, upon reaching Trinidad, smuggled migrants were forced to swim ashore. Additionally, a number of detainees indicated that they paid varying, yet consistently high fees to access the services of smugglers. These services included, but were not limited to, transportation, accommodation and employment arrangements. Extra charges were also incurred if the migrant wished to obtain fraudulent documents and passports.<sup>64</sup> One irregular migrant in detention noted:

I paid USD 12,000. I remember going to the Red House for some papers and then a woman friend take me for an affidavit ... The woman who help me, she take responsibility, she had to lie, because without the papers, I can't do anything here; otherwise I would have been caught earlier on, so I must have papers.

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58 Interview\_Ref.15:5.

59 Interview\_Ref.16:9 and Interview\_Ref.23:25.

60 Interview\_Ref.15:5.

61 Interview\_Ref.1:22

62 Interview\_Ref.2:22

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63 Interview\_Ref.4:6.

64 Interview\_IDC3:8.

Therefore, in an effort to finance this venture many migrants resort to selling off their assets and securing loans from family, friends and smugglers.<sup>65</sup> Consequently, botched migration efforts usually left these individuals impoverished and bankrupt.

#### - Legislation

There were some stakeholders, who expressed disappointment over the fact that although in 2007 Trinidad and Tobago had signed onto the United Nations Convention against Transnational Organized Crime and its Protocols thereto, there was no legislative framework in place to criminalize migrant smuggling.<sup>66</sup> Further investigations, however, revealed that the Multi Sectoral Task Force<sup>67</sup> attempted to address smuggling together with trafficking in persons. However, this approach was abandoned as the two issues concerned different areas, and it was agreed that migrant smuggling would be dealt with subsequent to finalization of the trafficking in person's legislation.

Apart from this, it was noted that the current Immigration Act targets

the smuggled migrant instead of the smugglers. In addition, a call was made for the development of a national policy on the smuggling of migrants to address the issues surrounding smuggling.

### 4.3 Trafficking in persons

Human trafficking is an avenue through which a migrant can be pushed into a state of irregularity (ICHRP, 2010), slavery and exploitation. It is often linked to irregular migration, although it is important to underline that human trafficking can be perpetrated also through regular migration channels. It is regarded as "one of the fastest -growing and most lucrative crimes, occurring both worldwide and in individual countries including those in the Caribbean region" (IOM, 2008a:7).

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, established that trafficking in persons involved:

"The recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of

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65 Interview\_IDC3, Interview\_IDC7, Interview\_IDC17, Interview\_IDC27 and Interview\_IDC35.

66 Interview\_Ref.1 and 16.

67 This Task Force was established in September 2010 to develop a policy paper and action plan on human trafficking.

the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”<sup>68</sup> (UNODC, 2004:42).

UNODC (2006) further divided the definition of human trafficking into three constituent parts:

1. The act – (what is done) involves the recruitment, transportation, harbouring or receipt of persons;
2. The means – (how it is done) refers to the threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim; and
3. The purpose – (why it is done) trafficking is for the purpose of exploitation which includes sexual exploitation, forced labour, slavery or similar practices and the removal of organs.

According to the U.S. Government statistics “trafficking is a crime most often perpetrated against undocumented migrants” (Aronowitz, 2009:23). Globally, there have been more reports of trafficking for sexual exploitation as opposed to forced

labour, with most of the identified victims being women and children (UNODC, 2006). This phenomenon, however, remains “a complex and hidden one” (Choi-Fitzpatrick, 2006:64) mainly because existing reports of trafficking in persons are characterized by qualitative data and anecdotal evidence.

In Latin America and the Caribbean, human trafficking is fuelled by a number of factors such as, “poverty, political and social violence, gender attitudes leading to inequalities, and a general indifference toward women, adolescents and children” (Langberg, 2005:133). However, within Trinidad and Tobago it appears to be occurring on a much smaller scale than irregular migration.

Trinidad and Tobago first appeared in the U.S. Department of State’s Trafficking in Persons Report in 2009, with a ranking of Tier 2.<sup>69</sup> Yet

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68 Exploitation, in this instance, referred to “at the minimum, the exploitation or prostitution of others or other forms of sexual exploitation, forced labour or services, slavery, or practices similar to slavery, servitude, or the removal of organs” (UNODC, 2004:42).

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69 The U.S. Department of State (2012) employs a tier system to rank countries based on their compliance with the Trafficking Victims Protection Act (TVPA). Tier 1 rank – countries that comply fully with the TVPA’s minimum standards for the elimination of trafficking; Tier 2 rank – countries that do not comply fully with the TVPA’s minimum standards for the elimination of trafficking but are making significant efforts to do so. Tier 2 Watch List (WL) rank – countries that do not comply fully with the TVPA’s minimum standards for the elimination of trafficking but are making significant efforts to do so and: 1) the absolute number of victims of severe forms of trafficking is very significant or significantly increasing, 2)

in 2010, it was relegated to Tier 2WL (watch list) and the Report indicated that the Trinidad and Tobago was a destination, transit and also a source country of trafficked persons based on the identification of its nationals as trafficked victims in the United States and the United Kingdom (U.S. Department of State, 2010).

Subsequently, in 2011, the Government of the Republic of Trinidad and Tobago passed a comprehensive anti-trafficking legislation in the form of the Trafficking in Persons Act No. 14 of 2011, which prohibits all forms of trafficking and provides explicit and extensive victim protection. Still in the 2011 and 2012 Reports, the country returned to its previous rank at Tier 2<sup>70</sup> and remained, “a destination, source, and transit country for adults and children subjected to sex trafficking and adults subjected to forced labour” (U.S. Department of State, 2012:346).

### *Trends*

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there is a failure to provide evidence of increasing effort to combat severe forms of trafficking in persons of the previous year and 3) the determination that a country is making significant efforts to bring itself into compliance is based on commitments by the country to take additional future steps over the next year. Tier 3 rank is given to countries that do not comply with the minimum standards and are not making significant efforts to do so.

70 This may have been to a large extent, attributable to the Trafficking Act passed in 2011 as well as other anti-trafficking initiatives.

Trafficking in persons in Trinidad and Tobago is facilitated by a host of factors, the major ones being:

- High demand for sex workers;<sup>71</sup>
- Poor enforcement of existing general laws such as the Sexual Offences Act<sup>72</sup> and
- Poor public sensitization and awareness.<sup>73</sup>

### - Demographics

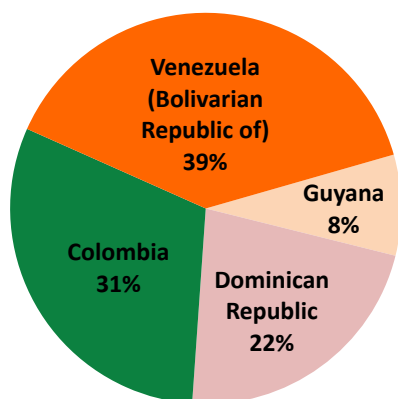
Trafficking in persons, prior to January 2013, was not a criminal offence in Trinidad and Tobago; and therefore, it was particularly difficult to obtain definitive information on the number of confirmed cases. According to the Ministry of National Security, there were 36 suspected cases of trafficked persons between June 2009 and August 2012 with the majority of these persons originating from Venezuela (Bolivarian Republic of), Colombia and the Dominican Republic (see figure 4).

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71 Interview\_Ref.1:25 and Interview\_Ref.12:14.

72 Interview\_Ref.1:25; Interview\_Ref.4:5 and Interview\_Ref.23:19.

73 Interview\_Ref.1:25; Interview\_Ref.10:11; Interview\_Ref.13:18; Interview\_Ref.18:12; and Interview\_Ref.23:7.

**Figure 4: Victims of trafficking (unconfirmed) – (June 2009–August 2012)**

Source: Ministry of National Security (2012).

**Table 6: Suspected victims of trafficking by age and sex (2007–2012)**

Sex	Below 20	20-24	25-29	30-34	35-39	40 and over	Total
Male	1	-	-	-	-	-	1
Female	4	4	3	5	1	-	17

Source: IOM case files (2012).

This data was further supplemented by the International Organization for Migration's (IOM) case files, as this organization provided assistance to some of the victims and was privy to their circumstances. According to this information, the majority of victims were females, and there was just one incident involving a male (see table 6).

It was also noted that ages of the victims ranged between 15-36 years.

#### - Methods and routes

The major methods of recruitment for the suspected cases of trafficking in Trinidad and Tobago are false promises, personal contacts and deception respectively; although, it must be noted that these categorizations are not mutually exclusive, as some persons could have been recruited via all of the methods (see figure 5).

**Figure 5: Methods of recruitment**



Source: IOM case files (2012).

IOM case files also revealed that victims are often conned into coming to Trinidad and Tobago; and in some instances, the lure of employment is used. This finding was supported by the work of Garrett and Mahoney (2006) and Kara (2009), who noted that deceit in the form of false job offers, was a method used in acquiring victims. In addition, many girls and women, deceived into coming to the island in the hope of better employment opportunities incurred debts to fund their journeys. Therefore, a portion of their earnings was returned to their trafficker as a form of repayment (IOM case files, 2012). Some women and girls also continued to amass debt even after arrival, as they were often penalized for not working.

Additionally, a few stakeholders highlighted that these schemes are well-organized operations, which involved prominent persons in the society, such as businessmen, religious leaders, lawyers and law enforcement agents<sup>74</sup>. Similarly, Picarelli (2011) referred to the fact that trafficking networks may involve various persons performing multiple roles, whilst Langberg highlighted that perpetrators of this crime have been found to be “business like, knowledgeable of migration policy, legislation and practices” (2005:134).

More pointedly, one stakeholder identified a lawyer, who facilitated marriages of convenience in collaboration with religious leaders,

<sup>74</sup> Interview\_Ref.10; Interview\_Ref.12; Interview\_Ref.22; and Interview\_Ref.23.

and indicated that there is a suspicion that law enforcement agents were also implicated.<sup>75</sup> Human traffickers, according to the case files, also appear to be utilizing both regular and irregular means to transport their victims. Likewise, similar conclusions were drawn by IOM (2005a).

It is also notable that the limited data on those, who entered through irregular ports, showed that they came from Colombia through Venezuela (Bolivarian Republic of) and then to Trinidad and Tobago (IOM case files, 2012).<sup>76</sup> On the other end of the continuum, traffickers are also bringing in persons through legal ports of entry. One stakeholder noted:

What they do is they give them documents to try to fool immigration into thinking that they coming in here for a legitimate purpose. And of course the victims themselves are made to feel that they coming in for this legitimate purpose, coming to work and go to school and that kind of thing and

once they get here then it becomes something different.<sup>77</sup>

There was also a perception that traffickers are concealing persons in containers and bringing them into the country undetected<sup>78</sup> and these suspicions were reflected in local newspapers (Browne, 2009). Yet, there has been no confirmation or evidence of these allegations.

#### - Abuse and exploitation

According to IOM data, victims of trafficking can be exposed to a range of abuses, and there were only few instances whereby the victim was exposed to just one type of abuse. More specifically, the most common forms of abuse encountered by the victims, based on the chart below, were:

- Psychological;
- Sexual; and
- Physical.

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75 Interview\_Ref.22:13; Interview\_Ref.14 and Interview\_Ref.16.

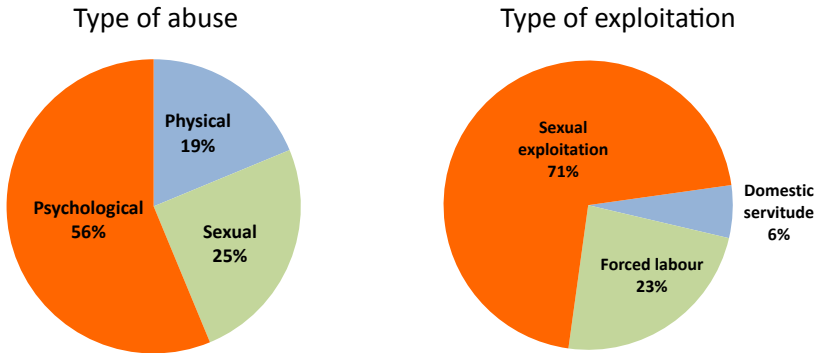
76 IOM case files.

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77 Interview\_Ref.1:23.

78 Interview\_Ref.18:22.

**Figure 6: Suspected victims of trafficking – Abuse and exploitation**



Source: IOM case files (2012).

These findings mirror the work of UNODC (2008c) and IOM (2010a), which identified these and other types of abuses as the individual costs of trafficking in persons.

Moreover, there were cases in which the basic human rights of victims, such as freedom of movement, food and water, etc., were denied, and they were forced to work for protracted hours, in unsafe circumstances. A few traffickers also withheld victims' travel documents and threatened to report them to the TTPS because of their "irregular" status (IOM case files, 2012). Actions such as these are analogous to some of the forms of control discussed by IOM (2010).

With regard to exploitation, the majority of the victims were sexually exploited (see figure 6). This is noteworthy, as several stakeholders referred to establishments in

Central and South Trinidad, which bring in girls, particularly for the commercial sex trade, and request that they hand over their passports.<sup>79</sup> More specifically, IOM in its study highlighted that brothels and nightclubs were "identified as places where trafficked persons could be found," and there was "knowledge of rural-to-urban trafficking within Trinidad, as well as human trafficking from countries such as Guyana, Venezuela (Bolivarian Republic of) and Colombia" (2010a:179).

The 2012 Trafficking in Persons Report echoed some of these concerns and additionally stated that homeless children of Trinidad and Tobago as well as those in difficult family situations were a high-risk group for sex trafficking and forced criminal activity. Conversely, a smaller

<sup>79</sup> Interview\_Ref.13:11 and Interview\_Ref.25:5.



proportion of victims were exploited through forced labour and domestic servitude. This corroborates with previous research that articulated the vulnerability of economic migrants, including those from India and China, to forced labour (U.S. Department of State, 2012).

The case files also highlighted marriages of convenience as another control mechanism, used to keep the victims in situations of exploitation and to regularize their status. Generally, these findings were substantiated by an IOM (2010a) study on trafficking in persons in the Caribbean, which identified sexual exploitation, forced labour and domestic servitude as the most common forms of exploitation in the region.

- Assistance for victims of trafficking

A number of stakeholders, including NGOs, governmental and international organizations, such as IOM, perform vital roles in offering assistance to suspected victims of trafficking. In many instances, NGOs act as first responders since they attend primarily to the basic needs of the victims through the provision of food, clothing and other necessities. Accommodation for these victims, however, remains problematic because NGOs lack the requisite resources to provide these services, and existing options, such as shelters

for victims of domestic violence or police safe houses, have proven to be highly inappropriate.<sup>80</sup>

Nevertheless, the Trafficking in Persons Act 2011, includes provisions for housing victims of trafficking; and therefore, the Government has the duty and legal obligation to find solutions.

On the other hand, the Government of Trinidad and Tobago, with the assistance of IOM, has pursued return and resettlement initiatives for victims. IOM has also worked assiduously to sensitize several organizations and provide training to key stakeholders on various aspects of trafficking in persons, such as victim identification and screening techniques.<sup>81</sup> More importantly, train-the-trainer sessions were conducted to boost 'in-house' training capabilities of the participants.

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80 Domestic violence shelters are very restrictive and therefore can be deemed unsuitable for victims of trafficking who may suffer from psychological and emotional stress, whilst police safe houses are usually available for only 3 months at a time.

81 Other types of training included: Sensitizing Peers on Human Trafficking, Technical Skills Training on Human Trafficking, Train the Trainer on Human Trafficking, Human Trafficking Course for Law Enforcement Officers, Investigative Interviewing and Evidence Gathering Course, Train the Trainer in Counter Trafficking in Persons and Counter Trafficking Work for Media Representatives.

Yet, in spite of these efforts, only a few agencies have benefited from having qualified trainers; and therefore, a number of public officers and individuals, who interact with migrants, still do not possess critical skills for dealing with trafficked persons. The Immigration Division as well as the TTPS must be commended for their efforts towards sensitization and training initiatives.

#### - Legislation

The Trafficking in Persons Act was passed in 2011 and proclaimed in January 2013. Therefore, prior to this proclamation, trafficking in persons was not criminalized in Trinidad and Tobago, and this prevented the prosecution of traffickers. However, traffickers could have been convicted under the following pieces of legislation:

- Sexual Offences Act, 1986;
- Summary Offences Act, 1921;
- Proceeds of Crime Act, 2000;
- Kidnapping Act, 2003; and
- Forgery Act 1925.

Nonetheless, laws against prostitution appear to be largely ignored. According to the Sexual Offences Act, 1986, as amended, prostitution and the operation of brothels are prohibited activities, and persons living off these means can be prosecuted. However, in spite of

these legal provisions, a vibrant trade persists with high demand fuelled by both local and expatriate clients. It was also observed that proprietors and patrons were rarely targeted in police raids; and if caught, they were required to pay meagre fines, which seldom weakened their ability to continue operations<sup>82</sup>. Moreover, these laws have been applied in a general way and very little effort has been made to detect victims of trafficking, who may have been coerced into prostitution and other crimes. Instead, they are arrested and deported.

One stakeholder emphasized that the Trafficking in Persons Act did not sufficiently deal with this matter in accordance with international best practices as:

It does not clearly state that trafficked persons shall be immune to crimes committed as a direct result of the trafficking experience... because it puts the onus on the victim to argue it and say well don't charge me for prostitution because it's a result of trafficking.<sup>83</sup>

There was also a view that suspected victims of trafficking were more interested in returning to their home countries as opposed to assisting with the prosecution of their "traffickers".<sup>84</sup> Hence, the stakeholder

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<sup>82</sup> Interview\_Ref.12:3 and Interview\_Ref.14.

<sup>83</sup> Interview\_Ref.16:8-9.

<sup>84</sup> Interview\_Ref.13:11.

cautioned that obtaining the victim's cooperation in prosecution matters may be challenging. It was also noted that the 1969 Immigration Act was not yet properly aligned with the Trafficking in Persons Act as the former does not include trafficking in persons as an offence.

#### **4.4 Asylum-seekers**

In November 2000, Trinidad and Tobago signed the 1951 Refugee Convention, but thus far no explicit legislation has been developed to address the situation of asylum-seekers and refugee protection, nor has the Immigration Act been amended to incorporate these concerns. This inconsistency challenges the work of Immigration officials, who sometimes 'break their own laws,' to assist these persons. A draft policy, however, is being developed, but the contents and progress of this document remain unknown.

In the absence of such, the Living Water Community (LWC), an NGO, is the implementing agency of the UNHCR in this country. However, a number of concerns regarding current practices were identified in the interviews. The most basic challenge with assessing asylum claims is the lack of identification documents, as some asylum-seekers are smuggled, whilst others may use

false documents.<sup>85</sup> This significantly delays the assessment process of the asylum claim because of the series of verification checks which are needed to determine the true identity of the individual.

Moreover, the actual care facilities in place for asylum-seekers and refugees appear to be gravely inadequate, as any assistance rendered is entirely dependent upon the limited resources of the Living Water Community, which cannot effectively cater to the needs of each individual. In an attempt to fill these gaps, different networks, societies and religious organizations donate housing, clothing, food, etc. on a case-by-case basis; however, there is no formalized structure in place to guarantee these arrangements.

#### *Employment*

Closely related to the issue of care is that of employment. A recurrent concern identified in the interviews is that asylum-seekers are not allowed to work legally in Trinidad and Tobago while awaiting determination of their status. Consequently, in an effort to fund their basic needs and living expenses, they resort to irregular employment arrangements, which invariably lead to exploitation. One stakeholder noted that, "very often they work for two or three months and

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<sup>85</sup> Interview\_Ref.21:3.

don't get paid or get paid very little" and in some instances the employer would say, "go and tell the police, and we'll see what happens".<sup>86</sup> Therefore, the current system perpetuates a situation of irregularity.

### *Determination period*

As it stands, there are no avenues for integration of refugees in Trinidad and Tobago, but a determination is still done in order to resettle recognized refugees to third countries. LWC conducts the initial screening of asylum-seekers to assess the validity of their claims before forwarding it to UNHCR Washington, for an official refugee status determination. This arrangement however, presents a major setback, as the Washington office is also responsible for the entire Caribbean region. Therefore, based on the availability of resources, thorough investigations may take several months or years to be concluded. Moreover, some stakeholders referred to the fact that inauthentic applicants, who do not have legitimate claims, use this lengthy timeframe to their advantage, as the determination period is seized as an opportunity to work irregularly in the country.

Nonetheless, there have been preliminary discussions on the possibility of Trinidad and Tobago

conducting their own determinations, which would significantly reduce the processing time, but to date, no definitive measures have been taken. The post-determination period also has specific problems, in that persons, who are deemed refugees by UNHCR, are not granted the refugee status and corresponding rights by the Government, forcing recognized refugees to seek alternative durable solutions, such as resettlement. They fall under the care of the LWC and the protection of UNHCR and they are given Orders of Supervision<sup>87</sup> but neither their refugee status nor the Order of Supervision gives them the right to work or access to temporary residency, housing arrangements, etc.

Furthermore, it is notable that although refused asylum-seekers are referred to the Immigration Division, it is evident that in many instances, they are not detained and repatriated because they do not report to the Immigration Division as required. According to one stakeholder, "a lot of them abscond, they will move to another country, or they just don't show up".<sup>88</sup> Hence, the lack of formalized procedures and monitoring arrangements for refused asylum-seekers essentially encourages irregularity.

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<sup>87</sup> Orders of Supervision in this instance mean that the persons are allowed to live freely in the society but must report periodically on pre-set dates and times to the Immigration Division.

<sup>88</sup> Interview\_Ref.1:25

<sup>86</sup> Interview\_Ref.21:5.

Another identifiable concern for a stakeholder was the lack of coordination in developing a strategy for refugee emergencies. It was noted that although a Committee had been formed to address this matter, the LWC remained unclear about its progress.<sup>89</sup>

#### **4.5 Border control**

The Immigration Division is the primary agency responsible for controlling the entry and exit of persons in Trinidad and Tobago. The issuance of travel documents also falls under its mandate.

According to the Sixth Schedule of the Immigration Act, 1969, as amended, there are 14 official ports of entry<sup>90</sup> as follows:

- (a) Brighton;
- (b) Crown Point;
- (c) Chaguaramas;
- (d) Port-of-Spain;
- (e) Pointe-à-Pierre;
- (f) Tembladora;
- (g) Point Fortin;
- (h) Piarco;
- (i) Point Lisas;
- (j) San Fernando;
- (k) Scarborough;
- (l) Point Galeota;
- (m) Cedros;
- (n) Charlotteville.

For the purposes of this study, only the six major ones were examined, which were the two airports: Piarco and Crown Point; and four sea ports: Chaguaramas, Port of Spain, Scarborough and Cedros. Accordingly, expert conversations and semi-structured interviews were conducted with key persons at these ports to obtain an informed understanding of their current practices.

#### *Arrivals and departures*

Any visitor entering Trinidad and Tobago must avail themselves to inspection by an Immigration Officer and should have in their possession a valid passport; return ticket or means of payment for a return ticket and money to support their stay. Entrants are also required to complete passenger declaration forms which capture key demographic information, the purpose of their visit and their intended address in the country.

In the case of cruise liners, yachts, cargo ships and other similar vessels, the captain would present a completed crew and passenger manifest to the Immigration Division. However, the expert conversations with Immigration Officers highlighted some current practices, which are in need of redress, such as:

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<sup>89</sup> Interview\_Ref.21:4.

<sup>90</sup> See appendix D.

- Sterility of the immigration area – at the Piarco Airport officers complained about breaches in existing security checks and measures by the Airport Authority officers who traverse the Immigration’s sterile space, which could lead to the contamination of this area. At the Cedros sea port, there were reports of passengers co-mingling with persons receiving them prior to immigration inspection. Undoubtedly, these practices challenge the integrity of the entire process and provide ideal circumstances for the operations of smugglers and traffickers;
- Unaccompanied minors – Immigration procedures prescribe that these children are the responsibility of the airlines, and they should possess a statutory declaration from their parents authorizing their travel. Yet, there are still incidents of airlines failing to adhere to these procedures;<sup>91</sup> and
- Capture of departure information – at the airport, airline clerks and not Immigration officials, collect passenger declaration forms, which they seldom deliver in a timely fashion to Immigration officials. This has led to numerous

occasions of Immigration officials clearing flights for take-off without a complete verification of the flight manifest. Such a practice presents opportunities for smugglers and traffickers to escape immigration checks and leave undetected.<sup>92</sup>

### *Screening mechanisms*

Screening of entrants commences prior to arrival. The established practice is that the advanced passenger information is sent to the Joint Regional Communications Centre (JRCC).<sup>93</sup> The JRCC then checks it against regional watch lists for potential threats to the country<sup>94</sup> and informs local Immigration officials of ‘hits’ or persons of interest. Subsequent to this process, the API is sent to Trinidad and Tobago’s Immigration officials, where it is checked against Interpol’s Stolen and Lost Travel Documents (SLTD) Database and the local watch list.

Upon entry, machine readable passports are scanned to obtain biodata. At present, there are no provisions for the use of biometrics, although there is an expressed intention to eventually introduce this

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91 Nevertheless, the Immigration Division has the responsibility to ensure that the persons meeting these children are legitimate recipients.

92 It was noted that since the time of data collection an Immigration presence was re-introduced at the departure gate.

93 The Joint Regional Caribbean Communication (JRCC) was developed out of the ICC World Cup in 2007.

94 Persons of interest would also be detected at this phase.

feature. This capability, however, can significantly augment Immigration officers' ability to detect discrepancies with fraudulent, stolen or tampered passports, which are often used in trafficking and smuggling activities. Additionally, Immigration Officers utilize interviews, profiling and travel pattern analysis to further assess the suitability of entrants for admission, and these processes are supported by the work of Immigration Document Lab.

It must be noted that line officers are trained in victim identification and screening techniques, which enhances their ability to detect victims of trafficking, as opposed to other travellers. However, no reference was made to other strategies currently used to identify other vulnerable persons, such as irregular migrants, who may be the victims of abuse or exploitation.

Moreover, it was noted that the closed circuit television, a device which can detect suspicious behaviours at the ports and lead to the prosecution of traffickers and smugglers and the rescue of victims of trafficking and other vulnerable persons, was not functional at some ports of entry.

#### *Resources and technological capabilities*

The Immigration Division appears to be challenged by limited human resources, particularly at the

Scarborough and Cedros sea ports and the Research Unit. Moreover, information provided by the officers revealed that security at the Scarborough port is provided by the private firms, as there is currently no police presence at this port. This is certainly a cause for concern as several stakeholders referred to the growing trend of irregular migrants utilizing the inter-island ferry to travel to Tobago.

In addition, the Trinidad and Tobago Immigration Division implemented the Integrated Border Management System (IBMS) in 2007, to facilitate accurate data collection on persons entering the country at its various ports of entry. This system possesses a number of functionalities which can considerably improve the decision-making capabilities of Immigration Officers and lead to the detection of smugglers and traffickers. Some of its major features include:

1. Creation of travellers profiles;
2. Capture of a wide range of information on arrivals and departures by both air and sea;
3. Screening of passengers against watch lists and Interpol's SLTD database;
4. Loading advanced passenger information and matching it against Watch list;

5. Validating visas, student permits; and
6. Generating overstayers reports.

It must be stated however, that overstayer reports are not produced on a regular basis but on request. Furthermore, the IBMS was designed to capture information on additional permits, such as work permits, missionaries' permits, student's permits and minister's permits, but this capability has not yet been implemented. Additionally the establishment of an Immigration Document Lab, under the IOM Strengthening Technical Capacity project,<sup>95</sup> facilitates the discovery of fraudulent, counterfeit and tampered documents.

### *Data collection and analysis*

The conversations with Immigration Officers highlighted the following gaps in data collection and analysis:

- The IBMS captures arrival and departure information but thus far, reports or trend analysis from this data to guide policies have not been produced;
- Efforts have not been made to determine or estimate the number of irregular migrants in the country, which if conducted, could provide

useful information in the detection of smuggling and trafficking initiatives; and

- Digitized files are created for all persons detained by the Immigration Division; however, this information is not disaggregated according to situations or administrative categories, i.e. trafficked persons, asylum-seekers, etc. Therefore, in the absence of specific names, the retrieval of data on particular administrative categories or incidents is practically impossible to access in a timely fashion. Hence, this system of data storage is a major obstruction to effective data analysis.

Aside from this, there was a request for statistical software and associated training to improve the existing data collection and analysis procedures of the Division.

### *Information sharing*

As previously mentioned, the Immigration Division receives information from the JRCC and has access to Interpol's lost and stolen passports database to complement its screening processes. Notwithstanding this, there was an expressed view that increased knowledge of the work of the Traffic Index,<sup>96</sup> as it pertains to

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<sup>95</sup> This project was funded by the US State Department in 2008.

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<sup>96</sup> A Special Branch, Police Unit that operates at the airport.



their persons of interest, can further assist current efforts. Conversely, although the Immigration Division is allowed to receive information from different sources, because of the sensitivity of the data under its purview, it is restricted from sharing information with other agencies or organizations unless instructed otherwise by the Minister of National Security. This provision can at times hamper cooperative efforts with other agencies that may be working on similar cases pertaining to trafficking and smuggling.<sup>97</sup>

### *Training*

Immigration Officers are exposed to a wide range of training, such as interviewing skills and techniques; court processes and procedures; paralegal skills; human trafficking and migration management. Therefore in this regard, Immigration Officers appear to be well equipped to perform their duties and distinguish trafficked victims from regular travellers.

Nevertheless, some of them did express interest in obtaining additional training in victim identification, rights of victims of trafficking, management of detention centres and data management (see appendix F).

## **4.6 Migration and development**

The developmental benefits of migration for the country of origin are widely recognized, primarily because of its potential to reduce poverty and increase savings and investments, through remittances from migrant workers, which significantly augments household incomes (Baruah, 2006; Ratha and Mohapatra, 2007 and Hosein et al., 2009). The interviews revealed some of these benefits, as a number of detained migrants, who were once undocumented migrant workers, reportedly sent remittances to relatives in home countries.<sup>98</sup>

Conversely, from the perspective of destination countries, migration can stimulate economic and welfare gains by supplying existing labour needs, which increases employment, productivity and the GDP (Gross Domestic Product) in host countries (IOM 2004b; Ortega and Peri, 2009 and GMG, 2010).

Moreover, migration can facilitate knowledge and skills transfers as well as higher rates of innovation (UNDP 2009; Ortega and Peri, 2009 and GMG, 2010). Yet, if improperly managed, it can produce adverse impacts for recipient countries such as increased unemployment because of the competition between migrants and

<sup>97</sup> This information was sourced through expert conversations with Immigration Officers.

<sup>98</sup> Interview\_IDC13; Interview\_IDC15; Interview\_IDC15; Interview\_IDC18; Interview\_IDC19; Interview\_IDC20 and Interview\_IDC21.

the local workforce for jobs, increased expenditure on health, education and general welfare programmes (IOM, 2004b) and racism and xenophobia (ILO, IOM and OHCHR, 2001).

Nevertheless, the realization of benefits and experience of costs associated with migration are, to a large extent, contingent upon the socioeconomic and political situations of the countries of origin and destination.

National development has been a key focus of the Government of the Republic of Trinidad and Tobago with the most recent effort being the introduction of Seven Interconnected Pillars for Sustainable Development. Accordingly these pillars established the following objectives:

1. People -Centred Development – focuses on improving the education system and maintaining a seamless link for continuous learning;
2. Poverty Eradication and Social Justice – introduces strategies to reduce the income inequality that exists and provide a social safety net for the poor and vulnerable;
3. National And Personal Security – examines human security and the maintenance of law and order. Addressing the social conditions that serve as incubators for criminal activity and the reform of the prison and justice systems;
4. Information and Communication Technologies – serves as the backbone which supports the educated population, maintains effective communication locally and globally and promotes timely information sharing and management;
5. A More Diversified, Knowledge Intensive Economy – emphasizes the expansion of other productive sectors in the economy through the continued development of existing sectors and the establishment of new areas that span the creative, technological and manufacturing sectors;
6. Good Governance – focuses on ensuring transparency, accountability, participation and effective representation through institutional strengthening, enhancing democracy and strengthening execution and delivery capacity; and
7. Foreign Policy – maintains and develops bilateral and multilateral relations ensuring that the foreign policy supports the objectives for the achievement of sustainable development (Ministry of Planning and the Economy, 2011a:4-5).

Internationally, Trinidad and Tobago ranks as a high-level human development country, with an HDI value in 2011 of 0.760 which positioned it at 62 out of 187

countries and territories. It was also classified as a high income country in November 2011 by the Organization for Economic Co-operation and Development (OECD).

### *Irregular migration and development*

Based on the findings of the study, irregular migration appears to have mainly negative ramifications on the development of Trinidad and Tobago with only a few positive effects being identified.

Labour within Trinidad and Tobago is a contentious issue. Poor work ethic in the national labour force has also been cited in the Global Competitiveness Index Report as one of contributory factors for the country's unimpressive ranking<sup>99</sup> (World Economic Forum, 2011). One local newspaper reported:

Social welfare programmes, such as the Community-based Environmental Protection and Enhancement Programme (CEPEP)... negatively affected small businesses and the agriculture sector because they absorbed valuable labour resources and did not produce the entrepreneurs the initial programme plan had envisioned (Gordon, 2012:1).

It is within this context that some stakeholders posited that unauthorized migrant workers fill a need in sectors<sup>100</sup>, which were labour starved because of the local labour force's unwillingness to perform these tasks. These jobs also tend to be predominantly lower level jobs, which are undesirable, but necessary. In this regard, undocumented migrants actually contribute to development by sustaining productivity in these sectors. For instance, at the household level, domestic workers allow working mothers the opportunity to actively participate in the workforce; whilst at the national level, agricultural workers sustain agricultural productivity and construction workers contribute to infrastructural development. Some migrants also create their own employment in the form of small business ventures such as restaurants and fruit stalls.

In addition to this, the literature highlighted that Trinidad and Tobago had experienced major skills losses particularly in the teaching and nursing professions and therefore may have labour shortages in these and other sectors (Schmid, 2003).

From a different perspective, irregular migrants appear to influence the social and cultural dynamics of Trinidad and Tobago through their

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99 Trinidad and Tobago's Global Competitiveness Index for 2011 was 81 out of 142 (WEF, 2011).

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100 Some of these sectors included the agricultural sector, construction sector and domestic care.

interactions with diaspora groups and the wider society. Some of them also reportedly had strong relationships with locals, which undoubtedly facilitate cultural exchanges.<sup>101</sup> Moreover, these migrants reinforce existing ethnic enclaves, as they tend to settle in areas where they can be easily assimilated.<sup>102</sup> Thus, irregular migrants contribute to the sociocultural development of the Trinidad and Tobago.

However, in spite of these contributions, a number of stakeholders contested that this form of migration injures local labour markets and presents a host of other challenges which could stymie and/or reverse developmental objectives of the State,<sup>103</sup> such as:

1. Financial viability:

- a. Undocumented migrant workers do not pay income taxes and therefore cannot fully contribute to tax revenues<sup>104</sup> or the GDP but still have access to services, such as health care, etc., which can impose a fiscal strain on the economy<sup>105</sup> (Bigo, 1997; GFMD, 2008 and Chappell et al. 2011);

- b. Unauthorized migrant workers are willing to work for less remuneration and in worst conditions than local workers, which ultimately drives wages down, jeopardizes the minimum wage structure and sustains poor working environments<sup>106</sup> (GFMD, 2008); and

- c. Prolonged detention of irregular migrants can be a financial burden<sup>107</sup> (Gibney, 2000 and Thomas-Hope, 2006).

2. National and personal security – Some irregular migrants engage in drug trafficking and other criminal activities<sup>108</sup> which increases the level of criminality in the society and can burden the penal system (Gibney, 2000 and Thomas-Hope, 2005);

3. Good governance:

- a. Irregular migration perpetuates corruption at all levels of society as law enforcement, public officials and other locals have been implicated in schemes, such as false employment letters, marriages of convenience, sale of passports and the provision of extension stamps to migrants;<sup>109</sup> and

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<sup>101</sup> Interview\_Ref.1:26.

<sup>102</sup> Interview\_Ref.18 and Interview\_Ref.13.

<sup>103</sup> Interview\_Ref.1, Interview\_Ref.6, Interview\_Ref.10, Interview\_Ref.22 and Interview\_Ref.20.

<sup>104</sup> These taxes would be applicable to migrants make in excess of \$60,000.00 per annum.

<sup>105</sup> Interview\_Ref.10 and Interview\_Ref.13.

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<sup>106</sup> Interview\_Ref.10 and Interview\_Ref.13.

<sup>107</sup> Interview\_Ref.3:8.

<sup>108</sup> Interview\_IDC1:1; Interview\_IDC2:6; Interview\_IDC20:7; and Interview\_IDC35:5.

<sup>109</sup> Interview\_Ref.1, Interview\_Ref.12 and Interview\_Ref.22.

b. Irregular migration also undermines existing legal options through unauthentic work permit schemes and capitalization of existing loopholes in the CSME Skilled Certificates programme.<sup>110</sup>

4. Social harmony – Irregular migration can lead to social disharmony as the local workforce perceives undocumented migrant workers as competitors for ‘their’ jobs. This can also give rise to xenophobia and intolerance towards the migrants<sup>111</sup> (Kicinger, 2004); and

5. Poverty reduction – Although the majority of migrants in detention were undocumented migrant workers, there were a few, who were unemployed<sup>112</sup> and homeless,<sup>113</sup> which could give rise to increasing numbers of poor and vulnerable persons in the society.

### *Smuggling of migrants and development*

No positive impacts of migrant smuggling were discovered in the interviews. However, some persons, especially fishermen, who support

smuggling initiatives, highlighted that this activity improved their economic standing and living conditions.<sup>114</sup> On the contrary, the adverse impacts of migrant smuggling on the development of Trinidad and Tobago were evidently articulated, some of which were similar to those of irregular migration. However, those that specifically relate to migrant smuggling are:

#### 1. National and personal security:

a. Migrant smuggling threatens the State’s sovereignty, because it undermines the rule of law, circumvents legal entry channels and facilitates the clandestine entry of persons<sup>115</sup> (Koslowski, 2004; Bigo, 1997);

b. Migrant smugglers are often associated with transnational criminal networks which introduces a different dimension of security challenges to the nation;<sup>116</sup> and

c. Migrant smuggling is closely linked to movement of drugs and guns which can exacerbate local drug trafficking and gun violence;<sup>117</sup>

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110 Interview\_Ref.1, Interview\_Ref.9 and Interview\_Ref.13.

111 Interview\_Ref.1, Interview\_Ref.13 and Interview\_Ref.22.

112 Interview\_IDC4, Interview\_IDC25, Interview\_IDC39 and Interview\_IDC40.

113 Interview\_IDC4 and Interview\_IDC21.

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114 Interview\_Ref.1:22.

115 Human traffickers use similar entry techniques as smugglers and also employ their services at times.

116 This linkage can also be made with human trafficking networks.

117 Interview\_Ref.1; Interview\_Ref.4; Interview\_Ref.18 and Interview\_Ref.20.

- d. Smuggled migrants are subjected to dangerous travel conditions and exploitative schemes.
2. Good governance:
- a. Migrant smuggling fuels corruption since fishermen and other locals are key elements of their operations;<sup>118</sup> and
  - b. Migrant smuggling fuels the market for fraudulent documents and other enabling documentation for settlement and employment, as the majority of these migrants do not enter the country with authentic documents. Similarly, smuggling of migrants can also be viewed as a result of corruption.
1. Gender empowerment – Suspected victims of trafficking are predominantly females who are exploited, abused and robbed of the opportunity to make viable contributions (IOM 2012 case files) to the State in the form of authorized employment.
2. National and personal security – Human trafficking supports the sex trade which is direct violation of local laws; since under the Sexual Offences Act prostitution is illegal.<sup>119</sup>
3. Good governance – Trafficking in persons reinforces corruption at different strata of the society as businessmen, religious leaders, lawyers and law enforcement officials have allegedly aided and abetted the exploitation of victims.<sup>120</sup>

### *Trafficking in persons and development*

Trafficking in persons is a cruel and inhumane activity which is not only a threat to the victims' most fundamental human rights, but also poses serious and widespread challenges to human security and development at all levels of society. This form of modern slavery compromises the development of Trinidad and Tobago in the following ways:

### *Migration policy*

An effective migration policy can play an important role in realizing the developmental benefits of migration and reducing its costs. Moreover, if properly structured and implemented, it can mitigate the worst impacts of irregular migration, trafficking in persons and smuggling of migrants. Trinidad and Tobago, however, did not appear to have in

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118 Interview\_Ref.1; Interview\_Ref.20 and Interview\_Ref.23.

119 Interview\_Ref.1 and Interview\_Ref.12.

120 Interview\_Ref.10; Interview\_Ref.12;

Interview\_Ref.22; and Interview\_Ref.23.

place such a policy which clearly states the position of the Government of the Republic of Trinidad and Tobago on outward and inward migration or guides the work of key stakeholders. Instead, migration-related efforts seem to be more reactionary in nature with several agencies operating in isolation, unaware of opportunities for collaboration and cooperation. The interviews, however, highlighted a number of areas which should be considered in formulating a coherent migration policy:

- National developmental plans – The issue of migration has not been systematically integrated into existing national developmental initiatives. For instance, both the Seven Pillars for Sustainable Development and the Medium Term Policy Framework for 2011–2014, discuss the developmental contribution of the diaspora and current labour shortages in the health sector, but failed to specify or outline tangible strategies for addressing these issues. Also, labour immigration initiatives and other migration-related efforts have not been mainstreamed into broader development plans or at the individual ministerial levels.
- Labour needs – there is a thriving market for undocumented migrant workers in Trinidad and Tobago; yet efforts have not been made to assess existing labour shortages or the demand for migrant workers. Hence, migrants continue to be exploited through this system, and the country is denied the economic and welfare benefits of migration.
- Rights of migrants – sufficient emphasis has not been paid on the fair and equal treatment of all migrants regardless of their status.
- Detention of migrants– there appears to be a significant population of irregular migrants in Trinidad and Tobago, and some of them possess skills and attributes which can contribute to the development of the country. Yet, once discovered, they are immediately sent to IDC for repatriation instead of undergoing assessment to determine whether other options, such as voluntary return, regularization or temporary work arrangements, may be more beneficial to the State.
- Integration – specific strategies for the integration of migrants could not be identified, and the absence of such can fuel xenophobic behaviours and reduce the sociocultural contributions of migrants.
- Migration management – there were noticeable gaps in existing migration management efforts such as:
  - Intelligence and information sharing – a lack of trust and

a high level of corruption among public officers are major obstacles to informal dissemination arrangements among law enforcement agencies. There is also poor communication among some of the stakeholders pertaining to their work and requests for information from each other (see appendix E). Additionally, extensive bureaucracies appear to delay the responsiveness of agencies;

- Coordination – poor harmonization of efforts and initiatives amongst key stakeholders emerged as an area of concern. There also seems to be very little follow up on initiatives such as the regional consultative processes (RCPs), which were discussed, but to date no further action has been taken;
- Equipment and resources – some law enforcement agencies have insufficient human and physical resources to effectively respond to the challenges presented by people smuggling and trafficking in persons;
- Partnerships – few efforts have been made to establish and formalize cooperative agreements with key source countries of irregular migrants, trafficked persons or smuggled migrants in order to develop appropriate responses to these problems and sensitize potential migrants to the dangers of clandestine entry and undocumented work arrangements;
- Corruption and public trust – a number of stakeholders allege that some corrupt public officials condone and facilitate the activities of persons who seek to subvert the laws of the land for their own gain<sup>121</sup> and
- Political will – a lack of political will was identified as one of the factors which inhibit the progress of projects and programmes from the planning stage to the implementation stage, because migration is not regarded as a high priority area; and therefore, the Government tends to be more reactive to international scrutiny as opposed to emerging trends.
- Data and research – data is a critical component of any migration policy and should also inform migration

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<sup>121</sup> More particularly, reference has been made to policemen and soldiers who provide protection for brothels and places of ill-repute; as well as Immigration Officers who scheme to defraud the extension of stay process and other immigration processes through the distribution of false stamps and other documentation (Interview\_Ref.1:23 and Interview\_Ref.22:12).



management efforts as it reports on the nature, scope and scale of the problem to be addressed and can also highlight opportunities for maximizing the benefits of migration. However, many key stakeholder agencies are not fully computerized and conducted very little data analysis which could produce evidence based policies.

preoccupied with the costs of migration, based on their experiences but were unacquainted with the opportunities that can be yielded from properly managed migration efforts.

Apart from the aforementioned, it was noted that the majority of stakeholders appeared to be



## 5. Conclusions

Migration has the potential to produce a number of benefits to Trinidad and Tobago through the provision of labour for existing needs, sustenance of productivity levels and contributions to the GDP in the form of taxes (IOM, 2004b). However, this process is seriously challenged by the phenomena of irregular migration, migrant smuggling and human trafficking, all of which deprive the country of these opportunities and threaten to erode hard-won developmental gains. Accordingly, law enforcement operations are a key component in tackling these challenges, but they cannot be done in isolation. Instead, they must occur in concert with a broader range of strategies, which target the multifaceted nature of these problems.

Therefore, rather than simply seeking to stem the activities of traffickers or smugglers through heightened border security initiatives, the Government of the Republic of Trinidad and Tobago should also strive to deal with the root causes of irregular migration, by decreasing the demand for traffickers and smugglers through effective enforcement of existing laws and increased opportunities for legal migration.

Moreover, whilst the protection of national borders remains a

paramount concern to the State, law enforcement activities should be conducted in a humane manner to ensure that individuals found in situations of irregularity are not further traumatized. Conversely, these persons should be assessed on a case-by-case basis, and where possible, assistance should be offered to those who were abused or violated during their transit.

In addition, based on individual circumstances, a range of options should be explored, such as voluntary return, temporary work arrangements and regularization, to reduce the situation of exploitation and increase the benefits to the state.

It is also important to note the critical need for a paradigm shift in the way in which migration is conceptualized locally; as its opportunities are grossly underemphasized and fail to attract the attention of policymakers. Yet, it is anticipated that upcoming projects, such as the Migration Management Unit,<sup>122</sup> the Migration Authority,<sup>123</sup>

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<sup>122</sup>It is proposed that this Unit would seek to coordinate and improve the country's data gathering and analysis systems on migration related matters. This initiative is still at the proposal level.

<sup>123</sup>The Migration Authority is still in the formative stages but will be championed by the Ministry of Labour, Small and Micro Enterprises to establish a framework for labour migration issues.

Refugee Policy <sup>124</sup> and Immigration Policy<sup>125</sup> will foster a new and positive outlook on migration at all levels of the society.

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124 The Refugee Policy is being led by the Ministry of National security and should inform further initiatives on refugee matters

125 The Immigration Policy is the product of a Committee to review the Immigration Act and related matters.

## 6. Key recommendations

Trinidad and Tobago, with the assistance of IOM and its strengthening technical capacities project, has made significant strides towards securing its borders, the most prolific ones being the introduction of the IBMS and the Immigration Document Lab. Moreover, the establishment of the IDC has demonstrated its commitment to the humane treatment of irregular migrants in accordance with international standards. These initiatives, however, should be the catalyst for further action in the area of migration, as the interviews revealed several gaps in existing practices and recommended actions for moving forward.

### 6.1 Irregular migration

Irregular migration is a formidable challenge to the development of Trinidad and Tobago that requires prompt and decisive action to stem its proliferation. Current avenues for irregularity perpetuate the situation of irregular migration and erode the rule of law and legitimate migratory arrangements. Therefore, a review of the identified avenues such as, the CSME Skilled Certificates; Work Permits; immigration extensions; residency and citizenship; trade fairs and authorization letters should be conducted to carefully address existing deficiencies and gaps.

Additionally, the following measures are recommended:

1. A renewed commitment to the enforcement of the Immigration Act and its associated laws is needed, and efforts should be made to address inconsistencies and deficiencies;
2. Legislation on the recruitment and hiring of undocumented migrant workers should be strengthened with stiffer fines and penalties being imposed on employers found in breach of these laws;
3. Work places should be vigilantly regulated and monitored by the Government to guard against the exploitation of workers, regardless of their status, and prosecute abusive employers;
4. Existing labour laws should be reviewed and efforts should be made to extend the principles of fairness, equity, etc. to migrant workers with a view to safeguarding them against workplace exploitation and abuse. The introduction of minimum wages for domestic workers would also assist in this regard;
5. Migrants, who are victims of abuse and exploitation, should be assessed on a case by case basis to determine their needs and appropriate responses;

6. Public officers found guilty of corruption should be prosecuted and face severe punishments within the penal system;
  7. Nationals must also be sensitized to the fact that facilitating marriages of convenience for monetary gain is an offence, and more severe penalties should be instituted for persons who are guilty of this crime;
  8. Work Permits Secretariat should be networked with the Accreditation Council of Trinidad and Tobago (ACTT) and National Institute of Higher Education, Research, Science and Technology (NIHERST) to verify academic qualifications of work permit applicants;
  9. Feasible removable strategies should be developed for refused CSME Skilled Certificate applicants and asylum-seekers; and
  10. Trinidad and Tobago should consider signing on to the International Convention for the Protection of All Migrant Workers and Members of their Families to reaffirm its commitment and conformity to universal legal and ethical norms.
- response to the specific challenges with the detention and repatriation processes, the following measures are suggested:
1. More effective strategies for the identification of irregular migrants and asylum-seekers should be developed through collaboration and liaison between the Ministry of Foreign Affairs, resident embassy offices, NGOs and international organizations<sup>126</sup>;
  2. Existing systems and mechanisms for case management of detainees and their repatriations should be reviewed and reworked to prevent the lengthy detention of irregular migrants. A maximum period for detention should be defined and orders of supervision could be issued to persons with complex circumstances;
  3. IDC should commence secondary screening at the facility to ensure that detainees are not victims of trafficking;
  4. Consultations between the Government of the Republic of Trinidad and Tobago and Embassies, whose nationals are irregular migrants should be facilitated, to discuss and strategize the timely issuance of

However, these avenues are constantly evolving and, therefore, require continuous assessment and evaluation. On the other hand, in

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<sup>126</sup>NGOs with global connections, such as the Emancipation Support Committee, can be engaged to utilize their Pan African linkages to assist with the identification of African detainees. IOM has also assisted in the identification of detainees.

travel documents for detainees and massive repatriations should be avoided;

5. An assessment of the migrant's home country should be conducted in advance of repatriation to guard against any breach of the principle of *non-refoulement*;
6. A fluid and less bureaucratic fund is needed to enable efficient financial releases for the repatriation of irregular migrants; and
7. A guardianship policy should be developed for children of irregular migrants in detention, since no formal policies are in place and these children are unofficially placed in the care of relatives or friends of their parents.

## 6.2 Smuggling of migrants

Migrant smuggling attacks the very core of existing border control mechanisms and in Trinidad and Tobago, and it appears to be increasing in scope and complexity. Accordingly, targeted action is needed to counteract the operations of smugglers and, where possible, offer assistance to migrants who were exploited during this process. The interviews also revealed that corruption and poorly monitored coastlines, among others issues, enabled this type of movement. Based on these findings, the following recommendations are suggested:

1. Legislation on migrant smuggling should be developed in accordance with the United Nations Convention against Transnational Organized Crime and its Protocols thereto and enforced to facilitate the prosecution of smugglers<sup>127</sup> and not the smuggled migrants as currently the case in the Immigration Act;
2. Interdiction efforts should be maintained as they can lead to the prosecution of smugglers and traffickers and the dismantling of these networks;<sup>128</sup> and
3. Community outreach programmes and skills enhancement initiatives can be introduced in coastal communities to provide alternatives for persons who facilitate smuggling operations. Moreover, these fora can also be used to sensitize persons to the dangers of cooperating with smugglers.

## 6.3 Trafficking in persons

The extent of trafficking in persons in Trinidad and Tobago is unknown; but based on available data; it appears to be occurring on a much smaller scale than irregular migration.

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<sup>127</sup> The UNODC's Model Law against the Smuggling of Migrants can be used as a guide to draft the legislation.

<sup>128</sup> Special emphasis should be placed on yachts and the containerized shipping industry as these vessels can be used to smuggle persons into the country.

Nevertheless, efforts should be made to stymie its operations through appropriate legislative arrangements and law enforcement actions.

Poor enforcement of laws and insufficient public awareness initiatives emerged as major enabling factors of human trafficking. Therefore, measures geared towards reducing the incidents of trafficking in persons should be preemptive with the prosecution of traffickers and protection of victims being central goals. The following are therefore recommended:

#### 1. Prevention<sup>129</sup>

- a. Appropriate mechanisms should be instituted to identify trafficked persons and other vulnerable migrants at the borders, and Immigration Officers should be trained to detect and identify trafficked persons within larger migrant groups;
- b. Cross-sectoral training on trafficking in persons, particularly on victim identification and rights of victims of trafficking, must be promoted on an ongoing basis to sensitize relevant public officers<sup>130</sup> to the issue and aptly equip them to identify victims and respond accordingly to their needs; and

- c. Increased public awareness on the issue of human trafficking and its associated atrocities is needed at all levels of the society, inclusive of the business sector; service industries such as hotels and clubs; and schools, to sensitize citizens to the main methods of recruitment and exploitation and to caution them against aiding or abetting these ventures and make them aware of mechanisms for reporting trafficking cases and seeking assistance.<sup>131</sup>

#### 2. Protection<sup>132</sup>

- a. Measures must be put in place to specially assess foreigners, who are arrested in connection with crimes, such as prostitution and drug trafficking, to determine if they are victims of trafficking;
- b. The victims of trafficking, who are compelled to engage in unlawful activities, as a direct result of being trafficked, should receive automatic immunity under these circumstances; and
- c. Law enforcement agencies and other relevant authorities should be trained to assist and protect victims of trafficking and

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<sup>129</sup> This approach must be couched in a human rights based approach (IOM, 2008c).

<sup>130</sup> Public officers in this instance would include Immigration Officers, Police Officers, labour inspectors, etc.

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<sup>131</sup> The public must also be apprised of hotlines, phone numbers, etc. through which they could report suspected cases.

<sup>132</sup> These measures can be considered in conjunction with those incorporated in the TIP Act on the protection of and assistance to victims of trafficking.



sensitized to their vulnerability and needs. A victim-centred approach should be pursued in responding to these cases.

### 3. Prosecution

- a. The Sexual Offences Act, particularly the section on prostitution, should be more conscientiously enforced and where possible, amended to institute harsher punishments for proprietors of associated establishments and persons living off the means of prostitution; and
- b. Protection measures should be offered to victims of trafficking to encourage their involvement in the prosecution matters.

## 6.4 Asylum-seekers

The following recommendations were developed in response to the major concerns expressed by the stakeholders, regarding the asylum-seeking process:

1. Legislation and/or formalized procedures<sup>133</sup> for the treatment and care of asylum-seekers and protection of refugees should be developed;

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<sup>133</sup>These policies and legislation should be in accordance with the Refugee Convention obligations and issues such as their basic needs. Health and safety should be integrated into these frameworks to guard against exploitation, abuse and the derogation of human rights.

2. Refugee status determinations should be conducted in Trinidad and Tobago to reduce the processing time and guard the system against those who seek to abuse it;

3. Provisions should be made for refugees to obtain work permits and asylum-seekers should receive the same during the determination period to offset their living expenses;

4. A strategy for refugee emergencies must be developed and communicated to the main agencies/organizations involved in this field of work, and efforts should be made to plan and institute a coordinated approach to refugee emergencies. Moreover, training of key personnel to respond to these challenges is critical to a successful strategy; and

5. Acceding to the 1961 Convention on the Reduction of Statelessness should be considered.

## 6.5 Border control

A number of gaps as well as opportunities for improvement in border control mechanisms were identified based on the expert conversations with Immigration Officers. In terms of challenges identified with the current practices the following recommendations are proposed:

1. Appropriate mechanisms to identify vulnerable migrants should be established at ports of entry. Needs-based assessments and, where possible, status determinations of migrants in irregular situations should be conducted at the points of arrival to inform suitable options for these individuals;
2. The Immigration Division should develop an interface with the Ministry of National Security to access information on approved work permits, student's permits, missionary permits and minister's permits. This would enable line officers to verify and validate these permits at the ports of entry;
3. Sterility of the immigration area must be maintained at all times to reduce the opportunities for irregular or surreptitious activities;
4. Existing immigration procedures should be enforced at all times, especially those pertaining to unaccompanied children; and
5. Immigration Liaison Officers could be strategically placed in source countries with high incidents of trafficked persons and fraudulent documents to assist airline staff with their duties. The presence of these officers could also act as a deterrent for potential smugglers and traffickers.

### *Data collection and analysis*

The IBMS has significantly improved existing data collection methods at the points of entry and exit. Nonetheless, the storage of data on irregular migrants, smuggled migrants, suspected trafficked persons and other persons in irregular circumstances remains a challenge that undermines data analysis and the creation of evidence-based policies. The following measures are therefore recommended:<sup>134</sup>

#### 1. Short-term measures

- a. An assessment of the existing data management techniques and strategies employed by the Immigration Division should be performed to identify existing gaps and areas in need of improvement and strengthening<sup>135</sup>; and
- b. Efforts should be made to disaggregate the work of the Immigration Division into specific databases.<sup>136</sup>

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<sup>134</sup> These measures should be in line with the data related projects already being implemented by other organizations such as the IOM Data Sharing Mechanism Project and opportunities for synergies and collaboration should be encouraged.

<sup>135</sup> This assessment should be conducted by an independent body and the CSO should be included in this process.

<sup>136</sup> This data would include information on trafficked persons, irregular migrants in detention, etc.

## 2. Long-term measures

- a. An estimation of the number of irregular migrants in the country should be conducted and subsequently performed periodically to inform national planning initiatives and guide the development of policies and programmes geared towards addressing irregular migrants;<sup>137</sup>
- b. The Central Statistical Office (CSO) should include a section on international migration within its population and housing censuses. Additionally, it should seek to develop and continuously update a register of foreigners within the country and this information should inform national developmental plans. A Geographic Information System (GIS mapping system can also be used to identify areas with high and low densities);
- c. Efforts should be made to rectify gaps and areas in need of improvement, which were identified in the assessment of data management techniques,<sup>138</sup> and where necessary, Immigration Officers should be trained in data entry, data storage and data analysis;

d. Information captured in databases of the Immigration Division should be used to generate reports, case analyses and trends analyses on a periodic basis. These findings should also inform the strategies of law enforcement agencies and policies of relevant Ministries,<sup>139</sup> and

e. An Overstayers Report should be generated periodically to identify trends and inform the strategies of relevant agencies. Efforts should also be made to deal with these individuals on a case-by-case basis as the overstayers population can also consist of trafficked persons, refugees and other vulnerable migrants.

Ideally, the Immigration Division should be a repository for information which could be utilized to guide and inform migration strategies and policies.

## 6.6 Migration and development

Migration can produce a number of developmental benefits for Trinidad and Tobago through the stimulation of economic and welfare gains. However, it was revealed that irregular migration, migrant

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<sup>137</sup>The CSO and the Immigration Division should play integral roles in this initiative.

<sup>138</sup>The CSO should be involved in this process.

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<sup>139</sup>This should be a collaborative effort between the Immigration Division and the CSO.

smuggling and human trafficking deny the country of these opportunities and simultaneously endanger the lives of migrants.

Hence a migration policy should be created to promote the developmental impacts of migration in Trinidad and Tobago and mitigate the challenges posed by irregular migration and its various manifestations. The following areas should also be addressed within the policy:

1. Mainstreaming migration – a careful analysis of areas within which migration could contribute significantly to overall development should be conducted at the ministerial level, and efforts to systematically integrate migration into existing national developmental plans should be pursued. Moreover, strategies to reduce its most harmful effects should be developed.
2. Labour needs:
  - a. An assessment of current and projected labour shortages<sup>140</sup> and the demand for migrant labour should be conducted to establish existing gaps, required skills<sup>141</sup> and allow the

Government of the Republic of Trinidad and Tobago to develop targeted solutions to labour problems;

- b. Consideration should be given to expanding legal channels for both skilled and unskilled labour migrants, since there appears to be a demand for such workers. This would also facilitate economic and welfare contributions of migrants to the development of Trinidad and Tobago and reduce the instances of abuse and exploitation encountered by migrant workers. Moreover, increased legal channels would decrease the attractiveness of migrant smuggling initiatives and the need for clandestine entry and stay,<sup>142</sup>
- c. Information and communication technology could be used to inform potential migrants of avenues for migration; required procedures; employment opportunities and migrant rights and recourse. This system would also reduce the need for smugglers and empower the migrants to make sensible decisions.

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<sup>140</sup> This assessment should review labour shortages for both skilled and unskilled employment.

<sup>141</sup> The Labour Market Information Unit of the Ministry of Labour and Small and Micro Enterprises (MLSME) should have a central role in this process.

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<sup>142</sup> In pursuing this initiative, efforts must be made to protect the conditions of the local labour force.

### 3. Migration management

- a. Political commitment – Key stakeholders should seek to impress upon the political directorate the importance of migration management through evidence-based findings in an effort to obtain their buy-in, support and commitment to various initiatives;
- b. Intelligence and Information Sharing – Efforts should be made to determine the information needs of key stakeholders involved in migration-related work<sup>143</sup> and policies should be developed to govern information sharing.<sup>144</sup>
- c. Coordination – Partnerships amongst the State, the business community, NGOs, Academia and international organizations should be promoted to reinforce actions against trafficking in persons and smuggling of migrants. Moreover, RCPs<sup>145</sup> should be re-explored;

- d. Equipment and resources – A full assessment of the equipment and resources, inclusive of but not limited to human and technological resources of key stakeholder agencies should be conducted to ascertain their priority equipment needs and resource deficiencies. Improvements in these areas would enhance the capacity to respond to challenges posed by irregular migration, smuggling of migrants and trafficking in persons;
- e. Increased sanctions – stricter sanctions should be instituted for public officials and other citizens, who enable migrant smuggling, human trafficking or other fraudulent schemes which undermine Immigration laws. Moreover, the principles of accountability and transparency must be preserved at various Government and law enforcement agencies; and
- f. Partnerships – Bilateral dialogue and agreements with major source countries of undocumented migrant workers, smuggled migrants and trafficked persons should be encouraged to assess increased opportunities for labour migration arrangements and sensitize potential migrants to the dangers of clandestine entry and work.

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<sup>143</sup>The Ministry of National Security in conjunction with the proposed Migration Management Unit should coordinate this process.

<sup>144</sup>The current IOM data-sharing mechanism can be considered as a starting point for this initiative.

<sup>145</sup>RCPs can generate regional best practices and lessons learnt, facilitate exposure to emerging trends and encourage States to enter into and/or abide by existing international legal standards.

4. Data and research – the data collection activities of key agencies involved in migration matters should be computerized, and the staff of these agencies should be trained in standardized data management techniques.<sup>146</sup> Data should also be analysed and used to create evidence-based policies and strategies;
5. Detention of migrants – administrative detention should be a last resort after other options, such as voluntary return, temporary worker arrangements and regularization,<sup>147</sup> have been explored as some migrants possess highly desirable skills and attributes, which could contribute to the development of the country; whilst others have very strong socioeconomic ties to the society. Furthermore, detention has significant cost to the State as well as the individual migrants well-being and health. Voluntary return would also reduce repatriation costs incurred by the State, and regularization and temporary worker arrangements would enable migrant contributions to tax revenues as well as improve their opportunities for escaping vulnerability and poverty through acquiring legitimate status;
6. Rights of migrants – efforts should be made to ensure that the dignity and human rights of migrants are maintained, regardless of their status, in the execution of law enforcement duties;
7. Integration and Inclusion – a feasible integration strategy for migrants should be developed to assist with their adjustment to the local environment, decrease xenophobic attitudes of local and promote social and cultural development. Social inclusion should also be encouraged.

Additionally, migration policy should clearly articulate the position of the Government of the Republic of Trinidad and Tobago on both inward and outward migration and consider the country's migration context, including its small size, absorptive capacity, resources and decreased migration in the wake of the economic crisis. A common sense approach is, therefore, needed, and the various migration-related initiatives should be communicated to the public to dispel intolerant attitudes towards migrants and reassure the citizenry of the Government's control of the situation.

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<sup>146</sup>The CSO can assist in building the capacity of the stakeholders' Research Units, through continuous data management training and skills enhancement initiatives.

<sup>147</sup>Determination of the most appropriate option should be based on case by case assessments.

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## 8. Appendices

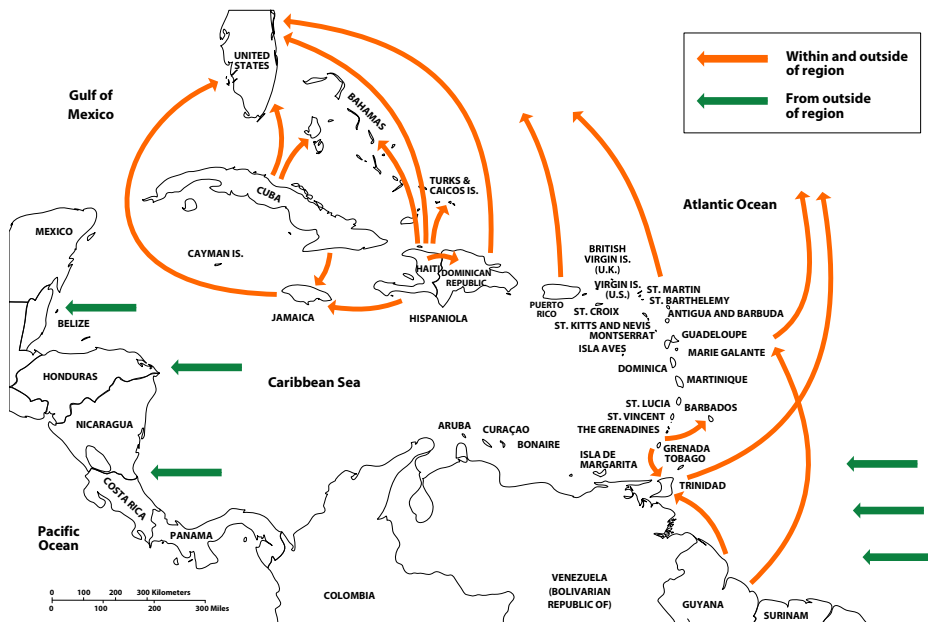
### Appendix A: Key stakeholders

Type of organization	Name of organization
<b>Government</b>	<ol style="list-style-type: none"> <li><b>1. Ministry of the Attorney General</b></li> <li><b>2. Ministry of Foreign Affairs</b></li> <li><b>3. Ministry of Health</b></li> <li><b>4. Ministry of Justice</b> <ul style="list-style-type: none"> <li>• Immigration Detention Centre</li> </ul> </li> <li><b>5. Ministry of Labour and Small and Micro Enterprise Development</b></li> <li><b>6. Ministry of National Security</b> <ul style="list-style-type: none"> <li>• General Administration                             <ul style="list-style-type: none"> <li>– International Affairs Unit</li> <li>– Work Permit Secretariat</li> </ul> </li> <li>• Immigration Division</li> <li>• Trinidad and Tobago Defence Force                             <ul style="list-style-type: none"> <li>– Coast Guard</li> </ul> </li> <li>• Trinidad and Tobago Police Service                             <ul style="list-style-type: none"> <li>– Crime and Problem Analysis (CAPA) Unit</li> <li>– INTERPOL National Central Bureau (NCB)</li> <li>– Special Branch</li> </ul> </li> <li>• Trinidad and Tobago Prison Service</li> </ul> </li> <li><b>7. Ministry of Planning &amp; Sustainable Development</b> <ul style="list-style-type: none"> <li>• Central Statistical Office (CSO)</li> </ul> </li> <li><b>8. Tobago House of Assembly</b></li> </ol>

Type of organization	Name of organization
<b>Non-governmental organizations</b>	<ol style="list-style-type: none"> <li>1. Childline</li> <li>2. Caribbean Umbrella for Restorative Behaviour (CURB)</li> <li>3. Emancipation Support Committee</li> <li>4. Living Water Community</li> <li>5. An NGO (name not disclosed)</li> </ol>
<b>Foreign missions</b>	<ol style="list-style-type: none"> <li>1. High Commission For The Federal Republic Of Nigeria in Trinidad and Tobago</li> <li>2. Embassy of the Bolivarian Republic of Venezuela in Trinidad and Tobago</li> </ol>
<b>Regional organization</b>	CARICOM Implementation Agency for Crime and Security (IMPACS)
<b>International organization</b>	International Organization for Migration (IOM)

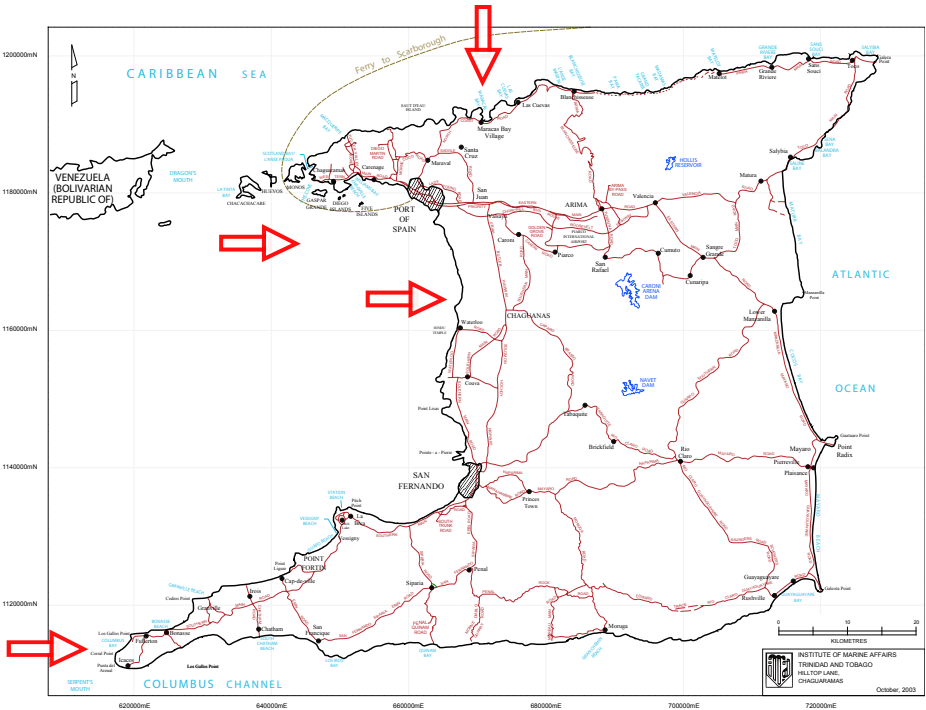


## Appendix B: Irregular migration in the caribbean



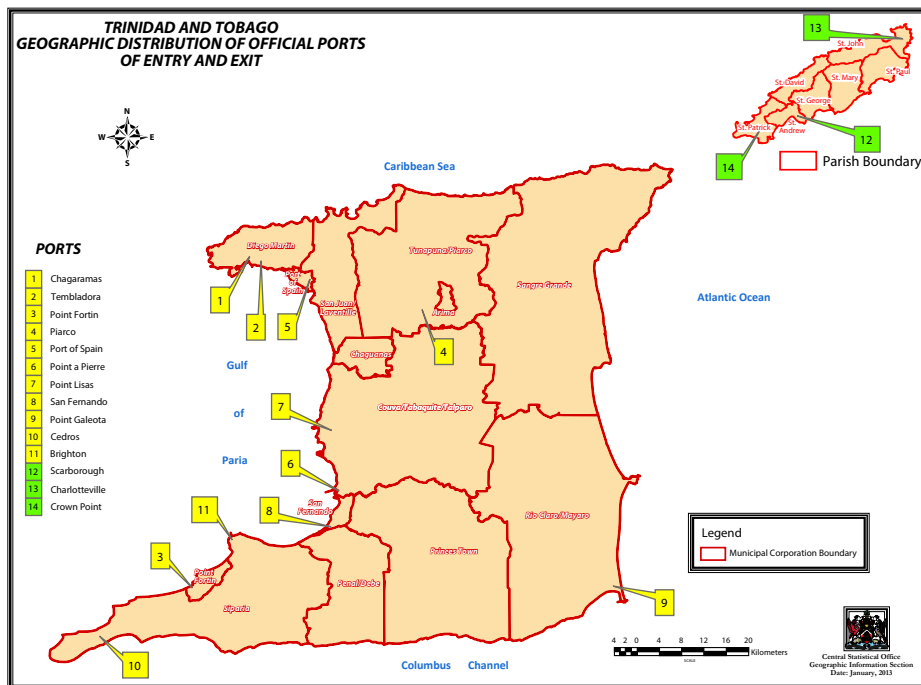
Source: Thomas-Hope (2003) (edited).

Appendix C: Unofficial points of entry



Source: Institute of Marine Affairs, Trinidad and Tobago, October 2003 (edited).

## Appendix D: Official ports of entry



Source: Central Statistical Office, 2013 (edited).

Appendix E: Information sharing matrix

Requesting Agency	Immigration	Special branch	IMPACS	TTPS	Board of Inland Revenue	National Insurance Board	Interpol	THA	Work Permits	Port Authority	Living Water	MNS	Customs & Excise	Niherst	ACTT
THA	X			X											
CAPA	X												X		
Immigration		X							X		X	X			
Special branch	X														
Foreign affairs	X				X										
Ministry of Labour						X									
Coast Guard					X								X		
IMPACS										X					
CSO											X				
Work permits	X	X					X	X						X	X
Ministry of Planning												X			

Appendix F: Training matrix

Organization	Victim identification	Rights of voters	Document examination	Fraud detection	Managing homes for voters	Data capture and analysis	Managing detention centres	Managing work permits
Ministry of Foreign Affairs	X		X	X				
NGOs					X	X	X	X
Police	X	X	X	X				
Immigration Division						X		
Coast Guard	X		X			X		
Ministry of Health								
Ministry of Labour	X					X		
Immigration Detention Centre	X	X					X	X
Work Permits Secretariat								X





Irregular migration, human trafficking and migrant smuggling not only lead to the infringement of migrants' human rights, but also undermine their potential economic and welfare contributions to the development of countries. Drawing from a qualitative methodology that included the use of semi-structured interviews and content analysis, this study underlines the reverse effect that these phenomena have on development advances in Trinidad and Tobago. Its main goal is to contribute to the elaboration of evidence-based policies capable of maximizing the potential contribution of migration to the development of the country. Specifically, its recommendations seek to facilitate the improvement of the programmatic and policy framework on cross-border migration, as well as to foster the expansion of legal channels for migration as a way to address the root causes of irregular migration.

