

## Trinidad and Tobago Immigration Detention Profile

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### INTRODUCTION

With large reserves of oil and gas, Trinidad and Tobago is one of the wealthiest countries in the Caribbean and enjoys a per capita income above the average for Latin America.<sup>1</sup> This status has helped make the country an important transit and destination country in the region, spurring a crack down on “unwanted” irregular migration. The country opened a dedicated administrative immigration detention facility in 2009, which is called the “Immigration Detention Centre,” or IDC.<sup>2</sup> The country’s immigration laws also provide criminal penalties for various violations, including six-month prison sentences for re-entry after expulsion. Among those frequently detained at the IDC have been Cubans who, since a 2016 U.S. order blocking their access, have been forced to find new migratory routes.<sup>3</sup>

### LAWS, POLICIES, AND PRACTICES

Trinidad and Tobago adopted the Immigration Act in 1976, which was last amended in 2005. This law provides grounds for immigration-related detention. Foreign nationals can be detained under the provisions of section 14 of the Immigration Act for a hearing before a Special Inquiry Officer to determine whether they are permitted to enter Trinidad and Tobago or should be detained prior to removal. The detention order is issued by the Minister, the Chief Immigration Officer, or a Special Inquiry Officer. During the hearing, the

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<sup>1</sup> Central Intelligence Agency, “Trinidad and Tobago Profile”, *The World Factbook*, 2015.  
<https://www.cia.gov/library/publications/the-world-factbook/geos/td.html>.

<sup>2</sup> Daily Express Trinidad, “Detention Center Opens in Aripo,” 12 November 2009.

<sup>3</sup> Mario Penton, “Hundreds of Cuban migrants seeking U.S. entry stranded across the Americas,” 19 January 2019, <http://www.miamiherald.com/news/nation-world/world/americas/cuba/article127315479.html>.



person can be assisted by an attorney and is provided free interpretation services.<sup>4</sup> There is no judicial review of this decision.<sup>5</sup> Detainees held at the IDC are either awaiting final determination of their status or execution of a deportation order.<sup>6</sup>

Non-governmental sources report that asylum seekers are also placed in administrative detention.<sup>7</sup> While the country is a party to 1951 Convention on the Status of Refugees and the 1967 Protocol, it has not adopted implementing legislation nor established a national refugee status determination (RSD) procedure.<sup>8</sup> As a result, UNHCR and its local NGO partner (Living Water Community<sup>9</sup>) have the responsibility for identifying and providing assistance to asylum seekers and refugees. However, transfer of RSD from UNHCR to the government began in June 2014 after the adoption of the National Policy to Address Refugee and Asylum Matters.<sup>10</sup> The first phase included the creation of an ad hoc Refugee Unit in 2015. In 2014, 161 new asylum applications were registered by UNHCR and the Living Water Community.<sup>11</sup>

Government sources report that Trinidad and Tobago has a population of some 100,000 undocumented migrants in 2014,<sup>12</sup> which would represent nearly five percent of its entire total population of roughly two million. However, according to the UN Department of Economic and Social Affairs, there were only 49,900 international migrants in the country as of 2015.<sup>13</sup>

Trinidad's treatment of detainees from Africa has been criticized because the country has at times kept them in immigration detention for very long periods of time, which in some cases has extended beyond three years.<sup>14</sup> These extended lengths of detention are lawful as the

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<sup>4</sup> Ministry of National Security, Immigration Act, Section 24 (2), "*Nature of hearing*", Laws of Trinidad and Tobago. <http://www.immigration.gov.tt/Portals/0/Documents/Immigration%20Act.pdf>.

<sup>5</sup> Ministry of National Security, Immigration Act, Section 30, "*Jurisdiction of Court*", Laws of Trinidad and Tobago. <http://www.immigration.gov.tt/Portals/0/Documents/Immigration%20Act.pdf>.

<sup>6</sup> Ministry of National Security, Immigration Act, Section 16, "*Detention pending inquiry, examination, appeal or deportation*", Laws of Trinidad and Tobago. <http://www.immigration.gov.tt/Portals/0/Documents/Immigration%20Act.pdf>.

<sup>7</sup> Living Water Community, Submission to the Working Group on the UPR 25<sup>th</sup> session, Paragraphs 30, February 2016. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/033/25/PDF/G1603325.pdf?OpenElement>.

<sup>8</sup> UNHCR, Universal Periodic Review, "Submission by the UNHCR for the OHCHR' Compilation Report on Trinidad and Tobago", March 2011. <http://www.refworld.org/pdfid/4d886a9f2.pdf>.

<sup>9</sup> United States Department of State, 2014 Country Reports on Human Rights Practices - Trinidad and Tobago, 25 June 2015. <http://www.refworld.org/docid/559bd53128.html>.

<sup>10</sup> UNHCR, Submission for the Universal Periodic Review of Trinidad and Tobago prior to the 25<sup>th</sup> session, p. 2. Published in March 2016. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/044/41/PDF/G1604441.pdf?OpenElement>.

<sup>11</sup> Statistical Yearbook 2014, Table 10, Asylum applications and refugee status determination by country/territory of asylum and level in the procedure, 2014. <http://www.unhcr.org/54cf9bc29.html>.

<sup>12</sup> The Daily Observer, "Trinidad Migration: Government issues warning to illegal migrants", December 2014. <http://antiguaobserver.com/trinidad-migration-government-issues-warning-to-illegal-migrants/>.

<sup>13</sup> United Nations, Department of Economic and Social Affairs, Population Division (2015). Trends in International Migrant Stock: The 2015 Revision (United Nations database, POP/DB/MIG/Stock/ Rev.2015). See [www.unmigration.org](http://www.unmigration.org).

<sup>14</sup> Jamaica Observer, "Jamaica has highest number of illegal immigrants in Trinidad", Trinidad's Minister of National Security statement, October 2014. <http://www.jamaicaobserver.com/latestnews/Jamaica-has-highest-number-of-illegal-immigrants-in-Trinidad-says-Trinidad-s-Minister-of-National-Security>.



Immigration Act does not provide a maximum length of detention. However, the U.S. Department of State reported that the average length of detention for this centre was one week to two months in 2014.<sup>15</sup>

The Immigration Act criminalizes unauthorized enter or residence for any person who has been already removed or otherwise lawfully sent out of Trinidad and Tobago. This irregular re-entry is punishable by up to six months imprisonment and a fine of 1,500 USD.<sup>16</sup>

## DETENTION INFRASTRUCTURE

The Immigration Detention Centre (IDC) was opened in 2009 on the Eastern Main Road in Aripo, Arima. The IDC, also known as the Aripo Detention Centre, is managed by the Immigration Division under the authority of the Ministry of National Security. Although it was initially intended for short-term detention only it is now used as a long-term immigration facility to detain unauthorized migrants prior to their removal.<sup>17</sup>

In 2013, the IDC had a maximum capacity of 150, with separate facilities for men and women.<sup>18</sup> In 2014, 131 foreign nationals were held at the facility, with Jamaicans reportedly making up the largest portion, followed by Guyanese and Africans.<sup>19</sup>

Concerns have been raised regarding the conditions at the Aripo facility. Squalid conditions have spurred protests and attempted suicides, according to the Emancipation Support Committee.<sup>20</sup> During its last UN Universal Periodic Review in 2011, countries urged the government to “Take prompt, appropriate, efficient measures towards the improvement of the living conditions in prisons and detention centres, including the inmates’ access to food, medical care and social services.”<sup>21</sup> Recommendations were also made on the need to strengthen the protection safeguards, in particular the mechanisms that allow the detection of migrants with special needs for international protection.<sup>22</sup>

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<sup>15</sup> United States Department of State, 2014 Country Reports on Human Rights Practices - Trinidad and Tobago, 25 June 2015, available at: <http://www.refworld.org/docid/559bd53128.html>.

<sup>16</sup> Ministry of National Security, Immigration Act, Section 29 (8), “*Execution of deportation*”, Laws of Trinidad and Tobago. <http://www.immigration.gov.tt/Portals/0/Documents/Immigration%20Act.pdf>.

<sup>17</sup> Daily Express, “Detention centre opens in Aripo: Illegal immigrants to be kept until sent back home”, November 2009. [http://www.trinidadexpress.com/news/Detention\\_centre\\_opens\\_in\\_Aripo-115318229.html](http://www.trinidadexpress.com/news/Detention_centre_opens_in_Aripo-115318229.html).

<sup>18</sup> Office of the National Ombudsman Trinidad and Tobago, 36<sup>th</sup> Annual Report of the Activities in 2013. Published in July 2014. file:///C:/Users/MPARC/Downloads/OTT%2036th%20Annual%20Report%202013.pdf.

<sup>19</sup> The Daily Observer, “Trinidad Migration: Government issues warning to illegal migrants”, December 2014. <http://antiguaobserver.com/trinidad-migration-government-issues-warning-to-illegal-migrants/>.

<sup>20</sup> “Emancipation Committee calls for investigation into Detention Centre”, September 2015. <http://www.looppt.com/content/emancipation-committee-calls-investigation-detention-centre>.

<sup>21</sup> Human Right Council, Universal Periodic Review, “Report of the Working Group on the Universal Periodic Review - Trinidad and Tobago”, 19<sup>th</sup> Session, 14 December 2011. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/173/73/PDF/G1117373.pdf?OpenElement>.

<sup>22</sup> Human Right Council, Universal Periodic Review, “Report of the Working Group on the Universal Periodic Review - Trinidad and Tobago”, 19<sup>th</sup> Session, 14 December 2011. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/173/73/PDF/G1117373.pdf?OpenElement>.



In February 2016, NGOs' submissions prior to the 25th UPR session highlighted that the Immigration Act remained insufficient with regard to the protection of migrant rights and that "lengthy administrative detention, unfavorable detention conditions, detention of migrants, asylum seekers and refugees, lack of access to by NGOs suggest that reform of the immigration system is imperative." They also urged independent monitoring of the detention centre.<sup>23</sup>

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<sup>23</sup> Living Water Community, Submission to the Working Group on the UPR 25<sup>th</sup> session, Paragraphs 30-31, February 2016. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/033/25/PDF/G1603325.pdf?OpenElement>.



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