



**Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report
- Universal Periodic Review:**

TRINIDAD AND TOBAGO

I. Background and Current Conditions

The Republic of Trinidad and Tobago acceded to the *1951 Convention on the Status of Refugees* and its *1967 Protocol* (hereinafter referred to jointly as the 1951 Convention) in November 2000. The country has not yet passed any implementing legislation or administrative regulations on asylum or refugee status, nor established a national refugee status determination procedure.

Trinidad and Tobago succeeded to the *1954 Convention relating to the Status of Stateless Persons*, with reservations, in April 1966, but is not yet a State party to the *1961 Convention on the Reduction of Statelessness*.

Only seven nautical miles from the coast of Venezuela, Trinidad and Tobago is geographically predisposed to receiving arrivals of irregular migrants into its territory. Trinidad and Tobago is both a destination and a transit country for mixed migratory flows, and receives arrivals via air and sea, often through human smuggling networks. Although most of the foreigners entering Trinidad and Tobago in an irregular manner are economic migrants searching for job opportunities and a better life, there are nonetheless persons with international protection needs within these migratory flows.

During the last ten years, UNHCR has registered over 300 asylum-seekers in Trinidad and Tobago, with the number of asylum-seeking arrivals increasing each year. The vast majority of registered asylum-seekers are “extra-continental” arrivals from outside the hemisphere; UNHCR has registered asylum-seekers from at least 27 different countries, mostly from Africa, but also from Asia and the Middle East. A much smaller percentage of the asylum-seeking population originates from countries within the region such as Colombia and Haiti.

Of the over 300 asylum-seekers registered by UNHCR, more than 60 have been recognized as refugees under the 1951 Convention since 2001. UNHCR has facilitated durable solutions through resettlement or voluntary repatriation for 31 recognized refugees, just over 50% of the refugee population. The small remaining urban refugee population does not yet have a durable solution, and most of these cases require local integration solutions. As the Government does not currently facilitate local integration for refugees, those who do not qualify for resettlement or who cannot safely repatriate to their home countries are left in a legal limbo.

Trinidad and Tobago lacks legislation on refugee and asylum issues. The country's immigration law, adopted prior to accession to international refugee instruments, does not provide an adequate framework for refugee protection and asylum issues. As a result, UNHCR and its local NGO partner in Trinidad and Tobago (Living Water Community) assume responsibility for identifying, screening, registering, counseling, and providing humanitarian assistance to asylum-seekers and refugees, and for refugee status determination (RSD).

Recognized refugees in Trinidad and Tobago do not receive refugee documentation, nor are they entitled to any form of legal status or documentation that would entitle them to work legally. They are placed under Orders of Supervision by the Immigration Department, which provides a measure of security against *refoulement*. Yet, due to the lack of temporary residency rights and/or work permits, refugees may face detention, prosecution for illegal work, increased vulnerability to labour exploitation, difficulties achieving self-sufficiency, obstacles to accessing social services, prolonged situations of family separation, and uncertainty about their future. This lack of legal rights has tended to lead to depression, anxiety, and secondary trauma amongst some of the more vulnerable refugees in Trinidad and Tobago.

The Government of Trinidad and Tobago cooperates with UNHCR to facilitate release from detention for bona fide asylum-seekers, enabling UNHCR and its NGO partner to provide alternatives to detention for vulnerable persons of concern to UNHCR during the RSD process. Although the Government does not generally issue Convention Refugee Travel documents, the authorities have cooperated to facilitate exit and entry of refugees, when required, for purposes of voluntary repatriation, third-country resettlement, and specific *sui generis* situations.

In light of the mixed migratory flows common in the Caribbean region, it is important that Trinidad and Tobago develop its capacities to manage these movements appropriately, including a mechanism to identify persons who may be in need of international protection. The incumbent Government of Trinidad and Tobago, elected in 2010, has demonstrated an interest and willingness to cooperate with UNHCR to analyze the above-mentioned challenges and to gradually close the gaps in the country's refugee protection framework.

II. Achievements and Best Practices

To date, refugees who have been recognized by UNHCR have not been subject to removal to their home country or a third country. Although a few refugees under Orders of Supervision have inadvertently been subject to short periods of detention, to UNHCR's knowledge there have been no violations of the principle of *non-refoulement*.

Additionally, authorities in Trinidad and Tobago have enabled refugees to have access to UNHCR and its local partners at all times, and allowed UNHCR full and unimpeded access to detained asylum-seekers and refugees. Until 2009, asylum-seekers (when detained along with the wider undocumented migrant population) were held in the central prison or other facilities together with the regular criminal population. In 2009, Trinidad and Tobago authorities opened an Immigration Detention Centre (IDC), which houses irregular migrants pending their removal separately from the prison population. In 2010, reforms to the IDC facility significantly improved conditions. The separation of the undocumented migrant population from the regular prison population as well as continuous improvements in standards of treatment and conditions in the Immigration Detention Centre constitute very important and commendable steps forward.

Finally, UNHCR welcomes the expression of interest of the Government of Trinidad and Tobago to enhance cooperation with UNHCR in 2011, and specifically to establish a working group to jointly review existing mechanisms for processing of asylum-seekers, standards for treatment of recognized refugees, and requirements for the gradual establishment of a national RSD procedure. Should this initiative bear results in 2011, it would serve as a model for other Caribbean states and territories that face similar challenges.

III. Challenges and Constraints

Similar to neighbouring states and territories in the Caribbean, Trinidad and Tobago is geographically located in a very complex migratory environment and is thus susceptible to the arrival of irregular migrants by air and sea. A particular challenge is the expedited removal of "extra-continental" economic migrants without protection needs to their home countries, meant to avoid the prolonged detention of migrants with removal orders. This challenge is both logistical and financial, as limited resources are available to Caribbean governments in general to cope with the irregular arrival of non-nationals. The attention of the donor community to the migratory and refugee protection challenges faced by Trinidad and Tobago and elsewhere in the Caribbean region is clearly insufficient. As a result, other national objectives tend to take priority over the issue of irregular migration. This problem is common throughout the region, and limits the possibility for more pro-active engagement on the issue.

IV. Recommendations

- It is recommended that the Government of Trinidad and Tobago grant temporary residency documents, refugee identity documents and work permits to recognized refugees, to ensure they may exercise their rights.

- Trinidad and Tobago is encouraged to strengthen its migration management by introducing protection safeguards, specifically by: adopting mechanisms to screen migrants for international protection needs; developing mechanisms to refer asylum-seekers and other special cases (such as victims of trafficking) to specific governmental departments, civil society organizations and/or international organizations for specialized attention; providing training on human rights and refugee issues for officials at the Immigration Detention Center (with UNHCR support); and systematizing mechanisms of cooperation with UNHCR and other partners for alternatives to detention for persons in need of international protection.
- The Government of Trinidad and Tobago should be encouraged to develop a framework for refugee solutions, including a local integration regime. The authorities of Trinidad and Tobago should strengthen and formalize their collaboration with UNHCR for the strategic use of resettlement and for the voluntary return of those who do not qualify for refugee status, in cooperation with other partners such as the International Organization for Migration (IOM).
- UNHCR encourages the Government of Trinidad and Tobago to enhance its dialogue and consultation with UNHCR in relation to any mixed migratory flows, including through consultations on groups of irregular migrants detected in its territory.
- In the medium term, the Government of Trinidad and Tobago is encouraged to draft and table domestic refugee legislation that ensures full compliance with obligations under the 1951 Convention. In the meantime, the Government should continue to collaborate closely with UNHCR to develop the administrative policy framework to allow for full compliance with Convention obligations towards asylum-seekers and refugees.
- UNHCR recommends that the Government of Trinidad and Tobago accede to the 1961 Convention on the Reduction of Statelessness. The 1961 Convention on the Reduction of Statelessness establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This treaty is therefore complementary to standards contained in human rights treaties. An increase in the number of States parties is essential to strengthening international efforts to prevent and reduce statelessness. In the context of the commemoration of the 50th Anniversary of the 1961 Convention, the Government is encouraged to consider accession to this instrument during 2011. This would allow Trinidad and Tobago to serve as a model for other states in the Caribbean region by its ratification of all four of the universal United Nations treaty instruments related to refugees and statelessness.

V. Capacity Building and Technical Assistance

UNHCR stands ready to provide technical support in the development of national refugee policy, including the drafting of national refugee legislation. UNHCR also offers to provide training and capacity building services to designated staff within the

Government of Trinidad and Tobago, in order to strengthen its capacity to manage mixed migratory flows with appropriate protection safeguards. Civil society, academia and other legitimate stakeholders in Trinidad and Tobago should be encouraged to participate in capacity-building activities together with the Government, in order to strengthen Government-civil society collaboration to face the challenges of mixed migration and refugee protection.

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March 2011**