IMMIGRATION MANUAL

Volume 1

Guidelines on Policies and Procedures for Immigration Officers
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T he benchmark by which the Immigration Division is judged stems from the task, set by Government, that the Division is the singular authority with the responsibility for Immigration controls. It is therefore crucial for the Division to establish and follow a set of properly documented, comprehensive and coordinated border management procedures to ensure we all operate from an agreed set of guidelines which faithfully reflect the Immigration laws and policies of our country and eliminate ad hoc decisions.

In this way, the Division will follow its strategic plan and contribute to the security of the nation by denying admission to persons that may pose a threat to the safety and security of our fellow citizens and the region as a whole. Let me quickly add that the Division is also tasked to contribute to our nation’s growth and development by facilitating the movement of persons engaged in trade, social and cultural activities beneficial to Trinidad and Tobago.

Immigration policies and procedures will continue to develop as we move forward. This manual faithfully sets out the procedures we currently follow and is a first edition document. There will be subsequent editions to reflect inevitable changes that will come in our nation’s Immigration policy, as well as the obligations and responsibilities that flow from regional agreements and international conventions signed by the Government of Trinidad and Tobago. From time to time, you should expect amendments to this manual which will be issued as required.

The manual, which my senior colleagues and I have been involved in drafting, is a well set out reference document. As such, it will improve the capacity of Immigration Officers and enable the Division to better manage migration as Trinidad and Tobago progresses in attaining its 2020 vision goals.

I want to note my appreciation to the IOM (International Organization for Migration) and Immigration Officers who worked hard to craft this manual; and also acknowledge the generous support of the US State Western Hemisphere Bureau which funded the project that has enabled such a worthwhile initiative.

Andy Edwards
Chief Immigration Officer
Effective border management depends on achieving a delicate balance between facilitation and control while managing the risks posed by various forms of irregular migration - such as people smuggling and trafficking in human beings, international terrorism and other forms of transnational crime. This balance can only be achieved if there are adequate, clear legislation and policies that are consistently and responsibly implemented. The purpose of this document is to provide Immigration Officers with the knowledge to achieve that balance.

This Manual brings together relevant laws, policies and procedures for the guidance of officials working in the Immigration Division’s offices and at border posts. It is designed to assist them to deal effectively with the many issues they confront on a daily basis, and to serve as a training resource. Border officers in particular are often the first contact for visitors, business people and investors, so it is worth ensuring that they project a professional and friendly image which encourages respect for a fair and efficient border control system.

The methodology used in writing this Manual included a review of the applicable laws and of relevant documents made available by the Immigration Division and the Ministry of National Security, reports of reviews conducted by international experts, as well as discussions and consultations with officials and others. These were supplemented by field visits to the Piarco and Crown Point International Airports, the ports at Point Lisas and Port of Spain, the yacht marina at Chaguaramas, and immigration offices in San Fernando and Scarborough.

Many people have contributed to this work. I am grateful for the assistance, cooperation and guidance which I have received from people in the Immigration Division, in particular:

- Chief Immigration Officer Herman Browne (retired) for his support of the project and many useful suggestions;
- Mr Tony Le Gendre, a senior officer in the Immigration Division, who was my guide and mentor during the consultation and data collection process. He also contributed his considerable knowledge and expertise and provided comprehensive commentary and feedback;
- Mr Boodram Supersad - IO IV, Investigation Section - and Mr Shameel Nabbie - IO II, Research and Training Section - for their knowledgeable initial input and useful corrections when checking the final draft.

I greatly appreciated the friendly reception from officers in the Division’s main offices, at border posts and at field offices. Their enthusiasm for this project was inspirational and their knowledge and experience have added significant value to the final product.

A number of officers in the Ministry of National Security provided insights and information in important areas ranging from policy and legislation to the issue of foreign national’s
Work Permits. I am grateful to them also.

Important sources for this work include the immigration services of various ‘best practice’ countries such as Australia, New Zealand (in particular the INZ Operations Manual), Canada, the Schengen countries and the United Kingdom.

Last but not least, I am greatly indebted to Mr Thomas Sinkovits, IOM Chief of Mission and Project Manager, for his leadership and guidance, and to Ms Jewel Thomas for her assistance on many administrative issues.

Finally, the Manual could not have been produced without the generous support of the US Department of State which is funding this important project.

It goes without saying that any remaining deficiencies in these documents are entirely my responsibility.

Alf Reina
IOM Migration Management Adviser
May 2008
## Abbreviations and Acronyms

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<th>Description</th>
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<tr>
<td>ACIO</td>
<td>Assistant Chief Immigration Officer</td>
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<td>CARICOM</td>
<td>Caribbean Community</td>
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<td>CIO</td>
<td>Chief Immigration Officer</td>
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<tr>
<td>CSME</td>
<td>Caribbean Single Market and Economy</td>
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<tr>
<td>DCIO</td>
<td>Deputy Chief Immigration Officer</td>
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<tr>
<td>DFA</td>
<td>Department of Foreign Affairs</td>
</tr>
<tr>
<td>MFA</td>
<td>Ministry of Foreign Affairs</td>
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<tr>
<td>MNS</td>
<td>Ministry of National Security</td>
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<tr>
<td>SI</td>
<td>Staff Instruction</td>
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<tr>
<td>SIO</td>
<td>Senior Immigration Officer</td>
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<tr>
<td>STC</td>
<td>Strengthening Technical Capacity Program in Trinidad and Tobago</td>
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<td>UWI</td>
<td>University of the West Indies</td>
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CHAPTER 1 – INTRODUCTION

Introduction

i. Purpose

This Immigration Policies and Procedures Manual has been written (under the auspices of the Strengthening Technical Capacity Program in Trinidad and Tobago (STC) funded by the United States Department of State) as a source of information and guidance for Immigration Officers. The manual will also be of interest to other government agencies with a role in border management and security issues.

It is also intended that the manual will be used as a basis for training of new and existing staff.

Government policy is reflected in the manual in terms of the criteria applicants must meet, the evidence they must produce to show they meet the criteria, and the processes for assessment and verification of applications.

References to the relevant provisions of the Immigration Act and Regulations have been included in the manual. These are intended only as a guide, and officers should familiarise themselves with the full text of the Act itself. It is stressed that this manual has no standing in law, it is an advisory document, and that the Act is the only legal authority.

Additional relevant information is provided in the Appendices.

ii. Structure of Manual

The Manual is divided into two volumes. Volume One comprises eight chapters, a glossary and an index:

- Chapter 1 – Introduction
- Chapter 2 – General Provisions
- Chapter 3 – Border Policies and Procedures
- Chapter 4 – Temporary Entry
- Chapter 5 – Immigration and Residence
- Chapter 6 – Enforcement (Investigations and Deportations)
- Chapter 7 – Immigration Intelligence
- Chapter 8 – Interviewing and Profiling Guidelines
- Glossary
- Index

Volume Two contains the Appendices.
iii. How to Use this Manual

The manual will be provided in both electronic and printed versions. It is envisaged that every officer in the Immigration Division will have access to it. Copies will also be made available for distribution to other interested government agencies and visa-issuing Missions abroad.

To find a particular section or topic, you should refer to the Table of Contents at the front of the manual. A comprehensive Index has also been provided at the end of Volume One. In the electronic version, the entries in the Table of Contents and the Index will have hyperlinks to take you directly to the relevant section of the text.

Important and frequently used words and phrases are defined in the Glossary and a list of abbreviations and acronyms is also provided.

iv. Limitations

The manual is intended to provide guidance on the implementation of Trinidad and Tobago’s immigration policies. It does not pretend to be an exhaustive step-by-step description of all procedures as this would be unnecessarily restrictive and would remove the flexibility often needed in dealing with complex, unusual or unforeseen situations.

Please note that the manual is not intended to replace the legislation that governs the operations of the Immigration Division, but to provide guidance on how these laws can be implemented. Immigration Officers should use it in conjunction with the applicable provisions of the legislation and relevant instructions.

v. Amendments

Any changes to the manual will be advised by Amendment Circular. Replacement pages may be issued from time to time.
CHAPTER 2 – GENERAL PROVISIONS

A1. The Immigration Division

A1.1 Legislation

A1.1.1 The most important laws governing the operations of the Immigration Division are:

i. Immigration Act Chapter 18:01;
ii. Trinidad and Tobago Immigration Caribbean Community Skilled Nationals Act 26/96;
iii. Citizenship Act Chapter 1:50;
iv. Trinidad and Tobago Constitution Chapter 1.

A1.1.3 Other supporting legislation includes:

i. Adoption Act;
ii. Status of Children Act;
iii. Quarantine Act.

A1.2 Core Functions, Mission and Vision

A1.2.1 The Immigration Division is one of the divisions falling under the control of the Ministry of National Security. It is the principal government agency responsible for the administration and enforcement of Immigration/Passport and Citizenship laws in accordance with the provisions of the Immigration Act (Chapter 18:01) and the Citizenship of the Republic of Trinidad and Tobago Act (Chapter 1:50). Separate passports legislation does not currently exist but authority for passport issuance is derived from the Constitution.

A1.2.2 The Division’s core functions are:

i. Administration of the Immigration and Citizenship legislation;
ii. Processing of persons entering and leaving the country, and the maintenance of all immigration records relating to the admission, entry and departure, residence, and temporary stay of all foreigners in the Republic of Trinidad and Tobago. This includes the registration of residents;
iii. Removal of undesirable non-citizens;
iv. Provision of passports to citizens of Trinidad and Tobago;
v. Advising the Minister in matters of Immigration and Citizenship;

vi. Collecting revenue on behalf of the Government.

A1.2.3 The Immigration Division’s mandate is expressed in its mission statement:

“To promote national security by effectively monitoring and controlling the movement of persons into, within, and out of the country and to provide an efficient and effective passport service.”

A1.2.4 The vision statement is:

“To be the premier Immigration Division in the Caribbean and to be a leader in public service reform.”

A1.2.5 More specifically, the Division’s functions fall into three main categories:

i) Airport and Seaport Operations:

- Determine admissibility/inadmissibility of persons seeking entry into Trinidad and Tobago;
- Facilitate the departure of persons seeking exit from Trinidad and Tobago;
- Grant clearances to vessels and crew and any passengers seeking entry into, and departure from, Trinidad and Tobago.

ii) Office Operations:

- Issue travel documents to eligible applicants - Trinidad and Tobago passports, travel permits and emergency certificates;
- Issue visas to non-nationals for entry into Trinidad and Tobago;
- Issue student permits to applicants who wish to study in Trinidad and Tobago;
- Interview persons seeking extensions of stay in Trinidad and Tobago and grant extensions on approval of applications;
- Issue Certificates of Immigration Status to persons who hold Resident Status;
- Conduct investigations with a view to apprehending illegal immigrants in Trinidad and Tobago;
- Conduct Special Inquiries to determine the Immigration status of persons in Trinidad and Tobago;
- Conduct the process of deportation of illegal persons from Trinidad and Tobago;
- Collect Government revenues for Immigration services rendered;
- Interview persons for permanent residence and citizenship.

iii) Foreign Missions - Immigration Officers are posted as Attachés at Trinidad and Tobago missions in the USA (Washington DC, New York and Miami), Canada (Toronto), and the UK (London). Their responsibilities include:
• Issuing passports to Trinidad and Tobago citizens;
• Issuing Emergency Certificates to citizens and residents for return to Trinidad and Tobago;
• Processing applications for, and issuing visas to, nonnationals who wish to enter Trinidad and Tobago;
• Conducting interviews and submitting reports on applications for resident status and citizenship;
• Conducting interviews of nationals detained abroad, to determine Trinidad and Tobago citizenship prior to deportation to Trinidad and Tobago;
• Conducting interviews to determine Trinidad and Tobago citizenship of persons who are distressed or destitute and who are requesting repatriation to Trinidad and Tobago.

A1.2.5 Officers of the Immigration Division also liaise with foreign embassies and consulates with respect to information-sharing, detection and confiscation of fraudulent passports and other travel documents, tracking down of fugitive aliens, and the repatriation and deportation of aliens who have become a burden to the State.

A1.2.6 Trinidad and Tobago does not usually issue visas on arrival at ports of entry. People who need visas to enter the Republic of Trinidad and Tobago must apply for a visa at an Embassy or Consulate before travelling. However, in special circumstances, people who are unable to obtain a visa before travel (e.g. because there is no representation in their country of residence or because of emergency travel) can apply for a visa waiver on arrival. This facility is not available to nationals of Schedule 2 countries (see list pg 38).

A1.3 Structure of Immigration Division

A1.3.1 The Division has three main operational offices:

i. Port of Spain (67 Frederick Street);
ii. San Fernando (Coffee Street);
iii. Tobago (Port Authority Building, Milford Road, Scarborough).

Full Immigration services are offered at these locations, including passport services, extensions of stay and visa approval for visitors, and interviews for permanent residence and citizenship. Several other offices also provide passport services.

A1.3.2 Sub-offices include Sangre Grande, Chaguanas and Point Fortin.

A1.3.3 Arriving and departing air passengers are processed at Piarco and Crown Point International Airports. These airports also handle domestic air passengers.

A1.3.4 The Immigration Division is also responsible for all Seaport Stations in Trinidad and Tobago. These include (for a list of all seaports and sufferance ports see Chapter 3):

i. Port of Spain Harbour (Boarding Station, Wrightson Road, National
Fisheries Compound, Sea Lots);
ii. Chaguaramas;
iii. Claxton Bay;
iv. Point Galeota;
v. Point Lisas;
vi. Point-a-Pierre;
vii. Point Fortin;
viii. Cedros;
ix. Scarborough;
x. Charlotteville;
xi. Tembladora;
xii. Brighton.

A1.3.5 Vessels, their crews and passengers are examined at these ports on arrival and departure. These include tourist liners, cargo ships, fishing trawlers, inter-island schooners, pleasure yachts and work boats.

A1.3.6 A 24-hour service is provided at all ports of entry, both air and sea.

A1.3.7 The Division consists of approximately 420 staff. About 70% of the total are Immigration Officers who perform immigration functions; 10% are technical officers supporting core immigration functions and 20% are support staff, which includes HR, accounts, clerical and manipulative staff. Precise figures are not available as the Division is in the process of a significant recruitment drive.

A1.3.8 The management structure is headed by a Chief Immigration Officer, assisted by a Deputy Chief Immigration Officer, two Assistant Chief Immigration Officers, several Grade IV officers, a Director of HR Services and an IT Manager. The Immigration Officers IV perform as managers of functions, units, or geographical areas.

A1.3.9 A Research and Development Unit has recently been created to source/store information regarding local, regional and global policies, and to provide library services for the development of all members of staff. Its functions will also include:

- Interpretation of data and identification of trends to assist in decision making;
- Providing research support to officers;
- Storage of historical data;
- Preparation of staff instructions;
- Environmental scanning functions for the Division.

A1.3.10 An Intelligence Unit is also in the process of being formed. Its main functions will include the collection, analysis and dissemination of immigration intelligence. The files and registers pertaining to immigration matters are maintained at various sections as outlined in Appendix 11.

A1.3.11 The Division’s current organisational structure is illustrated in the chart overleaf.
A2. Special Inquiry Officers

A2.1 Powers of Special Inquiry Officers

A2.1.1 Special Inquiry Officers are appointed by the Minister under the Immigration Act. Section 13 of the Act also provides that Immigration Officers in charge of a port of entry are Special Inquiry Officers, and the Minister can appoint any other Immigration Officers to act as Special Inquiry Officers.

A2.1.2 Special Inquiry Officers have the authority to enquire into the circumstances of any person seeking entry to Trinidad and Tobago or people who may have committed a breach of Immigration legislation, such as overstayers, people working without permits, illegal entrants, etc. They may decide to allow the person to enter Trinidad and Tobago, to remain in the country, or to be removed by either voluntary departure or formal deportation.

A2.1.3 Special Inquiry Officers have powers similar to those of a Magistrates’ Court and both sides can call and examine witnesses. People called before a Special Inquiry Officer are expected to appear in person and can be represented by a solicitor or other suitable person. Appeals against decisions by Special Inquiry Officers can only be made to the Minister, within 24 hours. The Minister’s decision is final in most cases. (Under Sections 30 and 31 of the Act, only residents and citizens can appeal the Minister’s decision to the Court.)

A2.1.4 The kinds of cases that Special Inquiry Officers typically are required to deal with include the following:

i. People referred by Immigration Officers at the point of entry;
ii. People who are in immigration detention;
iii. People in Trinidad and Tobago who are reported for being involved in subversive activities; drugs and other criminal activities; have been convicted of a crime in Trinidad and Tobago; who are a charge on public funds; are involved in illegal migration; etc;
iv. Illegal entrants;
v. People who have overstayed their authorised period of stay;
vi. People working without permits;
vii. People involved in other breaches of migration or other legislation;
viii. Cases referred by the Minister or the Chief Immigration Officer.

A2.2 Procedures

A2.2.1 Wherever practicable, inquiries by Special Inquiry Officers are to be held in private, away from the public, and in the presence of the person concerned. However, the person concerned can request a public hearing.

A2.2.2 The person concerned is entitled to conduct his/her own case in person or retain the services of a counsel or solicitor, or may be assisted in conducting his/her case at the
hearing by any other person with leave of the Special Inquiry Officer (such leave shall not be unreasonably withheld).

A2.2.3 At the commencement of an inquiry, where the person concerned is present and is not represented by a solicitor or counsel, or by a relative or friend, the presiding officer is required to:

   i. Inform the person of his/her right to retain, instruct and be represented by a solicitor or counsel or by a relative or friend at the inquiry at no expense to the Government of Trinidad and Tobago; and  
   ii. Upon request of the person concerned, adjourn the inquiry for long enough to allow the person to retain and instruct a solicitor or counsel, or to obtain the services of a relative or friend.

A2.2.4 If the person who is the subject of the inquiry is unable to communicate in the language being used at the inquiry, he/she should be provided with a competent interpreter at no cost to him/her.

A2.2.5 The Special Inquiry Officer may, at the hearing, receive any evidence and base his decision upon evidence considered credible or trustworthy by him in the circumstances of each case. Both sides are entitled to call witnesses and to submit documentary evidence.

A2.2.6 The proceedings at these hearings are recorded on tape and a Court Secretary takes notes.

A2.2.7 Where an inquiry relates to a person seeking admission to Trinidad and Tobago, the burden of proving that he/she is not prohibited from admission rests upon him/her.

A2.2.8 If the respondent in a deportation matter admits the factual allegations against him/her, and is willing to leave Trinidad and Tobago voluntarily and at no expense to the Government of Trinidad and Tobago, he/she can make a verbal request for voluntary departure. If the Special Inquiry Officer is satisfied that the case is genuine he may, instead of making a deportation order against such person, issue the prescribed form for his voluntary departure.

A2.2.9 At the conclusion of an inquiry hearing, the Special Inquiry Officer gives his decision in writing as soon as possible and in the presence of the person concerned wherever practicable:

   i. Where the Special Inquiry Officer decides that the person concerned is a citizen or non-citizen with the right to remain in Trinidad and Tobago, the person will be allowed to enter or remain as the case may be;  
   ii. In all other cases, the decision will be either to allow the person to enter/remain in Trinidad and Tobago or to be removed from the country, depending on the evidence and the circumstances of the case;
iii. In the case of an adverse decision against a person who is not a citizen or legal resident of Trinidad and Tobago as defined in S4 of the Act, the Special Inquiry Officer will normally make an order for the deportation of such a person.

**A2.3 Re-opening of Inquiry**

A2.3.1 An inquiry may be re-opened for the hearing and receiving of additional evidence or testimony by order of the Minister, or at the instance of the Special Inquiry Officer who presided at such inquiry, or by any other Special Inquiry Officer acting upon the directive of the Chief Immigration Officer.

A2.3.2 Following a re-hearing, the Special Inquiry Officer concerned may confirm, amend or reverse the decision previously given.

**A2.4 Appeals**

A2.4.1 There is no appeal against a deportation order in respect of any person who is ordered to be deported as a member of a prohibited class described in section 8(1)(a), (b) or (c) of the Immigration Act where the decision is based upon a certificate of the examining medical officer, or as a person described in section 8(1)(j) and (k).

A2.4.2 In other cases, an appeal can be filed by a person who is the subject of a deportation order if the appellant, within 24 (twenty-four) hours, serves a notice of appeal in the prescribed form upon an Immigration Officer or upon the person who served the deportation order.

A2.4.3 On the receipt of a completed notice of appeal, the Special Inquiry Officer will normally arrange for the reception of the appellant at the detention depot or at such other approved place for his/her accommodation, pending the determination of the appeal.

A2.4.4 If the appellant requests it, the Chief Immigration Officer may issue an order of supervision in lieu of detention, allowing the person to remain at liberty in Trinidad and Tobago upon the person giving acceptable security.

A2.4.5 All appeals from deportation orders may be reviewed and decided by the Minister. The decision of the Minister shall be final and conclusive and shall not be questioned in any Court of law, unless the person concerned is a citizen or legal resident of Trinidad and Tobago.

A2.4.6 In considering matters under appeal, the Minister may:

i. Consider all matters pertaining to the case under appeal;
ii. Allow or dismiss any appeal;
iii. Quash a decision of a Special Inquiry Officer that has the effect of
A2.4.7 The Minister may in any case, where he deems it necessary, appoint an Advisory Committee consisting of such persons as he considers fit for the purpose of advising him as to the performance of his functions and the exercise of his powers under this section.

A2.4.8 The Minister may, in any case where he considers it fit to do so, cancel any Deportation Order whether made by him or not.

A2.4.9 If the appeal is dismissed, the appellant must remain in custody or, if at liberty, surrender to the custody of the Immigration Officer who must then make arrangements for the person’s removal from Trinidad and Tobago, or for such temporary or conditional residence within Trinidad and Tobago as may be permitted under the Act. Any deposit shall be applied in indemnifying public funds for all costs, charges and expenses incurred in regard to the appellant or his/her dependants.

A2.4.10 If the appeal is allowed, the appellant is discharged from custody, the conditions of any temporary permit issued to him/her are lifted, and any monies posted as security are refunded.

### A3. Immigration Officers’ Powers

#### A3.1 Powers of Immigration Officers

A3.1.1 Under Section 12 of the Trinidad and Tobago Immigration Act, duly appointed Immigration Officers have the authority and power to enforce any provision of the Immigration Act, the Immigration Regulations, or any order lawfully made under the Act or the Regulations relating to the arrest, detention or deportation of any person, except citizens of Trinidad and Tobago.

A3.1.2 In an emergency, an Immigration Officer can also employ any necessary assistance to enable him/her to carry out his/her duties under the Act and the Regulations. However, such assistance can only be used for a maximum of 48 (forty-eight) hours unless it has been approved by the Minister.

A3.1.3 For the purpose of carrying out their duties, Immigration Officers are authorised to do the following:

i. Administer oaths and take evidence under oath or by affirmation concerning any matter under the Act - for example any matter concerning the right of a foreign national to enter or reside in Trinidad and Tobago (S12(4));

ii. Without a search warrant, board and search any vessel in Trinidad and
Tobago (S12(6)(a));

iii. Interview any person who wishes to enter or leave Trinidad and Tobago and scrutinise their passport (S12(6)(b));

iv. Interrogate any person and scrutinise the passport of any person that an Immigration Officer has good reason to believe may be a prohibited immigrant or may have committed an infringement of Immigration law (S12(6)(b));

v. Arrest and detain a person in respect of whom an examination or inquiry is to be held, on a warrant issued by the Minister (S14)\(^1\);

vi. Without a warrant, order or direction, arrest and detain for enquiry or deportation any person who, upon reasonable grounds\(^2\) is suspected of being a person who has ceased to be a permitted entrant by virtue of the provisions of S9(4) or S22(l)(i) of the Act (broken the conditions of stay, involved in prostitution, convicted of serious crimes, etc) (S5)\(^3\);

vii. Detain a person in respect of whom:
   • An inquiry is to be held;
   • Examination (for entry) under S18 or S20 has been delayed;
   • A deportation or rejection order has been made.

Such persons may be held pending the inquiry, examination, appeal or deportation, as the case may be (S16)\(^4\);

viii. Require any person wishing to enter or leave Trinidad and Tobago to complete any declaration forms, such as arrival and departure cards (Reg 3(2), 3(3);

ix. Require any person wishing to enter Trinidad and Tobago or a person falling within the prohibited classes specified in S8(1)(a),(b),(c) or (f) (e.g. persons suffering from mental or other serious illness, drug addicts, persons who are likely to become a charge on public funds, etc) to submit to a mental or physical examination, or both, by a medical officer (S19);

x. Inspect any vessel\(^5\) bringing or taking persons to or from Trinidad and Tobago, examine the persons and their baggage, examine any records or documents relating to such persons and take copies or extracts of them and may hold or detain such a vessel until the inspection and examination are completed (S37(1));

xi. Require the master of a ship, the captain of an aircraft or the person in charge of any vehicle, to provide a list of the names of all persons on the

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1 Note the need for a warrant of arrest under S14.

2 “Reasonable grounds” means more than mere suspicion. There must be some credible evidence supporting a genuine (bona fide) belief. For example, an anonymous telephone call may not constitute reasonable grounds, whereas a letter from a law enforcement agency would almost certainly amount to reasonable grounds.

3 Note that, following the judgment of the Privy Council in the case of Robert Naidike and others v the Attorney General, it is necessary for the Minister to make a declaration that a person has ceased to be a permitted entrant before an Immigration Officer can exercise the power to arrest that person under Section 15. Part of the judgment reads: “The Board in the end is driven to the view that the intended scope of section 15 is uncertain and that this uncertainty must be resolved in favour of the liberty of the individual”. Paragraph 50 states “…unless the immigrant’s detention is required for an inquiry to be held forthwith or for his removal to be effected pursuant to a deportation order already in force, there seems no sound reason for the power to be exercised”. Note the emphases in both instances.

4 Previous footnote is also relevant here.

5 “vessel” means any ship, aircraft or other means of travel by sea or air.
ship, aircraft or vehicle;

xii. Require a security, by way of a deposit to the Comptroller of Accounts or the execution of a suitable bond, from the following persons, falling within the categories prescribed in S9(1)(c) to (i) of the Act, on being granted admission to Trinidad and Tobago:
   - Tourists or visitors;
   - Clergymen, priests or other members of a religious order;
   - Students;
   - Members of crews;
   - Persons entering for the purpose of engaging in a legitimate profession, trade or occupation.

Note: The amount of the security should be sufficient to cover the cost of repatriation and other incidental expenses of such persons.

xiii. Require a person who is seeking admission to Trinidad and Tobago for a temporary purpose (e.g. holiday) to produce evidence of the following:
   - Employment elsewhere and of an intention to return to that employment;
   - Possession of a return ticket by sea or air, or possession of sufficient funds for the maintenance of himself/herself and any dependants during the visit and for the purchase of return tickets;
   - That the visitor has the right of entry to the country of his/her citizenship or some other country, at the conclusion of the visit (Reg 9(3));

xiv. Require the production of any document any such person may be carrying or conveying;

taxv. Prevent the departure of any passenger who fails to comply with pre-departure documentation requirements.

### A3.2 Powers of Search

A3.2.1 For the purpose of discharging their duties, Immigration Officers can stop, enter, board and search any aircraft, vehicle, vessel, ship, container, boat or other conveyance in which they believe foreign nationals are being transported into Trinidad and Tobago.

### A4. Immigration Officers’ Behaviour

#### A4.1 Standards of Behaviour for Immigration Officers

A4.1.1 All officials of the Immigration Division, irrespective of their function or rank, are expected to possess the following personal qualities and to display them in the performance of their duties:

i. Honesty;
ii. Impartiality;
iii. Sincerity;
iv. Loyalty;
v. Sense of justice;
vi. Conduct beyond reproach;
vii. Courtesy;
viii. Integrity.

A4.1.2 In brief, officials of the Immigration Division are expected to:

i. Perform their duties loyally, efficiently and economically;
ii. Serve the public politely, with respect, courtesy, and responsiveness;
iii. Avoid any interest or activity which is in conflict with the conduct of their official duties;
iv. Respect and protect the privileged information to which they have access in the course of their official duties;
v. Keep up to date with Immigration laws and regulations;
vi. Maintain high standards in their personal appearance.

A4.1.3 The Immigration Act at S41 provides for the prosecution and the imposition of penalties for any Immigration Officer or other employee of the Immigration Division who:

i. Makes or issues any false document, certificate, declaration, statement or return with respect to any matter connected with his/her office or duty;
ii. Accepts, agrees to accept, induces or assists another person to accept a bribe or other remuneration or benefit with respect to any matter connected to his/her office or duty or otherwise forsakes his/her duty;
iii. Violates a provision of the Act or the Regulations, commits any offence under the Act or the Regulations or induces, aids, abets or attempts to aid, induce or abet any other person to do so.

A5. Privacy of Information

A5.1 Policy

A5.1.1 The Government is committed to promoting and protecting individual privacy and the information in its possession about individuals and organisations. Access to information should be granted only for specified purposes, such as law enforcement, and where it is deemed to be in the public interest to do so.

A5.1.2 Ss12(5) of the Immigration Act places an obligation on Immigration Officers not to disclose any information that comes into their possession in the course of their duties to any person except the Minister or a person authorised by the Minister, or a member of the Immigration Division. They are forbidden to use or release such information for personal or private purposes.

A5.1.3 As a general principle, all agencies to whom any private information is disclosed will be bound by the same principles and restrictions as the agency which collected the
information. Therefore, when releasing information to other agencies, Immigration Officers and other officials of the Immigration Division should ensure that any restrictions on the use of the information are clearly stated.

### A6. Fairness and Natural Justice

#### A6.1 Introduction

A6.1.1 Good decision making requires attention to the process used in reaching the decision. A fair process is more likely to ensure a fair outcome. Making a decision in the proper manner involves acting on the principles of fairness and natural justice, and observing due process. This means:

1. Giving the applicant a fair hearing;
2. Avoiding bias;
3. Giving notice to the other party or applicant, where appropriate.

A6.1.2 All Immigration Officers must act on the principles of fairness and natural justice when deciding an application.

#### A6.2 What is Fairness?

A6.2.1 A decision is fair if:

1. The application is given proper consideration;
2. The applicant is informed of information that might harm their case (often referred to as potentially prejudicial information);
3. The applicant is given a reasonable opportunity to respond to harmful information;
4. The application is decided in a way that is consistent with other decisions;
5. Appropriate reasons are given for refusing an application;
6. Only relevant information is considered.

#### A6.3 Bias

A6.3.1 A decision is biased if:

1. The officer is personally prejudiced against the applicant on grounds such as sex, race, religion, socio-economic status, sexuality, etc;
2. The officer has a direct financial or personal interest in the outcome of a decision;
3. The officer has a relationship with any of the people involved in the application;

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iv. The officer has predetermined the decision, without considering all of the facts and evidence.

A6.4 How to Ensure Fairness and Natural Justice

A6.4.1 Officers should:

i. Consider all the facts, keeping an open mind towards all relevant forms of evidence;
ii. Distinguish fact from opinion, rumour, allegation or assumption;
iii. Apply relevant policy or criteria;
iv. Inform the applicant of the actual reasons for a decision;
v. Process an application and reach a decision without undue delay;
vi. Provide Notification of Appeal if this exists in law (as required under rules of Natural Justice).

A7 Passports and Other Travel Documents

A7.1 Policy

A7.1.1 All foreign nationals wishing to enter Trinidad and Tobago must be in possession of a valid passport or other acceptable travel document (Reg 3(1)). This includes emergency and temporary passports issued by the relevant authorities to replace lost or stolen passports.

A7.1.2 Regulation 13(2) provides for an exemption to hold a separate passport for persons under the age of 16 years who are included in another person’s passport.

A7.1.3 A document other than a passport may be acceptable for entry provided the Immigration Officer is satisfied that the document establishes the identity and nationality of the bearer and the right of return to his/her country or has the right of entry to some other country (Reg 13(4)). Included in this group will be Laissez Passers issued by the United Nations, the European Union and other accredited International Organisations, Certificates of Identity, Refugee Travel Documents, Crew Member’s Certificates, Seaman’s Books, etc.

A7.1.4 Trinidad and Tobago citizens leaving and entering Trinidad and Tobago are also required to be in possession of a passport or other acceptable travel document.

A7.2 Authority

A7.2.1 A “passport” is defined as a passport, or other valid travel document, or document of identity, issued to a person by the government of the country of which he/she is a citizen, or by an authority recognised by the Government of Trinidad and Tobago (e.g. United Nations, European Union).

A7.3 Criteria for Acceptable Travel Documents
A7.3.1 The main purpose of passports and other travel documents is to facilitate international travel. These documents are normally an acceptable form of identification and they generally also provide evidence of a person’s citizenship or country of residence.

A7.3.2 Acceptable travel documents must be:

i. Authentic and not unofficially altered or tampered with;
ii. Valid in the country of issue;
iii. Issued by an official source recognised by the Government of Trinidad and Tobago;
iv. Valid for travel to and from Trinidad and Tobago;
v. In the case of people coming to Trinidad and Tobago for a temporary visit, the validity of the passport must extend at least to the duration of intended stay (Reg 13(3)).

Note: As a general rule, however, it is advisable that the validity of the passport should exceed the intended period of stay by at least six (6) months from the date of entry and two (2) months from the date of intended departure.

A7.3.3 For persons who require a visa to enter or transit Trinidad and Tobago, the test of validity for a travel document also includes the presence of a suitable visa (where required) issued by a representative of Trinidad and Tobago, diplomatic or consular officers of Trinidad and Tobago, or diplomatic or consular officers of other countries that act on behalf of Trinidad and Tobago in the country of issue.

A7.3.4 More detailed information on acceptable and unacceptable travel documents, including country-specific information, can be found in Appendix 1.

Note: In some cases, temporary residents using a travel document may require a re-entry visa or permit to be allowed to return to the issuing country, which is usually also their country of residence. Such documents do not guarantee re-admission unless they are endorsed with the appropriate re-entry visa or permit. They are, therefore, not suitable for admission to Trinidad and Tobago as a temporary resident unless they contain this endorsement.

A8. Types of Travel Documents

A8.1 Definitions

(i) Passport

A passport is a travel document that is issued by an authorised state authority to nationals of that state. It establishes the identity and nationality of the holder, and gives the holder the right to enter the country whose government has issued the document. It is possible to be a national of two or more states and thus carry more than one passport.

In this Manual the terms citizenship and nationality are used to mean the same thing. The term national is also used to mean citizen.
(ii) Certificate of Identity

A Certificate of Identity is issued by an authorised state or organisation to individuals who are stateless or who are unable to obtain a national passport for a valid reason. A certificate of identity establishes the identity, *but not the nationality*, of a person and usually gives that person the right to enter the country whose government has issued the document.

(iii) Convention Travel Document

Convention travel documents are issued by state authorities to their residents who have been granted refugee status as defined in the 1951 *Convention Relating to the Status of Refugees*.

(iv) Other Documents

Other documents may also be acceptable for travel – see below.

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**Note:** United Nations and European Union travel documents (*Laissez-Passer*) are acceptable even though they are issued not by a government but by an international organisation.

### A8.2 Crew Member Certificates

A8.2.1 Members of the crew of a ship or aircraft are exempt from the requirement to be in possession of a travel document, *provided* they have any of the following:

(i) **Seafarer’s National Identity Document** issued pursuant to the *International Labour Organisation (ILO) Conventions*. The *ILO Conventions* provide for the issue, by each ratifying country, of an identity document to seafarers engaged in maritime navigation. The name, date and place of birth, nationality, physical characteristics, photograph and signature of the seaman to whom it is issued are included in the document. The document guarantees the return of the holder to the territory of the issuing country.

(ii) **Seaman’s Book** issued pursuant to *ILO Convention 22*. This provides that every seaman be given a document containing a record of employment aboard a vessel. The form of the document and the particulars recorded in it are determined by the issuing country. Generally, this document is in book form.

(iii) **Crew Member’s Certificate** issued in accordance with International Civil Aviation Organisation (ICAO) specifications. The Crew Member’s Certificate shows the name, address, date and place of birth, nationality, name of the employing airline and description of duties, as well as a photograph and signature of the holder. Although the return of the holder to the territory of the issuing country is guaranteed, the certificate is valid for use *only* during the term of employment and while actually serving as a crew member.
A8.3 When Acceptable Travel Documents Are Not Available

A8.3.1 Only acceptable travel documents are valid for travel to, and stay in, Trinidad and Tobago.

A8.3.2 When a person cannot produce an acceptable form of travel document, they will normally be denied entry unless there are special factors that may justify waiving this requirement. Examples where an exception may be considered include:

i. Seamen coming ashore in an emergency (e.g. for urgent medical treatment) whose documents are unavailable;
ii. Cases involving asylum seekers who have not yet been granted a refugee document;
iii. Other emergency cases, usually with an exceptional humanitarian element, for example evacuation for medical reasons or an outbreak of war.

A8.4 Trinidad and Tobago Citizens

A8.4.1 Under international law, each country has an obligation to allow entry to its own citizens. This is enshrined in domestic legislation, in Section 4(1) of the Immigration Act. As a general rule, a Trinidad and Tobago passport is the only acceptable evidence of Trinidad and Tobago citizenship at a port of entry. The basic principle is that the person can satisfy an Immigration Officer that he/she is a citizen of Trinidad and Tobago.

A8.4.2 However, there may be instances where people who have lost their passport, or who cannot be issued a passport for any reason while out of the country, may be issued with a travel document valid for a single journey by a Trinidad and Tobago Mission abroad. Provided the document is genuine and the person’s bona fides are not in doubt, entry may be allowed on this type of document. If there is doubt, the case should be referred to a Special Inquiry Officer.

A8.4.3 For the purpose of establishing whether a person is in fact a Trinidad and Tobago citizen, the following are the ways in which citizenship is obtained:

<table>
<thead>
<tr>
<th>Citizenship by:</th>
<th>Authority</th>
<th>Documentary Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth</td>
<td>A person born in Trinidad and Tobago subject to Section 17 (2) of the Constitution Chapter 1:01.</td>
<td>Birth certificate, identification card or passport.</td>
</tr>
<tr>
<td>Descent (1)</td>
<td>A person born outside Trinidad and Tobago or a citizen of Trinidad and Tobago other than by descent, subject to Section 17 (3) of the Constitution Chapter 1:01.</td>
<td>Certificate of registration as a Trinidad and Tobago citizen or Citizenship Certificate</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
<td>Document</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td><strong>Descent (2)</strong></td>
<td>A child who was born outside Trinidad and Tobago of a citizen of Trinidad and Tobago by descent and who was granted, on application, a Certificate of citizenship of Trinidad and Tobago in accordance with Section 5(1) of the Citizenship Act Chap 1:50.</td>
<td>Certificate of Citizenship</td>
</tr>
<tr>
<td><strong>Registration</strong></td>
<td>A person who is registered as a citizen of Trinidad and Tobago in accordance with Sections 7(1), 8(1) and 8 (2) of Citizenship Act Chapter 1:50.</td>
<td>Registration Certificate</td>
</tr>
<tr>
<td><strong>Naturalisation</strong></td>
<td>A person who is a naturalised citizen of Trinidad and Tobago in accordance with Section 12(1) of Citizenship Act Chapter 1:50.</td>
<td>Certificate of Naturalisation</td>
</tr>
<tr>
<td><strong>Reacquisition</strong></td>
<td>A person, who reacquired Trinidad and Tobago citizenship by the grant of a Certificate of Citizenship in accordance with Section 11 (2) of the Citizenship Act Chapter 1:50.</td>
<td>Certificate of Citizenship</td>
</tr>
<tr>
<td><strong>Restoration</strong></td>
<td>A person whose Trinidad and Tobago citizenship was restored by the grant of a Certificate of Restoration of Citizenship in accordance with Section 11 (2B) of the Citizenship Act Chapter 1:50.</td>
<td>Certificate of Restoration of Citizenship</td>
</tr>
<tr>
<td><strong>Adoption</strong></td>
<td>A minor who was adopted in Trinidad and Tobago by a citizen of Trinidad and Tobago in accordance with Section 6 of Citizenship Act 1:50.</td>
<td>Certificate of Registration or Citizenship</td>
</tr>
</tbody>
</table>

### A9. Documents Needed to Support Applications

#### A9.1 Policy

A9.1.1 All documents submitted in support of an application should be originals. Certified copies may be acceptable in some situations (and on the specific authorisation of a senior Immigration Division official) for example, where the original is held by a court of law and there is official evidence of that fact.

#### A9.2 Originals

A9.2.1 Original documents must be photocopied or processed immediately, and returned to the owner or the owner’s authorised agent as soon as possible.

#### A9.3 Certified Copies
A9.3.1 Certified copies must be stamped or endorsed as being true copies of the originals by a person authorised to take statutory declarations in the applicant’s country or in Trinidad and Tobago (for example, an Immigration Officer, lawyer, notary public, justice of the peace or court official). Immigration Officers may certify photocopies submitted with the original document if they are satisfied that the copy agrees with the original in essential details.

A9.3.2 If the relevant official is satisfied that the copy is a true copy, he/she must write on it the words “original seen”, write his/her full name and sign and date the copy.

A9.3.3 Documents with evidence of having been tampered with, or unofficially altered, must be referred to a senior officer, who will decide what further action to take.

A10. Interpreters

A10.1 Situations Requiring an Interpreter

A10.1.1 Immigration Officers and Special Inquiry Officers may require the assistance of an interpreter when interviewing a person who is unable to understand the questions fully and give adequate answers in English or any other language which the relevant official(s) can understand.

A10.1.2 If officers are aware that such a situation may arise (for example, when expecting a flight carrying persons of concern or special interest) they should make arrangements to obtain an interpreter before the interview.

A10.2 Suitability of Interpreters

A10.2.1 The interviewing officer may use an Immigration Division official who understands and communicates in the interviewee’s language, or a third party interpreter in whom they have confidence.

A10.2.2 Family members, friends or agents of interviewees should not be used as interpreters, because they may:

i. Have an interest in the outcome of the application and therefore may provide an incorrect translation;
ii. Give their own answers and ask their own questions rather than those of the applicant;
iii. Try to influence the applicant’s responses.

A11. Forms and Leaflets

A11.1 Minister’s Approval
A11.1.1 All forms and leaflets used for Immigration-processing (such as applications for visas and extensions of stay) must be approved by the relevant authority and will typically be included in a Schedule to the Immigration Act or Regulations. New forms may be introduced from time to time to deal with changing situations, while waiting for the relevant Schedule to be amended. These may be used provided that the necessary approval has been given by the Minister or the Chief Immigration Officer.

A11.1.2 All accountable forms of the Immigration Division should be numbered and be clearly identified as originating in the Immigration Division by means of the name and logo.

A11.1.3 Processing offices and entry ports must not alter the text of approved forms and leaflets in any way, nor should officers develop their own unofficial forms. Suggestions for changes should be forwarded to the Port of Spain office.

**A12. Fees**

**A12.1 Policy**

A12.1.1 All applicants requiring Trinidad and Tobago visas and permits must pay the appropriate fee unless they have been granted an exemption from payment.

A12.1.23 Under sub-regulation 13(13), the Minister has the power to exempt any person or group of persons from any of the requirements set out in Reg 13, including the need to have a valid visa for the purpose of being admitted to Trinidad and Tobago.

**A12.2 Exemptions from Payment of Visa Fees**

A12.2.1 The following categories of persons are exempt from the payment of a visa fee:

i. Foreign government officials and their families;

ii. Non-immigrants in transit to a destination outside Trinidad and Tobago.
CHAPTER 3 – BORDER POLICIES AND PROCEDURES

B1. Border Policy

B1.1 Objectives

B1.1.1 The objectives of Border Policy are:

i. To facilitate the entry into, and exit from, Trinidad and Tobago of travellers who meet entry requirements;
ii. To identify and manage the risks to Trinidad and Tobago arising from those travellers who do not meet entry requirements.

B1.2 Visa Policy

B1.2.1 A visa is an endorsement by a Consular or Immigration officer in a passport or a Certificate of Identity that indicates that the officer, at the time of issuance, believes the holder to fall within a category of aliens who can be admitted under the State’s laws. Entry is still subject to meeting the criteria for the grant of an entry permit on arrival. In some cases the visa is issued on arrival, in which case it fulfils a legal requirement for the grant of an entry permit.

Note: International practice is moving toward issuance of machine-readable visas which conform to ICAO standards, printed on labels with security features.

B1.2.2 All foreign nationals wishing to enter Trinidad and Tobago must obtain or have a valid visa, or other evidence of permission to enter (such as a re-entry permit) as a precondition for the grant of entry, unless they are exempt. (Reg 3(4), (5))

B1.2.3 The requirement to apply for a visa before travelling is designed to allow the issuing authority to establish the following with respect to the applicant:

i. That the applicant does not represent a security or other risk to the host country;
ii. The person’s returnability – that he/she has a job to return to, holds return or onward tickets, the necessity for a security bond/deposit, etc;
iii. The purpose of the visit, e.g. employment, holiday, business, etc;
iv. Any other issues concerning the applicant.

B1.3 Guide to Visa Requirements

B1.3.1 Appendix 4 contains details of Trinidad and Tobago’s visa requirements for the nationals of all other countries, including any special conditions imposed on particular countries. Please note that in several cases, a visa cannot be issued to certain nationals without the prior approval of the Chief Immigration Officer.
B.3. The Second Schedule to the Immigration Regulations lists the following as the countries whose nationals are required to have a *pre-issued* visa before traveling to Trinidad and Tobago:

- Albania*
- Bosnia-Herzegovina*
- Croatia*
- Cuba
- Macedonia (FYROM)
- North Korea (Democratic People’s Republic of)
- People’s Republic of China (PRC)
- Slovenia*
- Vietnam
- Yugoslavia (Federal Republic - Serbia & Montenegro)*

*Citizens of these countries can now enter Trinidad and Tobago for up to one month without a visa. This is reflected in Appendix 4.

### B1.4 Visa-Free Entry

B1.4.1 The nationals of a large number of countries enjoy visa-free access to Trinidad and Tobago. All other persons wishing to enter Trinidad and Tobago must apply for, and be granted, an entry visa from a Trinidad and Tobago mission abroad, or apply for a visa waiver on arrival if eligible.

B1.4.2 The full list of countries and the visa requirements or exemptions applying to each of them is at Appendix 4. Please note that some of the names listed in this appendix do not exist or are not recognised countries.

B1.4.3 It is **important to note** that “visa-free” or “visa-exempt” entry does not mean unrestricted or automatic entry to Trinidad and Tobago. These travellers are still subject to the normal character and bona fide and health (if appropriate) checks in the same way as all other travellers. Any person failing to meet normal Trinidad and Tobago entry criteria should be refused entry, irrespective of whether or not they are entitled to visa-free travel.

B1.4.4 The Minister has the power under Reg 13(13) to exempt any person or class of persons from the visa requirement. Most often, this is granted to members of staff of international organisations, diplomats or government officials, but it may be extended to other groups.

B1.4.5 By the same provision, the Minister can also impose other conditions on the entry of any person to Trinidad and Tobago.

B1.4.6 Using his powers under Reg 13(3), the Minister has granted an exemption from the need to have a visa for maximum stay in Trinidad and Tobago of one month, to
nationals of the following countries:

- Albania
- Bosnia-Herzegovina
- Bulgaria
- Croatia
- Czech Republic
- Estonia
- Hungary
- Latvia
- Lithuania
- Poland
- Romania
- Serbia-Montenegro
- Slovakia
- Slovenia

### B1.5 Visa Types

#### B1.5.1 Trinidad and Tobago issues three types of visa:

1. Diplomatic;
2. Official;
3. Ordinary visas.

#### B1.5.2 Official and diplomatic visas are issued to persons who hold official or diplomatic passports and to officials of the United Nations or any of its agencies (e.g. UNDP, UNHCR) or of any inter-governmental organisations (e.g. IOM) in which Trinidad and Tobago participates, and members of their suites or families. (S9(1)(a))

#### B1.5.3 Official and diplomatic visas are usually multiple entry.

#### B1.5.4 Ordinary visas are usually single entry. However, citizens of the United States of America can be granted multiple entry visas enabling them to enter Trinidad and Tobago at any time during the validity of the visa. Other nationals can apply for a multiple entry visa valid for up to ten (10) entries. The visa fee depends on the number of entries applied for.

### B1.6 Visa Issuance

B1.6.1 Trinidad and Tobago visas are issued on a secure visa label bearing the details of the applicant and his/her passport, as well as the visa registration number allocated at time of issue. The purpose of the visit may be stated on the visa, but this is only indicative as the Immigration Officer at the port of entry still has to be satisfied as to the bona fides and admissibility of the person. (Reg 13(6),(7)).

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1 Staff Instructions 21/05 dated 15 November 2005.
B1.6.2 Visas may be obtained, on application, from Trinidad and Tobago missions abroad – Embassies, Consulates and Honorary Consuls. In countries where there is no Trinidad and Tobago mission, applications can usually be lodged with the Diplomatic or Consular Officer of the country representing Trinidad and Tobago in the country of issue. Frequently, this is the British Embassy but, in Commonwealth countries, visas may be issued by the government of that country on the authority of the Government of Trinidad and Tobago.

B1.6.3 The list of Trinidad and Tobago missions abroad is at Appendix 3. Note that the Permanent Missions to the United Nations in New York and Geneva have a different function than other missions and may not process applications for visas.

B1.6.4 Immigration Attaches have been posted to the respective missions in Washington, New York, Miami, Toronto and London. Their main responsibility is to process applications for visas.

B1.6.5 The process for deciding an application and issuing a visa involves six (6) main steps:

i. Completing the visa application form and payment of the fee (if applicable);
ii. Receiving and checking the documents;
iii. Checking the Alert List (and/or referring the application to the Immigration Division in Trinidad and Tobago in selected cases);
iv. Processing the application;
v. Issuing the visa or denying the application;
vi. If the application is approved, recording the approval in a special visa register and recording the registration number on the visa label.

B1.6.6 With the introduction of the Border Management System (BMS), it is likely that visa issuing posts outside Trinidad and Tobago will have access to the system for the purpose of recording and processing applications. The Alert List checks will be performed automatically and details of all visas issued and refused will be uploaded into the system and available at the Immigration Division’s offices and ports of entry in Trinidad and Tobago.

B1.7 Visa Waiver

B1.7.1 Citizens of countries not listed in the Second Schedule to the Immigration Regulations and who require a visa can apply for a visa waiver at a port of entry in some circumstances (Reg 13(9)(d)). Before approving a visa waiver application, an Immigration Officer must satisfy himself/herself that there is a genuine reason and good cause why the applicant did not apply for a visa outside the country - for example a genuine emergency or other situation involving strong compassionate or humanitarian factors. In some cases, prior permission from the Chief Immigration Officer is needed.

2 The Second Schedule specifies that citizens of the following countries must obtain a visa before travelling to or transiting through Trinidad and Tobago: Albania, Bosnia-Herzegovina, Croatia, Cuba, Macedonia (FYROM), Slovenia, North Korea, the Federal Republic of Yugoslavia (Serbia/Montenegro), the People’s Republic of China (PRC) and Vietnam.
before an application for a visa waiver is made.

B1.7.2 An Immigration Officer may impose time limits and other conditions on a visa granted in response to a visa waiver application. The person admitted under these conditions is bound by any such conditions stipulated in the entry certificate. (Reg 13(10))

### B1.8 Visa Refusal

B1.8.1 These are just some of the circumstances where a visa application may be denied. The list is not exhaustive and officers should carefully weigh up the pros and cons relating to each application before making a decision (see the section on *Fairness and Natural Justice* at A6 above). Reasons for denial include:

i. There is evidence of fraud or misrepresentation in the application or any other information or evidence supplied in support of the application;

ii. There is reason to believe that the applicant does not intend to abide by the conditions of the visa (e.g. may stay longer than the authorised period of stay, work without permission, etc when applying for a temporary visa);

iii. The applicant’s bona fides are in doubt (e.g. the applicant does not have a legitimate reason for the journey);

iv. The applicant has a criminal record or criminal charges are pending;

v. The applicant is considered not to be of good character;

vi. The applicant is considered to be a security risk;

vii. The applicant is the citizen of a country with which Trinidad and Tobago has poor relations or that country is not recognised by Trinidad and Tobago.

### B2. Ports of Entry

#### B2.1 Designation of Ports of Entry

B2.1.1 All travellers, whether foreign nationals or Trinidad and Tobago citizens, must enter Trinidad and Tobago through a designated entry port. The Minister is authorised by S44(k) of the Act to make regulations designating ports of entry and facilities for detention for the purposes of the Immigration Act. The relevant regulation is Reg 15 and it states that the places named in the Second Schedule are the designated ports of entry for this purpose.

B2.1.2 The Minister has the power to amend the Sixth Schedule and to close ports so designated whenever he deems it advisable in the public interest and upon sufficient notice to the public.

B2.1.3 The Sixth Schedule lists the following places as official ports of entry:

- Brighton
- Cedros
B3. Arrival Procedures

B3.1 The Passenger’s Responsibility on Arrival

B3.1.1 All travellers must pass through a designated entry port and are responsible for:

i. Appearing in person in front of an Immigration Officer with a completed and signed arrival card;

ii. Producing their passport or other acceptable travel document;

iii. In the case of foreign nationals, if required by an Immigration Officer, producing all or any of the following:
   - Their visa, unless they are visa-exempt;
   - Travel tickets or evidence of onward travel arrangements*;
   - Evidence of funds for maintenance;

iv. Answering truthfully all questions put to him/her by an Immigration Officer during an arrival examination.

* A security deposit/bond can be posted in lieu of a return ticket. The amount of the bond/deposit is equivalent to the cost of a return ticket to the traveller’s home country. Appendix 13 lists the security deposit sums payable by country.

B3.1.2 If the traveller fails to answer truthfully, or to satisfy any of the above conditions, the Immigration Officer should report the person to a Special Inquiry Officer who may use this as sufficient grounds for deportation.

B3.1.3 A person who arrives at, or departs from, a place other than a designated immigration entry port must report to an Immigration Officer immediately after arriving and then comply with the above responsibilities.

B3.1.4 Any person who does not report to an Immigration Officer at a port of entry may be arrested and brought before an Immigration Officer or a Special Inquiry Officer for further
B3.2 Responsibilities of Immigration Officers

B3.2.1 Immigration Officers at ports of entry have the following responsibilities:

i. Processing of arriving passengers for landing and giving general information;

ii. Ensuring that arriving passengers meet entry requirements;

iii. Ensuring that the Immigration cards are properly completed;

iv. Ensuring that any persons against whom a Stop Order has been placed is referred to the appropriate authority (and detained if necessary);

v. Ensuring that persons against whom a Deportation Order or Prohibition Order is in force are not allowed to enter Trinidad and Tobago;

vi. Ensuring that any Trinidad and Tobago citizens being deported from other States are escorted to Immigration for processing;

vii. Checking Customs declaration forms against the passport to ensure that the information on forms is correct;

viii. Extending to passengers courtesies and facilities as directed by the Ministries of Works and Transport, National Security and Foreign Affairs;

ix. Directing passengers to the Health Department where necessary;

x. Processing/reprocessing surviving passengers from vessel accidents/incidents;

xi. Assisting in the supervision of passengers whose vessel may have been the subject of a bomb threat procedure necessitating disembarkation;

xii. Cooperating with internal law enforcement agencies and anti-terrorist organisations with a view to monitoring the movement of terrorists and other clandestine groups.

B3.3 Arrival Checks

B3.3.1 An Immigration Officer at any entry port, whether air or sea, is required to establish the following about all arriving travellers:

i. Their true identity;

ii. The validity of their travel document;

iii. That the travel document belongs to the person presenting it;

iv. Their purpose in coming to Trinidad and Tobago;

v. Their bona fides.

B3.4 Air Arrivals

B3.4.1 The following steps should be followed:

i. Check the flight manifest and watch in particular for any persons of concern or

action.
special interest to Immigration or other agencies;
ii. Once passengers have disembarked from the aircraft, observe them for possible matches to Immigration or other (e.g. terrorism) profiles;
iii. Observation of passengers should continue right up to the time they exit the airport;
iv. Any passenger arousing suspicion or special interest whether landing in, or transiting through, Trinidad and Tobago, should be selected for attention at the Immigration Primary Line (primary inspection).

B3.4.2 In all cases, at the Immigration Primary Line, the Immigration Officer will carry out the following checks:

i. Check the traveller’s details against the passenger manifest or other list supplied by the carrier, if one is available;
ii. Check the passport or other travel document to ensure it is a genuine document and valid for travel to Trinidad and Tobago;
iii. Examine the document for evidence of forgery, falsification, alterations, substitutions, additions, deletions or tampering (see below for tips on document examination);
iv. Check that the date of expiry of the travel document is at least six (6) months from the date of entry and at least two (2) months after the date that the traveller intends to depart Trinidad and Tobago (this is advisory not mandatory);
v. Compare the travel document photograph or digital image with the person presenting it to ensure it is the same person (see below for tips on detecting impostors);
vi. Check that the visa (if one was issued) is valid, and shows no signs of falsification, forgery or tampering;
vii. Check that the Immigration/Customs Card has been correctly completed and signed;
viii. Compare the signature on the Immigration/Customs Card with the one in the passport;
ix. Check the person’s details and the travel document against the Alert List and/or other information, such as Watch List, Black List, etc (be aware that the name may have been misspelled, deliberately or otherwise, and be careful of variations due to transliteration\(^3\) from other scripts, e.g. Arabic, Chinese, Greek, Russian, etc);
x. Where possible, the passport should be scanned into the computer system which will automatically check the person’s details and the travel document against the Alert List.

Note: A proper comparison of the traveller with the photograph or image in the travel document requires that the face and head should be uncovered. Men should be asked to remove their hat, cap or other headwear, if necessary. Women who wear a headscarf or other covering that obscures any part (note continues on pg 45)

\(^3\) Transliteration means the rendering of a name from one alphabet (e.g. Arabic) to another (e.g. Latin). Because there is often no exact equivalent to the sounds of one language in another language, transliteration can result in different spellings of the same word.
of the face, including the ears, should be advised that a proper comparison can only be done with the face uncovered. If necessary, women should be taken to a private area by a trained female officer where they can perform this check in private.

B3.4.3 If the above checks indicate that everything is in order, establish the traveller’s bona fides.

B3.4.4 If the Immigration Officer, after examining a person seeking to enter Trinidad and Tobago, is of the opinion that the person should not be admitted, the officer may either:

i. Make an order for the rejection of such person;
ii. Detain the person pending the submission of a report to a Special Inquiry Officer. (S21(1))

B3.4.5 A person against whom a rejection order is made may give notice of appeal to the Immigration Officer. If this happens, the Immigration Officer must make arrangements for the appeal to be heard by a Special Inquiry Officer. At the same time, the Immigration Officer must decide whether to keep the person in detention or to release him/her on whatever terms and conditions are appropriate in the circumstances. (S21 (2)-(4))

B3.4.6 If the checks indicate a problem with either the person or their documents, refer to later sections of this manual for guidance on how to deal with suspect documents, Alert List matches, impostors, etc.

B3.5 Sea Arrivals (Ships and Yachts)

<table>
<thead>
<tr>
<th>SEAPORTS &amp; SUFFERANCE WHARVES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOCATION</strong></td>
</tr>
<tr>
<td>Brighton/La Brea</td>
</tr>
<tr>
<td>Carenage/Tembladora</td>
</tr>
<tr>
<td>Chaguaramas</td>
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<tr>
<td>Chaguaramas</td>
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<td>Location</td>
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<td>Chaguaramas</td>
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<tr>
<td>Chaguaramas/Point Gourde</td>
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<tr>
<td>Claxton Bay</td>
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<tr>
<td>Cronstadt</td>
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<tr>
<td>Galeota Point</td>
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<tr>
<td>Point Lisas/Goodrich Bay</td>
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<tr>
<td>Point Lisas/Savonetta</td>
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<tr>
<td>Point-a-Pierre</td>
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</tbody>
</table>


<table>
<thead>
<tr>
<th>Location</th>
<th>Company</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port of Spain, East Sea Lots</td>
<td>National Petroleum Company</td>
<td>Sufferance wharf</td>
</tr>
<tr>
<td></td>
<td>Limited</td>
<td></td>
</tr>
<tr>
<td>Port of Spain, King’s Wharf Ext.</td>
<td>Trinstores Limited</td>
<td>Sufferance wharf</td>
</tr>
<tr>
<td>Port of Spain, Sea Lots</td>
<td>National Fisheries Corporation</td>
<td>Customs facilities to import fish</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>International Foods Limited</td>
<td>Customs facilities to import fish</td>
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<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brighton</td>
<td>LABIBCO</td>
<td>Sufferance wharf for handling crude oil and oil products</td>
</tr>
</tbody>
</table>

B3.5.1 Sea arrivals comprise the crews as well as any passengers of ships arriving from ports outside Trinidad and Tobago. Responsibility for processing arrivals, whether yachts, passenger/cruise ships or cargo ships, at international marine port facilities is shared between Immigration, Customs and Quarantine.

B3.5.2 Boarding procedures consist of two elements:

   i. The physical boarding of the vessel;
   ii. The Immigration-processing of the passengers and crew.

B3.5.3 Immigration Officers normally board the vessel in the company of Customs and Port Health officers. When boarding a vessel, an Immigration Officer should carry the following:

   i. Official ID prominently displayed;
   ii. Watch List;
   iii. Official stamps;
   iv. Visa Requirements booklet;
   v. Supply of boarding forms;
   vi. Supply of arrival and departure passenger cards;
   vii. Any safety clothing or equipment that may be needed.
B3.5.4 Boarding is normally carried out in the following circumstances:

i. Advance notice is received of the expected arrival of a vessel, together with a request for Immigration services. This is normally done in the case of passenger ships, oil tankers, bulk carriers, container vessels and chemical tankers;

ii. Vessels, especially those under 100 tons, arriving without prior notice. These are usually inter-island schooners arriving at Port of Spain, foreign yachts arriving at Chaguaramas, Scarborough or Charlotteville, and Venezuelan open boats arriving at Port of Spain, Chaguaramas, San Fernando and Cedros.

B3.5.5 Except for vessels which ply solely between ports in Trinidad and Tobago, the master of every vessel which arrives in Trinidad and Tobago shall exhibit the Immigration Examination Signals following:

i. By day, the letter “Q” shown by means of a signal flag;

ii. By night, two lights coloured red over white in a vertical line one over the other, spaced not more than six (6) feet (1.8 metres) apart and visible from all parts of the horizon at a distance of not less than one (1) mile.

B3.5.6 Regulation 5 prohibits any agent, or person acting on behalf of the transportation company, from:

i. Boarding a vessel which is in port or in the territorial waters of Trinidad and Tobago until all passengers and crew have been examined by an Immigration Officer;

ii. Entering the controlled area of any Immigration Station unless authorised in writing or orally by the Chief Immigration Officer or the Immigration Officer in charge.

B3.5.7 On boarding a vessel, the Immigration Officer is required to check the following:

i. The vessel is displaying the Immigration Examination Signal;

ii. The clearance particulars from the last port are in accordance with the present status of the vessel – e.g. duration of time for journey, number of crew, etc;

iv. The Deratting Certificate is still valid;

v. All on board are in good health;

vi. The crew list is a true reflection of personnel on board;

vii. Whether any crew members are nationals of Second Schedule countries;

viii. Whether there are any Watch-Listed persons on board;

That all passports are valid.
B3.5.8 Immediately after the arrival of the ship in Trinidad and Tobago from a foreign port, the master is required to provide the following documents to the Immigration Officer in charge:

i. General Declaration (Arrival Report);
ii. Clearance Certificate from the last port of call;
iii. Crew list in duplicate including supernumeraries;
iv. Stowaways list;
v. Passenger list in duplicate showing ports of embarkation;
vi. In-transit passenger list in duplicate showing ports of embarkation and disembarkation;

**Note:** The lists of passengers and crew should also be obtained in electronic form so that the data can quickly be uploaded into the Border Management System (BMS). This will avoid laborious manual data entry and allow any necessary checks (e.g. of the Alert List) to be carried out electronically.

B3.5.9 The master shall ensure that each passenger whose name appears on the ship’s manifest is in possession of his/her passport or other valid (and unexpired) travel document, and that each such person delivers to the Immigration Officer a completed Immigration Card.

B3.5.10 It is an offence for the master of a vessel to allow any person who arrives in the vessel to land without permission by an Immigration Officer in charge of the port of entry or by an Immigration Officer authorised by him.

B3.5.11 “Free Pratique” is granted only after the health requirements are satisfied. At the ports of Chaguaramas, Port of Spain, Scarborough and Charlotteville, Immigration Officers are appointed as visiting officers acting on behalf of the Port Health authorities for the purpose of granting “Free Pratique”.

B3.5.12 The master of a vessel, shall upon the arrival of the vessel at a port of entry, if so required by an Immigration Officer, muster the crew in the presence of the officer and produce to him/her, the passports of every person who arrived on the vessel.

B3.5.13 Immigration Officers may inspect any vessel bringing or taking persons to or from Trinidad and Tobago, examine the persons and their baggage carried by it, examine any records or documents relating to such persons, take copies or extracts, and hold and detain the vessel until an inspection and examination are completed.

B3.5.14 For the purpose of exercising their powers and carrying out their duties under the Immigration Act, Immigration Officers may:

i. Without a search warrant, enter upon and search any vessel in Trinidad and Tobago;
i. Question, within the scope of their functions under the Immigration Act, any person who desires to enter or leave Trinidad and Tobago or who they believe is in Trinidad and Tobago otherwise than in accordance with the provisions of the Act.

B3.5.15 Crew/passengers may be directed to the Health Department, if necessary.

B3.5.16 People who wish to remain in Trinidad and Tobago for long periods may be asked to submit documentary evidence to the satisfaction of the Immigration Officer as to how they intend to support themselves.

B3.5.17 Bona fide crew of yachts may be routinely allowed to remain in Trinidad and Tobago for the June-December hurricane season.

Note: Under domestic legislation, crew members who need a pre-issued visa can only be granted shore leave if they have the necessary visa. A visa is not required if the crew member is joining the ship in Trinidad and Tobago or repatriating.

B3.5.18 Shore leave cannot be granted to crew arriving on locally-based vessels. Their journey ends at the time of arrival and all crew have to be signed off the vessels.

B3.5.19 All crew changes must be carried out with the master’s consent.

B3.5.20 Any master of a vessel - who wishes to leave his/her vessel in Trinidad and Tobago and return without a valid return ticket for the country of which he/she is a citizen or resident - must first obtain a letter from the marina/boatyard administration where the vessel is housed indicating this, and have it endorsed by an Immigration Officer before departure. On return, the letter with the Immigration Officer’s endorsement must be presented to immigration at the port of entry.

B3.5.21 Any master of a vessel who wishes to obtain an extension of his/her stay, for the purpose of repairs/maintenance to the vessel, may be requested to provide documentary evidence in support. Subject to normal Immigration requirements being met, a stay of up to six (6) months may be granted. If they need to stay longer than six (6) months, they can apply for an extension.

B3.5.22 The master of any vessel, who wishes to proceed with the vessel, to any place other than the port of entry, must report to the Immigration Officer at the port of entry and inform the officer. The Immigration Officer will provide the master with a copy of the arrival report, the crew list and temporary clearance certificate. The master will be required to present these documents to the Immigration Officer at the next port of call in Trinidad and Tobago, to demonstrate that Immigration formalities have already been completed.

B3.5.23 Before a member of a crew is signed off any vessel, a master employing such
person shall make a deposit or enter into a bond in the designated form, in favour of the Comptroller of Accounts, as may be required by the Immigration Officer in charge, in such amount that would cover the cost of his repatriation.

B3.5.24 Where a permitted entrant is in the opinion of the Minister, a person who came into Trinidad and Tobago as a member of a crew and, without the approval of an Immigration Officer or beyond the period approved by such an officer, remains in Trinidad and Tobago after the departure of the vessel on which he came into Trinidad and Tobago; the Minister, may at any time declare that such a person has ceased to be a permitted entrant.

**B3.6 Special Arrangements at Chaguaramas and Cedros**

B3.6.1 The following are highlighted because of their singular nature of operations:

**Chaguaramas:**

i. People who are staying in Trinidad and Tobago for long periods must submit documentary evidence to the satisfaction of the Immigration Officer as to how they intend to support themselves;

ii. All crew changes must be carried out with the master’s consent;

iii. All vessels arriving on Temporary Certificates must be entered in the log promptly and a note placed on the P&I 53 form as to the date it was entered;

iv. Extension slips must be batched monthly;

v. A note must be placed on the P&I 53 form after an extension is granted as to the period given;

vi. When crew members are signed on, their ED cards only must be endorsed with the embarkation stamp and then their passports are endorsed with the shore leave/extension;

vii. Bona fide crew members may be allowed to remain for the June-December hurricane season;

viii. Visas/Visa waivers are to be issued where and when applicable;

ix. A Receipt Book Stock Register must be maintained by entering all receipt books received, started and completed;

x. After entry in the IDPS (ID Processing System), a note must be placed on the P&I 53 form (boarding and/or clearance);

xi. A Monthly Return for crew signing on/off must be entered on a daily basis;

xii. For extension appointments, full name, maiden name, date of birth and nationality must be provided.

**Cedros:**

i. Shore leave cannot be granted to crew members arriving on locally-based
vessels. The journey ends at the time of arrival and all crew members have
to be signed off;

ii. Crew members of foreign vessels are to be interviewed (as is procedure
for passengers arriving at Piarco) for these small open boats, that arrive
without cargo, are ferrying passengers or are here to shop. These vessels
require, for the maximum, two crew members. The remainder on board
would be passengers, though they are almost always declared as crew
members by the master;

iii. The same principles and procedures governing day-to-day operations, as
listed above for Chaguaramas, should be applied for operations at Cedros.

### B3.7 Stowaways

B3.7.1 The master of any vessel arriving in Trinidad and Tobago from a foreign port shall
report immediately on the arrival of the vessel, to the Immigration Officer in charge, the
presence of any stowaways on board.

B3.7.2 If a stowaway is on board the vessel, the master is responsible for holding them
there pending the departure of the vessel from Trinidad and Tobago, and will not permit
the stowaway to leave the vessel without the written permission of an Immigration
Officer.

B3.7.3 If the stowaway is carrying valid documents, such as a passport, that establish
his/her identity and nationality, and wishes to leave by air, the Senior Immigration Officer
may facilitate the transfer to the international airport under escort.

B3.7.4 Where the stowaway has no identification documents, or those documents are
forged or fraudulent, the stowaway will not be allowed to leave the vessel.

B3.7.5 As part of the departure procedures, Immigration Officers are required to check
that any stowaway is still on board.

B3.7.6 If a stowaway escapes from a vessel, the master of the vessel must report the
escape to the Immigration Officer immediately.

### B3.8 Deserters

B3.8.1 Where a crew member deserts his vessel while in Trinidad and Tobago the
Immigration Officer, in charge of the port of entry concerned, may require the vessel
owner or master to deposit with him such a sum of money as he considers necessary
as security for the return of such a member to the vessel, or for his deportation or other
departure from Trinidad and Tobago.

B3.8.2 Where any vessel arrives in Trinidad and Tobago carrying a non-national on
an onward journey, but this person fails to continue their journey as prescribed and in
circumstances from which it may reasonably be inferred that they have remained in the country without the consent of an Immigration Officer, the master of such a vessel shall, as soon as practicable, notify the nearest Immigration Officer of the deserter, and shall deposit with the Chief Immigration Officer (if required by him to do so) such a sum of money as is determined by the Chief Immigration Officer to be used in defraying the costs of the detention and deportation of such a person.

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**B3.9 Health Requirements (General)**

B3.9.1 The Immigration Act lays down the health requirements for visitors. In general, foreigners can be refused entry if they:

i. Suffer from a mental disability or disorder;
ii. Their health condition is likely to be a danger to public health (e.g. because suffering from a dangerous and contagious disease);
iii. They are likely to be a danger to public safety (e.g. suffering from serious mental illness);
iv. They are likely to place excessive demands on Trinidad and Tobago’s scarce medical and hospital facilities.

B3.9.2 In cases of doubt as to a person’s fitness to be admitted into Trinidad and Tobago on health grounds, the matter should be referred to the relevant health authorities. The Immigration Act (S19) provides for medical officers to examine the mental and/or physical condition of arriving foreign nationals and provide a report to Immigration Officers.

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**B3.10 Character Requirements**

B3.10.1 All applicants for Trinidad and Tobago visas and permits must be of good character and not pose a potential security risk. Foreign nationals can be denied entry:

i. On grounds of criminality or organised criminality;
ii. Because they pose a security risk;
iii. Because of involvement in war crimes or human rights violations.

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**B3.11 Bona Fide Requirement**

B3.11.1 A bona fide applicant for temporary entry is a person who:

i. Genuinely intends a temporary stay in Trinidad and Tobago for a lawful purpose;
ii. In the opinion of a Consular or Immigration Officer is not likely to remain in Trinidad and Tobago unlawfully, or to breach the conditions of any visa or permit granted, and has the means and intention to return home.

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4 This requirement applies equally to people who do not need a visa for Trinidad and Tobago, except citizens.
B3.11.2 The fact that all the mandatory requirements for filing an application for a temporary visa or permit are met is not, in itself, a reason for a Consular or Immigration Officer to approve the application.

B3.11.3 When determining whether or not an applicant for a temporary visa or permit is a bona fide applicant, Consular or Immigration Officer must take into account:

i. All the evidence submitted by the applicant;

ii. Any relevant information held about previous applications, including:
   • Whether the applicant has previously overstayed;
   • Whether the applicant has previously breached visa or permit conditions;
   • Whether the applicant has dependants who are unlawfully in Trinidad and Tobago;

iii. The personal circumstances of the applicant, including:
   • The strength of any family ties in the home country and Trinidad and Tobago;
   • The nature of any personal, financial, employment or other commitments in the home country and Trinidad and Tobago;
   • Any circumstances that may discourage the applicant from returning to his/her home country when any permit expires.

B3.11.4 Having taken into account all the above matters that are relevant to the particular case, the type of temporary visa or permit applied for, and any other relevant information, Consular or Immigration Officer must then determine whether or not an applicant is a bona fide applicant.

B3.12 Allowing a Person to Enter

B3.12.1 When all checks are satisfactorily completed, the appropriate notation is stamped in the travel document, ensuring that the permitted period of stay is clearly stated.

B3.13 Inadmissible Persons

B3.13.1 An Immigration Officer is authorised to prohibit the entry into Trinidad and Tobago of certain categories of persons, including persons considered to be a health risk; security risk; engaged in the use and/or sale of illicit drugs; likely to be a charge on public funds; and practicing or living on the earnings of prostitution. The detailed listing of persons in the Prohibited Class is at Section 8 (1) of the Immigration Act.

B3.13.2 Section 8(1) of the Immigration Act declares that the following classes of foreign nationals (except residents) are barred from entering Trinidad and Tobago:

“(a) Persons who are idiots, imbeciles, feeble-minded persons, persons suffering from dementia and insane persons and who are likely to be a charge on public funds;
(b) Persons afflicted with any infectious or dangerous disease;

(c) Persons who are dumb, blind or otherwise physically defective, or physically handicapped, which might endanger their ability to earn a living or render them likely to become charges on public funds;

(d) Persons who have been convicted of or admit having committed any crime which, if committed in Trinidad and Tobago would be punishable with imprisonment for one or more years;

(e) Prostitutes, homosexuals or persons living on the earnings of prostitutes or homosexuals, or persons reasonably suspected as coming to Trinidad and Tobago for these or any other immoral purposes;

(f) Persons who are reasonably suspected of attempting to bring into Trinidad and Tobago, or of procuring, prostitutes or other persons for the purpose of prostitution, or homosexual, or other immoral purposes;

(g) Habitual beggars or vagrants;

(h) Persons who are likely to become charges on public funds;

(i) Persons who are chronic alcoholics;

(j) Persons who are addicted to the use of any drug;

(k) Persons who are engaged, or at any time have been engaged, or are suspected on reasonable grounds of being likely to engage, in any unlawful giving, using, inducing other persons to use, distributing, selling, offering or exposing for sale, buying, trading or trafficking in any drug;

(l) Persons who are or have been at any time before or after the commencement of this Act advocates of the overthrow by force or violence of the established Government of Trinidad and Tobago or any other country, or of all forms of law, or who advocate the abolition of organised government, or who advocate the assassination of public officials or who advocate or teach the unlawful destruction of property, or who are or have been members of or affiliated to any organisation which entertains and preaches any of the doctrines and practices specified in this paragraph;

(m) Persons concerning whom there are reasonable grounds for believing they are likely to engage in espionage, sabotage or any other subversive activity of any kind directed against Trinidad and Tobago or detrimental to the security of Trinidad and Tobago;

(n) Persons, not included in any other prohibited class, who are certified by a medical officer as being mentally or physically abnormal to such a degree as to impair their ability to earn a living;
(o) Persons who have been reasonably suspected of engaging in treasonable activities against Trinidad and Tobago or of assisting enemies in time of war;

(p) Persons who cannot or do not fulfill or comply with any of the conditions or requirements of this Act or the regulations or any orders lawfully made or given under this Act or the regulations;

(q) Any person who from information or advice which in the opinion of the Minister is reliable information or advice is likely to be an undesirable inhabitant of, or visitor to Trinidad and Tobago.”

Note: The Minister or his delegate can authorise the entry into Trinidad and Tobago of persons transiting through under guard to another country. Such authorisation must be in writing. (S8(2))

B3.14 Other Persons who May be Refused Entry

B3.14.1 Entry should be refused in the following circumstances:

i. The Immigration Officer is not satisfied, on reasonable grounds, that the traveller meets normal entry requirements (including health and character);
ii. The traveller’s bona fides are in doubt;
iii. The travel document is not valid or acceptable for any reason (for example, too close to the expiry date, insufficient blank pages for visas, stamps, etc);
iv. There is doubt about the identity of the traveller;
v. The traveller does not have a return ticket or sufficient funds for the period of intended stay (for visitors);
vi. The traveller’s name appears on any Alert List or other information as someone who should be denied entry;
vii. The traveller’s travel document is listed on any Alert List or other information as unacceptable for any reason.

B3.14.2 In cases of doubt, an Immigration Officer should refer the details to a more senior officer for further investigation and decision, as appropriate.

B3.14.3 Exceptions may be made in the special cases outlined in the following section.

B3.15 Special Cases

5 Trafficking in human beings – “The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the 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 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.

Victim of trafficking - One who has been trafficked and fits into the above circumstances.

Other persons in need of international protection – A person who has fled his/her country due to persecution, generalised violence, armed conflict situations, or other man-made disasters. This type of person often flees in a group and is sometimes referred to as a de facto refugee.

Compelling circumstances – Situations that exert a strong, irresistible force on an officer to sway or make a decision outside of the norm.
B3.15.1 A special case can include:

i. Anything of a classified and/or politically sensitive nature;
ii. A victim of human trafficking or smuggling;
iii. Other persons in need of international protection, such as refugees;
iv. Other cases involving compelling circumstances.

B3.15.2 People falling into one of the above categories should not be automatically denied entry, but should be referred to the senior officer at the post for further action including, where appropriate, detention of the person and referral to law enforcement agencies.

### B3.16 Entry Under Minister’s Permit

B3.16.1 The Minister may issue a written permit under S10 authorising any person to enter Trinidad and Tobago or, if the person is already in the country, to remain in Trinidad and Tobago, for reasons he deems appropriate. The classes of persons that may be covered by such a permit include the following:

i. Persons described in S8(1)(a) or (b) (i.e. persons suffering from mental illness or disability, infectious diseases, etc) if the Minister is satisfied in each case that:
   • The person is unlikely to become a charge on public funds;
   • Members of a family in Trinidad and Tobago have given satisfactory security against the person’s becoming a charge on public funds;
   • Except in the case of people described in S8(1)(a) for whom satisfactory security has been provided by family members, the Minister responsible for Health has agreed to their treatment and care at an appropriate facility in Trinidad and Tobago;

ii. Persons described in S8(1)(l) (i.e. persons who may been involved in subversive activities or members of subversive organisations) if satisfied that such persons have ceased to be members of or associated with such organisations, groups or bodies and that entry of such persons would not be detrimental to the security of Trinidad and Tobago;

iii. Persons to provide care (paid or unpaid) to a citizen or resident in special circumstances, including compassionate and humanitarian grounds;

iv. Refugees/asylum seekers, as approved by the Minister;

v. Deported persons requesting admission in cases of emergency (e.g. death of a close relative).

B3.16.2 The Minister can impose such terms and conditions on the holder of such a permit as he thinks fit, and can at any time, in writing, extend, vary or cancel a permit.

B3.16.3 The maximum period for which such a permit may be issued is 12 (twelve) months. While the permit is in force, any deportation order against the person cannot be executed.

B3.16.4 If the Minister cancels a permit, or when such a permit expires, the Minister can
make a Deportation Order against the person. There is no right of appeal against such a Deportation Order.

### B3.17 Trinidad and Tobago Citizens

B3.17.1 If a person arrives at the border with a foreign passport or without any travel documents at all and claims to be a citizen of Trinidad and Tobago, the onus is on the person making the claim to prove that he/she is a citizen. To assist Immigration Officers to come to a decision, the criteria for determining if a person is a citizen or entitled to the citizenship of Trinidad and Tobago, are repeated below for ease of reference:

<table>
<thead>
<tr>
<th>Citizenship by:</th>
<th>Authority</th>
<th>Documentary Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth</td>
<td>A person born in Trinidad and Tobago subject to Section 17 (2) of the Constitution Chapter 1:01.</td>
<td>Birth certificate, identification card or passport.</td>
</tr>
<tr>
<td>Descent (1)</td>
<td>A person born outside Trinidad and Tobago of a citizen of Trinidad and Tobago other than by descent subject to Section 17 (3) of the Constitution Chapter 1:01.</td>
<td>Certificate of Registration as a Trinidad and Tobago citizen or Certificate of Citizenship</td>
</tr>
<tr>
<td>Descent (2)</td>
<td>A child who was born outside Trinidad and Tobago of a citizen of Trinidad and Tobago by descent and who was granted, on application, a Certificate of Citizenship of Trinidad and Tobago in accordance with Section 5(1) of the Citizenship Act Chap 1:50.</td>
<td>Certificate of Citizenship</td>
</tr>
<tr>
<td>Registration</td>
<td>A person who is registered as a citizen of Trinidad and Tobago in accordance with Sections 7(1), 8(1) and 8 (2) of Citizenship Act Chapter 1:50.</td>
<td>Registration Certificate</td>
</tr>
<tr>
<td>Naturalisation</td>
<td>A person who is a naturalised citizen of Trinidad and Tobago in accordance with Section 12(1) of Citizenship Act Chapter 1:50.</td>
<td>Certificate of Naturalisation</td>
</tr>
<tr>
<td>Reacquisition</td>
<td>A person, who reacquired Trinidad and Tobago citizenship by the grant of a Certificate of Citizenship in accordance with Section 11 (2) of the Citizenship Act Chapter 1:50.</td>
<td>Certificate of Citizenship</td>
</tr>
<tr>
<td>Restoration</td>
<td>A person whose Trinidad and Tobago citizenship was restored by the grant of a Certificate of Restoration of Citizenship in accordance with Section 11 (2B) of the Citizenship Act Chapter 1:50.</td>
<td>Certificate of Restoration of Citizenship</td>
</tr>
</tbody>
</table>
Adoption

A minor who was adopted in Trinidad and Tobago by a citizen of Trinidad and Tobago in accordance with Section 6 of Citizenship Act 1:50.

Certificate of Registration or Citizenship

B4. Transit Passengers

B4.1 Air Arrivals

B4.1.1 People arriving by air and transiting Trinidad and Tobago on their way to some other destination do not require a visa, provided that they do not leave the airport or they remain under the control of an Immigration Officer or airline carrier. However, Second Schedule countries require compulsory visas to transit Trinidad and Tobago.

B4.1.2 Eligible passengers who wish to leave the airport must obtain a visa from a Trinidad and Tobago mission abroad, unless they are eligible for visa-free entry.

B4.1.3 Section 9(1)(c) of the Immigration Act gives the power to an Immigration Officer to “allow to enter Trinidad and Tobago on such conditions and for such periods as may be fit and proper in any particular case”. The general policy in the case of bona fide transiting passengers wishing to leave the airport is that they may be granted a stay of up to seven (7) days. This is subject to the availability of flights to their destination. (N.B. Be wary of abuses of visa requirements.)

B4.1.4 However, before transit passengers are admitted, an Immigration Officer should ensure that the person has:

i. An onward ticket to a destination outside Trinidad and Tobago;
ii. Valid documents as for other arriving passengers;
iii. Any necessary visas or entry permit for the person’s next destination.

B4.2 Ship Arrivals

B4.2.1 In general, people arriving by ship or other watercraft on their way to another country and who wish to leave the ship are also required to obtain a visa before travelling, unless they are eligible for visa-free entry.

B4.2.2 In some cases, ships are escorted by Immigration Officers from one Trinidad and Tobago port to another. In such cases, transiting passengers do not require a transit, or other visa, for as long as they remain under the control of an Immigration Officer.

B5. Passport Inspection

(see also Appendix 1: Travel Documents)
B5.1 Document Examination

B5.1 Document examination can take place at up to four levels:

i. Level 1 - by the Immigration Officer at the entry point, usually referred to as the *Primary Line Officer*, often with the assistance of basic hand-held equipment, such as a magnifying glass, UV light and lamina examiner;

ii. Level 2 - by a more senior/experienced officer at the checkpoint, using slightly more sophisticated equipment, in the “back office”;

iii. Level 3 - by a forensics expert using sophisticated laboratory equipment;

iv. Level 4 - by the manufacturer in special cases.

B5.1.2 The most important inspection of a document happens at Level 1. The reason is that unless an irregularity is detected at this level, no further inspections are possible.

B5.1.3 The following guidelines are designed to assist Immigration Officers to identify the more common and obvious types of document fraud, falsification and tampering. It is assumed that officers will undergo training in this aspect of their work and that they will have at their disposal a minimum set of equipment - consisting of a magnifier with backlight, ultra-violet light and a lamina examiner.

B5.1.4 Inspection of a passport should be approached in a disciplined and systematic way, to ensure that nothing important is missed, noting in particular the following areas:

i. The cover;

ii. The book itself;

iii. The pages;

iv. Bio-data page’s luminosity;

v. Personal particulars (bio-data) page;

vi. Passport number;

vii. Photo or image (substitution?);

viii. Lamina;

ix. Print quality;

x. Micro-line printing;

xi. Security fibres;

xii. Binding and stitching;

xiii. Misspelling of words;

xiv. Travel history;

xv. Production quality.

Notes:

i. If a known genuine document is available, compare any suspect document with the original.

ii. A possible indicator of a forgery is sometimes the day of the week on which it is purported to have been issued. The Perpetual Calendar at Appendix 2 can be consulted for this purpose. Normal practice is for passports to be issued on a working day (i.e. Monday to Friday), but note that in some places (e.g. Islamic countries) the working week may not be Monday to Friday.
B5.2 Dealing with Suspect Documents

B5.2.1 The Primary Line Immigration Officer checks the features of the passport, and:

i. If the officer is satisfied that the document is satisfactory and all other conditions are met, he/she allows the person to enter;
ii. If the document is suspicious, the officer refers the matter to the supervisor for further examination.

B5.2.2 The supervisor examines the passport at the secondary inspection point, and:

i. If no problem is identified, he/she allows the person’s entry into Trinidad and Tobago;
ii. If a problem is identified, the supervisor refers the matter to the Intelligence Unit for specialised examination.

B5.2.3 Where the appropriate equipment is available, all relevant documents should be scanned, and the person’s fingerprints and photograph taken. The person may be detained pending further investigation.

B5.2.4 Under the Chicago Convention (ICAO chapter 3 s3.56), the immigration authorities have an obligation to confiscate a fraudulent document and to notify the issuing country of this fact. Therefore, if the document is shown to be fraudulent, then:

i. The fraudulent document should be confiscated, quoting the Chicago Convention as the authority;
ii. If the foreign national is not an asylum claimant, the officer notifies the country of issuance of the fraudulent passport;
iii. If prosecution is not being pursued in Trinidad and Tobago, the person is removed on an acceptable travel document (such as an ICAO-recommended document);
iv. The supervisor registers the passport in the Log Book, makes a photocopy of all the pages and advises any law enforcement agencies with a possible interest in the matter;
v. If the foreign national is prosecuted, he/she is likewise removed after prosecution, on an acceptable travel document (such as an ICAO document);
vi. The fraudulent passport is returned to the country of issuance. If a prosecution is likely, the passport should be retained for evidence and only returned to the country of issuance after all legal action has been completed. If the country has no diplomatic representation in Trinidad and Tobago, immigration authorities should consult the Ministry of Foreign Affairs.
B5.2.5 If there is no evidence of fraud but doubt still remains, and the person is not an asylum claimant (see separate provisions), the passport is returned to the holder.

**B5.3 Forged Documents**

B5.3.1 Foreign nationals presenting forged documents on arrival should also be denied entry. Such a document should not be returned to the person presenting it but it should be retained with a view to returning it to the country that is purported to have issued it.

**B6. Impostor Detection**

**B6.1 How to Detect Impostors**

B6.1.1 Criminals and others sometimes use another person’s passport to cross international borders. They are known as impostors and typically select someone with whom they share certain physical characteristics, to minimise the risk of detection.

B6.1.2 In order to detect an impostor, it is important to concentrate your attention on the few basic characteristics which do not change much over time and which are fairly unique in each individual. You should follow these steps:

i. Compare the photograph to the face of the person in front of you;

ii. Divide the face into segments: eyes, ears, nose, lips and mouth, shape of the face (jawline and chin), and any facial marks;

iii. Look at each of these segments and compare the photograph to the person, allowing for:

- Changes caused by aging, such as hair loss or wrinkles;
- Weight loss or gain;
- Effect of hair style and make up (for both men and women).

B6.1.3 Please refer to the separate *Passport Examination Procedure Manual* for detailed instructions on how to detect impostors.

**B6.2 Dealing with Impostors**

B6.2.1 If the Primary Officer considers that the traveller is an impostor, the suspected impostor should be escorted to a secure area for a secondary inspection by the senior officer at the post or the Anti-Fraud Unit.

B6.2.2 If the senior officer confirms that the traveller is an impostor, then:

i. The passport is retained for return to the issuing country as a stolen document;

ii. Unless the person is an asylum claimant, he/she is refused entry but the officer in charge has to decide whether to take the person into custody for possible
prosecution, or simply return him/her to his/her country of nationality or residence, in which case an ICAO document may be issued;

iii. If the person arrived by air or by sea, the airline or shipping company concerned should be requested to return the person to the port of embarkation.

B6.3 Dealing with Persons Returned from Third Country with Fraudulent Passport

B6.3.1 If a person is being returned from a third country because they attempted to enter that country using a fraudulent passport after leaving Trinidad and Tobago, the following procedures should be followed:

(A) The person is a foreign national

i. The airline communicates to Trinidad and Tobago Immigration Authorities that the person has been refused entry to the third country;

ii. The person is returned to Trinidad and Tobago;

iii. The person is escorted to immigration;

iv. The receiving Immigration Officer refers the person to the supervisor;

v. The supervisor interviews the person with a view to establishing the identity of the person, and identifying the source of the fraudulent document, as well as the modus operandi for committing the fraud;

vi. The supervisor takes a record of the person’s statement;

vii. If the document is available, the supervisor examines the document and registers it as evidence;

viii. If it is established that the person departed from Trinidad and Tobago using the forged passport, the person may be charged with unlawful departure;

ix. If the identity of the person is not yet established, the Intelligence Unit interviews the detainee to determine their identity and nationality, port of embarkation, etc;

x. If the supervisor is satisfied that the person is not an asylum claimant, the Immigration Division contacts the relevant Embassy for issuance of acceptable travel documents to allow the person to be deported;

xi. If an acceptable travel document cannot be obtained, the Immigration Division can arrange for the issuance of an ICAO single travel document for the purpose of removal;

xii. The person is removed from Trinidad and Tobago and the fraudulent travel documents are returned to the country purported to have issued them, through the Ministry of Foreign Affairs representative.

(B) The person is a Trinidad and Tobago citizen

The same procedure will be followed as for non-nationals, except for the removal

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6 The same procedure applies when the fraud involves a Trinidad and Tobago citizen or a forged/false passport.

7 Please note that the person may have left Trinidad and Tobago using a genuine travel document but only used the forged one when trying to enter another country. The departure would be lawful and only the attempted entry into the other country unlawful.
of the person from Trinidad and Tobago.

**B7. Departure Procedures (see note at base of page)**

**B7.1 Examination of Departing Passengers**

B7.1.1 On departure, passengers are responsible for:

i. Presenting themselves to an Immigration Officer with a completed departure card and a valid boarding pass for the ship or aircraft;

ii. Presenting their passport or other acceptable travel document to an Immigration Officer.

B7.1.2 The procedure at the point of departure is similar to that for arrivals, especially with respect to examining the documents and the person. If everything is in order, the travel document is stamped with an exit stamp and the person is allowed to leave. The procedure will include the following steps:

i. Establish the following about departing travellers:

   • Their true identity;
   • The validity of their travel document;
   • That the travel document belongs to the person presenting it.

ii. Carry out the following checks (see Passport Examination Procedure Manual):

   • Check the passport or other travel document to ensure it is a genuine document;
   • Examine the document for evidence of forgery, falsification, alterations, substitutions, additions, deletions or tampering;
   • Compare the travel document photograph or digital image with the person presenting it to ensure it is the same person;
   • Check that the departure card has been correctly completed and signed;
   • Compare signature on departure declaration card with the one in the passport;
   • Check the person’s details and the travel document against the Alert List and/or other information, such as Watch List, Black List, etc;
   • At computerised checkpoints, the passport should be scanned into the computer system which will automatically check the person’s details and the travel document against the Alert List.

iii. If the travel document is suspicious:

   • Refer the matter to the supervisor for further examination;
   • If the supervisor cannot resolve the matter, it is referred to the Intelligence Unit.

**Note:** Exit clearance is not as a general practice (particularly at international airports) conducted as at printing date, but is being considered by the Trinidad and Tobago Government.
for specialised examination;
• Where the appropriate equipment is available, all relevant documents should be scanned, and the person’s fingerprints and photograph taken;
• The person may be detained pending further investigation.

iv. If the document is shown to be fraudulent, then:

• The fraudulent document should be retained, quoting the Chicago Convention as the authority;
• If the foreign national is not an asylum claimant, the officer notifies the country of issuance of the fraudulent passport;
• If prosecution is not being pursued in Trinidad and Tobago, the person is removed on an acceptable travel document (such as an ICAO-recommended document);
• The supervisor registers the passport in the Log Book, makes a photocopy of all the pages and advises any law enforcement agencies with a possible interest in the matter;
• If the foreign national is prosecuted, he/she is likewise removed after prosecution, on an acceptable travel document (such as an ICAO document);
• The fraudulent passport is returned to the country of issuance. If a prosecution is likely, the passport should be retained for evidence and only returned to the country of issuance after all legal action has been completed. If the country has no diplomatic representation in Trinidad and Tobago, Immigration authorities should consult the Ministry of Foreign Affairs.

v. Any forged document presented on departure should not be returned to the person presenting it but should be retained with a view to returning it to the country that is purported to have issued it.

vi. If the primary officer considers that the traveller is an impostor, he/she should be escorted to a secure area for a secondary inspection by the senior officer at the post or the Anti-Fraud Unit.

vii. If the senior officer confirms that the traveller is an impostor, then:

• The passport is retained for return to the issuing country as a stolen document;
• The officer in charge decides whether to take the person into custody for possible prosecution or simply return him/her to his/her country of nationality or residence, in which case an ICAO document may be issued.

B7.2 Air Departures

B7.2.1 The current practice is for departure formalities at airports to be carried out by airline carriers. It is therefore important that Immigration Officers stay in regular contact with
airlines, to ensure that those formalities are being carried out correctly and that the required documentation is accurate, complete and timely. In particular, under Reg 33 airlines are responsible for collecting and/or providing the following documents to Immigration:

i. Manifest of departing passengers;
ii. Manifest of in-transit passengers;
iii. Completed departure cards;
iv. A General Declaration (outward/inward) showing the flight routing and Declaration of Health, in the form set out as Form 14.

B7.2.2 Departure clearance by Immigration can be granted to an airline for a particular flight only after the necessary documentation has been provided.

### B7.3 Ship Departures

B7.3.1 All passengers and crew seeking to leave Trinidad and Tobago may be required to report to an Immigration Officer, to complete an Immigration Departure Card and submit their travel documents and other papers for examination.

B7.3.2 Every person intending to disembark in, or embark from, Trinidad and Tobago - if required to do so by an Immigration Officer - must produce for inspection his/her passport, visa, document evidencing permission to enter any country or other document of a like nature in his/her possession.

B7.3.3 The local representative, or master of any vessel leaving Trinidad and Tobago for any other country, must apply for a clearance certificate and deliver to the Immigration Officer before departure, a manifest of all passengers in the designated form. The documents required for departing ships are:

i. General Declaration (Departure Report) in the form set out as Form 5;
ii. Notice as to the expected departure of the ship in the form set out as Form 16;
iii. Crew lists (Form 11). This must list the names of all persons on the vessel at the time of departure and also the names of those who have been discharged, who have been left ashore, in hospital, or who have died, and of those who have deserted;
iv. Passenger manifest;
v. A statement recording any change in crew, prior to departure;
vi. Manifest of in-transit passengers;
vii. Grant of Clearance Form 27.

B7.3.4 The master of a vessel arriving in Trinidad and Tobago from a foreign port is required, immediately before departure from Trinidad and Tobago, to report in writing to an Immigration Officer the name of any crew member who was on board the vessel at the time of its arrival and has deserted or is now absent. He shall deliver to the Immigration Officer any passport or identification documents of that crew member.
B7.4 People Who May be Denied Departure

B7.4.1 Immigration Officers may prohibit a person’s departure from Trinidad and Tobago in the following circumstances:

i. By order of the Minister;
ii. If any of the travel documents are not valid for travel;
iii. If there is a warrant of arrest in force against the person.

B7.4.2 The Immigration Officer in charge may refuse to grant clearance to a vessel bringing persons to Trinidad and Tobago if the transportation company operating it, or the owner or master thereof, has committed an offence under this Act. However, clearance may be granted in the discretion of the Immigration Officer in charge, if a sum of money or other security is deposited with him at least equal to the maximum fine that may be imposed for such an offence. (S38)

B7.5 People Presenting New Passports Without Evidence of Immigration Status

B7.5.1 If a traveller on departure presents a recently issued passport, or any other travel document, without evidence of their Immigration status, the responsibility for demonstrating that they are in Trinidad and Tobago lawfully rests with the traveller. An expired passport with the necessary entry stamp would be sufficient evidence to satisfy Immigration requirements.

B7.5.2 In other situations, an Immigration Officer may make inquiries through the Immigration Division’s databases or other sources to try and establish the residence status of the traveller.

B7.5.3 If the traveller claims that the passport was lost or stolen, they should produce a copy of the police report.

B7.5.4 If the Immigration Officer concludes that the traveller has overstayed his/her period of authorised stay, then a suitable penalty may be imposed.

B7.6 People Being Deported

B7.6.1 The main provisions relating to the deportation of persons are set out in Chapter 6. The role of Immigration Officers at the border is to:

i. Ensure that the person being deported is kept in a secure area and under supervision the whole time he/she is at the port or airport;
ii. Assist any escorting officers;
iii. Liaise with transport companies (airlines, shipping companies, other transport companies as appropriate) concerning the transport arrangements;
iv. Ensure that the deportee’s travel documents, tickets, etc, are in order, including
any visas that may be required by transit countries;
v. Undertake any necessary departure checks and procedures;
vi. If necessary, escort the deportee on board the craft and hand him/her over to the
person in charge of the craft or other responsible person.

B7.7 Processing Off-Loads

B7.7.1 In situations where a traveller about to depart Trinidad and Tobago raises suspicion, it may be necessary to arrange for that person’s departure to be delayed while further enquiries/investigations are carried out. In such cases, Immigration Officers may need to arrange with the airline company, or the master of the vessel, for the passenger to be off-loaded.

B7.7.2 Suspicions may be raised for any number of reasons. For example:

i. The person’s name appears on the Alert List or a Watch List or some other “wanted persons” list;
ii. The person’s identity may be in doubt;
iii. The travel document may be suspect and further enquiries or expert examination are necessary;
iv. Information is received from the police or other law enforcement agency that the person is wanted in connection with some matter, including as a witness to a serious crime;
v. The person has committed a serious offence against the Act or regulations and prosecution is being considered;
vi. Information is received from a reliable source that the person has links to organised crime, a trafficking group, terrorist organisation or people-smuggling operation, etc.

B7.7.3 In these situations, the Immigration Officer should refer the case to the supervisor for decision as to whether, taking all the circumstances into account, the traveller should be allowed to depart normally or delayed. In reaching a decision, the supervisor may need to consult with the Immigration Division’s main office and/or relevant law enforcement agencies, depending on the nature of the problem.

B7.7.4 If it is decided to detain the person pending further enquiries, then:

i. The passport and other travel documents are confiscated;
ii. The person is advised that he/she will be required to assist Immigration and/or law enforcement agencies with their enquiries;
iii. The person will be kept in a secure place until some other agency takes charge of him/her (e.g. Special Branch, Interpol);
iv. If there is no secure place at the port, arrangements should be made to detain the person at the nearest police station.
**B7.8 Children Under the Age of 16 Travelling Alone or with One Parent**

B7.8.1 If a child under the age of 16 (sixteen) years is travelling alone, or with one parent only, officers may request evidence that both the child’s parents have consented to the child being removed from the child’s country of residence.

**B8. People Refused Entry**

**B8.1 Departure of Persons Refused Entry**

B8.1.1 Where possible, people refused entry should be placed on the first available craft to take them from Trinidad and Tobago.

B8.1.2 A craft is considered to be available if:

   i. It is travelling to a country to which the person has right of entry; and  
   ii. The person has appropriate documentation to ensure that entry to the country of destination will be allowed; or  
   iii. (If the person lacks appropriate documentation) the country of destination has authorised entry;  
   iv. The person in charge of the craft is prepared to carry the person; and  
   v. There is nothing else preventing the person’s departure.

**B9. Detention Provisions**

**B9.1 Policy**

B9.1.1 A person may be placed in custody until his/her departure from Trinidad and Tobago on the first available craft if that person:

   i. Arrives in Trinidad and Tobago from another country;  
   ii. Is not exempt from having to hold a visa or permit;  
   iii. Is not a transit passenger;  
   iv. Upon arrival:  
      - Does not have appropriate Immigration documentation;  
      - Holds documentation which appears to be false;  
      - Is refused entry for any reason.

B9.1.2 Wherever possible, people refused entry should be placed on the first available craft to take them from Trinidad and Tobago. Detention should only be used where no other reasonable alternative exists.

B9.1.3 Detention may also be used in the case of people found to be unlawfully in Trinidad and Tobago or found to be in breach of their entry permit (e.g. working illegally or
overstaying), or people who are named in removal or Deportation Orders.

**B9.2 Dealing with Persons Refused Entry**

B9.2.1 At the discretion of the Senior Immigration Officer at the post, a person who is refused entry may *not* need to be placed into custody if:

- i. A craft is available to take him/her on the same day;
- ii. The officer is satisfied that the person cannot abscond from the airport or port secure areas;
- iii. The person does not pose a security risk.

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**Note:** In these cases, the Immigration Officer should retain the passport, to ensure the person’s departure and hand it back only at boarding. Alternatively, the passport and the person can be handed over to the relevant carrier company’s representative.

B9.2.2 If the Senior Immigration Officer at the post determines that custody is necessary, the officer must:

- i. Make arrangements to detain the person in custody until departure;
- ii. Arrange the departure of the detained person;
- iii. If applicable, send a letter to the carrier setting out the details of the infringement. This is known as an *Infringement Notice*.

B9.2.3 If the person denied entry does not possess a valid travel document, or there is uncertainty about his/her identity or nationality, the person should be referred to a Special Inquiry Officer to establish the facts and decide what further action to take.

**B9.3 Detention of Minors**

B9.3.1 The policy is not to put minors in detention. Where possible, a minor may be placed with relatives under an order of supervision instead. Similarly, minors will not be the subject of a special inquiry and no Deportation Orders are made against them on any Immigration-related matters.

B9.3.2 If a minor is involved in criminal activities, the police may take the person into custody and hold him/her at a Youth Training Centre.

**B10. Visas and Permits Granted in Error**

**B10.1 Revoking a Visa Granted in Error**

B10.1.1 An Immigration Officer may revoke a visa or permit if an administrative error
in granting it is detected before the holder has left the port area. Such a revocation takes effect immediately.

B10.1.2 A visa or permit is granted as a result of administrative error if:

i. It is granted to a Trinidad and Tobago citizen or a person who is exempt from having to hold a visa or a permit;
ii. The person granting it intended to grant a visa or permit of some other type;
iii. It is granted contrary to any special directive or instruction;
iv. It is granted contrary to Government policy.

B10.1.3 If the Immigration Officer is satisfied that the person does meet the requirements for the issue of the visa or permit, the officer should revoke the visa or permit granted in error and make arrangements for the grant of the correct type.

B10.1.4 If the visa is granted outside Trinidad and Tobago, the Trinidad and Tobago mission that granted the visa will immediately notify the visa holder of the error and advise him/her, in writing, that the visa has been cancelled and may not be used for entry to Trinidad and Tobago.

B10.1.5 The mission will also advise the Immigration Division in Port of Spain with details of the visa issued in error, including the name and passport number of the visa holder. On receipt of this information, the Immigration Division will place details of the visa on the Alert List for the information of all international entry ports.

B10.1.6 If a visa granted in error is detected at a port of entry, an Immigration Officer will advise the traveller that the visa is not valid for entry to Trinidad and Tobago. However, if the Immigration Officer is satisfied that the passenger is a bona fide traveller and likely to meet normal entry requirements, that person may be allowed to make an application for a visa waiver as an exceptional case.

### B11. The Immigration Alert List

**B11.1 What is the Alert List?**

B11.1.1 The Alert List is administered by the Immigration Division and is a database that stores details about people and travel documents relating to Immigration and passport fraud, state security and terrorism, drug trafficking, human trafficking, genocide, and sex business activities. The Alert List is incorporated into the Border Management System.

B11.1.2 The Alert List may comprise several databases. The most common of these are:

i. A **Black List or Prohibited Persons List** is generally used in a negative context, implying that the listed person is to be denied entry. As such, a

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In the case of an international airport, this includes the whole arrival area up to, and including, the customs area.
Black List can include only non-citizens;

ii. A **Watch List** can include both citizens and non-citizens and is normally used to activate silent alerts requiring careful review of the listed person. In the case of ongoing criminal investigations, it may require surveillance of the listed person. Persons listed in this database are not to be notified of the Watch List alert, but the relevant agency (usually the law enforcement agency) is to be notified immediately;

iii. A **Document Alert List** contains details of stolen and fraudulent documents;

iv. A **Hold Departure List** refers to a list of people who are to be prevented from departing Trinidad and Tobago because, for example, their continued presence is required in a civil, criminal or administrative case.

**B11.2 Information in the Alert List**

B11.2.1 The Immigration Division has the responsibility for managing and administering the Alert List.

B11.2.2 Information about people of concern and/or interest comes from a variety of sources, including the Immigration Division’s own intelligence gathering efforts, Immigration Division databases, Parliament, the courts, other government agencies, law enforcement agencies and other Immigration and intelligence services in Trinidad and Tobago and abroad, as well as other sources.

B11.2.3 The people listed in the Alert List databases may include the following:

i. Non-citizens who are excluded immigrants as defined in Trinidad and Tobago legislation;

ii. Non-citizens with serious criminal records;

iii. Non-citizens whose presence in Trinidad and Tobago may constitute a risk to Trinidad and Tobago community;

iv. Non-citizens who may not enter Trinidad and Tobago because they are subject to *exclusion periods* prescribed by Immigration legislation (for example, people who have previously been deported from Trinidad and Tobago);

v. Citizens and non-citizens who are of current and ongoing interest to law enforcement and security agencies in Trinidad and Tobago.

B11.2.4 Details to be recorded in the Alert List include as much information as possible about the individual, such as:

i. Full names, where known (family, first and middle names);

ii. Aliases;

iii. Gender;

iv. Date and place of birth;
v. Address(es), if known;
v. Nationality;
vii. Passport number or other travel document number;
viii. Photograph and/or fingerprints, if available;
ix. Narrative of nature of offence with citation of relevant law (criminal profile to include history of violence or deviant tendencies);
x. Travel history;
xi. Action to be taken upon positive identification;
xii. Name of issuing authority;
xiii. Details of any particular affiliations or associations would also be very useful - for example, membership of a terrorist organisation, association with organised crime syndicate, etc.

B11.2.5 The Alert List may also contain details of documents of concern, for example lost, stolen or fraudulently altered passports and visas. Information about these is similarly collected from a wide variety of sources, both at home and abroad, and recorded in the database with any suitable notations to guide visa and Immigration Officers in what is an appropriate course of action in each case.

B11.2.6 Several other agencies also have an interest in and may contribute to the Alert List, including the Courts, Department of Justice, Department of Foreign Affairs, Customs, National Police, National Intelligence and Security Agencies, Interpol and foreign embassies (with respect to lost and stolen passports and visas).

B11.3 Activating the Alert List

B11.3.1 The Alert List must be checked by immigration and visa issuing (including consular) officers for all applications for visas and permits, and at all ports of entry and departure. No one is exempt from this check.

B11.3.2 Migrants, business visitors, students, diplomats, people coming for temporary work contracts and other long-term temporary stay, and Trinidad and Tobago citizens should all be checked against the Alert List.

B11.3.3 At computerised posts, this check is performed automatically by the BMS. But at other ports, the check may have to be carried out manually.

B11.3.4 Separate instructions may be issued by the Immigration Division on the use of the Alert List and action to be taken in particular circumstances. Officers should be guided by those instructions. As noted above, if a “match” is found, either for the person or the document, a decision must then be made if the person should be permitted to enter Trinidad and Tobago or what other action to take.

B11.3.5 In all cases where a match is found, the Senior Immigration Officer is to be immediately notified. This officer will contact the local representative of the relevant agency
responsible for adding the person’s name to the Alert List or with a particular interest in that person, including the Intelligence Unit. If no representative is available locally, the most appropriately available representative in the capital should be contacted. If the person is suspected to be operating with associates or accomplices inside Trinidad and Tobago, it is important to also alert other entry/exit ports as soon as possible.

B11.3.6 In all other cases, the senior officer (with the possible assistance of the Intelligence Unit) will conduct a detailed examination of the person’s information against the Alert List to decide if it is the same person or document and what further action should be taken. The following checks should be performed:

i. Check the passport details;
ii. Check the authenticity of the document and, if necessary, request the assistance of other agencies, possibly also including exchange of biometric data held (e.g. police, customs and fingerprint experts);
iii. If necessary and possible, check with the border control officials at the port of departure (CARICOM/IMPACS will be encouraged to supply such collaborative information);
iv. Check the photograph with the person;
v. Check the personal details, including names, height, nationality, any visible marks such as scars, and other personal details;
vi. Compare details on the flight or other transport manifest with the passport details;
vii. Examine the person’s travel history;
viii. Conduct a search of the person and his/her baggage, checking for hidden identifications, destroyed papers, personal notes, credit cards and baggage tags, etc;
ix. Check address(es) where possible;
x. Check any available information supplied by established reliable informants;
xi. If necessary, seek bilateral cooperation between Trinidad and Tobago and other states, for example by electronic or faxed data exchange.

B11.3.7 If the checks show that the person is not the same person on the Alert List, and if he/she satisfies all conditions of entry to Trinidad and Tobago, the person should be informed that they have been selected for a random security screening and allowed to enter. You should thank them for their cooperation.

B11.3.8 If the checks confirm that the person named in the Alert List and the traveller are one and the same, then entry would normally be refused unless there were particular reasons for allowing the person to enter Trinidad and Tobago (for example, the Police are interested in mounting a surveillance operation on the person and/or his/her associates). The senior officer at the post is expected to consult with the relevant Trinidad and Tobago agencies and with Immigration Intelligence about action to be taken in each case.
**B12. Refugee Status Claimants**¹⁰ (See also C8)

**B12.1 Claims for Refugee Status at Port of Entry**¹¹

B12.1.1 People may express an intention to seek refugee status in a variety of ways, including statements of the following kind:

i. They have been persecuted;
ii. They are in fear of being persecuted;
iii. They have been imprisoned for political reasons;
iv. They are afraid of being imprisoned in their home country;
v. They want to “see the United Nations” (i.e. the UNHCR);
vi. They want to know if there is a United Nations office in Trinidad and Tobago;
vii. They are “stateless” or “homeless” persons;
viii. They want to see a lawyer;
ix. They are afraid to return to their home country;
x. They will be killed if they are returned home;
xi. They simply “do not want to return”.

B12.1.2 No person who is a refugee status claimant may be removed or deported until that person’s refugee status has been finally determined. That person should not normally be refused entry even if they presented a fraudulent travel document on arrival.

B12.1.3 If an individual presents himself/herself to an Immigration Officer at a border check-point, and indicates an intention to claim asylum, the Immigration Officer should refer the person to the senior officer at the post. The senior officer will record details of the person in the Log Book and refer the applicant to the relevant unit responsible for processing asylum applications. In most cases, they would be referred to a Special Inquiry Officer in the first instance.

B12.1.4 However, if an asylum claimant’s name appears on the Alert List, the matter should be referred to the Immigration Division’s Main Office before a decision on entry is made.

B12.1.5 If the person does not indicate an intention to apply for asylum at the border, but requests entry as a visitor or other legal category of Immigration, he/she can still seek asylum after entry into Trinidad and Tobago.

**B12.2 Detention of Refugee Status Claimants**

B12.2.1 A refugee status claimant may be detained on arrival in situations where it is necessary to:

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¹⁰ Refugee – A person who, due to “a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

¹¹ Refer to Chapter 8 and Appendix 5 for questions to ask.
i. Determine his/her identity, citizenship and other personal particulars; and/or
ii. Formally determine that person’s claim, if a preliminary assessment indicates that the claim for refugee status appears to be “abusive” or “manifestly unfounded”.

B12.2.2 The period of detention of a claimant for refugee status should be as short as possible and only long enough to establish the identity of the person and allow a determination of the applicant’s claim, if necessary.

**B12.3 Abusive and Manifestly Unfounded Claims**

B12.3.1 A refugee status claim is abusive or manifestly unfounded if:

i. It is clearly fraudulent or unrelated to the criteria for granting refugee status laid down in the 1951 Convention Relating to the Status of Refugees;
ii. The claimant is claiming refugee status in an attempt to evade normal Immigration requirements.

**B13. Carrier Responsibilities**

**B13.1 Carrier Responsibility on Arrival**

B13.1.1 The Immigration Act imposes on the master, agent, owner or consignee of any arriving or departing vessel an obligation to furnish to the Immigration Officer in charge at the port of arrival/departure, crew lists and passenger manifests and other information concerning the persons arriving or departing on the vessel, as well as the vessel (aircraft, ship, etc). The crew lists of incoming vessels are to be duly issued with visas by Trinidad and Tobago consular officials abroad, where required.

B13.1.2 In general, carriers\(^\text{12}\) are responsible on arrival for:

i. Ensuring that all persons on board the craft have the appropriate Immigration documentation. This includes:
   • A valid passport or other acceptable travel document;
   • A visa if required;
   • Evidence of onward travel arrangements (if required);
   • Evidence of sufficient funds (if required);
   • Any other documentation required by the Immigration law;
ii. Preventing any person landing in Trinidad and Tobago other than at a designated immigration port of entry;
iii. Providing, on demand by an Immigration Officer, details about any persons on board the craft since its last port of call;

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\(^{12}\) **Definition of ‘carrier’**: ‘Carrier’ in relation to a craft, means the owner or charterer of the craft; and if the owner or charterer is not in Trinidad and Tobago, includes the owner’s or charterer’s agent in Trinidad and Tobago.
iv. Reporting to an Immigration Officer, as soon as practicable, the existence of any stowaway on board.

B13.1.3 The master of any vessel departing from Trinidad and Tobago shall, if so required by the Immigration Officer in charge at the port of departure; give the approximate time that the passengers and crew will be on board; give the approximate time of departure of the vessel in the designated form; and cause the crew and passengers to present themselves on the vessel (or at a place to be determined by the Immigration Officer) with their passports and other documents required for inspection.

B13.2 Carrier Responsibility on Departure

B13.2.1 Carriers are responsible for allowing on board the craft any person subject to a removal or deportation order, provided the fare is paid and the safety of the craft or other persons on board is not endangered.

B13.2.2 If the Police or Immigration Authorities deliver such a person to the craft, the carrier is responsible for taking all reasonable steps (including the use of reasonable force) necessary to detain that person on board the craft until it has left Trinidad and Tobago.

B13.2.3 The carrier is responsible for providing, at the carrier’s own cost, passage from Trinidad and Tobago of any person who:

i. Was on board the craft, or any other craft operated by the carrier, when it arrived in Trinidad and Tobago but did not have the required Immigration documentation, and was refused entry into Trinidad and Tobago;

ii. Arrived as crew of the craft, or any other craft operated by the carrier, and remained unlawfully in Trinidad and Tobago after that craft left.

B13.2.4 The cost of maintenance while on land, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of return, of any foreign national brought to Trinidad and Tobago and temporarily removed from the vessel for examination by order of the Immigration Officers, will be borne by the owner or owners of the vessel on which the foreign national came.

B13.2.5 Fines may be imposed on carriers who fail to meet their obligations under the Act.

B13.3 Test of Reasonableness in Respect of Carrier’s Liability on Arrival

B13.3.1 When considering the application of these provisions with respect to a carrier’s liability on arrival, Immigration Officers need to consider whether the failure of the carrier or its agents was reasonable in the circumstances. (For example, carriers should not be

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13 Definition of ‘craft’: ‘Craft’ means any form of aircraft, ship, or other vehicle or vessel capable of being used to transport any person to or from Trinidad and Tobago.
expected to possess a higher level of expertise in detecting fraudulent or forged documents than a person with basic training might possess, or to detect irregularities requiring sophisticated examination equipment.)

B14. Security and Liens

B14.1 Transportation Companies

B14.1.1 Section 40 of the Act empowers the Minister to require any transportation company that transports or carries persons seeking admission into Trinidad and Tobago to deposit with the Chief Immigration Officer such a sum of money, or other security, as the Minister considers necessary as a guarantee that the company will comply with the provisions of the Act.

B14.1.2 Where a transportation company fails to comply with a provision of the Act or the regulations, the Minister may order that the whole or any part of the security money be forfeited.

B14.1.3 Any security deposited may be returned or cancelled, as the case may be, upon an order made by the Minister declaring that such security is no longer required.

B14.1.4 Where a crew member deserts his vessel while in Trinidad and Tobago or is, for any reason, to be left in Trinidad and Tobago after the departure of his vessel, the transportation company may be required to deposit a sum of money that the Immigration Officer in charge of the port of entry considers necessary as security for the crew member’s return to the vessel, or his deportation or other departure from Trinidad and Tobago. (S46(1))

B14.1.5 Where, within three (3) years after the date of the deposit, such a crew member returns to his vessel, voluntarily leaves Trinidad and Tobago or is deported, the money deposited can be returned, less any expenses for detention, maintenance, treatment, transportation or other costs incurred by the Government in respect of him. (S46(2))

B14.1.6 Where a crew member does not return to his vessel or does not voluntarily leave Trinidad and Tobago, or is not deported within three (3) years after the date of the deposit, the Minister may order that the money deposited be forfeited. (S46(3))

B14.2 Individuals or Groups

B14.2.1 The Immigration Officer in charge at a port of entry may require any permitted entrant, group or organisation of permitted entrants, to deposit with him a sum of money or enter into a bond as guarantee that the individual or group will leave Trinidad and Tobago within the time permitted by him as a condition for entry. (S47(1))
B14.2.2 Where the permitted entrant, group or organisation of permitted entrants, fails to leave Trinidad and Tobago within the time prescribed, the Immigration Officer in charge may order that the sum of money so deposited be forfeited. (S47(2))

B15. Inter-Agency Cooperation

B15.1 Security Concerns

B15.1.1 A core responsibility of governments is to provide for the security of their citizens and residents. The threats are not limited to terrorism. The SARS (Severe Acute Respiratory Syndrome) outbreak in 2003 demonstrated the power of individuals to unintentionally transmit threats around the globe at the speed of air travel. More recently, the spread of the bird flu virus raised similar concerns.

B15.1.2 Criminal trafficking and smuggling organisations play a significant role in facilitating irregular migration, and this has resulted in an alarming rise in abuse of government procedures, potential security risks and exploitation of migrants.

B15.1.3 To help in combating and preventing these kinds of threats, an effective border management system is essential. This in turn requires international cooperation and information sharing with Immigration and other law enforcement agencies at the national and international levels.

B15.1.4 For any international cooperation to be effective, governments must first ensure that there is a good level of cooperation and communication within their own borders. This means that the various law enforcement agencies and those with a role in and around the border must work together to ensure that there is effective and efficient management of regular and irregular migration flows.

B15.2 Effective Practices in Border Management

B15.2.1 Some practices that have proved effective with respect to border management include the following:

i. Strengthening cooperation, bilaterally and multilaterally, to prevent and combat irregular migration and criminal activities, particularly trafficking in persons, often related to irregular migration, illegal drugs and arms trafficking;

ii. Facilitation of bilateral and multilateral exchanges of experience and information at operational levels in order to:
   • Improve the knowledge base on trafficking;
   • Obtain a more complete picture of smuggling and trafficking activities and other forms of irregular migration;

iii. Enhance inter-state cooperation on documentation and identity verification;

iv. Enhance intelligence gathering on the threat of terrorism and enable intelligence-led operations;
v. Respond to emergencies and threats speedily and effectively.

### B15.3 Areas of Cooperation at the Border

B15.3.1 Important areas for inter-agency cooperation at Trinidad and Tobago border posts include:

i. Security issues in and around the border area;
ii. Ensuring a smooth flow of travellers through the checkpoint while maintaining a good overview of the whole operation;
iii. Keeping a look-out for traffickers in persons and people smugglers, terrorists and other criminal types;
iv. Collecting and sharing intelligence for both local use and to feed into broader-based national intelligence data bases, including the Immigration Alert List;
v. Maintaining good working relationships with government and non-government agencies represented at the border;
vi. Cooperating with other law enforcement agencies in investigations and interdictions (e.g. Immigration and Customs on smuggling rings);

B15.3.2 The agencies represented at entry ports typically include the following:

i. Immigration;
ii. Internal/External Security Organisations;
iii. Customs;
iv. Quarantine Service;
v. National Police;
vi. Transnational Crime Unit;
vii. Airports Authority/Ports Authority.

### B15.4 Structures for Inter-Agency Cooperation

B15.4.1 At the most basic level, all the agencies represented at each entry port should coordinate their activities through a Border Committee or similar body, meeting at least weekly in normal times and more frequently (even daily) during times of unusual activity and/or emergency.

B15.4.2 The committee could be chaired by the most senior agency at the post, although the chair could also rotate. The committee should have a regular meeting place and times, and every agency should ensure that at least one representative is present at each meeting.

B15.4.3 The committee should have at least one standing item on its agenda – to brief participants about significant developments and trends since the previous meeting. Other items would be added as necessary.
B15.4.4 Reports should be produced after each meeting and copies should be circulated to all interested agencies, both at the entry port and in the capital, as appropriate. In some cases, these should also be shared with other border posts.

**B15.5 Examples of Inter-Agency Cooperation**

B15.5.1 If a person suspected of suffering from a loathsome, contagious disease is intercepted by immigration, this information would be shared with, at a minimum, Quarantine, the Police, Customs and the Airport Authority.

B15.5.2 If a person suspected of being a trafficker is intercepted, this information should be shared with national security agencies, the Police (including Counter-Terrorism and Counter-Trafficking units) Anti-Narcotics, Customs and Department of Foreign Affairs.

B15.5.3 If a person is intercepted by Customs while attempting to smuggle in a quantity of drugs, this information should be shared with the Police, Counter-Terrorism, Health, Immigration and national security agencies.
CHAPTER 4 – TEMPORARY ENTRY

C1. Temporary Entry Policy

C1.1 Policy Objectives

C1.1.1 The objectives of Trinidad and Tobago’s temporary entry policy are:

i. To facilitate the entry of genuine visitors, students, business people, investors and temporary workers, while managing the associated risks;

ii. To contribute to building strong international links, attract foreign exchange earnings and contribute to economic development.

C1.2 Temporary Entry Permits

C1.2.1 Section 9 of the Immigration Act provides for the following classes of temporary permits to be issued to foreign nationals. These may be issued at the border or by way of extension following the person’s entry on a limited time permit:

i. Accredited diplomatic and consular officers or officials of any country, of the United Nations or any of its agencies, or of any inter-governmental organisation in which Trinidad and Tobago participates (e.g. IOM), coming to Trinidad and Tobago on official business or transiting through Trinidad and Tobago, and members of their suites or families;

ii. Members of naval, army or air forces who come to Trinidad and Tobago for training, or in connection with the defence or security interests of Trinidad and Tobago, or under the provisions of any treaty or agreement between Trinidad and Tobago and another country and whose entry is approved by the Minister, together with such members of their families or suites as may be approved;

iii. Temporary visitors and tourists;

iv. People passing through Trinidad and Tobago on their way to another country;

v. Clergymen, priests or members of a religious order entering Trinidad and Tobago or who, having entered, are in Trinidad and Tobago in connection with the carrying out of their religious duties in accordance with the relevant regulations;

vi. Students entering Trinidad and Tobago for the purpose of attending, and who having entered Trinidad and Tobago are in actual attendance at, a university or college authorised by statute or charter to issue degrees;

vii. Persons who have been accepted as students by an educational or training establishment recognised by the Permanent Secretary or the Chief Immigration Officer and who, after entering Trinidad and Tobago, are in actual attendance at such educational or training establishment;

viii. Members of crews entering Trinidad and Tobago or who, having entered, are in Trinidad and Tobago for shore leave or some other legitimate and temporary purpose;
ix. Persons entering Trinidad and Tobago for the purpose of engaging in a legitimate profession, trade or occupation.

C1.2.2 Under the current policy, Immigration Officers at ports of entry are required to establish the purpose in coming to Trinidad and Tobago and, subject to the traveller meeting the necessary conditions, to grant the relevant entry permit:

i. The requested period of stay for tourists, with a maximum of three (3) months;
ii. Up to three (3) years for missionaries with prior approval and who produce a medical certificate on arrival - 12 (twelve) months if a medical certificate is not produced;
iii. Missionaries who arrive without a permit are granted a permit valid for 30 (thirty) days;
iv. Three (3) months in most other cases.

Note: In special cases, a stay of six (6) months may be authorised.

C1.2.3 After entry each permit holder, with the exception of holiday visitors and missionaries arriving with a permit, is required to contact the Immigration Division to apply for an extension – see below.

C1.2.4 The following sections provide more detail about each of these classes of permit.

C2. Extension of Stay

C2.1 Policy

C2.1.1 Permitted entrants wishing to remain longer than the time granted on arrival may apply for an extension of their entry permit and the Immigration Officer may grant or deny the extension, or vary the validity, of the certificate previously granted.

C2.1.2 Permitted entrants who are not being admitted into Trinidad and Tobago on a long-term permit (e.g. Work/Study Permit), shall not be granted permission to remain in Trinidad and Tobago for periods in excess of six (6) consecutive months. In special circumstances, extensions beyond six (6) months, with effect from the date of arrival, may be granted with the approval of the Chief Immigration Officer.

C2.1.3 Applicants for extensions of stay in Trinidad and Tobago are required to apply for the extension on the relevant application form, supply the required documentation and undergo an interview with an Extension Officer.

C2.1.4 The Immigration Act at section 9(2) and (3) states that every person who has an entry permit (or certificate) to enter Trinidad and Tobago and who wishes to remain for a longer period, or to have the conditions attaching to his entry varied, must submit to an examination under the provisions of the Act. The Immigration Officer may extend or limit the period of the applicant’s stay, vary the conditions attaching to his/her entry, or
otherwise deal with him/her as if he/she were a person seeking entry into Trinidad and Tobago for the first time.

C2.1.5 No extension can be granted to any person without first checking with Traffic Index for a file. If a file exists, the file must be checked before deciding if an extension should be granted. (SI 36/85)

C2.1.6 An application from a national of a Middle East, Far East or African country must be referred to the Chief Immigration Officer for approval except if that person has been issued a Student Permit, Missionary Permit, Minister’s Permit or Work Permit or also if that person has an entitlement to residence under Section 6 (1) (c) of the Immigration Act.

**C3. Conditions for Temporary Permits**

**C3.1 Diplomatic and Consular Officials**

C3.1.1 A diplomatic entry permit is issued to accredited officials of foreign governments recognised by the Government of Trinidad and Tobago, their families, attendants, servants, and employees, and to visiting high officials such as heads of state and members of a royal family.

C3.1.2 There are three categories of persons that qualify for this visa:

  i. **Group 1**

    • Heads of state;
    • Members of a royal family;
    • Governors, governor-generals and high commissioners;
    • Cabinet ministers, deputys, and their representatives;
    • Presiding officers of national legislative bodies;
    • Supreme court justices;
    • Diplomats and career consular officials;
    • Regular and professional diplomatic couriers;
    • Military and career attaches of diplomatic missions;
    • Members of official temporary missions of a diplomatic character;
    • Representatives of international organisations with diplomatic status;
    • Officials of international organisations on official business and presenting diplomatic passports;
    • Members of delegations proceeding to or from an international conference of an official nature;
    • Spouses and unmarried children of the above persons;
    • Other officials travelling to Trinidad and Tobago on diplomatic or other government business.
ii. Group 2

- An officer of a foreign government recognised by Trinidad and Tobago, who is a national of the country whose government he/she represents, and is proceeding to Trinidad and Tobago in connection with official business for his/her government;
- Members or staff of an embassy or consulate;
- The staff of international organisations;
- Official students or participants under the auspices of Trinidad and Tobago government or recognised international institutions;
- Family members of the above people.

iii. Group 3

- The members of the household, the attendants, servants and employees of persons to whom the Group 1 and Group 2 visas have been granted, residing in the household of the foreign government official, and the families of such attendants, servants, and employees.

C3.1.3 In case of doubt as to whether a particular person or group is entitled to diplomatic or official status for immigration purposes, Immigration Officers should refer the matter to the Ministry of Foreign Affairs, which has jurisdiction over such matters, through normal channels.

Notes:
1) The government official must be accredited by the MEA;
2) For a “member of the family” to qualify under the visa, he/she must be a relative by blood or marriage who regularly resides in, or is a member of the household of, the foreign government official;
3) In the case of servants and other domestic employees, a claim for exemption as a member of a family of the foreign government official has the effect of terminating any permanent resident status the person may have acquired for registration purposes.

C3.2 Military Personnel

C3.2.1 Under agreements with other governments, Trinidad and Tobago may become involved in joint military training exercises or facilitate the movement of troops and associated civilian personnel involved in such operations. In general, uniformed members of the armed forces may be exempt from having to hold a permit if they present their military identification card and appropriate orders.

C3.2.2 Immigration Officers will need to be guided by instructions from the Minister and Chief Immigration Officer in the treatment of military and associated civilian personnel.

C3.3 Tourists and Visitors

C3.3.1 Temporary visitor visas are designed for entry to Trinidad and Tobago for holiday/
pleasure, business or health purposes.

C3.3.2 This type of visa allows people to enter Trinidad and Tobago for the following purposes:

i. A genuine holiday or other leisure activities. It cannot be used for the purposes of formal study in a Trinidad and Tobago educational institution, or to engage in gainful employment;
ii. To attend a conference or convention participation at international conferences, conventions and the like;
iii. To enable people to get medical treatment in Trinidad and Tobago;
iv. To participate in an international sporting event and similar purposes.

C3.3.3 The following requirements must be met before an application for an extension can be entertained:

i. A return ticket valid for the intended duration of stay;
ii. A passport or other travel document which is valid for the intended duration of stay;
iii. Evidence of financial support for the intended duration of stay;
iv. Proper address and telephone number where applicable.

C3.3.4 The Immigration Officer should consider the following before a decision is made whether to grant the extension or not:

i. Past immigration history;
ii. Means of upkeep in home country;
iii. Ties to home country (e.g. family, job or business, etc);
iv. Ties to Trinidad and Tobago.

Notes:
1) Persons who wish to enter to attend Board meetings, check on investment profiles or hold business discussions and similar activities do not need a work permit and may enter as often as they like. The 30 (thirty) day work permit concession does not apply to them (SI 07/97 dated 4 April 1997);
2) Journalists are also exempt from the provisions of the immigration regulations concerning work permits and may be granted entry permits for the duration of special events, provided they comply with normal entry requirements. (SI 01/87)

C3.3.5 In situations where a journalist has been admitted under any sub-section of Section 9(1) of the Immigration Act other than 9(1)(i) (i.e. for the purpose of engaging in a profession, trade or occupation) and applies for an extension to cover an event, the following requirements must be met before an extension is granted:

i. Evidence from the employer that the journalist has been asked to cover an event/unfolding event;
ii. Proof of employment as a journalist.
C3.4 Transit Passengers

C3.4.1 This visa is commonly known as a transit visa and is for people passing through Trinidad and Tobago to a destination outside Trinidad and Tobago. The fact that the person may wish to stop briefly in Trinidad and Tobago, for example for some sightseeing, while in transit does not disqualify the person from being classed as in-transit.

C3.4.2 Passengers wishing to enter Trinidad and Tobago while in-transit to some other destination may be allowed to leave the port or airport for a maximum period of 7 (seven) days, provided they have the necessary visa, where one is needed, and they meet other entry criteria (e.g. bona fide, onward travel tickets, visas for the next destination, etc).

C3.5 Crew Members

C3.5.1 To qualify for an entry permit as a crew member, a person must be:

i. A bona fide foreign seaman or a member of the crew of an aircraft; or
ii. Any foreigner who in good faith signed on the articles of a vessel arriving at a port in Trinidad and Tobago;
iii. Employed in any capacity on board the vessel; and
iv. Seeking to enter Trinidad and Tobago solely in pursuit of his/her calling, with the intention of departing with the vessel or re-shipping on some other vessel that is bound for a foreign port or place.

C3.5.2 The crew member’s name must appear as a member of the crew of a vessel.

C3.5.3 A seaman’s discharge or paying off, from a vessel in a Trinidad and Tobago port must always be with the consent of the Immigration Officer in charge of that port. Otherwise, the master, agent, owner or consignee will be liable for each seaman discharged.

C3.5.4 The Immigration Officer must make a finding that the crew member is entitled to permanent admission into Trinidad and Tobago, or that the crew member will re-ship on a foreign vessel within the prescribed period. Failure to re-ship within the prescribed period, or working in the country, will render the person unlawful and subject to deportation.

Notes:
1) Applications for shore leave from a crew member on a pleasure craft docked in Chaguaramas must be processed by the Chaguaramas office.
2) Bona fide crew members on pleasure craft can be granted a stay of 6 (six) months. They must be charged the appropriate extension fees.
3) Visa waiver applications are also required where necessary. (SI 02/93)

C3.6 Medical Treatment

The term “vessel” includes ships and aircraft.
C3.6.1 People wishing to undergo medical treatment at a private medical institution in Trinidad and Tobago must provide the following:

i. A letter from the institution certifying that the applicant has been accepted as a patient or for treatment;
ii. A return ticket valid for the intended duration of stay;
iii. A passport or other travel document which is valid for the intended duration of stay;
iv. Evidence of financial support for the intended duration of stay;
v. Proper address and telephone number/s where applicable.

C3.6.2 For people wanting treatment at a State-run medical facility, the requirements are:

i. Written permission from the Permanent Secretary, Ministry of Health;
ii. A return ticket valid for the intended duration of stay;
iii. A passport or other travel document which is valid for the intended duration of stay;
iv. Evidence of financial support for the intended duration of stay;
v. Proper address and telephone number/s where applicable

Notes: CARICOM citizens who wish to enter Trinidad and Tobago for medical treatment at a Government-run facility need to have formal approval by persons designated by the Minister of Health and meet other normal entry requirements.

C3.7 Drug Rehabilitation

C3.7.1 Foreign nationals coming for treatment at any drug rehabilitation centre in Trinidad and Tobago must be in possession of Minister’s Permits.

C3.7.2 Accordingly, no person should be granted an extension for that purpose unless he/she is in possession of a valid Minister’s Permit.

C3.8 Missionaries

C3.8.1 A Missionary Permit is not required for people entering Trinidad and Tobago to do missionary work for a period of 30 (thirty) days or less. These permits have to be granted at the port of entry and not as extensions.

C3.8.2 The maximum period for a Missionary Permit is three (3) years. Any further application for a Missionary Permit for a person who has already held one for three (3) years will not be considered within one (1) year of completing the three (3) year period.

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2 SI 13/94 dated 26 August 1994. (Note that this policy is under review).
C3.8.3 The maximum number of overseas Missionary Permits is limited to 35 persons per organisation at any given time.

C3.8.4 Applicants must be in possession of:

   i.  Valid return tickets;
   ii. Valid security bonds; or
   iii. (Where the organisation has posted a general bond) a certificate identifying the particular person as one to whom the bond applies;
   iv.  A passport valid for the intended length of stay is required;
   v.   Other documents as listed in Appendix 13.

C3.8.5 Persons arriving at a port of entry with a valid Missionary Permit for three (3) years and a medical certificate may be granted an entry permit for the full three (3) years. Without a medical certificate, the maximum period that can be granted is 12 (twelve) months.

C3.8.6 Persons arriving without a Missionary Permit and claiming to be missionaries may be given an entry permit for 30 (thirty) days, during which time they will be expected to apply for the relevant extension.

C3.9 Property Owners

C3.9.1 The policy is that persons who are not citizens or residents of Trinidad and Tobago who have bought property should be allowed to enjoy the fruits of their investment.

C3.9.2 A stay of six (6) months per year has been set as a reasonable facilitation. However, because of the prevalence in Tobago of non-citizens/non-residents acquiring property for commercial use, without applying for a Work Permit, care must be exercised when granting extensions in these cases. In principle, only those people who have bought property in which to reside themselves should be eligible for this facilitation.

C3.10 Business

C3.10.1 People entering Trinidad and Tobago for business purposes are required to meet the following requirements in support of an application for an extension of stay:

   i.  A return ticket valid for the intended duration of stay;
   ii. A passport or other travel document which is valid for the intended duration of stay;
   iii. Evidence of financial support for the intended duration of stay;
   iv.  Proper address and telephone number/s where applicable.

C3.10.2 The applicant should also be asked to provide, from his/her home country or locally, written evidence of the nature of the business.
C3.10.3 In making a decision about an extension, the Immigration Officer should also consider the following:

i. Past Immigration history;
ii. Whether the applicant actually requires a Work Permit, Overseas Missionary Permit or Salesman License.

C3.11 Students*

C3.11.1 Trinidad and Tobago, having been recognised for the high standard of education provided by its educational institutions, and being home to one of the three campuses comprising the University of the West Indies, is among the foremost destinations in the region for persons seeking to pursue educational and training programmes.

C3.11.2 A person aged 16 (sixteen) years and over, may apply for a Student Permit to undertake studies/training, at any recognised educational/training institution, in the areas of:

i. Tertiary education full-time program (with the exception of the University of the West Indies, for which a Student Permit is not required);
ii. Technical training;
iii. Religious studies;
iv. English as a Second Language (ESL). Eligible countries to be determined under new policy proposal.

* This area of student visas is still under review and these guidelines are explanatory/proposed provisions that have yet to be approved.

C3.11.3 The following are also eligible for a Student Permit:

i. Dependents of persons who are holders of Work Permits, Missionary Permits, Student Permits or awaiting Permanent Residence status in Trinidad and Tobago, or working in Trinidad and Tobago on the basis of a certificate of indefinite stay;
ii. Dependents of persons who are holders of Certificates of Recognition issued in Trinidad and Tobago and who hold indefinite stay status.

C3.11.4 Student Permits are approved by the Chief Immigration Officer and are valid for stipulated periods on the permit. Details of the procedure and requirements for the grant and cancellation of Student Permits are contained in Regulation 9 (6) of the Immigration Regulations.

Note: The duration of stay granted under a Student Permit will not be included when computing periods of stay in Trinidad and Tobago for the purpose of Resident Status under Section 6 (1).

C3.11.5 Applicants can submit their application through a Trinidad and Tobago consular
office abroad and be granted a student permit before entry. Alternately, on arrival at a port of entry, the applicant can be granted an entry permit valid for a specific period in order to allow him/her to submit an application.

C3.11.6 The Chief Immigration Officer is required by law to be satisfied about the following:

i. The bona fides of the educational/training establishment;
ii. That the applicant for a Student Permit has been accepted by such an establishment;
iii. That there is adequate accommodation for such a student;
iv. That no local student has been or is likely to be displaced;
v. That the applicant is not in the prohibited class.

C3.11.7 The following additional requirements must also be met:

i. Parental consent is required for any applicant who is under 18 (eighteen) years of age;
ii. A passport valid for the intended length of stay;
iii. Applicants must be in possession of valid return tickets or valid security bonds.

C3.11.8 On arrival at a port of entry the applicant will have been granted an entry permit valid for a specific period to submit an application. Applicants must report to the nearest Passport and Immigration Office before the expiration of their entry permits whether or not all the necessary documents to support their applications had been acquired.

C3.11.9 See Appendix 9 for documents required in support of an application for a student permit.

C3.11.10 In instances where an applicant has been previously issued with a student permit, a completed Student Assessment Form must also accompany the application.

C3.11.11 Applicants:

i. Are not allowed to engage in any form of employment, whether paid or unpaid, without a valid work permit;
ii. They will be expected to attend classes regularly;
iii. They should not attend any schools or institutions other than the ones specified in the student permit.

Note: Applicants for student permits from the Far East, the Middle East and African countries are required to deposit individual bonds before a permit is granted. Applicants from Nigeria must, in addition, be in possession of transit visas. (SI 49/00 dated 4 September 2000).

C3.12 University of the West Indies
C3.12.1 Students enrolled full-time at the University of the West Indies (U.W.I.) St. Augustine Campus, Sir Hugh Wooding Law School, Faculty of Medicine, Mount Hope and St. John Vianney Seminary, Mount St. Benedict (Theology Degree only) do not require student permits.

C3.12.2 The University supplies to Immigration each year a list of new students and of returning students, showing names, nationality, courses in which enrolled, course duration, etc, for the guidance of Immigration Officers at ports of entry.

C3.12.3 Most students will be able to produce a letter of acceptance from the University. This and the fact that the person’s name appears on the University’s list will be sufficient for the Immigration Officer to grant the relevant entry permit for the length of the academic year.

C3.12.4 Any students whose names do not appear on the University’s list should be granted an entry permit valid for 30 (thirty) days and advised to apply for an extension at the Immigration Division.

C3.12.5 A student seeking an extension, whose name is not on the list (a copy of which would be in the possession of the OIC Extensions) must satisfy the following criteria where applicable:

i. A letter from the University of the West Indies confirming registration;
ii. Completed Medical Forms 40 & 40A;
iii. Security or valid return ticket;
iv. A passport valid for the academic year.

C4. Workers and Work Permits

C4.1 Policy

C4.1.1 This is a working visa to enable an employer in Trinidad and Tobago to employ a foreign national with skills, qualifications and experience which may not be available in Trinidad and Tobago, or which is in short supply.

C4.1.2 Decisions on Work Permits are made by the Minister of National Security. A Work Permit Advisory Committee, comprising the Permanent Secretary (Chair) and representatives of the Ministries of Labour, National Security and Trade, and the Chief Immigration Officer, advises the Minister on each application.

C4.1.3 A person seeking entry into Trinidad and Tobago to engage in a legitimate profession, trade or occupation may apply for a Work Permit but only through their employer or legal representative. Such a permit must be obtained prior to admission into the country and is granted for varying periods, with a maximum of three (3) years consecutively.
C4.1.4 Applications for Work Permits must be made by the employing organisation on behalf of an employee, except in the case of a **self-employed** person, whose application for a Work Permit must be filed by counsel or solicitor practising in Trinidad and Tobago.

### C4.2 Requirements

C4.2.1 When considering applications for work permits the Ministry must be satisfied that all requirements are met, particularly in relation to the non-availability of a suitably qualified citizen to fill the vacancy. In such circumstances, the employing organisation must ensure that Trinidad and Tobago benefits from the transfer of skills and technology derived from the engagement of foreign resource personnel in the domestic workforce and that nationals are not disadvantaged as a consequence of expatriate employment.

C4.2.2 Applications for work permits are typically made by the prospective employer in Trinidad and Tobago. The employer is required to test the local labour market by advertising the relevant position and to show to the satisfaction of the Minister that no person can be found in Trinidad and Tobago with the necessary skills willing and able to perform the particular work.

C4.2.3 The following documents must be submitted in support of an application for a work permit:

1. Covering letter (O+7) from the prospective employer setting out the reason for the request and giving reasons why a national cannot be hired;
2. Completed application forms (O+7) signed by the proposed employee and the prospective employer;
3. Two character references, including one from a previous employer;
4. Police Certificate of Character from the employee’s country of origin or place of residence during the five (5) years preceding the date of application;
5. Evidence of qualifications;
6. Three (3) photographs of the prospective employee;
7. Evidence of the position having been advertised;

N.B. A complete list of documentary requirements for Work Permits is attached at Appendix 9.

C4.2.4 The Committee checks that all necessary documentation has been provided by the prospective employer and that the required fees have been paid, and may refer the application to the relevant Ministry for advice – if the job is in the energy sector, it goes to the Energy Ministry, if trade to the Trade Ministry, etc.

### C4.3 Decisions

C4.3.1 The relevant Ministry undertakes any necessary investigations, reviews the selection process, to be satisfied that the right person was selected, and makes a recommendation to the Committee. The Committee then recommends approval or refusal.
to the Minister.

C4.3.2 If the relevant Ministry recommends refusal of the application, the prospective employer can apply for reconsideration and supply any additional information not previously submitted, for the Committee’s consideration. If the Committee recommends against the application, the employer can appeal direct to the Minister after the Minister has made a decision on the application.

C4.3.3 Where the Minister approves an application for a work permit, the person is informed (through the employer) by means of an approval letter, and a Work Permit is prepared for collection on payment of the appropriate fee. The Immigration Division is also informed.

C4.3.4 The employer must notify the Chief Immigration Officer in writing at least seven (7) days before the arrival, or expected arrival, of any person for whom a Work Permit has been approved.

C4.3.5 Persons who are granted Work Permits must leave the country at the cancellation or expiration of that Work Permit, whichever occurs first, except in cases where the current employer submits an application for an extension on behalf of that employee. Requests for extensions must be made at least one (1) month prior to the date of expiration of the existing permit.

C4.4 Work Permit Extensions

C4.4.1 Where an extension of a Work Permit is required, the following documents must be submitted:

i. Covering letter (O+7) from the company stating why the extension is necessary and naming the national understudy;
ii. Application forms (O+7);
iii. Original receipt for the application fee from the Ministry of National Security;
iv. Proof of advertisement of the position;
v. Tax Clearance Certificate ‘C’.

Note: For persons on Work Permits which are valid for less than one (1) year, a valid return ticket is sufficient security. For persons on Work Permits which are valid for one (1) year and more, a valid security bond must be established. (SI 38/99)

C4.5 Work Permit Exemptions

C4.5.1 Exemption from the need to hold a Work Permit may be granted to specific categories of persons, including the following:

4 Policy under review.
i. The spouse of a citizen/resident who, within the first two (2) years of his/her marriage, applies for the grant of resident status, in accordance with Section 6 (1) (c) of the Immigration Act;

ii. Sportspersons who are entering the country for a specified period to engage in a specific international sporting activity;

iii. Employees of State Agencies, for periods of stay, as determined by the Minister;

iv. Qualifying Employees of Diplomatic Missions and of Diplomats/Officials, accredited to and resident in Trinidad and Tobago;

v. Approved investors who wish to remain in Trinidad and Tobago to manage their businesses, and who the Ministry is satisfied do not pose a threat to the security and well-being of the lands and people of Trinidad and Tobago;

vi. Any other person deemed appropriate by the Minister of National Security.

Note: The Ministry of National Security maintains an up-to-date list of all categories – some of which might not be listed here.

C4.5.2 Applications for extension of Work Permit exemptions must be made at least four (4) weeks prior to the expiration of the Exemption Certificate. (R10(14)).

C4.5.3 The Minister of National Security must approve the grant or refusal of Work Permit exemptions. In making such decisions, the Minister may be guided by the advice of the Work Permit Advisory Committee.

Notes:

i. Persons who wish to enter to attend Board meetings, check on investment profiles or hold business discussions and similar activities do not need a Work Permit and may enter as often as they like. The 30 (thirty) day Work Permit concession does not apply to them (SI 07/97 dated 4 April 1997)

ii. Journalists are also exempt from the provisions of the Immigration regulations concerning Work Permits and may be granted entry permits for the duration of special events, provided they comply with normal entry requirements. (SI 01/87)

C4.6 Work for Less Than 30 Days

C4.6.1 In cases where a person can prove to the satisfaction of the Chief Immigration Officer that he/she is seeking admission into Trinidad and Tobago to work for a period not in excess of 30 (thirty) days, such a person may be admitted for a period not exceeding 30 (thirty) days.

C4.6.2 This provision is applicable only to a person entering Trinidad and Tobago to work for one period, not exceeding 30 (thirty) days, at 12 (twelve) month intervals. (R10(1)(c))

C4.6.3 If the original employer can prove to the satisfaction of the Permanent Secretary that the person admitted under the 30-day Permit provision, is required to remain in Trinidad and Tobago for a period in excess of the 30-day period, to complete the job for which the permit was initially granted, then the employer must apply for a Work Permit for the
required period, inclusive of the initial 30-day entry certificate.

### C5. CARICOM Nationals

#### C5.1 Treaty of Chaguaramas

C5.1.1 The date of the Revised Treaty of Chaguaramas establishing the **Caribbean Community (CARICOM)** - including the Caribbean Single Market and Economy (CSME) - is 5 July 2001. The CSME is intended to be fully implemented by 2009.

C5.1.2 Visa requirements have been eliminated for all Caribbean Community nationals travelling to other Member States. Non-Community spouses and dependants of Community nationals, as well as nationals of Haiti, would require visas where applicable.

C5.1.3 Persons who qualify to exercise their right to “free movement” under the Revised Treaty of Chaguaramas are permitted entry into Trinidad and Tobago. Such persons are not required to have a Work Permit, but must be able to present a valid travel document, a Police Certificate of Good Character and meet other entry requirements, as detailed below, at the port of entry.

#### C5.2 CARICOM Member States

C5.2.1 The Member States of CARICOM are:

1. Antigua and Barbuda;
2. The Bahamas (not part of the CSME arrangements, including free movement protocols);
3. Barbados;
4. Belize;
5. Dominica;
6. Grenada;
7. Guyana;
8. Haiti (not yet integrated into all aspects of the CSME, including free movement protocols);
9. Jamaica;
10. Montserrat (has not signed the Revised Treaty, awaiting authority from the U.K.);
11. St. Kitts and Nevis;
12. St. Lucia;
13. St. Vincent and The Grenadines;
14. Suriname;
15. Trinidad and Tobago.

#### C5.3 Skilled Certificates
C5.3.1 The Revised Treaty establishes the right of university graduates, media workers, sports persons, artistes and musicians to carry on economic activities in any part of the CSME. It also provides for the movement of these individuals into, and within, jurisdictions without restrictions or the imposition of impediments.

C5.3.2 Skilled CARICOM nationals holding Skills Certificates issued by the Ministry of Foreign Affairs, Trinidad and Tobago, are permitted entry for an indefinite duration. Persons in possession of Certificates issued by any other CARICOM State are allowed entry for a period of six (6) months, during which time they should apply for a Certificate issued in Trinidad and Tobago.

C5.3.3 Pursuant to the Revised Treaty, persons in possession of Skilled Certificates are not required to obtain Work Permits.

C5.3.4 In addition to the Skills Certificate, skilled CARICOM nationals are also required to present completed medical forms to the Immigration Officer.

C5.3.5 Like all skilled nationals, university graduates, media workers, sports persons, artistes and musicians, must obtain a Certificate of Recognition from the appropriate administering authority of the receiving Member State. Upon initial entry to that Member State, they are to be granted a reasonable period in which to apply for certification, typically six (6) months.

C5.3.6 At the time of initial entry, Community Nationals seeking certification as university graduates, media workers, sports persons, artistes and musicians, along with their spouses and dependants, need only provide valid passports. Immigration Officers should provide such nationals with written instructions as to how to apply for certification.

C5.3.7 Persons seeking certification as an artiste, musician, media worker or sports person must provide to the certifying authority the following documentation:

i. A valid passport;
ii. A Certificate of Recognition of Caribbean Community Skills Qualification;
iii. Police Certificate of Character.

C5.4 University Graduates

C5.4.1 University graduates are persons:

i. Who hold a degree from a university subject to its acceptability by the competent authority in the Member State;
ii. Whose qualifications or combination of qualifications are certified by the competent authority; or
iii. Whose qualification or combination of qualifications from time to time are certified by an authority designated by the Minister, by Order, as an
C5.4.2 The term “university graduate” is not restricted to any specific university or set of universities, within the region or otherwise. Rather, the right of free movement applies to all university graduates, regardless of where they were educated.

C5.4.3 Like all skilled nationals, university graduates must obtain a Certificate of Recognition from the appropriate administering authority of the receiving Member State. Upon initial entry to that Member State, they are to be granted a reasonable period in which to apply for certification, typically six (6) months.

C5.4.4 At the time of initial entry, Community nationals seeking certification as a university graduate, along with their spouses and dependants, need only present valid passports. Immigration Officers should provide written instructions as to how to apply for certification.

C5.4.5 Persons seeking certification as a university graduate must provide to the certifying authority the following documentation:

i. A valid passport;
ii. Certificate of Recognition of Caribbean Community Skills Qualification;
iii. Police Certificate of Character.

C5.4.6 The applicant must present the following additional information for use in processing the entry of his or her spouse and/or dependents either accompanying or to follow:

i. Valid passports;
ii. Marriage Certificate/affidavit of common-law relationship;
iii. Birth Certificate(s) of dependents;
iv. Verification of relationship to dependents;
v. Police Certificate(s) of Character.

C5.4.7 In addition, university graduates should be prepared to prove that neither their admission, nor that of their spouses and/or dependants, would conflict with the public interest of the Member State.

C5.4.8 Upon receiving certification, university graduates, along with their dependants, would be granted indefinite stay by the Immigration Division.

C5.5 Service Providers (Self-Employed Persons)

C5.5.1 Service Providers (self-employed persons) are required to present the following documents at the port of entry:
• Valid passport;
• Proof of some level of financial resources;
• Evidence of experience or qualifications.

An initial entry for a period of one (1) month, is then granted, in order to regularize stay.

**Regularisation of Stay**

The Service Provider will report to the Immigration Officer responsible for CSME matters with the following documents:

- All documents produced on entry;
- A contract for services;
- Police Certificate of Character.

The contract or letter should state the following:

- The commencement and termination dates of the contract;
- The place for performance of the contract;
- The contract is for services and not a contract for employment.

A Register is kept by the Immigration Division to record all persons coming in to exercise their Right to the Provision of Services.

C5.5.2 Persons who satisfy the above requirements may be granted entry for the duration of the service contract or for such other period as determined by the Immigration Officer.

**Note:** The applicant will NOT be permitted to seek employment as a wage earner without first obtaining a Work Permit.

**C5.6 Persons Wishing to Establish a Business**

C5.6.1 People wishing to establish a commercial presence (i.e. set up a business) in Trinidad and Tobago are required to provide the following evidence, to the officer responsible for CSME, within three (3) months of arrival in Trinidad and Tobago:

i. Valid passport;
ii. Letter of Introduction of the business;
iii. Police Certificate of Character;
iv. Certificate of Incorporation/Registration of the business;
v. Proof that the business is 51% owned by a CARICOM national;
vi. VAT/BIR registration;
vii. Bank statement;
viii. Medical certificate.
A successful applicant may be granted entry for a period not exceeding one (1) year, during which time, he/she must submit proof of registration and establishment of a business and completed Medical Forms (40,40a) to the Immigration Division. If satisfied, the Immigration Officer shall extend the applicant’s period of stay accordingly.

C5.7 Technical, Managerial and Supervisory Staff

Technical, managerial and supervisory staff of business establishments may be allowed to enter Trinidad and Tobago, provided that the businesses to which they are attached submit an application on their behalf prior to their entry and the required approval is granted.

Documents to be produced include:

i. Passport details;
ii. Police Certificate of Character;
iii. Description of position to be filled by each candidate;
iv. Expected date of entry.

That approval must be presented to the Immigration Officer at the port of entry, who shall determine an appropriate period of stay.

C5.8 Spouses and Dependants

Accompanying spouses and immediate dependant family members (as defined in the Caribbean Community Skilled Nationals Act 6/96) of persons at C5.2, 6.4 and 6.5 above, are allowed entry for the duration allowed to the qualifying CARICOM national that they accompany.

Note: Persons holding a Skills Certificate from a CARICOM State other than Trinidad and Tobago are not allowed to work during their first six (6) months granted under S4(1) of Act 26/96. Only persons admitted under S3(1) on the basis of a Skills Certificate granted by the Minister of Foreign Affairs in Port of Spain are permitted to work.

C6. Filing an Application for Temporary Permit

C6.1 Mandatory Requirements for Temporary Permits

Applications for extension of Temporary Residence Permits must be made on the application form relevant to the type of visa required, which must be completed in full and submitted to a Immigration Division office, together with:

i. The applicant’s valid passport or other travel document;
ii. One (1) passport-sized photograph of the applicant;
iii. The appropriate fee (if any);
iv. Evidence of funds for maintenance in Trinidad and Tobago (if required);
v. Travel tickets or evidence of onward travel arrangements (if required);
vi. Any other information, evidence and submissions the applicant considers show that he/she should be issued with a temporary visa.

C6.2 Additional Requirements for Temporary Permits

C6.2.1 Before determining the application, the Immigration Officer processing it may require the applicant:

i. To produce any other photographs, documents and information that the officer thinks necessary in the circumstances;
ii. To produce any travel tickets or evidence of onward travel arrangements that the officer thinks necessary;
iii. To appear for an interview.

C6.3 Application Not in Accordance with Mandatory Requirements

C6.3.1 An application that is not made in accordance with the requirements as set out above will be deemed not to meet the mandatory requirements and may not be processed until all requirements have been met.

C6.3.2 If an incomplete application for a permit is received (for example, one of the mandatory documents is missing or the fee has not been paid) the Immigration Division or consular officer, as appropriate, may advise the applicant about any deficiencies and give the applicant a reasonable period of time to rectify the problem. If the applicant does not respond within the allocated time, the application will lapse.

C7. Determining an Application for Temporary Permit

C7.1 Processing an Application

C7.1.1 Immigration officials must be satisfied that applicants for Temporary Permits:

i. Have met the health and character requirements for temporary entry and the requirements for the particular category of permit;
ii. That they are bona fide applicants.

C7.1.2 Applicants may be required to present further documents or attend an interview, if the decision maker considers that this is necessary in the circumstances.

C7.2 Verification of Identity

C7.2.1 If there is reason to doubt the claimed identity of an applicant, or the authenticity of identity document(s), Immigration Officers must seek further information to verify the
applicant’s identity and authenticity of the documents provided.

**C7.3 Considering the Application**

C7.3.1 Immigration Officers must first determine applications for Temporary Permits in terms of the requirements of the immigration law and current temporary entry policy.

C7.3.2 Officials must be satisfied that applicants for Temporary Permits are bona fide applicants.

C7.3.3 If applicants do not respond within the specified time to a request for further information, evidence or documents, or an interview, the application may be assessed on the information then available to the decision maker.

**C7.4 Deciding Applications and Documenting Decisions**

C7.4.1 Applications for Temporary Permits must be approved if the Immigration Officer is satisfied that:

i. The applicant has provided the evidence required by the policy and any additional evidence requested;

ii. The applicant meets the relevant temporary entry policy criteria;

iii. The requirements of the bona fide, health and character policies are also met.

C7.4.2 If an Immigration Officer is not satisfied that an applicant has met all the policy requirements for a Temporary Permit/Visa, and an exception to policy is not justified, the officer must deny the application. The applicant, or his/her agent, should be informed of the reasons for declining the application.

C7.4.3 Immigration Officers must observe the following procedures to ensure that decisions on applications for temporary entry are properly documented:

i. Make all file records (particularly file notes and instructions) accurate, clear, complete and factual;

ii. Give decisions on applications in writing to applicants (or their representatives) where appropriate;

iii. State the full reasons for refusal decisions (without prejudicing any risk profiles).

**C8. Refugee Status Claimants**

Refugee – A person who, due to “a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”
C8.1 Trinidad and Tobago’s Obligations Under Refugee Convention

C8.1.1 It is necessary to have regard to Trinidad and Tobago’s obligations under international conventions (e.g. Refugee Convention) when making a decision about whether to refuse entry. Thus, if a person who would normally be refused entry indicates that he/she wishes to claim refugee status, he/she must not be removed from Trinidad and Tobago soil except as permitted under applicable domestic Trinidad and Tobago law – normally only after the person has been given an opportunity to have his/her claim to refugee status assessed and the person is declared not to be a refugee.

C8.2 Claims for Refugee Status at Port of Entry

C8.2.1 Trinidad and Tobago is a signatory to the United Nations Convention relating to the Status of Refugees which was drawn up in Geneva in 1951 and the associated Protocol which was adopted in New York in 1967.

C8.2.2 Under the guidelines set down by the United Nations High Commissioner for Refugees (UNHCR), Trinidad and Tobago has a general obligation to process asylum seekers who arrive at a port of entry and seek to have their claim for refugee status recognised. All that is normally required to initiate the processing of a refugee claim is an indication of intent.

C8.2.3 Immigration Officers should give due consideration to people who wish to claim refugee status because they may be tired, disoriented, distressed, and/or incapable of communicating in English.

C8.3 Determination of Refugee Status

C8.3.1 This procedure is not yet finalised, however persons who claim asylum must be referred to the CIO for his consideration, pending the adoption of agreed procedure from the Minister for National Security.
D1. Immigration and Residence Policy

D1.1 Objectives

D1.1.1 The objectives of immigration and residence policy are to:

i. Contribute to economic growth and stability through enhancing the overall level of human capability in Trinidad and Tobago;
ii. Encourage enterprise and innovation;
iii. Foster international links;
iv. Promote the unification or reunification of families in Trinidad and Tobago.

D1.1.2 These objectives are achieved by allowing the entry for residence of people on the basis of their skills, qualifications and experience or their family links to Trinidad and Tobago.

D1.2 Who is a Resident?

D1.2.1 Section 5 (1) of the Immigration Act defines a resident who is not a citizen of Trinidad and Tobago to be the following:

“(a) A person who was entitled under the former Constitution to be registered as a citizen;
(b) A person to whom permission has been granted by the Minister under Section 6 to become a resident;
(c) A person other than a person described in paragraph (a) or (b) who immediately before the commencement of this Act (that is, 1st July 1976) was deemed to be a person belonging to Trinidad and Tobago by virtue of Section 2(2) of the former Ordinance;
(d) A person who applies for and is granted permission to become a resident under section 50(1);
(e) The child of a person who is a citizen of Trinidad and Tobago who by virtue of this section is a resident provided that such child is a minor or is dependent on and living with his parents;
(f) Such other persons on whom the Minister may confer the status of a resident.”

D1.2.2 In the case of applicants for residence under S5(1) (b) (transitional provisions – no longer applicable) and (d) (other applicants), the eligible period of residence cannot include any period during which a person:

i. Is in prison;
ii. Is in a hospital for mental diseases;
iii. Remains in Trinidad and Tobago after a deportation order has been made against him/her and prior to the execution of such an order or his/her voluntarily leaving Trinidad and Tobago, unless an appeal against such an order is allowed;
iv. Is in Trinidad and Tobago under a permit.

D1.2.3 For the purposes of S5(1)(f) the Minister has the power to confer the status of a resident on any person he considers fit. (S5(3)).

D1.2.4 A person who acquired resident status as a minor in accordance with Section 5 (1) (e) of the Immigration Act, continues to be a resident where:

i. The person has attained full age;
ii. He/she is no longer dependent on the parent(s);
iii. The parent has died, provided that they did not lose resident status.

N.B. The minor (or dependent) loses residence if the parent loses that status.

D1.2.5 Regulation 24(2) of the Immigration Regulations makes it incumbent upon the Chief Immigration Officer to ensure that: “Where a person claims to be a resident under Sections 5(1)(a), (c) (e) or (f) of the Act, to satisfy himself as to the genuineness of the claim and keep a register of such persons.”

In such cases, officers must complete an “Appendix B” form and attach all supporting documents. The completed form and documents should be forwarded to the O/C Traffic Index u.f.s.

D1.3 Who Can Apply for Residence?

D1.3.1 The Minister of National Security may grant resident status to non-citizens, in accordance with Sections 5(3) or 6(1) of the Immigration Act.

D1.3.2 The following persons are eligible to apply and be considered for resident status in Trinidad and Tobago under the provisions of S6(1) of the Act:

i. A permitted entrant who:

- By reason of his education, occupational qualifications, personal history, employment record, training, skills or other special qualifications has established, or is likely to be able to establish, himself successfully in Trinidad and Tobago in a profession, trade, self-operating business or agricultural enterprise, and who has sufficient means of support to maintain himself and his immediate family in Trinidad and Tobago;
- Has been continuously resident in Trinidad and Tobago for five (5) years or such shorter period - not being less than 12 (twelve) months - as the
Minister may in the special circumstances of any particular case accept;

ii. A person who is the parent or grandparent of either a citizen or resident of Trinidad and Tobago;

iii. The legally married spouse of a citizen or resident;

iv. A former citizen or resident of Trinidad and Tobago;

v. Persons in special circumstances, who, based on humanitarian or compassionate grounds, for example, are deemed fit by the Minister, to enter Trinidad and Tobago;

vi. Senior citizens who are able to demonstrate that they would not be a charge on public funds (i.e. self-funded retirees).

D1.3.3 In determining the suitability of an applicant for the grant of resident status, the Minister must be satisfied, inter alia, that the applicant:

i. Entered the country legally (and has remained legally);

ii. Is not in a prohibited class;

iii. Is of good character as evidenced by a Police Certificate of Character.

D1.4 Who May Not Become a Resident?

D1.4.1 The following persons are not eligible to apply for and be granted resident status in accordance with Section 6 (1) (a) of the Act:

i. Children born in Trinidad and Tobago where neither parent was a citizen or resident at the time of his/her birth (the parent cannot confer residence on the child in these circumstances);

ii. Accredited diplomatic and consular officers or officials of any country, of the United Nations or any of its agencies, or of any inter-governmental organisation in which Trinidad and Tobago participates (e.g. IOM), coming to Trinidad and Tobago on official business or transiting through Trinidad and Tobago, and members of their suites or families;

iii. Members of naval, army or air forces who come to Trinidad and Tobago for training or in connection with the defence or security interests of Trinidad and Tobago, or under the provisions of any treaty or agreement between Trinidad and Tobago and another country, and whose entry is approved by the Minister, together with such members of their families or suites as may be approved.

D1.5 Residence Applications

D1.5.1 Eligible persons are required to make an application for residence on Form 6 addressed to the Permanent Secretary, supported by all relevant documents. Under current policy, an interview with an Extension/Interviewing Officer is also required.

D1.5.2 Processing officers will need to ensure that a completed residence application form is submitted together with the following documents:
i. Birth certificate;
ii. Marriage certificate, where relevant;
iii. Divorce decree, if applicable;
iv. Any other relevant documents in the particular case.

Note: A full list of documentary requirements for residence status applications is outlined at Appendix 10.

D1.5.3 Where a person has an interview scheduled, an extension of three (3) months beyond the date of interview should be granted. (SI 38/99)

D1.5.4 A person who appears to qualify under section 6(1)(a) or 6(1)(b) of the Immigration Act can be granted one (1) month to submit an application for resident status on condition that they have fulfilled other normal Immigration requirements. On provision of evidence of submission of an application for resident status a further extension of three (3) months in the first instance can be granted.

D1.5.5 The Interviewing Officer should also ensure that the applicant has a permit valid for at least three (3) months. The interview report must state the date of interview as well as the date of arrival of the applicant in Trinidad and Tobago.

D1.5.6 All documents should be photocopied and certified as “Original Seen”. This includes the bio-data page and other relevant pages of the applicant’s passport showing the time granted to the applicant.

D1.5.7 All of the above documents should be submitted to the Ministry of National Security together with the original application and the interview report. Copies of all documents should be kept on file.

Note: In considering the suitability for residence of an applicant who resides on Tobago, the Tobago House of Assembly is to be consulted before any recommendation is made either in favour of or against the grant of residence. (SI 19/97 dated 12 August 1997)

D1.6 Spousal Applications

D1.6.1 A person who qualifies under section 6(1)(c) of the Immigration Act (i.e. spouses of citizens/residents) can be granted three (3) months to submit an application for Resident Status on condition that they have fulfilled other normal immigration requirements.

D1.6.2 By Ministerial Direction (SI 24/95 dated 5 September 1995), applications from the spouses of citizens/residents of Trinidad and Tobago are to be treated as follows:

i. A first interview is to be held and, if this is satisfactory, the applicant is given an extension of stay for 12 (twelve) months and exemption from the work permit requirement (SI 42/99);
ii. At the end of the 12 (twelve) month period, a second interview is to be
conducted to establish that the marriage is ongoing. If the situation is satisfactory, a further extension of stay and work permit exemption is given to the applicant;

iii. At the end of the second year, a further interview and report are required.

D1.7 Decisions

D1.7.1 Where the Minister approves the grant of permanent residence to an applicant, the processing officer in the Immigration Division will record the decision and inform the applicant in writing, inviting him/her to present his/her passport so that the appropriate evidence can be endorsed in the passport.

D1.7.2 Regulation 18 states that a person who has been refused the grant of resident status may re-apply not earlier than one (1) year from the date of the receipt of such refusal or such other time as directed by the Minister.

D2. Filing an Application for Residence Permit

D2.1 Who May be Included in an Application?

D2.1.1 The criteria to be met for the particular class of permit relate only to the principal applicant. However, each person to be considered for a Residence Permit must be included in the application. They are then all processed together.

D2.2 Dependent Children

D2.2.1 An unmarried child is presumed to be a dependent child up to the age of 18 (eighteen) years, unless otherwise indicated.

D2.2.2 The principal applicant must provide the original birth certificate showing the names of the parent(s) of any dependent child included in the application, as evidence of the relationship.

D2.3 Dependent Children with Only One Parent Included in the Application

D2.3.1 If one of the parents of a dependent child is not included in the application for residence, the applicant parent must have the right to remove the child from its country of residence. Such evidence may include original or certified copies of:

i. A written statement confirmed by both parents;

ii. A court order permitting the applicant to remove the child from its country of residence.

D2.3.2 If one of the parents of a dependent child is dead, the death certificate of the other parent should be provided.
D2.4 Date an Application is Made

D2.4.1 An application is made on the date that it is filed only if, on that date, it is filed in the prescribed manner and contains all necessary supporting documentation.

D2.5 Receipt of Applications

D2.5.1 All applications and any evidence or information submitted in support of an application (whether at the same time or later) must be stamped with the date of the day on which they are filed with the Trinidad and Tobago authorities.

D2.6 How an Application Must be Filed

D2.6.1 The required documentation will vary according to the class of permit being requested and may also vary over time. However, as a general rule, applications must be made on the relevant application form for the class of permit being requested, signed and accompanied by:

i. At least one (1) passport-size photograph of the applicant;
ii. An original or certified copy of the applicant’s birth certificate or, if this is unobtainable, an original or certified copy of an identity card;
iii. The appropriate fee or official receipt showing that the fee has been paid;
iv. Any information and evidence required to show that the principal applicant fits the category or categories of policy under which the application is being made;
v. A fully completed and acceptable medical certificate, if required;
vi. A police or similar certificate, issued within the last six (6) months, indicating whether the applicant has any convictions in his/her country of nationality and/or residence;
vii. Relevant information and documentation relating to any dependents included in the application and their relationship to the principal applicant;
viii. Any other information, evidence and submissions that the principal applicant considers show fully that he/she is eligible to be issued with a Residence Permit.

D2.6.2 All applicants for Residence Permits must also provide a valid passport or other acceptable travel document.

D2.7 Evidence of Identity

D2.7.1 Requirements relating to proof of identity require applicants to include full birth certificates for every applicant, which usually state:

i. The applicant’s name;
ii. Date of birth;
iii. Their place of birth;
iv. The names, nationality, birthdates (or ages) and/or occupations of the parents.

D2.7.2. If a full birth certificate cannot be obtained, an original or certified copy of an identity card may be acceptable, depending on the type of card and its security.

D2.7.3 An applicant should not generally be exempted from obtaining a full birth certificate only because there is a possible delay or expense in obtaining it.

**D2.8 Additional Requirements**

D2.8.1 Before determining the application, an Immigration Officer processing an application may require the applicant to:

i. Appear before the officer for an interview;
ii. Produce any other photographs, documents, evidence, and information the officer thinks necessary to help in determining the application;
iii. Undergo a medical examination.

**D2.9 DNA Testing to Verify Claimed Relationships**

D2.9.1 DNA testing provides the most reliable evidence of whether or not a claimed biological relationship exists. In certain cases, DNA evidence will be the only evidence available to satisfy an Immigration Officer of a claimed relationship because documentary and other evidence of the relationship does not exist or is unreliable.

D2.9.2 In situations where documentation does not exist or is unreliable, an Immigration Officer may raise the possibility of undertaking DNA testing with the applicant. Note, however, that an adverse inference should not be drawn where an applicant refuses to submit to a DNA test.

**D2.10 Translations of Documents**

D2.10.1 Any documents not in English must be accompanied by a translation.

D2.10.2 Translations must:

i. Not be made by an applicant’s family member or a person with an interest in the outcome of the application;
ii. Be certified as a correct translation;
iii. Be prepared and certified by a recognised private or official translation service;
iv. Be on the official letterhead of the translation service;
v. Bear the stamp or signature of the translator;
vi. Be accompanied by the original documents or certified copies.
D2.11 Payment of the Fee

D2.11.1 Principal applicants must pay the fee specified for that type of application at the time of filing, unless they are exempt from payment of the fee.

D2.11.2 Official receipts will be issued by the relevant Trinidad and Tobago office for all fees received. The money will then be accounted for in accordance with normal accounting procedures.

D3. Health and Character Requirements

D3.1 Health Requirements - General Principles

D3.1.1 All persons included in residence applications must meet normal health requirements unless they qualify for a waiver. This generally means that they are in good health and not suffering from any serious or infectious disease or other condition that may constitute a danger to public health or represent a burden on scarce medical and hospital facilities.

D3.1.2 If any person included in the application fails to meet the necessary health requirements and does not qualify for a waiver, the application may be refused.

D3.2 Character Requirements - General Principles

D3.2.1 All persons included in residence applications must be of good character, and not pose a potential security or societal risk. Foreign nationals can be denied entry on the grounds of criminality or organised criminality, because they pose a security risk, or because of involvement in war crimes or human rights violations.

D3.2.2 If any person included in the application fails to meet those necessary character requirements and the character requirements are not waived, the application must be denied.

D3.3 Evidence of Good Character

D3.3.1 Applicants aged 18 (eighteen) or over should provide police certificates for their country of citizenship and for every country in which they have lived for 12 (twelve) months or more in the five (5) years before the date they file their application.

D3.3.2 All police certificates should be issued within the six (6) months prior to the filing of an application.

D3.3.3 If a police certificate becomes a year old from the date of issue before a decision on an application is made, Immigration Officers may request further police certificates.

D3.3.4 Immigration Officers may also request further police certificates within the 12
(twelve) month period if there is good reason to do so. The cost of obtaining a police certificate is the responsibility of the applicant.

D3.3.5 Only originals of police certificates are acceptable.

D3.3.6 If a police certificate is written in a language other than English, the original must be accompanied by a full and complete translation. The translation must be on the official letterhead of the translation service and bear the full name and signature of the translator.

**D3.4 Character Checks**

D3.4.1 Character checks should be carried out for all applicants for permanent residence, aged 18 (eighteen) and over.

D3.4.2 Character checks will consist of a police or similar certificate, plus any other enquiries which are deemed necessary in the circumstances of a particular applicant.

**D3.5 Screening through International Agencies**

D3.5.1 Where necessary, character checks will include screening of applicants by international law enforcement agencies such as Interpol and United Nations International Criminal Tribunals.

**D3.6 Assessing the Individual Circumstances**

D3.6.1 Applications should not be refused automatically on character grounds. Decision makers must consider all relevant factors and circumstances of the application to decide whether or not they are compelling enough to justify waiving the good character requirement.

D3.6.2 Factors to be taken into account include the following, as appropriate:

i. The age of the applicant at the time of any offence;
ii. If applicable, the seriousness of the offence (generally indicated by the term of imprisonment or size of the fine);
iii. Whether there is more than one offence;
iv. Whether the imprisonment was the result of political sanctions or persecution of the applicant;
v. If applicable, consider the significance of any false, misleading or forged information provided, or information withheld, and whether the applicant is able to supply a reasonable and credible explanation or other evidence indicating that, in supplying or withholding such information, he/she did not intend to deceive Trinidad and Tobago Immigration authorities;
vi. Consider whether the applicant’s reasons for wanting to reside in Trinidad and Tobago, and any surrounding circumstances, are compelling enough to justify
making an exception to the character requirement, taking into account the public interest;

vii. Observance of fairness and natural justice requirements.

D3.6.3 Officers must record:

i. Their consideration of the surrounding circumstances, noting all factors taken into account;
ii. The reasons for their decision to recommend waiver or refusal to waive the good character requirements.

**D4. Determining an Application for a Residence Permit**

**D4.1 Evidentiary Requirements**

D4.1.1 Officers must be satisfied that the information an applicant submits complies with the evidentiary requirements of Government immigration and residence policy. Even if an applicant provides the required evidence in support of an application for residence, an officer may still decide that additional evidence is necessary in a particular case.

D4.1.2 Officers should use their (reasonable) discretion to decide what is sufficient evidence for policy criteria that have no specific evidentiary requirements.

**D4.2 Age of Applicant**

D4.2.1 Where an applicant’s age has a bearing on the assessment of his/her application for residence (for example a dependent child), this is to be taken as their age at the time the application is filed.

**D4.3 Explaining Discrepancies in Family Details**

D4.3.1 Under the principles of fairness and natural justice, applicants must be given an opportunity to explain any discrepancies in the details of their immediate family, if those discrepancies are materially relevant to the application.

D4.3.2 Applicants, or other relevant parties, may be required to provide the explanation in writing and/or at interview, and if given at interview the explanation must be recorded in writing.

D4.3.3 If, as the result of an explanation, the officer is satisfied that the details provided by the applicant are correct, or that the applicant has genuinely misunderstood the requirements, the officer should continue to process the application.

**D4.4 False or Misleading Information**

D4.4.1 The officer should consider denying the application under the character provisions
of the policy if he/she has reasonable cause to believe that an applicant has:

i. Supplied incorrect information;
ii. Failed to declare relevant family members in a deliberate attempt to mislead.

## D4.5 Further Information

D4.5.1 Further information may be submitted at any time before a final decision is made on an application. Officers must take into account any relevant information submitted by applicants before a final decision is made. They should also take into account any relevant information held about previous applications.

D4.5.2 If an applicant does not respond within the specified time to a request for further information, evidence, documents, or interview, the application may be assessed on the relevant information then available to Trinidad and Tobago authorities, unless it is reasonable to enquire further.

D4.5.3 Applicants must inform the appropriate office of the Immigration Division of any relevant fact, including any material change in circumstances that occurs after the application is made, if that fact or change in circumstances is likely to affect the decision on the application.

## D4.6 Documenting Decisions

D4.6.1 All decision makers must observe the following procedures to ensure that decisions on applications for Residence Permits are properly documented:

i. Make all file records (particularly file notes and instructions) accurate, clear, complete and factual;
ii. Give all decisions in writing to applicants or their representatives;
iii. State the reasons for the decisions.

## D4.7 Lapsed Applications

D4.7.1 If a principal applicant has not provided their travel document or other essential information or documentation to the relevant Trinidad and Tobago authority for the issue of a Residence Permit within six (6) months from the date of advice that the application has been approved, or the request for the information or document was made, the application may be considered to have lapsed, and may be denied.

D4.7.2 If any application has lapsed under this provision, the application fee will not be refunded. If the applicant wishes to be considered again, he/she must make a fresh application and pay the relevant fees as if he/she were applying for the first time.

D4.7.3 If an application is denied, officers must notify the principal applicant in writing,
informing him/her of the reasons why the application has been denied, and of their right to appeal (if any).
D4.7.4 Officers must record the date that any letter advising that the application has been denied, is sent to the applicant.

## D5. Registration

### D5.1 Register of Residents

D5.1.1 A person whose application for residence is approved by the Minister is required to register on the Register of Residents. This Register is for the following:

1. People who have been granted residence under section 6(1)(a) of the Act;
2. Parents or grandparents who have been granted permission to become residents under section 6(1)(b) of the Act;
3. Persons who have been granted permission to become residents by virtue of sections 6(1)(c) and 50(1) of the Act.

D5.1.2 The following details must be recorded in the Register of Residents:

1. The full name, address and marital status of the residents;
2. The date on which the application for resident status was granted;
3. The provisions under which residence was granted.

D5.1.3 People granted residence are required to notify the Permanent Secretary of any change in marital status so that any necessary alteration can be made to the Register of Residents.

D5.1.4 If a resident loses that status at any time, the person’s name is to be removed from the register and the reason for the loss is to be recorded in it. Such an entry will be prima facie evidence of the loss of permanent residence.

### D5.2 Certificate of Residence

D5.2.1 As soon as a person has registered as a resident, the Permanent Secretary will arrange for the person to be issued a Certificate of Residence.

D5.2.2 A Certificate of Residence is sufficient proof that the holder is a resident. Holders of certificates of residence are free to exit Trinidad and Tobago without the need to obtain a re-entry visa or permit. (N.B. There may be cases where a person has lost resident status but still retains an earlier document purporting this.)

## D6. Loss of Resident Status

### D6.1 Grounds for Loss of Resident Status
D6.1.1 Under section 7(1) of the Immigration Act, a person can lose his/her residence status in the following situations:

i. If he/she voluntarily resides outside Trinidad and Tobago for a continuous period of one (1) year, unless he/she obtains from the Minister a certificate of exemption from this provision of the Act;

ii. In the case of a person who was entitled under the former Constitution to be registered as a citizen of Trinidad and Tobago, if he/she has resided outside Trinidad and Tobago for a continuous period of two (2) years immediately preceding the commencement of the Act, unless within a period of six (6) months from that date he/she obtains from the Minister a Certificate of Exemption from this provision of the Act.

D6.1.2 Resident status can also be lost under section 7(2) where the Minister is satisfied that a person:

i. Has been engaged in activities detrimental to the security of Trinidad and Tobago;

ii. Is a habitual criminal.

That person shall be deemed to have lost the status of resident at the commencement of his/her engagement in such activities or at the time of his/her becoming a habitual criminal.

D6.1.3 For the purposes of sub-section (2) of section 7, a habitual criminal is a person who:

i. Is not less than 30 (thirty) years of age;

ii. Has been convicted of an indictable offence punishable with imprisonment for two (2) years or more and has been convicted on at least three (3) previous occasions since the age of 17 (seventeen) years of offences similarly punishable; and

iii. Was on at least two (2) of these occasions sentenced to imprisonment, or has at least on one (1) occasion been sentenced to be detained at the Youth Training Centre or any other similar Institution.

D6.1.4 The Minister may issue a written declaration, under his hand, stating that the resident has lost his/her resident status (from the date specified in the declaration) and make a deportation order against that person, where he has reasonable grounds for suspecting that a resident:

i. Has given false or misleading information in his application for residence; or

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1 It is understood that this period has been extended to two (2) years by policy decision. It is not known when the legislative amendments will be made.
ii. Is a person referred to in section 8(1) (e), (f), (k), (l), (m), (o) or (q) of the Act.

D6.1.5 Any period during which a permitted entrant is in Trinidad and Tobago, that is less than the period required for the acquisition of resident status under section 6(1)(a)(ii), that might otherwise be counted by a person towards the acquisition of such status (in accordance with regulations made under the Act) is lost upon the making of a deportation order against him/her, unless an appeal against such an order is allowed.

**D6.2 Absence on Government Service**

D6.2.1 Residence outside Trinidad and Tobago for the purpose of serving in the Public, Diplomatic, or other Service, of Trinidad and Tobago, does not in any way cause loss of resident status.

**D6.3 Certificate of Exemption**

D6.3.1 The Minister may grant a Certificate of Exemption to prevent the loss of resident status by persons who remain out of the country for a period exceeding one (1) year, provided that the application for exemption is accompanied by documentary evidence of the purpose of stay abroad (for example, for medical treatment, to pursue studies and in extreme emergencies).

D6.3.2 Certificates of Exemption are granted for three (3) years in aggregate.

**D7. Reacquisition of Resident Status**

**D7.1 Returning Former Resident**

D7.1.1 Residents who stayed outside Trinidad and Tobago for a continuous period of one (1) year, without obtaining a Certificate from the Minister (and who wish to enter Trinidad and Tobago with the intention of residing) should be landed for three (3) months and advised to make an appointment to see the Officer in Charge, or Extensions/Officer in Charge, of Permanent Residence/Citizenship, at any one of the Immigration Division’s offices in Port of Spain, San Fernando or Tobago.

D7.1.2 Such persons should be advised as to the reason and, in the case of those who claim that their stay was involuntary, they should take along any documentary evidence to support their involuntary stay outside Trinidad and Tobago.

D7.1.3 It should be noted that nothing prevents the Immigration Officer from rejecting such a person’s application for entry if such a person falls into the prohibited class. However, such rejection must have the concurrence of the Minister.

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2 This provision was introduced as a matter of policy by SI 16/01 dated 12 June 2001, because of the use of the voluntary in section 7(1) and the fact that some people may have had to stay out of the country involuntarily.
of at least the Senior Immigration Officer.

D7.1.4 When such a person reports to the O/C Permanent Residence/Citizenship or O/C Extension, a comprehensive report is to be prepared and forwarded to the Chief Immigration Officer for a decision regarding the status of the person concerned.

D7.1.5 Residents who lost their resident status under the provisions of section 7(1) of the Immigration Act and who wish to reapply for resident status would have been landed for three (3) months at the port of entry (SI16/01). Any shortfall could be rectified as an extension. In addition, on provision of evidence of submission of an application for resident status, a further extension of six (6) months in the first instance can be granted.

### E1. Citizenship

#### E1.1 Acquisition of Citizenship

E1.1.1 The Minister may grant status as registered/naturalised citizens of Trinidad and Tobago, to any person who satisfies the requirement of Sections 7, 8,12 and 22, of the Citizenship Act.

E1.1.2 A permanent resident, who is a Commonwealth citizen and who has been residing in Trinidad and Tobago for five (5) years immediately preceding the application, may be granted Trinidad and Tobago citizenship.

E1.1.3 In the case of a non-Commonwealth citizen, the period of residence must be eight (8) years.

E1.1.4 Persons applying for registration/naturalisation under Sections 7 or 12 of the Citizenship Act must have resided in the country for a continuous period of 12 (twelve) months, immediately preceding such an application. However, a person is allowed to be out of the country for an aggregate period of two (2) months within that 12 (twelve) month period, or such longer periods, as approved by the Minister.

E1.1.5 The Minister is also authorised to grant Certificates of Citizenship to a child born outside of Trinidad and Tobago, of a citizen of Trinidad and Tobago by descent, according to Section 5 (1) of the Citizenship Act.

E1.1.6 Citizenship by adoption is conferred, in accordance with Section 6 of the Citizenship Act, on a minor child born outside Trinidad and Tobago, and for whom adoption was ordered by a court in Trinidad and Tobago.

E1.1.7 Lists of requirements for various citizenship applications are listed at Appendix 14.
E1.2 Loss of Citizenship

E1.2.1 The Minister of National Security retains the right to revoke, or deem lost, the citizenship of any person, in situations where he considers there are reasonable grounds to do so. (Section 14 of the Citizenship Act refers)

E1.3 Restoration/Reacquisition of Citizenship

E1.3.1 Restoration of citizenship is authorized by the Minister of National Security, in accordance with Section 11 (2B) of the Citizenship Act, to a citizen (by birth or descent) of Trinidad and Tobago, who voluntarily acquired the citizenship of another country prior to July 29, 1988.

E1.3.2 A person who is a citizen other than by birth or descent and who voluntarily acquires the citizenship of another country, would have lost Trinidad and Tobago citizenship. Such a person may apply to the Minister for reacquisition of such citizenship, in accordance with Section 11 (2) of the Citizenship Act.

E1.3 Documents for Registration as a Citizen

E1.3.1 The following documents are required from a person to be registered as a citizen of Trinidad and Tobago:

i. Three (3) copies of Form 7 of the First Schedule forms obtainable at the Government Printery, 110 Henry St. Port-of-Spain. These forms must be completed and signed in the presence of a Commissioner of Affidavit or a Justice of the Peace;

ii. An official receipt for the registration fee payable to the Comptroller of Accounts;

iii. Birth Certificate. If the correct name does not appear on the Birth Certificate, then a Baptismal Certificate and/or an Affidavit sworn to by a person who knows of the birth must be submitted;

iv. In the case of a married woman, a Marriage Certificate should be submitted;

v. Four (4) passport size photographs. Each referee is required to endorse the reverse side of one copy of a photograph with the words “I certify that this is a true likeness of (Mr, Mrs or Miss) .....................................” and add his/her signature;

vi. Travel documents (i.e. passports, travel permits, etc) including the documents with which the applicant entered the country;

vii. A Police Certificate of Good Character;

viii. Proof of satisfactory fulfillment of income tax obligations;

ix. National Insurance Card;

3 Persons suitable to act as referees are Members of Parliament; City, Borough or County Councillors; Justice of Peace; Ministers of Religion; Medical or Legal Practitioners; Established Civil Servants; Bank Officials; Police Officers or any person of similar standing.
x. Identification Card;
xii. Job letter and bank statement.
F1. Introduction

F1.1 Objectives

F1.1.1 The objectives of Trinidad and Tobago’s policy on removals are:

i. To maintain the integrity of Trinidad and Tobago’s borders;
ii. To maintain and protect public order and security;
iii. To remove alien criminals as quickly as possible;
iv. To conduct their removal effectively and fairly.

F1.1.2 This is achieved by ensuring that breaches of the immigration laws and policies are detected and dealt with in accordance with those laws and policies.

F1.2 Unlawful Non-Citizens

F1.2.1 Trinidad and Tobago’s immigration law requires that all foreign nationals who are unlawfully in Trinidad and Tobago must be removed as soon as practicable, unless they are given permission to remain. This reflects Trinidad and Tobago’s sovereign right under international law to determine which non-citizens are admitted or permitted to remain and the conditions under which they may be removed.

F1.2.2 People may be unlawful non-citizens or prohibited immigrants for any number of reasons, for example:

i. They have entered Trinidad and Tobago without a visa when they needed to have one;
ii. They entered Trinidad and Tobago at a place other than an official port of entry or eluded examination by an Immigration Officer;
iii. They have overstayed their permit;
iv. Had their visa or permit cancelled;
v. They have committed a breach of a condition of their permit (for example working while a visitor, studying without a permit);
vi. Lost their resident status, for example by becoming a threat to national security, being declared habitual criminals, or belonging to the prohibited class (e.g. illicit drug user, traffickers), etc.

F1.2.3 A person who is, or becomes, an unlawful non-citizen or prohibited immigrant
may be deported by order of the Minister or a Special Inquiry Officer. In some cases, voluntary departure may be allowed in lieu of formal deportation.

F1.2.4 The obligation for a person unlawfully in Trinidad and Tobago to leave arises whether or not that person is aware of his/her obligation to leave or of his/her liability to be removed from Trinidad and Tobago.

**F2. Investigation Section**

**F2.1 Functions of Investigation Section**

F2.1.1 The Investigation Section is the key agency within the Immigration Division responsible for monitoring compliance with the immigration laws and policies of Trinidad and Tobago, investigating breaches and alleged breaches of those laws, initiating prosecutions in appropriate cases and arranging for the removal of illegal aliens where necessary. In particular, officers of this section have the following responsibilities. They:

i. Liaise with national and provincial law enforcement agencies in connection with the monitoring of the activities of visitors and other temporary entrants;

ii. Conduct investigations into cases of suspected criminal or other undesirable practices within Trinidad and Tobago;

iii. Collect evidence to be used in prosecutions against people who are in breach of the immigration legislation and presenting such evidence in a Court of law;

iv. Refer cases to Special Inquiry Officers and the Courts, as appropriate, for further action;

v. Arrange for the deportation and/or removal of people whose presence in Trinidad and Tobago is against the public interest, including people who have overstayed the validity of their visas;

vi. Escort deportees and other people being removed from Trinidad and Tobago to a foreign destination, where this is necessary;

vii. Escort people being returned to Trinidad and Tobago from other countries;

viii. Provide information and feedback to the Intelligence Section of the Immigration Division.

F2.1.2 The following is an outline of the more important areas to be investigated:

i. Holders of fraudulent documents;

ii. False declarations by persons applying for passports (e.g. undeclared previous passports);

iii. Non-nationals attending schools in Trinidad and Tobago without the necessary Student Permit;

iv. Investigating persons involved in suspected “marriages of convenience”, and reporting the findings to the Permanent Residence Section of the Ministry of National Security;

v. Investigating persons who have broken the terms and conditions of the
vi. Persons who have since their admission come into the prohibited classes of Section 8.

**F3. Identifying and Locating People Suspected of Being Unlawful**

**F3.1 Dealing with Information on Suspects**

F3.1.1 Information alleging that a person may be in Trinidad and Tobago unlawfully can come from a variety of sources (for example, departmental sources, members of the public, former employers, the Police, etc).

F3.1.2 An Immigration Officer must verify such information to the extent that he/she is satisfied that there is good cause to suspect that a particular person is in Trinidad and Tobago unlawfully. This may be achieved by establishing the person’s identity and immigration status from immigration files or databases, or through enquiries.

**F3.2 Information from Public Agencies**

F3.2.1 If there is good reason to suspect that a particular person is in Trinidad and Tobago unlawfully or that particular premises are, or have been, occupied by a person who is in Trinidad and Tobago unlawfully, then an Immigration Officer may make a request for a government department, or other body, to produce any record or other information they hold about that person.

F3.2.2 The list of such records and agencies may include the following:

- Postal delivery records;
- Telephone subscriber records;
- Department of Transport (e.g. with respect to motor vehicle registration or driving licence);
- Electricity supply authorities;
- Municipal authorities;
- Other public authorities that may have information about the individual in question.

F3.2.3 If an Immigration Officer believes the suspected person is using one or more aliases, such aliases should be included in the request.

**F3.3 Determining Whether a Person is Unlawful**

F3.3.1 On the basis of available information, an Immigration Officer may need to decide whether the matter is serious enough to warrant an investigation or whether it can be dealt with simply on the papers, plus an interview with the person involved.
F3.3.2 Once a person suspected of being in Trinidad and Tobago unlawfully is located, it is necessary to confirm both their identity and immigration status. In some cases, it may also be necessary to enlist the assistance of the police, either for protection or because it may be necessary to take the person into custody.

F3.3.3 The following guidelines will assist officers to obtain both evidence of identity and immigration status as well as an address in Trinidad and Tobago.

**F3.4 Requirement on Officers to Identify Themselves**

F3.4.1. Immigration and police officers are all required to identify themselves when exercising the powers of an Immigration Officer under the Immigration Act.

F3.4.2 Suitable evidence of identity is as follows:

- i. For Immigration Officers, the officer’s identity card issued by the Immigration Division or the Ministry of National Security;
- ii. For police officers, being in uniform is sufficient, otherwise the officer’s badge or other evidence of being a member of the police, such as a warrant card.

F3.4.3 If an officer is seeking entry to any premises, building or craft in the course of his/her duties under the Immigration Act, the officer should state the relevant provision of the Immigration Act which entitle them to entry.

**F4. Powers of Investigating Immigration Officers**

**F4.1 Powers to Detain and Enter**

F4.1.1 The powers of Immigration Officers relevant to their investigation functions may be summarised as follows:

- i. Administer oaths and take evidence under oath or by affirmation concerning any matter under the Act, for example, the right of a foreign national to enter or reside in Trinidad and Tobago (S12(4));
- ii. Without a search warrant (but with reasonable cause), board and search any vessel in Trinidad and Tobago (S12(6)(a));
- iii. Interrogate any person and scrutinise the passport of any person that an Immigration Officer has good reason to believe may be a prohibited immigrant or may have committed an infringement of immigration law (S12(6)(b);
- iv. Arrest and detain a person in respect of whom an examination or inquiry is to be held, on a warrant issued by the Minister (S14)\(^1\);
- v. Without a warrant, order or direction, arrest and detain for enquiry or

\(^1\) Note the need for a warrant of arrest under S14.
deportation any person who, upon reasonable grounds\(^2\) is suspected of being a person who has ceased to be a permitted entrant by virtue of the provisions of S9(4) or S22(1)(i) of the Act (broken the conditions of stay, involved in prostitution, convicted of serious crimes, etc) (S15)\(^3\);

vi. Detain a person in respect of whom:
   • An inquiry is to be held;
   • Examination (for entry) under S18 or S20 has been delayed;
   • A deportation or rejection order has been made.

Persons to be detained pending the inquiry, examination, appeal or deportation, as the case may be (S16)\(^4\);

vii. Require the master of a ship, the captain of an aircraft, or the person in charge of any vehicle, to provide a list of the names of all persons on the ship, aircraft or vehicle.

F4.1.2 Police officers may have the same powers under the Immigration Act as Immigration Officers with respect to serving deportation or removal orders, entering premises, requesting the production of documents or other materials, and taking persons into custody. (S12(2))

F4.1.3 The powers of Immigration Officers to enter premises for the purposes of obtaining information is limited to those circumstances identified in the relevant provisions of the Immigration Act. This will generally allow Immigration Officers to enter certain premises if they believe on reasonable grounds that a person, who is either unlawfully in Trinidad and Tobago, or working without authority, is named in records held on the premises and to require the production of such records. (Reg 57)

F4.1.4 Premises may include:

   i. Commercial accommodation establishments such as hotels and guesthouses or other premises where accommodation is offered for payment;
   ii. Business premises or places of employment.

F4.1.5 Records include:

   i. In the case of accommodation premises, any register or list;
   ii. In the case of business premises or places of employment, personnel files, and wages or time records kept by an employer.

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\(^2\) “Reasonable grounds” means more than mere suspicion. There must be some credible evidence supporting a genuine (bona fide) belief. For example, an anonymous telephone call may not constitute reasonable grounds, whereas a letter from a law enforcement agency would almost certainly amount to reasonable grounds.

\(^3\) Note that, following the judgment of the Privy Council in the case of *Robert Naidike and others v the Attorney General*, it is necessary for the Minister to make a declaration that a person has ceased to be a permitted entrant before an Immigration Officer can exercise the power to arrest that person under Section 15. Part of judgment reads: “The Board in the end is driven to the view that the intended scope of section 15 is uncertain and that this uncertainty must be resolved in favour of the liberty of the individual”. Paragraph 50 states “…unless the immigrant’s detention is required for an inquiry to be held forthwith or for his removal to be effected pursuant to a deportation order already in force, there seems no sound reason for the power to be exercised”. Note the emphases in both instances.

\(^4\) Previous footnote is also relevant here.
F4.1.6 Entry may be made at any reasonable time during which the premises are open for business.

F4.2 Power to Require the Surrender of Documents

F4.2.1 Immigration Officers should note that any powers conferred by the Immigration Act to surrender documents can only be used if it has been established that there is good reason to suspect that a person is unlawfully in Trinidad and Tobago and the person is unwilling to cooperate in confirming their actual status in Trinidad and Tobago.

F4.2.2 Before proceeding to question a person or to require the production of documents, an Immigration Officer must first inform the person that they have good reason to suspect that the person is in Trinidad and Tobago unlawfully. Once this formal requirement has been satisfied, the immigration officer may require that person to do the following, for the purpose of establishing their identity and immigration status:

i. Give their full name or names (if known by more than one name);
ii. Either surrender to the officer or give the officer authority to obtain from any other person:
   • Any passport or certificate of identity relating to the suspected person;
   • Any passport or certificate of identity relating to any dependent child of the suspected person;
   • Documentary or other evidence of their identity.

F4.2.3 If the suspected person refuses to comply, or to make reasonable arrangements to comply, with any requirement above, the Immigration Officer must warn the person that if they continue to refuse or fail to comply, they are liable to be detained.

F4.2.4 If, despite being warned, the suspected person continues to refuse to comply with any requirement, an Immigration Officer or Police Officer may arrest the person without warrant and place them in custody.

F4.2.5 Before taking a suspected person into custody, an Immigration Officer must obtain a warrant from the Minister, unless it is a case where arrest without a warrant may be justified. In the latter case, the Immigration Officer should consider arranging for a police officer to make the arrest and if this is not possible, at least first obtain the agreement of a senior officer in the Immigration Division.

F4.2.6 If the identity of a person who is placed in custody cannot be confirmed, the Immigration Officer should make every effort to ascertain that identity before bringing him/her before a Special Inquiry Officer. The Special Inquiry Officer may then determine who the person is and may make any orders or directions as he/she thinks appropriate, including a deportation order where necessary.

F4.3 Use and Return of Surrendered Documents
F4.3.1 Any passport, certificate, documentary or other evidence surrendered to an Immigration Officer will only be used:

i. To confirm the identity of the suspected person;
ii. To confirm the immigration status of the suspected person;
iii. To process the removal of the suspected person from Trinidad and Tobago;
iv. In any proceedings before a Special Inquiry Officer or a court of law.

F4.3.2 Documents or other material must be returned to the person who surrendered them:

i. If the Immigration Officer is satisfied that the suspected person is not unlawfully in Trinidad and Tobago;
ii. The purpose for which it was surrendered has been served.

F4.3.3 If the document or other material is known to be the property of a third party, it must be returned to that third party.

F5. Dealing with Individual Cases

F5.1 Detained Persons

F5.1.1 Persons who have been detained for having eluded examination by an Immigration Officer (i.e. Section 22 (1) (i) cases) and persons who remained in Trinidad and Tobago after the expiration of the certificate granted to them, (i.e. S9 (4) (f) cases) are referred to a Special Inquiry Officer as soon as possible, to determine their immigration status.

F5.1.2 When a person has been taken into custody, the following steps should be taken (the specimen forms referred to here can be found in Appendix 7):

i. The interviewing officer completes an Information Sheet (Specimen Form 1);
ii. The Reason for Arrest and Detention form is completed in duplicate (Specimen Form 2);
iii. A photocopy is made of the person’s documents (Passport, Identity Card, Birth Certificate, etc);
iv. A record is taken of the person’s statement (if one has been provided);
v. A Detention Order is issued to the Commissioner of Prisons/Police (Specimen Form 3);
vi. Forward the person’s Information Sheet & photocopy of travel document(s) to the Traffic Index Section for opening of the case file;
vii. The file is to be promptly returned to the Investigation Section;
viii. All original documents belonging to the detained person must be stored in a labelled envelope and placed on the file;
ix. Contact the person’s local representative (Embassy/High Commission/
Honorary Consul) and attempt also to contact friends or family (ref: United Nations Convention for the Detention of Illegal Immigrants);

x. If the detained person is not in possession of his/hers passport or travel document, attempts should be made to secure a travel document to facilitate his/her repatriation if this becomes necessary;

xi. Similarly, if the person is not in possession of a valid return ticket to their homeland their family/friends can be requested to purchase the ticket;

xii. Prepare a Minute to the Chief Immigration Officer (Specimen Memos A & B);

xiii. Prepare Order to Hold Inquiry (Specimen Form 4);

xiv. Prepare declaration by Minister that person has ceased to be a permitted entrant (Specimen Form 5);

xv. Prepare Order to Show Cause form in duplicate (Specimen Form 6);

xvi. Prepare Release Order to the Commissioner of Police/Prisons (Specimen Form 7);

xvii. A Special Inquiry is arranged, it is conducted by the Special Inquiry Officer and attended by a Case Presenter, the Subject’s Counsel (if one is requested) and an Immigration Recorder. An Interpreter is required if the person does not speak the English Language;

xviii. After the Special Inquiry is completed the file is prepared according to the determination of the Inquiry. The person is either deported or granted voluntary departure.

F5.2 Persons Granted Voluntary Departure

F5.2.1 Persons granted voluntary departure by a Special Inquiry Officer, or other authority, are placed on an Order of Supervision (Specimen Form 8) to report to the Officer in Charge of the Immigration Office:

i. The original Order of Supervision is given to the Subject;

ii. An envelope is prepared with the subject’s travel document, ticket, copy of Order of Supervision and Verification of Departure;

iii. The Subject pays his/her departure tax and is allowed to depart;

iv. The Verification of Departure is returned to the Investigation Section and the file is completed;

v. A file note is made to Traffic Index, u.f.s., ACIO for the subject to be added to the Watch List and filed away.

F5.3 Persons Ordered Deported

F5.3.1 Persons ordered deported are treated as follows:

i. The person is returned to the prison;

ii. An Order of Detention is issued;

iii. An envelope is prepared containing the travel document, ticket, Departure Tax
Exemption (Specimen Form 9) and Verification of Departure (Specimen Form 10);
iv. A Release Order is completed on the day the person is due to leave and they are escorted by Immigration Officers to the place of departure.

**F5.4 Persons on Drug Charges (Section 9 (4)b, Section 9 (4)e and 8(1) k)**

F5.4.1 Persons who have been arrested by Officers of the Organised Crime Narcotics and Firearm Bureau or members of the Police Service are handled as follows:

i. The person is arrested and taken to Court;
ii. On completion of the court proceedings their passport is forwarded to the Investigation Section and a request is made for a Court Extract;
iii. On acquiring the Court Extract, a Minute (Specimen Memo C) is prepared to the Minister of National Security requesting the signing of a Deportation Order (Form 19B - Specimen Form 11) and the issuance of an Order to the Commissioner of Prisons (Form 41 - Specimen Form 12).

F5.4.2 When the above action is completed, the file is forwarded to the ACIO for Watch Listing.

F5.4.3 At the end of the period of imprisonment, and provided the fine has been paid, the person is then prepared for departure. (See preparation for persons to be deported)

**F5.5 Persons Trying to Leave with Fraudulent Documents**

F5.5.1 A person caught at a port of entry/exit while attempting to leave Trinidad and Tobago using a fraudulently issued Trinidad and Tobago passport is arrested and charged by officers of the Investigation Section.

F5.5.2 On completion of the Court proceedings:

i. A request is made for a Court Extract (Specimen Form 13);
ii. On acquiring the Court Extract a Minute is done to the Minister of National Security (Specimen Memo D) requesting the signing of the Deportation Order (Form 19B - Specimen Form 14) and the issuance of an Order to the Commissioner of Prisons (Form 41 see Specimen Form 12);
iii. When this action is completed the file is forward for Watch Listing.

**F5.6 Persons with Undeclared T&T Passport**

F5.6.1 If a person is caught with undeclared valid Trinidad and Tobago passports:

i. The file is sent to the Senior Divisional Officer in Charge of the Immigration Investigation Section for investigating;
ii. After investigations are completed the file is sent to the CIO for his comments/ approval before returning to the PCO.

DEPORTATIONS

G1. Objectives

G1.1.1 The objectives of Trinidad and Tobago law and policy on removals are:

i. To maintain the integrity of the Trinidad and Tobago borders;
ii. To maintain and protect public order and security;
iii. To remove alien criminals and other unwanted persons as quickly as possible;
iv. To conduct their removal effectively and fairly.

G1.1.2 This is achieved by ensuring that breaches of immigration laws and policies are detected quickly and dealt with in accordance with those laws and policies.

G2. Grounds and Timing of Deportation

G2.1 Who May be Deported?

G2.1.1 A non-citizen or non-resident, who, while in Trinidad and Tobago, is found to be in breach of the Immigration Laws, or a person whose admission into Trinidad and Tobago is considered contrary to the provisions of the Immigration Act or Regulations, may be deported by an Order of the Minister or a Special Inquiry Officer.

G2.1.2 Persons awaiting special inquiries or awaiting removal after being ordered deported, can be detained.

G2.1.3 Detention Orders must be reviewed periodically for persons found to be in the country in contravention of Section 9(3) of the Immigration Act – i.e. someone who has overstayed their permit, the permit has been cancelled or an extension has been denied.

G2.1.4 Deportation Orders may be issued by a Special Inquiry Officer in respect of the following non-citizens:

i. Persons seeking entry into Trinidad and Tobago, as referred to in Section 21(1) (b) of the Immigration Act – i.e. persons denied entry and detained at the border;
ii. Persons who are in breach of the Immigration Laws, as referred to in 22(1) (d) to (i) of the Act, namely:
   • Persons convicted of offences under the Narcotic Control Ordinance;
   • Persons who have lost their resident status by reason of Section 7(2)(b)
or (4) of the Act, i.e. a habitual criminal, has given false or misleading information, people involved in prostitution, drug dealing, subversive activities, etc.

G2.1.5 Any person who has been deported from Trinidad and Tobago and returns without the written permission of the Minister is liable to a fine and immediate deportation on the original deportation order.

G2.1.6 In cases where the respondent in a deportation case admits the facts of the case and is willing to depart voluntarily at no cost to the Government of Trinidad and Tobago, a Special Inquiry Officer may allow the person to leave on a Voluntary Departure Order rather than making a Deportation Order against the person. (Ss24(5) & 29(9))

G2.2 Appeals

G2.2.1 An appeal against a Deportation Order must be made within 24 hours by completing the appropriate form and serving it either on the Immigration Officer or the person serving the deportation order.

G2.2.2 The effect of an appeal is to stay deportation proceedings against the person until the appeal has been finalised. (S29 (3))

G2.2.3 There is no right of appeal against a Deportation Order by:

   i.  Any member of the prohibited class as described in section 8(1)(a), (b) or (c) where the decision to deport is based on a certificate of an examining medical officer;
   ii. A person described in section 8(1)(j) and (k) – drug users, dealers, traffickers.

G2.2.4 All appeals against Deportation Orders are decided by the Minister whose decision is final and cannot be considered by a court of law, except in the case of citizens or residents, or persons who claim to be such, as laid down in sections 30 and 31 of the Act.

G2.3 Lifting of Deportation Orders

G2.3.1 Deportation Orders imposed on CARICOM nationals on the grounds of having overstayed the period stipulated on their entry certificate shall be lifted after a period of ten (10) years.

G2.3.2 The authority to lift any Deportation Order resides exclusively with the Minister of National Security.

G2.4 Returning Deportees

A comprehensive policy to guide the treatment and management of returning deportees, addressing, among other things,
G2.4.1 Returning deportees shall not be admitted into Trinidad and Tobago unless the Government of Trinidad and Tobago is satisfied that such persons are bona fide citizens of Trinidad and Tobago.

G2.4.2 In the interest of public safety, particular emphasis shall be placed on the evaluation of returning *criminal* deportees. The Immigration authorities are expected to cooperate with the National Police, the Ministry of Social Development and other relevant agencies to facilitate the interviewing of deportees on arrival.

### G3. Removal from Trinidad and Tobago

#### G3.1 Removal Action

G3.1.1 Persons who are liable to removal may be removed from Trinidad and Tobago following the service of a Deportation Order or a Voluntary Departure Order.

G3.1.2 In the case of a person who has been authorised to depart voluntarily, the person should be informed that he/she will have to leave Trinidad and Tobago immediately or face removal by the authorities. Immigration Officers may allow such a person a reasonable amount of time to arrange their personal affairs and make preparations for their departure, depending on the circumstances.

#### G3.2 Voluntary Departure

G3.2.1 Where a person has been authorised to depart voluntarily, officers of the Investigation Section will supervise the arrangements for the person’s departure. This will involve:

i. The production by the person of tickets to take him/her from Trinidad and Tobago;

ii. The Investigation Section will notify the Senior Immigration Officer and the Special Inquiry Officer at the port of departure, giving details of the person, his/her travel document, date and time of departure, flight number and destination, etc;

iii. The person’s travel document will be sent to the Special Inquiry Officer at the airport or port of departure;

iv. On the day of departure the person will report to the Special Inquiry Officer at the port of departure;

v. The Special Inquiry Officer will supervise the departure of the person and then complete the Verification of Departure Form and forward it to the Investigation Section for closure;

vi. The completed Verification of Departure Form is sent to the Assistant Chief Immigration Officer (ACIO) who will arrange for the person’s name to be

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the security, social and economic implications that surround this issue is currently being finalised. Officers should familiarise themselves with its contents.
placed on the Watch List.

G3.3 Making and Serving a Deportation Order

G3.3.1 A Deportation Order can be made by Special Inquiry Officers or by the Minister.

G3.3.2 If the person named in the Deportation Order has any dependents who are unlawfully in Trinidad and Tobago, the names of any such dependents may be included in the order.

G3.3.3 A Deportation Order should be served by personal service and only where the identity and immigration status of the person has been established.

G3.4 Content and Effect of Deportation Orders

G3.4.1 Deportation Orders authorise the designated Immigration Officer or the police to take the person named in the order into custody and to execute the order.

G3.5 Right of Access to Legal Advice

G3.5.1 Any person detained in custody under the Immigration Act has the right to contact a solicitor or counsel, and must be informed of that right. Immigration Officers must ensure that members of the police, who are detaining a person, are aware of their responsibility to advise the person of this right.

G3.5.2 If the detainee chooses to exercise that right, the person nominated must be allowed access to the detainee and assisted to communicate with the detainee in private.

G3.6 Cancellation of a Deportation Order

G3.6.1 A Deportation Order may be cancelled if:

i. It was granted in error;
ii. The Minister considers that, in all the circumstances of the individual case, it is appropriate to grant a permit under a relevant section of the Immigration Act.

G3.7 Executing a Deportation Order

G3.7.1 A Deportation Order is executed by placing the person named in the order on a craft leaving Trinidad and Tobago.

G3.7.2 For the purpose of executing the order, any designated Immigration Officer or member of the police may arrest (without warrant) and detain a person on whom a Deportation Order has been served.
G3.7.3 Once the person has been placed on the craft, Immigration Officers or police may continue to detain him/her there to ensure that they do not leave the craft before its departure.

G3.8 Effect of International Conventions on Deportation Action

G3.8.1 The Government recognises Trinidad and Tobago’s obligations under international law. It is therefore essential that such obligations be taken into account when executing Deportation Orders.

G3.8.2 International obligations which may apply in such circumstances are:

ii. The 1966 International Covenant on Civil and Political Rights;
iii. The 1989 Convention on the Rights of the Child;
iv. The 1984 Convention Against Torture.

G3.9 Refugee Status Claimants

G3.9.1 A Deportation Order may be served on a person who claims refugee status and who is unlawfully in Trinidad and Tobago, but a claimant cannot be removed from Trinidad and Tobago until:

i. That person’s claim for refugee status has been determined;
ii. If applicable, any appeal against a refusal to grant refugee status has been finalised;
iii. The claimant is not recognised as a refugee.

G3.10 People in Prison

G3.10.1 A designated Special Inquiry Officer may decide that, having considered all relevant factors, a person who is in a Trinidad and Tobago prison and is soon to be released should be removed from Trinidad and Tobago. A Deportation Order naming that person may then be issued.

G3.10.2 The Investigation Section will liaise with the police and/or the prison authorities to effect the execution of the Deportation Order.

G3.11 People Unlawfully in Trinidad and Tobago Arrested for Other Offences

G3.11.1 Sometimes, people who are in Trinidad and Tobago unlawfully are arrested by

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6 Refugee claims made after or at the time the removal order is served may not prevent detention of the claimant but the claim for refugee status will be given priority.
the police and placed in custody because they have committed other offences (i.e. non-immigration related offences).

G3.11.2 Because action in relation to other offences takes precedence over deportation action, it may not be possible to proceed with deportation immediately. If it is still appropriate to remove them, then a Deportation Order should be served and the officer should liaise with the police to determine how the deportation can best be effected after the matter has been finalised through the legal system.

G3.11.3 If the person is convicted and sentenced to a term of imprisonment, the execution of a Deportation Order will only take place at the end of the period of imprisonment.

G3.11.4 In all cases involving people in prison or other forms of detention, it is essential that accurate records are kept by the Investigation Section, including full details of the person, their place of detention and release dates, etc.

G3.12 People Named in Deportation Orders Placed on Alert List

G3.12.1 As soon as a Deportation Order has been signed, an Immigration Officer should prepare a request for the name of the person being removed to be placed on the Alert List and forward it to the ACIO.

G3.12.2 The request should provide the personal particulars of the person, including name, date and place of birth, country of residence and nationality, travel document details, any distinguishing features such as scars or physical defects, date of arrival in Trinidad and Tobago and details of the deportation. A photograph should also be provided if possible.

G4. Arrangements for Removal

G4.1 Obtaining Travel Documents

G4.1.1 Immigration Officers must photograph and fingerprint all persons who are subject to removal by the authorities for identification purposes, in order to make it easier to apply for travel documents for them if this should become necessary. Embassies and Consulates may also require this information for transmission to their home countries.

G4.1.2 Each foreign mission requires a variety of information and documentation. Some may insist on a completed application form, while others may only need a letter. Officers should contact the appropriate mission to find out what is required.

G4.1.3 Requests for travel documents from foreign missions should normally include the following:

i. The person’s complete names, date and place of birth, gender and any other
relevant information such as employment history and education;
ii. Names, places and dates of birth and the present and/or past addresses of parents, and similar details of other family members where known;
iii. The person’s last place of residence in the country of citizenship and/or residence;
iv. The person’s date of arrival in Trinidad and Tobago;
v. A copy of the Deportation Order;
vi. At least two (2) passport-sized photographs, one to be certified on the reverse that it is a true likeness of the person concerned;

G4.2 Removal Without a Valid Passport

G4.2.1 In some cases, a country may agree that a valid passport is not required for a person being removed from Trinidad and Tobago to enter that country. The country of nationality may grant admission provided it is satisfied that the person is a national of that country. An expired passport, birth certificate, national identity card, or any other recognised document that contains the person’s biographical details may be sufficient.

G4.2.2 However, before an Immigration Officer makes arrangements for a foreign national to travel without a valid passport or travel document, it is necessary to obtain the agreement of the transportation carrier and any country of transit.

G4.3 Visa Requirements

G4.3.1 When a person being deported from Trinidad and Tobago is expected to transit a country where a visa is required, an Immigration Officer must obtain the necessary visa(s) before the foreign national is removed from Trinidad and Tobago.

G4.3.2 Note that some countries require re-entry visas for their own nationals. These too should be obtained before removal.

G4.4 Notice to Carriers

G4.4.1 As soon as a Deportation Order becomes enforceable, officials should inform the transportation company responsible for removal and provide all necessary background information.

G4.4.2 In the case of air carriers, the information should include, whenever possible, a photocopy of the original airline ticket, inbound ticket numbers, routing to Trinidad and
Tobago, other carriers involved en-route, flight numbers and dates. These details will assist the carrier’s acceptance of liability and help them to allocate a proportion of the cost of removal to any other companies involved.

G4.4.3 Officials should complete a Notice of Liability to Convey (form or letter) to serve notice officially on an airline of their responsibility to take the person back to his or her country. Once a travel itinerary has been worked out, the Immigration Officer can present the completed form to airline officials for signature.

### G4.5 Escorts

G4.5.1 In cases where removal is to be effected by a Deportation Order, an Immigration Officer should make an assessment of whether an escort is needed. In the majority of cases, it is sufficient for an Immigration Officer to monitor the departure up to the point where the person being removed is placed on a craft that will take him/her from Trinidad and Tobago. However, in some cases an escort is required to minimise risk to the safety of the person being removed, the travelling public, transportation company personnel and/or the official(s) conducting the removal.

G4.5.2 In cases where it is difficult to decide if an escort is required, the Immigration Officer in charge of the case should review the information available about the person and conduct a personal interview. This should assist in determining the level of risk involved. Factors to be taken into account include:

1. The person’s past criminal activity;
2. His/her behaviour and physical and psychological state;
3. His/her anticipated reaction to the forced return to the country of destination;
4. The length of the trip and/or transit points.

G4.5.3 Examples of removal cases that may require an escort are set out below. Two officers should be assigned to a removal where the individual being removed from Trinidad and Tobago falls into one of these categories. The person:

1. Has been charged with or convicted of a serious offence, including violence, weapons, arson, hostage taking, extortion, or acts against children;
2. Has demonstrated an unwillingness to be removed or has made verbal or written threats against anyone in regard to his/her removal and/or it is anticipated that there may be violence or other unacceptable behaviour during the removal;
3. Has been deemed by the CIO, the Minister or a judge to be a danger to the public;
4. Suffers from a medical condition which requires close supervision and the individual poses a safety or security risk.

G4.5.4 An escort should also be arranged when it is anticipated that problems may arise

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7 Similar considerations and arrangements will apply in cases where the deportee is being removed by sea rather than by air.
at a transit point or when it is felt that the individual may try to avoid connecting to the ongoing aircraft.

### G4.6 Dealing with Carriers

G4.6.1 Air carriers are required to comply with their existing flight safety and security procedures. When officers are required to escort a person being removed from Trinidad and Tobago, all airlines involved must be advised of the following information:

1. The identity of the passenger under escort;
2. The flight details;
3. The reason for the escort;
4. The risk assessment of the passenger under escort as to safety or security.

G4.6.2 In some cases, an air carrier may insist that an escort officer be provided even though the Immigration authorities have determined that the individual does not constitute a safety or security risk. The airline has the final decision in these matters and can decide whom they will allow to board an aircraft. If this situation arises, officers should explore alternatives, including a review of the travel itinerary, routing and airline availability. Officials should be assigned for escort only where there is no other appropriate alternative.

G4.6.3 Where a transportation liability exists, the air carrier is responsible for making the removal arrangements and providing escorting officers. However, there may be instances where the airline requests the assistance of the Immigration Division in providing escort officers.

### G4.7 Interpol Notification

G4.7.1 In keeping with Trinidad and Tobago’s Interpol obligations, immigration authorities should, prior to removal, notify the relevant branch of the National Police in order that Interpol and any other relevant law enforcement agency in the countries en-route and at the destination are advised of a person who:

1. Has a serious criminal record in Trinidad and Tobago;
2. Has a serious foreign criminal record;
3. Is wanted by a foreign country.
CHAPTER 7 – IMMIGRATION INTELLIGENCE

H1. Introduction

An Intelligence Unit is being established in the Immigration Division. This chapter aims to provide some guidelines to assist in the setting up of the new unit and with its operational arrangements.

H1.1 The Intelligence Function

H1.1.1 The Intelligence Unit is the principal agency in the Immigration Division for establishing and maintaining links with a wide range of agencies, both nationally and internationally, for the purpose of collecting information and intelligence on immigration-related and border security concerns, and providing expert and informed advice to decision makers. Such intelligence will be needed for policy and operational purposes.

H1.1.2 The Intelligence Unit will be expected to:

i. Establish and maintain links with a range of intelligence gathering and law enforcement agencies in friendly countries in the region and elsewhere (as well as with relevant agencies within Trinidad and Tobago) for the exchange of information about possible threats, whether these are related to terrorism, people smuggling and trafficking, criminal activities or other undesirable practices;

ii. Collect information through its own resources and the network of departmental offices around the country;

iii. Analyse such information and produce reports for senior management and interested areas of government;

iv. Use intelligence to develop practical guidelines and documentation (for example on passenger profiling) for operational staff and database maintenance;

v. Produce regular updates of the Immigration Alert List (also known as the Black List or Watch List) to assist Immigration Officers at all checkpoints and all visa-issuing points, including Consular Officers at Trinidad and Tobago’s missions abroad, to screen arriving and departing passengers and visa applicants;

vi. Develop expertise in the examination of travel documents and associated documents such as visas and stamps, to enable the identification of false, forged, falsified, substituted or otherwise non-genuine documents;

vii. Provide guidance and training in the field of document examination and document fraud, impostor detection, etc, to checkpoint staff and visa-issuing officers, in Trinidad and Tobago and abroad;

viii. Identify, and counter, organised fraud in the immigration caseload;

Material for this chapter has been drawn from a number of sources, both general and specific, including the Australian Immigration and Citizenship, US Immigration, UK Immigration and others.
ix. Identify and report on organised people smuggling and trafficking in human beings.

H1.1.3 Immigration Attaches posted at overseas missions will be expected to support the Intelligence Unit by acting as the principal collectors of information for, and producing analysis and assessments of, major immigration fraud rackets identified in their respective regions. The Intelligence Unit will provide data and analysis to support this function.

**H1.2 Structure of Intelligence Unit**

H1.2.1 An Intelligence Unit is required to provide intelligence on many different subjects and has many different types of jobs to perform. However, the two most important groups are Intelligence Officers and Intelligence Analysts.

H1.2.2 The *Intelligence Officer’s* role is to collect, evaluate, and compile information in support of specific collection requirements or operations. The role of Intelligence Officers frequently extends beyond their agencies and requires them to create external information networks and to support the information and intelligence requests of other agencies. The Intelligence Officer’s role also involves evaluating both source and information, preparing written reports and assessments, giving briefings, etc.

H1.2.3 Before information can become intelligence, it must be analysed. The *Intelligence Analyst’s* role is to evaluate, analyse, and disseminate information in support of specific agency collection requirements or operations. Intelligence Analysts research and analyse raw data and apply critical and logical thinking skills to develop sound conclusions and recommendations. The Intelligence Analyst’s role is vital to the production of usable, timely, and comprehensive intelligence. Analysts systematically organise, research, compare and analyse information. They produce assessments of criminal activity, tactical and strategic intelligence collection plans, and documents that allow management to maximize the agency’s resources.

**H1.3 Skills of Intelligence Officers and Analysts**

H1.3.1 With such complex and important work to do, Intelligence Officers and Analysts need to possess a range of skills, knowledge and experience. Some of the more important are:

i. A good understanding of the intelligence process and of the proper handling of intelligence information, including file management and information evaluation;

ii. The ability to develop intelligence from a wide range of information;

iii. Knowledge of research methods and sources including the internet, information sharing systems, networks, centres, commercial and public databases, and other sources of information;

iv. The ability to write reports and practical knowledge of statistics and graphic
techniques;
v. Knowledge of available computer programs that support the intelligence function, including database, data/text mining, visualisation, and mapping software;
vi. Interviewing and profiling skills;

H1.3.2 Intelligence Officers and Analysts also need to be supported by other skilled staff, particularly in the collection, storage and analysis of large volumes of statistical and other data. This requires the use of computers. A small support unit of people with IT and data management skills is therefore essential.

H2. The Intelligence Office

H2.1 Intelligence Files

H2.1.1 The intelligence function needs to recognize the delicate balance between the individual rights of citizens and the legitimate needs of security and law enforcement. In order to ensure these rights are not violated, or the democratic process subverted, guidelines and instructions are usually established to control the operation of the country’s intelligence function.

H2.2 Restrictions

H2.2.1 Some practices are generally prohibited:

i. Intelligence data should not be collected merely on the basis that a person or group supports unpopular causes;
ii. Intelligence data should not be collected on any person merely based on ethnicity or race;
iii. Intelligence data should not be collected on any individual merely based on the individual’s religious and/or political affiliation;
iv. Collection of information by unlawful means should be prohibited.

H2.3 Dissemination of Intelligence Data

H2.3.1 Dissemination guidelines regarding the release of the information are necessary to ensure the integrity of the intelligence process. The responsibility for authorising the release of intelligence information should be assigned to a senior officer.
H2.3.2 Information may be released to the following:

i. Duly constituted law enforcement agencies once the identity of the requester and “need to know” has been confirmed;
ii. The general public and news media may receive only information concerning the arrest of individuals or matters of an investigation that are on the public record;
iii. Information relating to an ongoing and active criminal investigation is not usually released.

H2.4 Security of Intelligence Data and Files

H2.4.1 The security of the information contained within the intelligence files is necessary to ensure the integrity of the intelligence process, the confidentiality of the information, and the protection of the individual’s or group’s right to privacy. Breaches in security can seriously undermine the intelligence process. The intelligence files should be maintained under the control of a senior officer.

H2.4.2 the following security measures should be implemented:

i. Access to the intelligence files should be restricted to the Intelligence Analysts and other authorised officers;
ii. A record needs to be kept of all information disseminated, showing details of the information, to whom given or sent (name, rank and section, department, etc), date and any pertinent comments;
iii. All files and intelligence data will be secured in a locking file cabinet inside the office area of the senior officer responsible;
iv. The office area of the senior officer responsible for intelligence files will be secured at the end of each day, or when not under direct supervision or control.

H2.5 Purging and Destruction of Intelligence Files

H2.5.1 Intelligence information files must be purged and shredded at appropriate intervals, in accordance with a schedule approved by the government:

i. All discarded paper material should be shredded;
ii. Investigative products that are no longer useful or cannot be legally retained, such as videos and cassette tapes, should be erased and all labels removed or obscured in order to prevent identification of the subject;
iii. Purging intelligence files and data contained within intelligence files is necessary to eliminate those files that no longer meet the needs or objectives of the function;
iv. Intelligence files that are determined to contain incorrect information should be purged and shredded immediately;

v. Data should be purged from intelligence files and indexes after a ten (10) year period if the data is no longer relevant or necessary to the mission or objective of the agency, or the data has become obsolete and cannot be used for any present and/or future strategic or tactical intelligence purpose.

**H3. Intelligence**

**H3.1 What is Intelligence?**

H3.1.1 The word *intelligence* may mean different things to different people, but for immigration purposes a useful definition is:

“That knowledge of your organisation and the operating environment that enables the planning and conduct of successful operations.”

H3.1.2 It is useful, in seeking to understand the nature of intelligence, to consider the key elements from this definition:

i. **Intelligence is knowledge** - Intelligence is not raw information. It is processed or “value added” information;

ii. **Of your organisation** - The ability to produce useful intelligence commences with a clear understanding of the goals, objectives and priorities of the organisation;

iii. **And the operating environment** - Meaning the environment in which the Immigration Division operates (including the economic, political, and social situation in overseas countries, and cultural aspects) as well as issues bearing on the analyst’s clients and stakeholders;

iv. **That enables the planning and conduct of successful operations** – The intelligence product should not be an end in itself: its purpose is to provide support for managers in planning Immigration Division activities and operations.

H3.1.3 It is important to recognise that intelligence is not just information - it is insight, that is the understanding or knowledge derived from the process of analysis. And, importantly, intelligence is used to support decision making concerning resource allocation, targeting priorities, operational methods, and organisational direction.

**H3.2 What is Intelligence Analysis?**

H3.2.1 Intelligence analysis is the process of breaking down material into its constituent parts, isolating essential features and integrating these into a product suitable for client needs. In common usage, analysis is used to denote all the intellectual processes and
techniques that analysts use.

H3.2.2 The term intelligence analysis covers a variety of analytical activities, including the use of specific techniques that give order and meaning to information, and which explore the ramifications of that information.

H3.2.3 These analytical activities include:

- Identification of information requirements;
- Collation of like or connected information and fitting this information into some structure;
- Assessment of the credibility and relevance of information, and filtering out of non-credible and irrelevant information;
- Inference from the current set of information;
- Identification of important information;
- Grasping the meaning, implications or significance of information;
- Communicating that meaning.

H3.2.4 Intelligence analysts should keep these issues in mind throughout all their work. Good intelligence analysis enables managers to make sound decisions.

### H3.3 Features of Effective Intelligence

H3.3.1 Information is the key to the whole intelligence process. Without it, intelligence cannot be produced. The quality of the intelligence product depends directly on the quality and completeness of the information available.

H3.3.2 An effective intelligence product, that is intelligence which supports decision making, is characterised by three features:

- It starts with a clearly defined objective – the intelligence task needs to be clearly defined and understood by all those involved in the process;
- It is delivered in a timely manner - the intelligence product supports decision making, so it should be distributed in a timely manner, otherwise it is historical and does not serve the purpose for which it was produced;
- It enables managers to be proactive - Intelligence products are most valuable when they allow the client to prepare for future events. This means that the intelligence product should contain an element of prediction. The role of the Intelligence Analyst involves going beyond the known facts to discussing future possibilities and/or probabilities.

### H3.4 Types of Intelligence

H3.4.1 It is usual to refer to two types of intelligence which are a function of two broad types of decision making:
i. Strategic;
ii. Operational, which includes a sub-category of tactical intelligence.

H3.4.2 **Strategic intelligence** assists the senior management of an organisation to decide upon organisational directions, programs and plans (i.e. the organisation’s strategies - and hence the name ‘strategic intelligence’). It is primarily directed to the policy makers and managers in the organisation and may have no immediate effect on operational and other ‘front line’ staff.

H3.4.3 Examples of issues where strategic assessments may be used by Immigration Division senior management to support corporate decisions about resourcing, policy or other matters might include:

i. The medium to long-term outlook for people smuggling and people trafficking in the region;
ii. The effect of the medium to long-term situation in neighbouring countries on irregular movements and refugee claims;
iii. The effect of political instability in other parts of the world on irregular movements and refugee claims.

H3.4.4 The aim of **operational intelligence** is to support line management to achieve objectives. Operational intelligence in Immigration assists managers to decide how they can perform their work most effectively (for example, in mounting an interdiction operation against people smuggling or organised passport fraud).

H3.4.5 Examples of operational intelligence assessments might include:

i. Risk assessment in the passport and citizenship programs;
ii. Fraud assessment in the residence program;
iii. Analysis of particular major immigration fraud rackets;
iv. Analysis of fraud and immigration breaches by country of origin.

**H4. The Intelligence Cycle**

**H4.1 Definition**

H4.1.1 The Intelligence Cycle describes the process of turning raw information into finished intelligence for policymakers to use in decision making and action. There are several versions of the Intelligence Cycle – the one used here comprises five steps.
H4.2 Planning and Direction

H4.2.1 This is management of the entire effort, from identifying the need for data to delivering an intelligence product to a decision maker. It is the beginning and the end of the cycle - the beginning because it involves drawing up specific collection requirements and the end because finished intelligence, which supports policy decisions, often generates new requirements.

H4.2.2 The whole process depends on guidance from public officials. Policymakers - the Prime Minister, the Minister, National Security Council or similar body, and other major agencies of government - initiate requests for intelligence.

H4.2.3 These are some of the questions that Immigration Intelligence Officers should clarify for every task or assignment:

i. What is the task you need to address?

ii. What specific knowledge/insights does the end-user need to make decision/s?

iii. Are there any major issues, political considerations or limitations relevant to the task?

iv. How much time do you have? Is this fixed or flexible?

v. Does the relevant data or information exist?
vi. Are there any constraints on the use of the data?

vii. What assistance is available for the task?

viii. How should the assessment be presented?

### H4.3 Collection

H4.3.1 This is the gathering of the raw information needed to produce finished intelligence. There are many sources of information including open sources such as foreign broadcasts, newspapers, periodicals, and books. Open source reporting is integral to the analytical capabilities of any intelligence organization. There are also secret sources of information.

H4.3.2 Sources of immigration intelligence will include the following:

- i. Information from within the Immigration and Intelligence network - departmental databases, arrivals and departures data, reports from checkpoints – observations, trends, local contacts, ALOs, visa information from Trinidad and Tobago missions abroad, Immigration prosecutions, document examination, local intelligence services, Police, criminal convictions, other government agencies;
- ii. National and international intelligence sources;
- iii. Witnesses, informants, commercial sources/contacts;
- iv. Open source information - newspapers, books and magazines (foreign and domestic) e.g. court cases, investigative reporting, etc on people and organisations; electronic media, conferences, workshops, the Internet;

### H4.4 Processing and Evaluation

H4.4.1 This involves converting the vast amount of information collected to a form usable by analysts through decryption, language translations, and data reduction. This changes basic information into an intelligence product, it is a continuous activity and comprises four steps:

- i. Collecting and recording pieces of information;
- ii. Deciding how accurate and useful the information is;
- iii. Putting the information together;
- iv. Deciding what all the information means.

H4.4.2 Successful Intelligence work relies on accurate and up to date information. An intelligence book or database(s) can be used to record information and intelligence (e.g. in a computer database). This aids the sorting and finding of information. Access and Excel are two useful systems for storing and manipulating large volumes of data. Some data bases to be considered include:
i. Intelligence (store information for easy analysis);
ii. Alert List (on people and documents);
iii. ID Fraud database;
iv. Advance Passenger Processing;
v. Controversial Visitors;
vi. Criminal Deportations;
vii. Detentions;
viii. Over-stayers;
ix. Referrals (people referred for secondary inspection at points of entry).

H4.4.3 Good intelligence management begins with the proper determination of what needs to be known. Unless precise requirements are set, data will be collected unsystematically and the decision maker ultimately left without pertinent information on which to act. Collected data must be evaluated and transformed into a usable form - and sometimes stored for future use. Evaluation of gathered information must be carried out in terms of:

   i. Its relevance to the task at hand;
   ii. Reliability and accuracy of the information;
   iii. Timeliness.

H4.4.4 In this process it is important to differentiate between three types of information:

   i. **Facts** – something known to have happened or existed. Verifiable by observation or experience;
   ii. **Opinion** – a judgement or belief, not based on certainty or proof;
   iii. **Allegation** – a story, something being claimed by someone. Not necessarily true, although it could be true.

H4.4.5 Evaluation is essential, because many of the sources are of doubtful reliability. A standardised system must be used to rate the reliability of the sources and the likely accuracy of the information they provide (e.g. information may be classified as: confirmed, probably true, possibly true, or unlikely to be true). The table below provides an example of one classification system, followed by a definition of the terms:

<table>
<thead>
<tr>
<th>Reliability of the Source</th>
<th>Reliability of the Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Completely Reliable</td>
<td>1. Report Confirmed</td>
</tr>
<tr>
<td>B. Usually Reliable</td>
<td>2. Probably True</td>
</tr>
<tr>
<td>C. Fairly Reliable</td>
<td>3. Possibly True</td>
</tr>
<tr>
<td>D. Not Usually Reliable</td>
<td>4. Doubtful</td>
</tr>
<tr>
<td>E. Unreliable</td>
<td>5. Improbable</td>
</tr>
<tr>
<td>F. Reliability Unknown</td>
<td>6. Truth Cannot Be Judged</td>
</tr>
</tbody>
</table>
Reliability of the Source:

A: Completely Reliable – the reliability of the source is unquestioned or has been tested in the past;

B: Usually Reliable – the reliability of the source can usually be relied upon as factual. The majority of information provided in the past has proven to be reliable;

C: Fairly Reliable – the source has been reliable sometimes in the past, but not always;

D: Not Usually Reliable – the source of the information has not been reliable on many occasions in the past;

E: Unreliable – the source cannot be trusted;

F: Reliability Unknown – the reliability of the source cannot be judged. The authenticity or trustworthiness has not been established by either experience or investigation.

Reliability of the Information:

1: Report Confirmed - the information has been corroborated by independent source(s);

2: Probably True - the information is consistent with things we already know;

3: Possibly True - the information may be true but it is not possible to confirm it;

4: Doubtful - the information is not consistent with past accounts;

5: False - the information is not true;

6: Truth Cannot Be Judged - the information cannot be verified or corroborated independently.

H4.4.6 An alternative and simpler system is shown overleaf:
H4.4.7 The source of the information (i.e. person or organisation) is evaluated in terms of:

i. Characteristics of the source;
ii. Sensory limitations;
iii. Bias/motivation;
iv. Knowledge and experience;
v. Comparison with previous intelligence grading of the source’s reliability.

H4.4.8 The accuracy of the information is tested by comparison with known facts. Confirmation may take a long time and there is no room for guesswork in this activity. If you cannot grade reliability of the source and accuracy of information, the grading is F6 or E5, depending on which of the two systems is adopted.

H4.4.9 The next step is **collation** and this involves sorting of the information by:

i. Chronological sequence of events;
ii. Chronology of the dates the information was received;
iii. Identities of the people involved;
iv. Geographical regions;
v. Activities being undertaken;
vi. Attributes of people involved;
vii. Sources of information;
viii. Any combination of the above methods.

H4.4.10 A **pivot table** is a powerful data summarisation tool in MS Excel and other spreadsheet programs. Some useful features of pivot tables are:

i. They can automatically sort, count, and total data stored in a spreadsheet and create a second table displaying the summarised data;
ii. Pivot tables are useful to quickly create cross tabulations;
iii. The user can set up and change the summary’s structure by dragging and
dropping fields graphically;
iv. This “rotation” or “pivoting” of the summary table gives the concept its name.

**H4.5 Analysis**

H4.5.1 This is the conversion of basic information into finished intelligence. It includes integrating, evaluating, and analysing all available data, which is often fragmentary and even contradictory, and preparing intelligence products. Analysts, some of whom will be subject-matter specialists, consider the information’s reliability, validity, and relevance. They integrate data into a coherent whole, put the evaluated information in context, and produce finished intelligence that includes assessments of events and judgments about the implications of the information for the country.

H4.5.2 The key features of the analytical process are to:

i. Redefine the intelligence problem;
ii. Integrate available data;
iii. Use inductive and deductive logic and thinking skills;
iv. Develop hypotheses;
v. Test those hypotheses;
vi. Develop conclusions and predictions.

H4.5.3 Three very important questions when looking at what the information means are:

i. *Identity* - Who are we looking at?
ii. *Activity* - What are they doing, and where are they going?
iii. *Significance* – Is the information we have useful to us?

H4.5.4 A useful technique is *link analysis* which involves the drawing of diagrams to show associations between people, events, places, etc. Powerful, but expensive, software is available to perform highly sophisticated link analysis and similar techniques. Below is one example of a link diagram:

- GREEN
- JONES
- SMITH
- ROGERS
- BROWN

![Link Diagram](image-url)
H4.5.5. Possible hypotheses in this case include:

i. Smith may have a key role;
ii. Rogers may have a hidden key role (e.g. puppet master).

(Interpretation depends on context)

H4.5.6 Other analytical techniques are also available: data mining and other analytical software to assist in the task of analysing and interpreting intelligence data – but can be very expensive.

H4.5.7 Example of everyday immigration intelligence products include analysis of people movements. Data will be collected at border checkpoints and elsewhere, aggregated and statistical tables, charts and reports prepared showing such things as:

i. The nationality and age profiles of people who have overstayed their visas;
ii. People who have been involved in breaches of immigration law or criminal activities;
iii. Details of document or identity fraud detected at points of arrival and at visa issuing offices abroad;
iv. Details of people refused entry and the reasons for refusal;
v. Trends in any of the above.

H4.6 Dissemination

H4.6.1 Dissemination is the timely distribution of intelligence, in an appropriate form to those who need it. This can take two main forms:

i. Written reports;
ii. Oral briefings.

H4.6.2 Reports need to follow a **standard format**. This is particularly important when intelligence is shared with other agencies, as it ensures that all required information is provided and gives users the intelligence they need to make informed decisions. Vital information about the reliability of the sources and of the information is also included to guide decision makers. An example of a standard format report (adapted from the UK Immigration Service and known as a 5x5x5 report) is shown overleaf:
### NAME OF OFFICER | DATE OF REPORT
--- | ---

#### SOURCE

<table>
<thead>
<tr>
<th>SOURCE EVALUATION</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Always reliable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Mostly reliable</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Sometimes reliable</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Unreliable</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Untested source</td>
<td></td>
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</tr>
</tbody>
</table>

#### INTELLIGENCE EVALUATION

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Known to be true without reservation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Known personally to source but not to officer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not personally known to source but corroborated</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Cannot be judged</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspected to be false</td>
<td></td>
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</tbody>
</table>

#### RESTRICTIONS

**HANDLING CODE**
To be completed at time of entry into an intelligence system and reviewed on dissemination.

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>May be disseminated to other T&amp;T law enforcement agencies (no special conditions).</td>
<td>May be disseminated to partner T&amp;T agencies (specify any conditions below).</td>
<td>May be disseminated to non T&amp;T law enforcement agencies (specify conditions below).</td>
<td>Only disseminate within originating agency (specify internal recipients).</td>
<td>Intelligence received from outside source. Receiving agency to observe conditions as specified below.</td>
</tr>
</tbody>
</table>

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This document contains sensitive material. Please keep safe and make available only to authorised personnel. No part of this document should be disclosed to other persons or agencies without prior consultation with the Trinidad and Tobago Immigration Division.

H4.6.3 **Timeliness** of intelligence reports is an important requirement. Intelligence must be in the hands of the users in time for them to use it. If time does not allow the full processing of information, urgent information must be moved quickly, with the understanding that is has not been fully processed.

H4.6.4 **Clarity** is another requirement. Intelligence must be clearly understood and not confusing. Therefore, the writer should explain the difference between clear facts and an interpretation of facts. Where accuracy is in doubt, this must also be stated and any interpretation you have made should be identified in your reports.

H4.6.5 Finally, **brevity** is usually valued by readers:
i. Reports must be short but clearly understood;
ii. The shorter the message the easier it is for busy people to understand;
iii. Photographs and charts can assist with showing large amounts of complex or
detailed intelligence.

H4.7 Briefings

H4.7.1 Oral briefings are sometimes preferred over written reports. Often both are
required. A good briefing involves good preparation.

H4.7.2 When preparing to give an oral briefing, it is useful to consider the following
issues:

i. Objective - What is it you want to achieve by delivering the briefing?
   Consider the end result;
ii. Preparation - Consider the aids, materials, tools and equipment that you will
    need to prepare/gather before the presentation.

H4.7.3 Structure of an Oral Intelligence Briefing. In most circumstances the following
sequence should be followed:

i. Introduction;
ii. Security Classification;
iii. Purpose of Briefing;
iv. Major findings summary: inferences, conclusions, key elements;
v. Supporting arguments, rationale;
vi. Alternative outcomes, including preferences;
vii. Questions;
viii.Close.
CHAPTER 8 – INTERVIEWING AND PROFILING GUIDELINES

J1. Standard Questions at Arrival

J1.1 Greetings

J1.1.1 Immigration Officers are often the first contact that many travellers have with your country. It is therefore important that you treat them with courtesy and friendliness. What follows is a set of standard questions that Immigration Officers can draw from, depending on the circumstances.

J1.1.2 More detailed questions can be found at Appendix 5 and may be helpful when interviewing potential asylum seekers or people suspected of being trafficked or smuggled.

J1.2 Introductory Questions

J1.2.1 These are some of the questions you might ask at the primary line:

i. Good morning/afternoon/evening. Did you have a good flight?
ii. Your passport please?

If the person is a foreign national:

iii. Are you here on holiday or for some other purpose?
iv. How long are you planning to stay?
vi. Where are you going to stay?
vii. (If necessary) Have you brought enough money to last for the whole time you will be here?
viii. Welcome to Trinidad and Tobago, thank you for your cooperation and I hope you have a pleasant stay.

J1.2.2 If you are not satisfied with the person’s responses, or you need more information, you can ask more questions. Sometimes it is a good idea to cross-check information you already have.

J1.2.3 The types of questions you ask will depend on your impressions of the traveller, particularly with respect to bona fides. For example, a person claiming to be a business visitor but who looks and acts more like a first time traveller may in fact be in the process of being smuggled across your borders, so you might probe more deeply. The following guidelines may assist you to resolve any doubts or suspicions about particular travellers.

Further detailed questions can be found at Appendix 5, Volume 2.
**J1.3 Length of Stay and Proposed Activities**

i. Is the intended period of stay consistent with the purpose of the visit?

ii. Is the stated purpose of the visit consistent with the type of visa the person has?

iii. Does the person look like what they claim to be? (e.g. business person, backpacker)

iv. (If a baggage check is done*) Are the personal effects consistent with the claimed status or occupation and intended activities? (e.g. if on a diving trip, do they have suitable clothing and/or equipment for such an activity?)

v. Is the quantity of personal effects reasonable in view of the intended length of stay?  

(*coordinate baggage checks with Customs)

**J1.4 Holidaymakers**

i. Which places is the person going to visit?

ii. How much does the traveller know about the places he/she wants to visit?

iii. Does the traveller have an itinerary for these visits?

iv. Does the itinerary look reasonable/achievable in the time the traveller plans to stay?

v. What about transport arrangements? Have these been made in advance and are they reasonable?

**J1.5 Transit Passengers**

i. What is the traveller’s final destination?

ii. Is he/she travelling alone?

iii. If travelling with others, what is their relationship?

iv. Are they using the most direct route or does it involve detours and lengthy stopovers?

vi. Why have they chosen this particular route?

**J1.6 Business Travellers**

i. Is the person’s itinerary consistent with a business trip?

ii. Does the traveller have any documents to substantiate their claim, such as contracts, business cards, letters of introduction to local businesses, etc?

iii. Does the person show a good knowledge of his/her business, trade or profession?

iv. Are the proposed activities consistent with the claimed trade or profession?

**J1.7 Accommodation**

i. Is the address on the arrival card reasonable for a person wanting to do the kinds of activities stated on the card?
ii. If staying privately, what is the name of the person the traveller will be staying with? What is their relationship?

**J1.8 Persons Travelling with Others**

(These questions are particularly relevant if there is suspicion of people smuggling or trafficking)

i. Is the person travelling with anyone?
ii. How did he/she meet the travelling companion?
iii. What do these travelling companions have in common?
iv. Is one person in the group dominant and/or answering most of the questions?
v. Is the travel history of both people or group, as shown in their passports, consistent with their story?
vi. If one of the travellers is a citizen or permanent resident, are they related (e.g. partners)? Where and when did they meet? Does the time of their meeting accord with their places of residence at the time? What are their plans?

**J1.9 Ticketing**

i. Are firm return dates shown on the ticket or is it an open ticket?
ii. Is the time of purchase consistent with the reason for travel? (e.g. someone travelling on urgent family business would have bought their tickets at the last minute, while someone on a long holiday, especially one involving visits to several countries, would be expected to have bought the tickets many months in advance of travel).

**J1.10 Previous Visits**

i. Is this person’s previous travel, as shown in the passport, consistent with their purpose of stay?

**J1.11 Personal Data**

i. What is the person’s marital status?
ii. Does he/she have children?
iii. Is he/she travelling with spouse and children (if any)? If not – why not?
iv. Is this reasonable vis-à-vis the purpose of the visit? (e.g. a person on holiday might be expected to be with his/her spouse, whereas it would be quite

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2 **Trafficking:** The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the 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 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 (Art. 3(a), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Organized Crime, 2000).

**Smuggling:** The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident (Art. 3(a), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000).
normal for a business traveller to be alone).

**J1.12 Evidence of Funds**

i. Is the person carrying enough money (cash and travellers cheques) to last for the duration of their trip?

ii. Does the person have access to other funds (e.g. credit cards, debit cards)?

iii. Is the intended place of stay (e.g. standard of hotel) consistent with the available money?

**J1.13 Other Factors**

i. Does the person’s behaviour appear unusual for someone on holiday, business, etc? Does he/she look unusually nervous, stressed or anxious?

ii. Is the amount of baggage reasonable for someone on a holiday or business trip, etc?

**J2. Definitions – Human Trafficking and Smuggling**

**J2.1 Profile of Traffickers/Smugglers**

J2.1.1 Set out below are some indicators to assist Immigration Officers and other border officials to identify possible traffickers, smugglers and victims of trafficking:

i. Adults with minors, under 18 (eighteen) years, when they are not the parent or legal guardian;

ii. An adult entering the country several times, each time with a different child;

iii. A person crossing several times, each time with other adults;

iv. Groups that appear uniquely heterogeneous (example: a person from Country A accompanying five (5) people from Country B and three (3) from country C);

v. One person appears to act as group leader and is holding everybody else’s passports;

vi. One person appears to be in control of the other(s) and the other(s) cannot explain where they are going, or how;

vii. One person appears in control of the other and the other has a brand new passport;

viii. Determining the location of where documents were obtained (trends may become evident over time, where one document issuing place becomes involved in trafficking operations);

ix. False or fraudulent documents are picked up.

J2.1.2 Other possible indicators:
<table>
<thead>
<tr>
<th><strong>Age</strong></th>
<th>The older the person, the less likely they are to be trafficked or smuggled. Indications are that there is a growth in trafficking of children and young adults. Younger people are often in high demand in sex industries, more profitable, and easier to control and exploit. However, note that older people can be trafficked as well, especially for street begging or domestic labour.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nationality</strong></td>
<td>Immigration Officers and other border control officials should be familiar with regional and international trafficking and smuggling trends (i.e. where do victims of trafficking and smuggled persons mostly originate; are they using this country as a transit point or as a destination; where do they tend to end up; etc). New trends should not be excluded.</td>
</tr>
<tr>
<td><strong>Documents</strong></td>
<td>In some regions, victims of trafficking and smuggled persons may not possess travel documents but may instead be clandestinely transported across porous land or sea borders. Use of documents is more prevalent in cases of trans-national trafficking and smuggling where airports require proof of identification. Seizure and retention of documents is a common control/coercion mechanism used by traffickers and can be a strong indicator of trafficking.</td>
</tr>
<tr>
<td><strong>Context</strong></td>
<td>What were the circumstances and context of the movement? Gather as much detail as possible about the circumstances and the context.</td>
</tr>
<tr>
<td><strong>Gender</strong></td>
<td>May be relevant in terms of trafficking or smuggling trends, i.e. trends toward exploitation of men in certain industries, sexual exploitation of women and children, etc.</td>
</tr>
<tr>
<td><strong>Signs of Abuse</strong></td>
<td>Any signs of physical injury can be a positive indicator of trafficking. Traffickers subject their victims to persistent physical and psychological abuse not generally found in cases of migrant smuggling.</td>
</tr>
</tbody>
</table>

### J3. Action in Cases of Suspected Trafficking

#### J3.1 Referral to Senior Officer

J3.1.1 If an Immigration Officer suspects that an arriving or departing passenger is involved in trafficking, either as a victim or as a perpetrator, the person should be referred to a senior officer at the post for further inspection. If the senior officer still suspects the

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3 A similar approach can be used in the case of suspected people smuggling.
person’s involvement in trafficking, the case should be immediately referred to the anti-trafficking taskforce for further action.

**Note:** Victims of trafficking should not be treated as law breakers, but with consideration.

### J3.2 Pre-Interview Action

J3.2.1 When you suspect that someone might be a victim of trafficking:

i. Separate the suspected victim from the suspected trafficker;

ii. Separate the suspected victims from other suspected victims. Some suspected victims may in fact be traffickers themselves;

iii. Explain that you are not intending to harm the suspected victim but to help him/her, and do no harm;

iv. Build trust with the suspected victims;

v. Do not immediately deport/deny entry to the suspected victims;

vi. Do not charge the suspected victims with crimes (they are not the real criminals);

vii. Meet basic needs (i.e. food and shelter);

viii. Protect the victims’ identities.

### J3.3 Interviewing Suspected Victims of Trafficking

i. Attempt to interview the victims in discreet, safe, and confidential locations;

ii. Ensure that the suspected victims understand the questions (interpreters should be arranged as soon as possible);

iii. Interview one victim at a time;

iv. Remember that the purpose of the interview is not to interrogate - try to create a more relaxed atmosphere and be careful with your tone of voice and body language;

v. If possible, have suspected female victims interviewed by female officials.

### J3.4 Recruitment

i. Ask the suspected victim for their full story;

ii. Gather basic information: age, marital status, education, occupation, background in country of origin;

iii. Were they approached with an offer of help to come to this country. By whom? How? What help was offered? How did they get to know the recruiter?

iv. What were they offered? What were they expecting in this country? Gather details of the offer, such as salary offered and working conditions;

v. Was any money given to the recruiter?

vi. Does the suspected victim feel cheated by the recruiter?

vii. Was the suspected victim forced to come to this country?
J3.5 Transportation

i. Where are they coming from?
ii. Where are they going to? Why?
iii. Is someone waiting for them at their final destination? Do they have contact details for that person?
iv. How did they get their passport and travel documents, including tickets?
v. When did they leave their country, and how long did the journey take?
vi. What route was taken to get here? How did they travel?
vii. Have they crossed any international borders on their way here? Where? How did they get across those borders?
viii. What happened to them during the journey? Look for signs of abuse, force, and/or imprisonment;
ix. Who travelled with them? Escorts? Other victims?
x. Were they allowed to keep their passports and documents? Ask where these documents are now;
xi. Who paid for their travel, and if they have agreed to repay the money. If so, how much and to whom?
xii. If there was a change in escort, ask where? Did they overhear any discussions between the escorts and, if so, what was heard? Was money exchanged?

J3.6 Exploitation

i. Ask suspected victims if they have had to work for the person they are travelling with or his/her associates. What sort of work have they been doing? Is it what they were expecting to be doing?
ii. When did this activity begin?
iii. Have they been forced to engage in the activity? If so, how (i.e. threats, injuries, coercion, etc)
iv. Did they have freedom of movement and choice?
v. Have they ever tried to escape? If so, what happened? If not, what stopped them?
vi. What have their working conditions been like (i.e. wages, working hours, ability to quit the job, etc)?
vii. Have they been able to keep the money they made? Have they had to repay money? How much? To whom?
viii. Do they have a contract for the job they were promised at the destination?

J4. Additional Evidence

J4.1 Suspected Victim’s Passport

i. Personal details;
ii. Passport issue date and evidence of travel;
iii. Countries visited;
iv. Entry into countries and legal status.

**J4.2 Other Relevant Documents**

i. Plane or boat ticket;
ii. Bogus employment contracts;
iii. Diaries or letters written by suspected victims;
iv. Mobile phone contacts/SIM cards.

**J5. Conclusions and Further Action**

**J5.1 Is the Person a Victim of Trafficking?**

J6.1.1 Based on the information obtained at interview and from other sources, including an examination of the available documents and the person’s baggage, Immigration Officers and other border officials should be able to determine if the person is a victim of trafficking.

J6.1.2 In suspected cases of trafficking, the following steps should be taken:

i. A **counter trafficking focal point**, with **training in the identification of victims** of trafficking, should be called in to determine if it is indeed a case of human trafficking;
ii. The victim of trafficking should not be immediately detained, denied entry, or deported;
iii. Steps should be taken to ensure the victim’s safety (i.e. not handed over to the traffickers and safe accommodation should be provided for the time being. In some cases, the safest accommodation may be in protective custody);
iv. Social Services, civil society organisations, and/or NGOs that provide assistance to victims should also be contacted. A referral system should be put in place and immigration and border officials should have the contact details of NGOs or social services agencies in their region that are capable of providing assistance to the victim.

**J6.2 Is the Person being Smuggled?**

J6.2.1 If an Immigration Officer or border official suspects that, on the available evidence, a person is being smuggled into or through Trinidad and Tobago, the person should be stopped and their documents, if any, confiscated. The senior officer should be informed as soon as possible.

J6.2.2 The senior officer should immediately alert the inter-agency task force at the entry port (if one exists) and the relevant law enforcement authorities.
## A

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agents of Persecution</strong></td>
<td>Term used in refugee law to describe the inflictor of the harm, the perpetrator of persecution.</td>
</tr>
<tr>
<td><strong>Airline Liaison Officers</strong></td>
<td>Officers specialised in document examination that work closely with airlines, immigration and airport staff at major airports outside a specific country, to prevent travel to that country of potentially inadmissible passengers and to facilitate the travel of genuine passengers. The main role of these officers is to assist airline and airport staff in document examination, to check passengers’ documents for irregularities and to provide training on entry requirements.</td>
</tr>
<tr>
<td><strong>Airline</strong></td>
<td>Any air transport enterprise offering or operating a scheduled international air service (for legal definition, please see Art. 96 of the CICA - Convention on International Civil Aviation - also known as the Chicago Convention).</td>
</tr>
<tr>
<td><strong>Airspace</strong></td>
<td>The space above a State ruled by that State’s jurisdiction.</td>
</tr>
<tr>
<td><strong>Alias</strong></td>
<td>A name which is not a person’s natural name; an assumed or additional name.</td>
</tr>
<tr>
<td><strong>Alien</strong></td>
<td>Any person who is not a citizen of the State.</td>
</tr>
<tr>
<td><strong>Annex 9</strong></td>
<td>One of the annexes to the 1944 Chicago Convention on International Civil Aviation. Annex 9 is called “Facilitation” and is relevant in the area of carrier’s liability in cases of irregular migration.</td>
</tr>
<tr>
<td><strong>Appeal</strong></td>
<td>A request to review a decision in an attempt to reverse that decision, by bringing it to a higher authority. Usually, this involves the submission of the decision of a lower court or agency to a higher court or agency for review and possible reversal.</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>One who formally requests some government action, such as the grant of refugee status, a visa or work permit. It also includes any person included in an application for a visa or permit as well as the principal applicant and secondary applicants (if any). (See also: “Principal Applicant”)</td>
</tr>
<tr>
<td><strong>Application for Protection</strong></td>
<td>The formal requesting of asylum (protection) from a State, for example by the granting of refugee status. (See “Asylum”)</td>
</tr>
<tr>
<td><strong>Application for Visa</strong></td>
<td>The form, document or procedure to request the issuing of a visa from the relevant authorities.</td>
</tr>
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</tr>
<tr>
<td><strong>Arrival/Departure Card</strong></td>
<td>A card which is filled out by an individual prior to, or upon arrival in, the country of destination and presented (along with passport and, if required, visa) to officials at the checkpoint. In some States, border officials collect the cards upon entry; in other States, the card or a portion of it, is returned to the traveller and must be presented upon departure from the State. International standards for such cards are defined by ICAO in Annex 9 to the Convention on International Civil Aviation.</td>
</tr>
<tr>
<td><strong>Asylum</strong></td>
<td>Protection granted by a State to an alien on its own territory. Generally asylum protection parallels the protection granted to refugees (see “Refugee”), although in some States broader protections may be afforded to persons who are the victims of natural disasters or civil strife.</td>
</tr>
<tr>
<td><strong>Asylum Seekers</strong></td>
<td>Persons who file an application for asylum in a country other than their own. They remain in the status of asylum-seeker until their application is considered and adjudicated.</td>
</tr>
<tr>
<td><strong>Authorized Agent (air transport law)</strong></td>
<td>A person who represents an operator and who is authorised by, or on behalf of, such an operator to act on formalities connected with the entry and clearance of the operator’s aircraft, crew, passengers, cargo, mail, baggage or stores and includes, where national law permits, a third party authorised to handle cargo on the aircraft.</td>
</tr>
<tr>
<td><strong>Bilateral</strong></td>
<td>Involving two parties or two States. Contrast “Multilateral”.</td>
</tr>
<tr>
<td><strong>Bilateral Agreement</strong></td>
<td>An agreement between two parties defining specific conducts for each of them. Usually they are focused on a particular situation only (e.g. readmission agreements). This is a traditional form of international cooperation.</td>
</tr>
<tr>
<td><strong>Bill of Lading</strong></td>
<td>An instrument issued by a warehouseman or carrier to a shipper that serves as a receipt for goods shipped, as evidence of the contract of carriage, and as a document of title for the goods.</td>
</tr>
<tr>
<td><strong>Biometric Passport</strong></td>
<td>A passport that incorporates any or all of the following biometric features of the holder: digitised facial image, fingerprint, iris or retina scan, hand geometry, etc. The most common biometric features being used currently are the facial image and fingerprints. Please note that there is currently no ICAO requirement for biometrics in passports, other than the digitised facial image.</td>
</tr>
<tr>
<td><strong>Biometric Visa</strong></td>
<td>Visa label incorporating a biometric feature of the person to whom the visa has been issued. The most common features are facial images and fingerprints.</td>
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</tr>
<tr>
<td><strong>Bona Fide</strong></td>
<td>(Latin): Made in good faith; without fraud; genuine. Contrast “Mala Fide”.</td>
</tr>
<tr>
<td><strong>Bona Fide Applicant</strong></td>
<td>A person who genuinely intends a temporary stay in the country for a lawful purpose; and who in the opinion of an Immigration/Visa Officer is not likely to remain in the country unlawfully, and is not likely to breach the conditions of any permit granted.</td>
</tr>
<tr>
<td><strong>Border Control</strong></td>
<td>A State’s regulation of the entry of persons onto its territory, as an exercise of its sovereignty. Border control is a major element of migration management. The modern global economy and international standards require a balancing between facilitating the entry of legitimate travellers and intercepting the small minority of travellers entering for inappropriate reasons or with invalid documentation.</td>
</tr>
<tr>
<td><strong>Border Control Officials</strong></td>
<td>A generic term to describe those officials whose primary task is to guard the border and enforce the immigration (and possibly customs) laws of the State - i.e. to identify undocumented aliens, determine who may be a refugee, etc. In some States, there are “Border Guards”, in others “Border Police” or “Aliens Police”. Some States assign the functions of operating checkpoints and patrolling the border between checkpoints to two different government entities.</td>
</tr>
<tr>
<td><strong>Border Guards</strong></td>
<td>Specialised corps of officials stationed at borders and responsible for managing and/or guarding those borders.</td>
</tr>
<tr>
<td><strong>Border Line</strong></td>
<td>A line that defines the jurisdiction of a State. The line separates one State from all neighbouring States.</td>
</tr>
<tr>
<td><strong>Border Policy</strong></td>
<td>A course of action, guiding principles, or procedures in relation to the management of the national borders of the relevant country.</td>
</tr>
<tr>
<td><strong>Burden of Proof</strong></td>
<td>The responsibility for proving a disputed charge or allegation. Usually the one who makes a claim or accusation bears the burden of proof.</td>
</tr>
<tr>
<td><strong>Capacity Building</strong></td>
<td>The development of an organisation’s core skills and capabilities (structures, leadership, management, administration, finance, programs, evaluation), in order to build up the organisation’s effectiveness and sustainability. By capacity building an organisation, individual or group is assisted in identifying and...</td>
</tr>
<tr>
<td>Glossary Item</td>
<td>Definition</td>
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<tr>
<td><strong>Carrier</strong></td>
<td>“Carrier”, in relation to conveyance, means the owner or charterer of the conveyance. A carrier usually refers to an airline, bus or rail company, or cruise line. But under the laws of some States, the term includes any owner of a conveyance (including conveyances intended for freight) which carries a person into the State.</td>
</tr>
<tr>
<td><strong>Carrier Liability Law</strong></td>
<td>A law imposing fines upon carriers who bring in persons who do not have valid entry documents. International practice has shown that advanced administrative, procedural, and technological mechanisms must be in place in order for a fining regime to be effective.</td>
</tr>
<tr>
<td><strong>Carrier Sanction</strong></td>
<td>Coercive measure aimed at carriers who commit a breach of agreement or law. For example, fine imposed on an airline that brings in travellers without proper documentation.</td>
</tr>
<tr>
<td><strong>Certificate of Identity</strong></td>
<td>A document (other than a passport) issued by the government of any country to any person in order to facilitate that person’s entry into or exit from any country. A Certificate of Identity establishes the identity but <em>not the nationality</em> of a person, and gives that person the right to enter the country whose government has issued the document. (Example: United Nations laissez-passers are acceptable travel documents even though they are not issued by a government.)</td>
</tr>
<tr>
<td><strong>Checkpoint</strong></td>
<td>A location (on the land border or at an airport or seaport) where persons request admission from border control authorities in order to enter the State. Often referred to as “Passport Control”. In international practice, even where all documents are in order, someone may be denied entry if the border control official has reason to believe that the person falls within the grounds of inadmissibility or seeks entry for a purpose other than that stated.</td>
</tr>
<tr>
<td><strong>Checkpoint Area</strong></td>
<td>The area around a border checkpoint for which Immigration Officers are responsible. In the case of an international airport, this includes the whole arrival area up to and including the Customs area.</td>
</tr>
<tr>
<td><strong>Citizen</strong></td>
<td>A person, native or naturalised, of either sex, who owes allegiance to a government, and is entitled to protection from it.</td>
</tr>
<tr>
<td><strong>Citizenship</strong></td>
<td>See “Nationality”.</td>
</tr>
<tr>
<td><strong>Civil Carrier</strong></td>
<td>Person or corporation involved in carrier activities.</td>
</tr>
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</tr>
<tr>
<td><strong>Claim</strong></td>
<td>An assertion made to a government agency or court seeking an action or determination of a right or benefit, such as refugee status or the right to compensation or legal redress in civil proceedings. See also “Application”.</td>
</tr>
<tr>
<td><strong>Common Carrier</strong></td>
<td>A ship that carries cargo/goods for any persons/entities who choose to employ it as long as there is available space.</td>
</tr>
<tr>
<td><strong>Consular Officer</strong></td>
<td>Any official acting for the Government of the State, designated by the President or Prime Minister for the purpose of issuing visas to aliens as required by immigration law.</td>
</tr>
<tr>
<td><strong>Consular Officials</strong></td>
<td>Government officials representing the State abroad concerning visa and residency issues. Consular officials are usually employees of the Ministry of Foreign Affairs, although in some countries they come from a separate immigration service or agency.</td>
</tr>
<tr>
<td><strong>Convention</strong></td>
<td>Legally binding agreement between States, within the framework of or sponsored by an international organisation. For example, United Convention relating to the Status of Refugees.</td>
</tr>
<tr>
<td><strong>Conveyance</strong></td>
<td>Any form of aircraft, ship, train, automobile or other vehicle or vessel capable of being used to transport a person to or from a State.</td>
</tr>
<tr>
<td><strong>Country of First Asylum</strong></td>
<td>Country in which a refugee or asylum seeker arrives and in which he or she finds, is deemed to have found, or might have found, refugee status or other protection.</td>
</tr>
<tr>
<td><strong>Country of Nationality</strong></td>
<td>In the case of a person who has more than one nationality, “Country of Nationality” means each of the countries of which he or she is a national.</td>
</tr>
<tr>
<td><strong>Country of Origin</strong></td>
<td>A country in which a person originally resided or the country of citizenship.</td>
</tr>
<tr>
<td><strong>Craft</strong></td>
<td>Any form of aircraft, ship or other vehicle or vessel capable of being used to transport any person to or from the State, from or to any country outside the State.</td>
</tr>
<tr>
<td><strong>Crew Member</strong></td>
<td>A person assigned by an operator to duty on board a vessel (air or land) during a transport duty period.</td>
</tr>
<tr>
<td><strong>Crime</strong></td>
<td>An act of commission or omission in violation of a penal/criminal statute. An offence against the State.</td>
</tr>
<tr>
<td><strong>Current</strong></td>
<td>“Current” means, in relation to any document provided by an applicant, that the document is not expired.</td>
</tr>
<tr>
<td><strong>Custody</strong></td>
<td>The care and control of a thing or person for inspection, preservation, or security. In the case of a minor, a court might assign custody to a relative or other guardian. In the migration context, a person who is detained by authorities is “in custody”.</td>
</tr>
<tr>
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</tr>
<tr>
<td><strong>De Facto</strong></td>
<td>(Latin): Existing in fact; having effect even though not formally or legally recognised. Contrast “De Jure”.</td>
</tr>
<tr>
<td><strong>De Facto Partner</strong></td>
<td>A person who is living in a genuine and stable relationship with their partner, and that relationship has existed for a period of at least two (2) years at the time an application involving the partner is made. (Many countries recognise de facto relationships for migration purposes, but the relationship has to be of long standing, ongoing and genuine.)</td>
</tr>
<tr>
<td><strong>De Jure</strong></td>
<td>(Latin): Existing by right or according to law. Contrast “De Facto”.</td>
</tr>
<tr>
<td><strong>Decision</strong></td>
<td>A judicial or administrative determination after consideration of the facts and the law; a conclusion reached by a court or by an agency or other governmental authority.</td>
</tr>
<tr>
<td><strong>Delegate/Delegation</strong></td>
<td>One or more persons appointed or chosen, and commissioned to represent others. The act of investing with authority to act for another; the appointment of a delegate or delegates.</td>
</tr>
<tr>
<td><strong>Denial of Justice</strong></td>
<td>A gross deficiency in the administration of justice.</td>
</tr>
<tr>
<td><strong>Dependant</strong></td>
<td>Person that depends physically or financially on another. In migration law, the relevant dependency is towards the principal applicant and they are normally admitted in the same migration category as that person.</td>
</tr>
<tr>
<td><strong>Dependent Child</strong></td>
<td>In most cases, a person who is aged under 18 (eighteen) and is totally or substantially reliant on the principal applicant and/or the principal applicant’s partner for financial support, whether living with them or not. In some jurisdictions, an unmarried child under the age of 21 (twenty-one) may be defined as a “Dependent Child” of the principal applicant.</td>
</tr>
<tr>
<td><strong>Deportation Order</strong></td>
<td>An enforceable official document requiring a person to leave a State. See also “Removal Order”.</td>
</tr>
<tr>
<td><strong>Deportation</strong></td>
<td>The act of a State in the exercise of its sovereignty in removing an alien from its territory after refusal of admission or termination of permission to remain. General practice is that deportation happens only upon order of the Minister responsible for immigration matters or a judge and after any appeal rights have been exhausted.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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</tr>
<tr>
<td>Deportee</td>
<td>A person against whom a Deportation Order has been signed and who is liable to be removed from a State, by force if necessary.</td>
</tr>
<tr>
<td>Detainee</td>
<td>A person who is being held in detention.</td>
</tr>
<tr>
<td>Detention</td>
<td>Restriction on freedom of movement, usually through enforced confinement, of persons by government authorities. In the migration context, an alien may be detained pending a decision on refugee status or on admission to or removal from the State. International practice is generally that detention in this and other non-criminal contexts is not intended to be punitive, and therefore conditions in detention facilities should be better than those in prison facilities.</td>
</tr>
<tr>
<td>Detention Centre</td>
<td>A place under the management of the government where detained persons are held.</td>
</tr>
<tr>
<td>Determination</td>
<td>In the migration context, the decision as to whether an applicant is qualified for the visa, refugee status, or other immigration status he or she seeks.</td>
</tr>
<tr>
<td>Direct Transit Area</td>
<td>A special area established in an international airport, approved by the public authorities concerned and under their direct supervision, for accommodation of traffic which is pausing only briefly in its passage through the territory of the respective State.</td>
</tr>
<tr>
<td>Direct Transit Arrangements</td>
<td>Special arrangements approved by the public authorities concerned by which traffic which is stopping only briefly in its passage through the territory of the respective State may remain under their control.</td>
</tr>
<tr>
<td>Discrimination</td>
<td>Treatment or consideration based on class or category rather than individual merit. Partiality or prejudice</td>
</tr>
<tr>
<td>Disembarkation</td>
<td>The leaving of a vessel after landing, except by crew or passengers continuing to the next stage of the same transport route.</td>
</tr>
<tr>
<td>Displaced Person</td>
<td>A person who flees his/her State because of fear or dangers other that those which would make him/her a refugee. A displaced person is often forced to flee because of internal conflict or natural or man-made disasters.</td>
</tr>
<tr>
<td>Document Security</td>
<td>Protection of official document from being forged, duplicated, or being used for criminal acts.</td>
</tr>
<tr>
<td>Dual Nationality</td>
<td>Situation that occurs when a person holds the citizenship of two countries at the same time.</td>
</tr>
<tr>
<td>Due Process</td>
<td>The conduct of legal proceedings according to generally-</td>
</tr>
</tbody>
</table>
accepted rules and principles providing for the protection and enforcement of a person’s rights, including notice and the right to a fair hearing before the court or administrative agency in charge of deciding the case.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic Migration</td>
<td>Moving to another country motivated or determined by economic factors, such as employment or business opportunities.</td>
</tr>
<tr>
<td>Economic Test</td>
<td>Test applied by governments to assess the economic feasibility of a new foreign business in the country. A necessary condition for migration for self-employment in many countries.</td>
</tr>
<tr>
<td>Embarkation</td>
<td>The boarding of a vessel for the purpose of commencing a carriage, except by such crew or passengers as have embarked on a previous flight of the same carriage.</td>
</tr>
<tr>
<td>Emigration</td>
<td>Outward migration. Leaving one’s own country to take up residence in another country.</td>
</tr>
<tr>
<td>Entry Permit</td>
<td>An official endorsement in a travel document that allows a person to enter a country legally. See also “Entry Stamp”.</td>
</tr>
<tr>
<td>Entry Stamp</td>
<td>A mark made by a border official in a person’s passport stating the date and place at which that person entered the country. Typically, entry stamps are made using rubber stamp and ink; increasingly, the rubber stamps are designed with features which:</td>
</tr>
<tr>
<td></td>
<td>• Make it more difficult for the stamp to be counterfeited;</td>
</tr>
<tr>
<td></td>
<td>• Make it possible to identify which border official allowed the entry.</td>
</tr>
<tr>
<td></td>
<td>See also “Entry Permit”.</td>
</tr>
<tr>
<td>Evidence</td>
<td>A perceptible thing that establishes or disproves a fact, including testimony, documents, photographs, and physical items relating to a crime or civil dispute.</td>
</tr>
<tr>
<td>Exclusion</td>
<td>In the migration context, the formal denial of an alien’s entry into a State for any purpose. In most States, border guards or other authorities have the power to exclude aliens who do not meet entry requirements.</td>
</tr>
<tr>
<td>Exclusion Grounds</td>
<td>See “Grounds of Inadmissibility”.</td>
</tr>
<tr>
<td>Exclusion Period</td>
<td>The length of time during which a person will be barred from entering a State, other than the one of which he or she is a national (usually applied to people who have been removed pursuant to a Removal or Deportation Order).</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<td>--------------------</td>
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</tr>
<tr>
<td>Exempt</td>
<td>Person or group (non-citizen) who is not required to hold a valid visa or permit in order to enter and/or reside in a State legally.</td>
</tr>
<tr>
<td>Expulsion</td>
<td>See “Deportation”.</td>
</tr>
<tr>
<td>Extension</td>
<td>The continuation of something (eg permission to stay) for a fixed period. In the migration context for example, a foreign businessman might apply for an extension of a Residence Permit.</td>
</tr>
<tr>
<td>Extradition</td>
<td>The formal handing over, generally based on treaty or other reciprocal arrangements, by one State to another of an individual accused or convicted of an offence outside its own territory and within the jurisdiction of the other, for the purpose of trial and punishment.</td>
</tr>
<tr>
<td>Facilitation</td>
<td>In the migration context, facilitation is the fostering or encouraging of legitimate travellers by making travel easier and more convenient. Facilitation can include any number of measures, such as a streamlined visa application process, efficient and well-staffed passenger inspection procedures, etc.</td>
</tr>
<tr>
<td>Forced Migration</td>
<td>Traditionally, forced migration refers to the movement of people against their will, caused by violence or political instability.</td>
</tr>
<tr>
<td>Forced Return</td>
<td>A return of aliens present on the territory of the country, or who wish to enter, against their will. Often this takes the form of expulsion or deportation.</td>
</tr>
<tr>
<td>Foreigner</td>
<td>A person belonging to or owing allegiance to another country. See also “Alien”.</td>
</tr>
<tr>
<td>Forgery</td>
<td>Criminal falsification by making or altering an instrument with intent to defraud.</td>
</tr>
<tr>
<td>Fraud</td>
<td>A misrepresentation of the truth or concealment of a material fact, in order to obtain some benefit.</td>
</tr>
<tr>
<td>Fraudulent Documents</td>
<td>Passports, visas or other travel or identity documents which are either:</td>
</tr>
<tr>
<td></td>
<td>• Altered, falsified, or counterfeited; or</td>
</tr>
<tr>
<td></td>
<td>• Legitimate documents obtained using fraud, such as by pretending to be someone else.</td>
</tr>
<tr>
<td>Genuine Tourist</td>
<td>For the purposes of the provision on length of permitted stay, a genuine tourist is a visitor who is not working and has not worked in the State being visited, and has not had a Student Permit, and has sufficient funds for maintenance and</td>
</tr>
</tbody>
</table>
Green Border
Term used to describe a State’s border between land checkpoints. A water border (river or coastline) might be referred to as a “Blue Border”.

Grounds of Inadmissibility
Definitions, set forth in migration law or regulations, of persons who are prohibited from entering the State. Even where a person is otherwise eligible for a visa or other immigration status, if he/she falls within a **ground of inadmissibility**, the visa or other status will be denied. “Grounds of Inadmissibility” are typically designed to preclude the entry of undesirable aliens, such as persons without valid travel documents, persons with criminal convictions, persons who are believed to be a danger to public health or public safety, persons who have been previously deported, etc.

Guardian
One who has the legal authority and duty to care for another’s person or property, usually because of the other’s incapacity, disability, or status as a minor. For the purpose of student policy, “Guardian” includes the student’s biological or adoptive parents, testamentary guardian, or court-appointed guardian who usually provides for the care (including education and health) of the student in the home country and has the legal right and responsibility to provide that care.

Guardianship
The relationship between guardian and ward.

**H**

Hearing
The opportunity to be heard or to present one’s side of a case before a tribunal.

Holding Centres
Centres for holding refugees or displaced persons as soon as they arrive in a receiving country. Their identities and immigration status will be determined before they are sent to refugee camps or back to their own countries.

Holder
A person who is in possession of a document.

Human Rights
The basic rights and freedoms to which all humans are entitled, often held to include the right to life and liberty, freedom of thought and expression, and equality before the law. Unlike other rights, they do not derive from an instrument or situation, but are sourced in the general concept of dignity inherent in every human being. They are set down in the International Bill of Human Rights, as well as many other international instruments.

Humanitarian Migration
Migration caused by situations threatening to life, dignity or integrity.
<table>
<thead>
<tr>
<th>Glossary Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Illegal Alien</strong></td>
<td>Foreign national resident in another country without the right to do so. See “Undocumented Alien”.</td>
</tr>
<tr>
<td><strong>Illegal Detention</strong></td>
<td>State of confinement or restraint of a person’s liberty without the due process of the law.</td>
</tr>
<tr>
<td><strong>Illegal Employment</strong></td>
<td>Any type of work performed or services provided by a foreigner in exchange for money, food or any other benefit without proper authorisation from the host government. Also includes any type of work, or working under certain conditions that is prohibited by laws.</td>
</tr>
<tr>
<td><strong>Illegal Entry</strong></td>
<td>The unlawful act of crossing a national frontier without proper travel documents or without undergoing the required formalities and obtaining permission to enter.</td>
</tr>
<tr>
<td><strong>Illegal Migration</strong></td>
<td>Any form of migration that does not meet legal requirements.</td>
</tr>
<tr>
<td><strong>Immigration</strong></td>
<td>Movement of persons into a country. Some countries define immigration to include only those seeking permanent residence, but common usage generally includes all non-citizens entering the country, whether for a short visit or with intent to remain permanently.</td>
</tr>
<tr>
<td><strong>Immigration Area</strong></td>
<td>See “Checkpoint Area”.</td>
</tr>
<tr>
<td><strong>Immigration Primary Line</strong></td>
<td>The first point of contact for an arriving passenger with an Immigration Officer at an entry port. The passenger’s documentation is inspected at this stage.</td>
</tr>
<tr>
<td><strong>Immigration Status</strong></td>
<td>The legal status of a non-citizen when residing in a foreign territory. Their immigration status is defined by the type of Residence Permit/Visa which has been granted to them.</td>
</tr>
<tr>
<td><strong>Impostor</strong></td>
<td>One who pretends to be someone else in order to deceive others, such as to receive immigration status or other benefit.</td>
</tr>
<tr>
<td><strong>Inadmissible Person</strong></td>
<td>A person who is, or will be, refused admission to a country by its authorities.</td>
</tr>
<tr>
<td><strong>Internally Displaced Persons (IDPs)</strong></td>
<td>Persons who have been forced to flee their homes or places of habitual residence suddenly or unexpectedly as a result of armed conflict, internal strife, systematic violations of human rights, or natural or man-made disasters and who have not crossed an internationally-recognised State border.</td>
</tr>
<tr>
<td><strong>International Cooperation</strong></td>
<td>The international association of organisations, agencies, or persons for common benefit. It can take many forms and it can be binding or consultative, bilateral, multilateral, global, regional, at policy level or at technical level.</td>
</tr>
<tr>
<td><strong>International Law</strong></td>
<td>The body of legal rules and norms that regulate activities carried on outside the legal boundaries of States.</td>
</tr>
<tr>
<td><strong>International Organization for Migration (IOM)</strong></td>
<td>An intergovernmental agency mandated by the member States to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and work towards effective respect for the human dignity and well-being of migrants.</td>
</tr>
<tr>
<td><strong>International Port</strong></td>
<td>Any port (air, sea or land) designated by the State in whose territory it is situated as a port of entry and departure for international traffic, where the formalities relating to customs, immigration, public health, animal and plant quarantine and similar procedures are carried out.</td>
</tr>
<tr>
<td><strong>Interview</strong></td>
<td>In the migration context, the process of questioning or talking with a person in order to obtain information or determine the personal qualities of the person. An interview is a common step in the adjudication of an application for refugee or other immigration status.</td>
</tr>
<tr>
<td><strong>Investigation</strong></td>
<td>Detailed inquiry or systematic examination in a specific situation or case.</td>
</tr>
</tbody>
</table>
| **Irregular Migrant** | An alien who enters a country at the wrong time or place, eludes an examination by officials, obtains entry by fraud, or enters into a sham marriage to evade immigration laws. This would include, among others, one who:  
  - Has no legal documentation to enter a country but manages to enter clandestinely;  
  - Enters using fraudulent documentation;  
  - After entering using legal documentation, has stayed beyond the time authorised or otherwise violated the terms of entry and remained without authorisation. |
<p>| <strong>Irregular Migration</strong> | Any form of migration that does not occur within a regular framework. It should not be confused with “Illegal Migration”. |
| <strong>Judicial Review</strong> | The power of a Court to review administrative acts or other actions of the executive. |</p>
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judgement</td>
<td>A court’s final determination of the rights and obligations of the parties in a case.</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>The legal power, right or authority to hear and determine a course of action (legal or administrative). It can also refer to the limits or territory within which any particular power may be exercised.</td>
</tr>
<tr>
<td>Jus Sanguinis</td>
<td>(Latin): The rule (prevailing in most nations) that a child’s nationality is determined by its parents’ nationality, irrespective of the place of birth. Contrast “Jus Soli”.</td>
</tr>
<tr>
<td>Jus Soli</td>
<td>(Latin): The rule that a child’s nationality can be determined by its place of birth (although nationality can also be conveyed by the parents). Contrast “Jus Sanguinis”.</td>
</tr>
<tr>
<td>Labour Agreement</td>
<td>In the field of migration, “Labour Agreement” is a specific form of bilateral agreement by which two countries define specific exchanges in human resources.</td>
</tr>
<tr>
<td>Labour Migration</td>
<td>Movement of persons from their home country to another country for the purpose of employment. Labour migration is addressed by most countries in their migration laws. In addition, some countries take an active role in regulating outward labour migration and seeking opportunities for their citizens abroad.</td>
</tr>
<tr>
<td>Laissez-Passer</td>
<td>Travel document issued by State and non-State institutions (e.g. United Nations, European Union) to facilitate the travel of the holder.</td>
</tr>
<tr>
<td>Lawful Purpose</td>
<td>Any purpose allowed by the applicable law. For example, visitors are considered to be coming to the State for a lawful purpose if they are coming for the purposes of holidaying, sightseeing, family and social visits, amateur sport, business consultation, or medical treatment; and they are not intending to undertake employment or a course of study or training, or carrying on a business or investment. (Note: Entry for the purpose of marriage is also regarded as a “Lawful Purpose”.)</td>
</tr>
<tr>
<td>Legal Migration</td>
<td>Migration without fraud or deceit, after undergoing the proper procedure, meeting all legal requirements and in possession of all necessary travel documents. Migration within properly regulated frameworks.</td>
</tr>
<tr>
<td><strong>Legal Obligation</strong></td>
<td>A legal requirement, such as a duty, contract, or promise that compels one to follow or avoid a particular course of action.</td>
</tr>
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<td>---------------------</td>
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</tr>
<tr>
<td><strong>Legitimate</strong></td>
<td>In the migration context, something which is genuine, valid, or lawful (see also “Bona Fide”). For example, a legal migrant enters with a legitimate intent to comply with the migration laws, and presents legitimate travel documents. Contrast “Mala Fide”.</td>
</tr>
<tr>
<td><strong>Long-Term Resident</strong></td>
<td>A person who moves to a country other than that of his or her usual residence for a long period of time with the intention to settle. The country of destination effectively becomes the long-term resident’s new country of usual residence. Long-term residence is usually a precondition for naturalisation.</td>
</tr>
<tr>
<td><strong>Machine-Readable Passport/Machine-Readable Visa</strong></td>
<td>A passport or visa from which common identified elements of information can be instantaneously retrieved using special equipment. In a passport, information about the holder is usually encoded at the bottom of the personal particulars page. International standards for machine-readable passports and visas have been established by ICAO.</td>
</tr>
<tr>
<td><strong>Mala Fide</strong></td>
<td>(Latin): In bad faith; with intent to deceive or defraud. Contrast “Bona Fide.”</td>
</tr>
<tr>
<td><strong>Manifestly Unfounded</strong></td>
<td>A situation usually involving an application for refugee status, in which the applicant’s claims are so clearly inadequate to support the application that it can be easily and quickly refused.</td>
</tr>
<tr>
<td><strong>Marriage of Convenience</strong></td>
<td>A marriage between a non-citizen and a citizen or permanent resident, entered into solely for immigration purposes, with neither partner having the intention of living permanently with the other as spouses in a settled and genuine relationship.</td>
</tr>
<tr>
<td><strong>Memorandum of Understanding (MOU)</strong></td>
<td>An instrument of agreement between agencies or between governments, setting out mutual obligations over a particular matter – for example, an MOU over the return of unlawful non-citizens.</td>
</tr>
<tr>
<td><strong>Migrant</strong></td>
<td>The United Nations definition is an individual who has resided in a foreign country for more than one year. Under such a definition, those travelling for shorter periods as tourists and business persons would not be considered migrants. However, common usage includes certain kinds of shorter-term migrants, such as seasonal farm workers who travel for short periods. See also “Alien”.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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</tr>
<tr>
<td>Migrants’ Rights</td>
<td>Set of rights that migrants are entitled to. All persons, regardless of their nationality, race, legal or other status, are entitled to fundamental human rights and basic labour protections, including migrant workers and their families. The main international instrument that specifically obliges governments to acknowledge the rights of migrants is the 1990 UN Convention on the Rights of Migrant Workers and members of their families.</td>
</tr>
<tr>
<td>Migration</td>
<td>The movement of persons, usually between countries. Migration can take many forms: immigration vs. emigration; permanent vs. temporary; voluntary vs. forced; etc. In general usage, migration can also refer to internal movement of persons within a country.</td>
</tr>
<tr>
<td>Migration Management</td>
<td>This term is used to encompass numerous governmental functions and a national system of management for cross-border migration, particularly managing the entry, exit and presence of foreign nationals within the borders of the country and the protection of refugees and others meriting protection.</td>
</tr>
<tr>
<td>Minor</td>
<td>A person who, according to the law of the relevant country, is under the age of majority, i.e. is not yet entitled to exercise specific civil and political rights, such as the right to vote. In most countries, this means a person under the age of 18 years.</td>
</tr>
<tr>
<td>Multilateral</td>
<td>Involving more than two parties or two countries. Contrast “Bilateral”.</td>
</tr>
<tr>
<td>National</td>
<td>A citizen of a particular country, enjoying the protection of that country. Nationality can be gained by birth, by descent, by marriage or adoption, by naturalisation or by other means defined by the national laws of the country in question.</td>
</tr>
<tr>
<td>National Interest</td>
<td>The interests of the particular country. When this interest conflicts with the interests or the rights of an individual, a balancing test must be applied (usually by a court) to determine to what degree the violation of the individual’s right or interest is justified and reasonable in that specific situation.</td>
</tr>
<tr>
<td>National Labour Market</td>
<td>The market in which workers compete for jobs and employers compete for workers within the territorial limits of a specific country.</td>
</tr>
<tr>
<td>Nationality</td>
<td>In international law, the legal bond between an individual and a State as recognised by operation of law. Nationality is not limited by ethnic or religious characteristics, but is generally seen as synonymous with citizenship.</td>
</tr>
<tr>
<td>Glossary Item</td>
<td>Definition</td>
</tr>
<tr>
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</tr>
<tr>
<td>Naturalisation</td>
<td>The proceedings whereby an alien is granted citizenship, according to procedures provided by national laws.</td>
</tr>
<tr>
<td>Non-Citizen</td>
<td>A person who does not hold the citizenship of the country. Should not be confused with “Stateless” person. A person can be a non-citizen in one country (but having the citizenship of another), while a Stateless person has no citizenship in any country.</td>
</tr>
<tr>
<td>Non-refoulement</td>
<td>Principle of international law which requires that no State shall return a person “in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership in a particular social group, or political opinion.” [Article 33 of the 1951 Refugee Convention].</td>
</tr>
<tr>
<td>On-Arrival Visa</td>
<td>Endorsement (see “Visa”) in passport or other travel document issued on arrival at a border checkpoint.</td>
</tr>
<tr>
<td>Operator</td>
<td>In aviation law, operator is a person, organisation or enterprise engaged in, or offering to engage in, an aircraft operation.</td>
</tr>
<tr>
<td>Orderly Migration</td>
<td>Migration that happens within a regular/regulated system; or in accordance with custom or natural law. Opposite of irregular migration.</td>
</tr>
<tr>
<td>Overstay</td>
<td>To remain in a country beyond the period for which entry was granted.</td>
</tr>
<tr>
<td>Overstayer</td>
<td>Someone who remains in a foreign country beyond the period of residence they have been granted.</td>
</tr>
<tr>
<td>Passenger Advance</td>
<td>Information on passengers and crew members (of airplane, ship, bus, or any means of transportation) prior to their arrival in or departure from a country.</td>
</tr>
<tr>
<td>Passport</td>
<td>A document that is issued on behalf of the government of any country; and establishes the identity and nationality of the holder; and gives the holder the right to enter the country whose government has issued the document.</td>
</tr>
<tr>
<td>Penalty</td>
<td>Punishment. In the migration context, penalty usually means a fine, but could also be a prohibition on future entry. For example, in some countries, a person who is deported is ineligible to re-enter the country for a fixed number of years.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
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</tr>
<tr>
<td>Permanent Resident/</td>
<td>A person lawfully admitted for permanent residence, who has not become a citizen.</td>
</tr>
<tr>
<td>Permanent Residence</td>
<td></td>
</tr>
<tr>
<td>Permit</td>
<td>Documentation, usually issued by a governmental authority, which allows something to exist or someone to perform certain acts or services. In the migration context, reference to “Residence Permits” or “Work Permits” is common.</td>
</tr>
<tr>
<td>Persecution</td>
<td>Various forms of oppression or harassment with ill-treatment, especially because of race, religion, gender, sexual orientation, or beliefs.</td>
</tr>
<tr>
<td>Port of Entry</td>
<td>The location in a country where one applies for entry and shows his/her travel documents such as passport and entry visa. It can be at an airport, seaport or a checkpoint at a land border.</td>
</tr>
<tr>
<td>Protocol</td>
<td>A supplementary agreement to a Convention that adds to, or changes, some provision of the Convention only for the States parties who adopt the protocol.</td>
</tr>
<tr>
<td>Refugee</td>
<td>Under the 1951 Refugee Convention, any person who is outside his or her country of nationality and is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion. (Persons with no nationality must be outside their country of last habitual residence and fear persecution in that country on one of the enumerated bases to qualify as a refugee. Such persons are sometimes referred to as “Convention Refugees”, as the term “Refugee” may be used in contexts beyond those defined by the Refugee Convention.)</td>
</tr>
<tr>
<td>Regional Organisation</td>
<td>An intergovernmental organisation that limits its membership to countries from a particular area of the world.</td>
</tr>
<tr>
<td>Registration</td>
<td>Formal procedures of official enrolment with a mandated institution. Migrants must register with the migration authorities or with other agencies provided by the law, and if they fail to do so they are faced with specific sanctions that can range from fines to an alteration in their status.</td>
</tr>
<tr>
<td>Regulation</td>
<td>A rule or order, having legal force, issued by an administrative agency or a government. Regulations typically provide procedural and other detail necessary to implement legislation.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
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</tr>
<tr>
<td>Reintegration</td>
<td>The reacclimatisation of specific groups or individuals in their communities after the occurrence of complex or lengthy migration processes. Reintegration can take social, professional, cultural or economic forms.</td>
</tr>
<tr>
<td>Removal</td>
<td>See “Removal Order”, “Deportation”, “Deportation Order”.</td>
</tr>
<tr>
<td>Removal Order</td>
<td>An enforceable official document requiring the person named in it to leave the State by a specified date. See also “Deportation Order”.</td>
</tr>
<tr>
<td>Repatriation</td>
<td>Return to the country of origin. “Repatriation” may be either voluntary or involuntary.</td>
</tr>
<tr>
<td>Residence</td>
<td>A temporary or permanent dwelling place or abode, or habitation to which one intends to return, as distinguished from a place of temporary stay or visit. In migration terms, this means temporary or permanent residence in a country other than one’s country of citizenship.</td>
</tr>
<tr>
<td>Residence Permit</td>
<td>A permit that allows a foreign national to stay/reside in a country. This does not necessarily guarantee the citizenship or permanent residence status of the country.</td>
</tr>
<tr>
<td>Resumption of Citizenship</td>
<td>Reissuing of citizenship to a person who initially lost or renounced his/her citizenship.</td>
</tr>
<tr>
<td>Return</td>
<td>In the migration context, a collective term to encompass the movement of an alien from a country which has found the alien’s presence illegal or unlawful to his homeland or country of prior residence. This includes deportation by the State as well as voluntary return either on an individual basis or under the auspices of an organization such as IOM.</td>
</tr>
<tr>
<td>Returnee</td>
<td>A person who returns to their home or country after spending a period of time elsewhere. This may be used to refer collectively to people who have been expelled or deported from one country to another or to people who have chosen to return voluntarily on their own or through assisted repatriation programs.</td>
</tr>
<tr>
<td>Revocation</td>
<td>The act (by someone having the authority – i.e. governmental agency) of annulling a previously issued act or decision, under specific procedures. (e.g. revocation of Residence Permit)</td>
</tr>
</tbody>
</table>
Schengen Agreement

An intergovernmental agreement signed in 1985 in Schengen, a small town in Luxembourg, to create a European free-movement zone without controls at internal land, water and airport frontiers. Full implementation began in 1995. In order to maintain internal security, a variety of measures have been taken, such as the coordination of visa controls at external borders of Member States through a common approach to visa policies and asylum procedures. The Schengen Agreement:

- Abolished systematic passport controls at internal EU borders;
- Established compensatory measures, mainly by strengthening controls at the EU’s external borders and facilitating information exchange between the Member States.

There are 15 Member States in Schengenland: Austria, Belgium, Denmark, Finland, France, Germany, Iceland, Italy, Greece, Luxembourg, the Netherlands, Norway, Portugal, Spain and Sweden. Switzerland is expected to join the Schengen Treaty soon. Although the Schengen Agreement was concluded outside the context of the European Union, new States seeking accession to the EU must have border regimes which meet Schengen standards (pursuant to the Amsterdam Treaty).

Security Features

In the migration context, attributes which make passports, visas or other documents more difficult to counterfeit. Typical security features include use of paper with special watermarks or fibres, use of microline or other special printing techniques, and use of laminates which become discoloured upon tampering.

Sensors

In the migration context, equipment designed to detect the movement or presence of persons. This includes motion sensors, carbon dioxide sensors, etc. Some sensors require a human operator, while others are fixed in remote places along the border and transmit information to a border control facility.

Short-Term Resident

Person moving to a country other than his or her usual residence for a short period (but longer than that provided for tourist visas).

Single

A person is single if they are not legally married or not living in a partnership akin to a marriage.

Smuggling in Human Beings

The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident (Art. 3(a), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000).
Specialised Agencies

Intergovernmental organisations with wide responsibilities in economic, social, cultural, educational, health, and related fields that have established a cooperative relationship with the United Nations.

Sponsorship

The act of promising financial support for an alien seeking entry to the State. Some States require either sponsorship or proof of adequate income or funds as a condition for certain categories of immigration status.

Spouse

A person who is legally married in a genuine and stable marriage.

State of Registry

The State on whose register an aircraft is entered.

State Responsibility

Liability of a State for the injuries that it causes to foreign persons.

 Stateless

The status of a person without formal citizenship in any country and without protection of any State.

Stowaway

A person who travels illegally, by airplane, bus, ship or train. Stowaways also risk prosecution, as it is illegal in most jurisdictions to embark on airplanes, boats or trains as stowaways. Airports, sea ports and train stations are typically marked as “No Trespassing” or “Private Property” zones to anyone but customers and employees.

Subpoena

A writ commanding a person to appear under penalty (from Latin). It is used to compel the testimony of witnesses in a trial or other adversarial proceeding.

Subpoena Duces Tecum

(Latin for “bring with you under penalty of punishment”). In law a subpoena (literally “under punishment”) is a court order requiring a person’s appearance, in some jurisdictions also called a summons. A “Subpoena Duces Tecum” is a specific form of subpoena requiring that a person bring certain documents or other evidence to the court.

Supporting Documents

Documents that assure the contents, quality and liability of main documents or allegations. For example, a letter of invitation is required as a supporting document besides the passport and entry visa to enter some countries.

Supremacy of the Law

Doctrine that all persons, including the sovereign, are subordinate to the rule of law.

Suspension

Temporary delay, interruption or cessation of a given situation, under procedures defined by the law.
| **T**       | Technical Cooperation                                                                 | The sharing of information and expertise on a given subject, usually focused on public sector functions. Technical cooperation can include a vast array of elements, from the development of legislation and procedures to assistance on the design and implementation of infrastructure or technological enhancements. |
| Temporal Protection | Protection granted for a limited, though not necessarily defined, time by the country of refuge, usually in situations of large-scale influx because of natural disaster or civil strife. |
| Territorial Sea | The waters adjacent to a coastal State and extending seaward up to a limit not exceeding 12 miles from the baselines in which that State exercises complete sovereignty with the exceptions of innocent passage and transit passage. |
| Territorial Sovereignty | The right of a government to exclusively exercise its powers within a particular territory. |
| Territory | The land and waters under the jurisdiction of a government. |
| Terrorism | The unlawful use or threatened use of force or violence by a person or an organised group against people or property with the intention of intimidating or coercing societies or governments, often for ideological or political reasons. |
| Tourism | The practice of travelling for purposes of leisure, recreation, holidays, visits to friends or relatives, health or medical treatment or religious pilgrimage. |
| Trafficking in Human Beings | The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or of a position of vulnerability or of 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 (Art. 3(a), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Organized Crime, 2000). |
| Transit | A stopover, of varying length, while travelling between two or more countries, either incidental to continuous transportation or for the purposes of changing planes or joining an ongoing flight or other mode of transport. |
Transit Passage
The right of ships and aircraft to pass through or over-fly straits that connect one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone for the purpose of continuous and expeditious transit.

Transit Passengers
Many countries define “Transit Passengers” as persons who:

i. Arrive in the country from another country while in transit to another (third country) destination; and

ii. Throughout the whole period they are in the country, remain:

- On board the craft they arrived on;
- In a port or airport secure area;
- In the custody of the police.

In some States, a transit passenger may be allowed to stay for up to seven (7) days provided they are transiting on their way to another country, or they are the crew members on their way to joining their ship in the State’s waters.

Transnational Crime
An offence that has an international dimension and implies crossing at least one national border before, during or after the fact.

Travel Authority
An official agency that permits one to travel abroad by issuing the required travel documents.

Travel Documents
A generic term used to encompass all documents which are acceptable proof of identity for the purpose of entering another country. Passports and visas are the most widely-used forms of “Travel Documents”. Some countries also accept certain identity cards or other documents.

Treaty
A formally signed and ratified agreement between. A treaty is generally a bilateral agreement. Multilateral agreements are more often called conventions or covenants. See also “Covenants”.

Unaccompanied Minor
Persons under the age of majority (generally 18 years) who are not accompanied by a parent, guardian, or other adult who by law or custom is responsible for them. Unaccompanied minors present special challenges for border control officials, because detention and other practices used with undocumented adult aliens may not be appropriate for minors.

Unauthorised Arrival
Arrival of persons/goods without permission or without required documents.
<table>
<thead>
<tr>
<th><strong>Undesirable Person</strong></th>
<th>A person whose presence on the territory of the country is not desired, due to political or personal characteristics. Not wanted.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Undocumented Arrival</strong></td>
<td>Arrival of persons/goods without required travel documents.</td>
</tr>
<tr>
<td><strong>Undocumented Alien</strong></td>
<td>See “Irregular Migrant”.</td>
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<tr>
<td><strong>Undocumented Migrant</strong></td>
<td>A migrant without required travel documents or without any documents of identification. See “Irregular migrant”.</td>
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<tr>
<td><strong>Unfounded</strong></td>
<td>Lacking a sound basis in reason or fact.</td>
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<tr>
<td><strong>Unmarried</strong></td>
<td>An individual who at the time an application is being considered, is not married, whether or not previously married.</td>
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<tr>
<td><strong>Valid</strong></td>
<td>Legally acceptable; not having reached its expiration date.</td>
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<tr>
<td><strong>Visa</strong></td>
<td>An endorsement by a Consular or Immigration Officer in a passport or a Certificate of Identity that indicates that the officer, at the time of issuance, believes the holder to fall within a category of aliens who can be admitted under the State’s laws. Entry is still subject to meeting criteria for the grant of an entry permit on arrival. In some cases the visa is issued on arrival, in which case it fulfils a legal requirement for the grant of an entry permit. See “On Arrival Visa”. (International practice is moving more and more toward issuance of machine-readable visas which conform to ICAO standards, printed on labels with security features.)</td>
</tr>
<tr>
<td><strong>Visa Extension</strong></td>
<td>Extension of visa status. This allows applicants to maintain their visa status for longer periods, which also allows them to stay in a country for a longer time, if admitted by the authority. Applicants usually need to pay visa extension fees.</td>
</tr>
<tr>
<td><strong>Visa-Free</strong></td>
<td>Regime applicable within specific countries, enabling travellers from certain countries to visit for business or pleasure for up to a defined period of time without a visa. A visa-free traveller is not allowed to extend her/his stay or change status in the country of stay.</td>
</tr>
<tr>
<td><strong>Visitors</strong></td>
<td>Persons who do not reside in the country of arrival and who are admitted for short stays for purposes of leisure, recreation, holidays; visits to friends or relatives; health treatment; or religious pilgrimages.</td>
</tr>
<tr>
<td><strong>Vulnerable Persons</strong></td>
<td>Persons who are: susceptible to attack; capable of being hurt; liable to physical or emotional injury and in need of protection (e.g. children, victims of trafficking, refugees, etc).</td>
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<tr>
<td><strong>Waive</strong></td>
<td>To voluntarily give up a legal right.</td>
</tr>
<tr>
<td><strong>Waiver</strong></td>
<td>A migration law might provide that certain legal requirements, or grounds of inadmissibility, not be applied in certain compelling cases, giving the appropriate agency the authority to exercise judgement as to whether the requirement should be “waived” in a given case.</td>
</tr>
<tr>
<td><strong>Work Permit</strong></td>
<td>Legal authorisation for a foreign national to conduct a gainful activity, i.e. to enter into an employment contract on the local labour market.</td>
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