

# FORCED INTO ILLEGALITY

VENEZUELAN REFUGEES AND MIGRANTS IN  
TRINIDAD AND TOBAGO

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FIELD REPORT | JANUARY 2019



# CONTENTS

## **4 SUMMARY**

## **5 RECOMMENDATIONS**

## **7 BACKGROUND**

## **8 MIGRATION AND REFUGEE POLICIES IN TRINIDAD AND TOBAGO**

## **11 CHALLENGES RELATED TO DETENTION, ALTERNATIVES TO DETENTION, AND SECURITY BONDS**

Conditions in Detention

Orders of Supervision

Security Bonds

Other Challenges

## **14 ACCESS TO EMPLOYMENT AND SERVICES**

Right to Work

Education

Health Care

Lack of Data

## **16 DONOR SUPPORT FOR VENEZUELAN REFUGEES AND MIGRANTS IN TRINIDAD AND TOBAGO**

**17 BUILDING THE CAPACITY OF LOCAL CIVIL  
SOCIETY**

**18 THE NEED FOR AN ANTI-XENOPHOBIA  
CAMPAIGN**

**19 CONCLUSION**

Cover Photo: Pictured is a Venezuelan asylum seeker who was arrested for “illegal entry” and spent time in Trinidad and Tobago’s Immigration Detention Center and Maximum Security Prison. Photo by Refugees International.

**\*PSEUDONYMS ARE USED FOR ALL VENEZUELAN ASYLUM SEEKERS AND REFUGEES.**

# SUMMARY

The Americas are facing their largest displacement crisis in modern history. Three million Venezuelans – about 10 percent of the population – have fled their homes to escape political repression, extreme food and medicine shortages, a lack of social services, and general economic collapse. International attention has largely focused on how this crisis is playing out in some of Venezuela’s larger Latin American neighbors rather than Caribbean nations. However, the response in that region deserves no less scrutiny.

Trinidad and Tobago, for example, has received more than 40,000 Venezuelans but has done little to support them. While the government approved a National Policy to Address Refugee and Asylum Matters in the Republic of Trinidad and Tobago (Refugee Policy) in 2014, it is failing to implement it. There is also no domestic legislation for refugees and asylum seekers. Instead, the government considers asylum seekers and those granted refugee status by the United Nations Refugee Agency (UNHCR) to be undocumented migrants. Meanwhile, the government lacks a migration policy and its existing migration law fails to afford these individuals adequate rights and assistance.

The total number of arrivals of Venezuelans in Trinidad and Tobago is much lower than that in many Latin American countries. However, as a percentage of its population, it has received more Venezuelans than almost any other country.<sup>1</sup> There are very serious concerns about xenophobia against Venezuelans in the country. Furthermore, Trinidad and Tobago does not provide Venezuelans with adequate assistance or access to protection and services, nor has it offered any special temporary status to them, as many Latin American host countries have done.

Instead, Venezuelan refugees and migrants often are forced to live in hiding. In the words of one Venezuelan asylum seeker on the island, “Arrest, detention, deportation are constant fears for us – they affect everything about how we live our lives.” In November 2018, a Refugees International (RI) team traveled to Trinidad and Tobago to assess the situation of Venezuelan refugees and migrants there – the second in a series of missions that RI has undertaken to host countries to shed light on this growing regional crisis.

In Trinidad and Tobago, refugees, asylum seekers, and migrants cannot regularize their status unless they satisfy various criteria stipulated under the Immigration Act – criteria that the vast majority cannot meet. Since the country’s migration policy remains a work in progress, Venezuelans who have fled their country are left without any means to reside legally or support themselves and their families. RI was told that, as of November 2018, an estimated 440 people were in detention in Trinidad and Tobago,<sup>2</sup> where they lack adequate access to legal assistance and medical care. There have been no panels organized to independently monitor conditions of detention.

UNHCR conducts refugee status determinations for those who make asylum applications. Even those who are granted refugee status, however, receive only three rights – (1) not to be deported, (2) free movement, and (3) family reunification – and no access to legal employment nor

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1. John Otis, “Trinidad Faces Humanitarian Crisis as More Venezuelans Come for Refuge,” NPR, December 18, 2018, audio, <https://www.npr.org/2018/12/18/677325140/trinidad-faces-humanitarian-crisis-as-more-venezuelans-come-for-refuge>.

2. This number encompasses those people held in the Immigration Detention Center (IDC) as well as those held in the Maximum Security Prison and the Women’s Prison for purely immigration-related offenses.



other services (except some access to primary medical care which is afforded to all persons present in the country). And since late 2018, despite these rights supposedly being granted, some recognized refugees have even been charged with illegal entry. In a welcome development, UNHCR and the International Organization for Migration (IOM) recently established a National Platform in Trinidad and Tobago. This mechanism is part of the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (Regional Platform), which the UN has set up to coordinate a regional response to the Venezuela crisis.

There are several ways that Trinidad and Tobago can improve its response to the influx of Venezuelans fleeing their country and the dire circumstances they would confront upon their return. One would be to institute a special regularization process, which would allow the undocumented migrants currently in the country to apply for residency and work permits. The government should pass legislation on refugees and asylum that reflects its international obligations under the Geneva Convention on the Status of Refugees and the UN Convention on the Rights of the Child. These include commitments to provide access to public education to all children, regardless of their legal status, and access to legal work by refugees. Trinidad and Tobago should also reduce its use of immigration detention and use alternatives to detention.

UNHCR projects that the number of Venezuelans outside of their home country will rise to 3.6 million in 2019 as the crisis in Venezuela escalates. Lying just seven miles off the coast of Venezuela, Trinidad and Tobago will remain a destination for many of those people seeking refuge. However, the absence of refugee legislation and migration policy, the inability to work legally, the threat of detention, and the lack of access to public education for refugee children will result in constant fear and hopelessness about the future for Venezuelans living there.

## RECOMMENDATIONS

### *The government of Trinidad and Tobago should:*

- Establish in the short term a temporary special regularization or other emergency measures to give undocumented Venezuelans and other irregular migrants, asylum seekers, and refugees an avenue to apply for short-term residence and work permits.
- Develop over the long term migration policies that create reasonable opportunities to apply for legal status, including access to work and education.<sup>3</sup>
- Enact legislation on refugees and asylum that enshrines the Refugee Convention and Protocol in domestic law and includes a right to work and access to education; also, clarify the government's asylum policy and the status of its 2014 Refugee Policy.
- Use alternatives to immigration detention and ensure that policies are in place to reduce the use of and time spent in immigration detention through the following:
  - Use Orders of Supervision or other alternatives to avoid detention.
  - Waive security bonds or deposits for asylum seekers when an Order of Supervision is approved, as was previously the policy.

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3. This recommendation includes a minor correction to language that appeared in the original online version of this report.

- Invest in systematic training for police, immigration officials, and members of the judiciary to promote understanding of the asylum process and refugee rights.
- Improve access to the IDC and immigration detainees held in other institutions for independent monitors, medical personnel, lawyers, and staff of relevant non-governmental organizations (NGOs).
- Ensure that immigration detainees have easy access to asylum registration and to voluntary repatriation to their home countries if they freely choose this option.
- Enable children to attend school regardless of their legal status.
- Improve access to health care by ensuring that translators are available and train medical and social work staff on refugee and migrant rights.
- Invest in information systems and enable UN agencies to collect relevant data on the numbers of migrants, their skills, and their specific vulnerabilities and needs.
- Develop an anti-xenophobia campaign to counter popular misconceptions among host communities by explaining the realities facing Venezuelans at home and in Trinidad and Tobago. This would assist in countering popular misconceptions amongst the host community.

*The United Nations should:*

- Build the capacity of local Trinidadian organizations to engage more with refugees, asylum seekers, and migrants, and help them to access core funding.
- Ensure that Venezuelan civil society organizations (CSOs) are included in the meetings of the new UNHCR-IOM-led Regional Platform.
- Provide incentives to Trinidadian NGOs and international NGOs (INGOs) to engage specifically in areas that lack support, namely cash-based interventions, education, psychosocial support including counseling for victims of gender-based violence (GBV), and livelihoods.

*The international donor community should:*

- Continue supporting the response to the needs of Venezuelan refugees and migrants in Trinidad and Tobago. Donors should fund the \$35 million Caribbean sub-regional refugee and migrant response plan.<sup>4</sup>

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4. Part of the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela.



## BACKGROUND

Some 3 million Venezuelans have fled their homes in recent years, seeking to escape political repression, extreme food and medicine shortages, a lack of social services, and general economic collapse. This mass flight has presented Latin America with its largest refugee and migrant crisis in modern history. The crisis has affected not only Venezuela's immediate neighbors but smaller countries in the Caribbean, which have proven much less prepared to receive these new arrivals.

In contrast to Latin American states, Caribbean countries have yet to offer special arrangements for temporary residence or work permits for Venezuelans. Indeed, most Caribbean states do not have laws on asylum.<sup>5</sup> The vast majority of refugees in the Southern Caribbean thus live in legal limbo. It is also

exceedingly difficult for refugees to access basic services and obtain employment.<sup>6</sup> To make matters worse, human smuggling and trafficking networks prey on vulnerable Venezuelans. Both boat arrivals and deaths at sea are on the rise in the Caribbean. There is also good reason to believe that Caribbean states have engaged in the refoulement, or forcible return, of Venezuelans.

The Caribbean country perhaps most affected by the Venezuela displacement crisis is Trinidad and Tobago. It hosts at least 40,000 Venezuelans – more than any other country in the Caribbean. However, that number has been the same “working figure” for several years, with no official update. With a population of only 1.3 million people, Trinidad and Tobago has received more Venezuelans per capita than most other host countries in the region.<sup>7</sup>

5. Human Rights Watch, “The Venezuelan Exodus: The Need for a Regional Response to an Unprecedented Migration Crisis,” accessed January 11, 2019, <https://www.hrw.org/report/2018/09/03/venezuelan-exodus/need-regional-response-unprecedented-migration-crisis>.

6. UNHCR, “Venezuelan Situation: Responding to the Needs of People Displaced from Venezuela Supplementary Appeal,” January-December 2018, March 2018, <http://www.unhcr.org/uk/partners/donors/5ab8e1a17/unhcr-2018-venezuela-situation-supplementary-appeal-january-december-2018.html>.

7. Otis, “Trinidad Faces Humanitarian Crisis.”

# MIGRATION AND REFUGEE POLICIES IN TRINIDAD AND TOBAGO

Trinidad and Tobago is a diverse country, with migrants arriving from all over the world. It has special arrangements for nationals of member states of the Caribbean Community and Common Market (CARICOM), which allow for a six-month entry period while their eligibility for a “Certificate of Recognition of CARICOM Skills Qualification” is reviewed.<sup>8</sup> Then if the skills certificate is approved, CARICOM nationals are granted “indefinite entry.”<sup>9</sup> This open movement policy, however, does not extend to nationals of non-CARICOM member states, such as Venezuelans.

In recent years, migration and refugee influxes into Trinidad and Tobago have grown. In 2016, there were fewer than 100 refugees. As of November 2018, there were more than 9,000 refugees and asylum seekers registered by the United Nations Refugee Agency (UNHCR) – 72 percent of them were Venezuelans, followed by Cubans, Syrians, and Nigerians. In April 2018, UNHCR criticized the deportation of 82 Venezuelans, including asylum seekers, from Trinidad.<sup>10</sup>

In November 2018, an RI team visited Trinidad and Tobago to explore the challenges faced by Venezuelans in the country and the government’s response. RI interviewed dozens of Venezuelan refugees, asylum seekers, and migrants, as well as Cuban refugees, UN officials, and representatives of non-governmental organizations (NGOs) and civil society organizations (CSOs).

Perhaps the greatest challenge facing Venezuelans seeking refuge is that Trinidad and Tobago does not have an effective migration policy or refugee legislation. As a result, most Venezuelan migrants, asylum seekers, and refugees are forced into illegal situations. Many have been charged with illegal entry or presence or working without a work permit/working illegally. However, there are currently no means for them to regularize their status. The RI team interviewed a number of asylum seekers and refugees who described how they had to live much of their lives in hiding because of the lack of clarity concerning their legal status. The current situation enables a lack of accountability for abuses of power by authorities. One refugee told RI, “We are scared to go out of our houses, and sometimes the police come into our houses. They treat us as though we are all criminals. We can’t make complaints about police abuses because of our legal status.”

Trinidad and Tobago acceded to the 1951 Geneva Convention on the Status of Refugees<sup>11</sup> and its 1967 Protocol<sup>12</sup> in November 2000. The Cabinet approved a National Policy to Address Refugee and Asylum Matters in the Republic of Trinidad and Tobago (Refugee Policy) in June 2014,<sup>13</sup> but is not currently implementing it. In 2017, UNHCR, the NGO

8. CARICOM Caribbean Community, “Skill-Free Movement in the CARICOM Single Market and Economy (CSME),” accessed January 27, 2019, <https://caricom.org/skill-free-movement-in-the-caricom-single-market-and-economy-csme/>.

9. Ibid.

10. UNHCR, “UNHCR Regret at Deportations of Venezuelans from Trinidad and Tobago,” April 23, 2018, <http://www.unhcr.org/uk/news/press/2018/4/5ad6b65d4/unhcr-regret-deportations-venezuelans-trinidad-tobago.html>.

11. United Nations, “Convention Relating to the Status of Refugees,” accessed January 11, 2019, <http://www.refworld.org/docid/3be01b964.html>.

12. United Nations Office of the High Commissioner for Human Rights (OHCHR), “Protocol Relating to the Status of Refugees,” accessed January 11, 2019, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolStatusOfRefugees.aspx>.

13. The 2014 Refugee Policy available online, “Trinidad and Tobago: A Phased Approach Towards the Establishment of a National Policy to Address Refugee and Asylum Matters in the Republic of Trinidad and Tobago,” is headed “Draft – working document,” but no other document is currently publicly available online. Accessed January 13, 2019, <http://www.refworld.org>.



Living Water Community (LWC), and the Refugee Unit of the Immigration Division agreed on standard operating procedures, which are not publicly available. The 2014 Refugee Policy sets out a process that would transfer responsibility for Refugee Status Determination (RSD) procedures to the Trinidad and Tobago government. Until this takeover happens, the government has agreed to allow UNHCR to conduct RSD for asylum seekers. Yet those people determined by UNHCR to be refugees are left in an unclear situation concerning their status following this procedure, since the government does not recognize even their right to work.

In November 2018, the government drew a hard line when the Minister of National Security stated that the country's domestic legislation did not recognize refugee status or asylum. He said that those claiming refugee status or seeking asylum would be considered "illegal immigrants" unless the UN resettled them in third countries. Trinidad and Tobago's Attorney General, Faris Al-Rawi, then suggested that the country was not yet legally required to establish systems for addressing the growing number of migrants and refugees reaching it because it had not ratified the UN Refugee Convention. In fact, Trinidad and Tobago acceded to the Convention in 2000.<sup>14</sup>

Furthermore, Trinidad and Tobago has carried out deportations that may constitute refoulement.<sup>15</sup> Asylum seekers have been deported, and the voluntariness of many returns

have been questioned. RI spoke with detainees who had made their way back to Trinidad after being returned, who alleged that they had been put under excessive pressure to give "consent" to return to Venezuela.

Some politicians in Trinidad and Tobago have challenged the current government's hard-line policy towards refugees. A parliamentary committee went so far as to question the country's Chief Immigration Officer over the fact that Trinidad and Tobago is apparently in breach of its obligations under the Geneva Convention on the Status of Refugees. In response, the Chief Immigration Officer acknowledged that relevant provisions from the convention have not been enshrined in domestic legislation. She told the committee that refugees are in limbo in Trinidad and Tobago, and that their status must be addressed.<sup>16</sup>

A September 2018 IOM study found that "Trinidad and Tobago was not just a Transit Country for the Venezuelan flows. Approximately 83 percent of Venezuelans interviewed had intended to stay within the country indefinitely." It is problematic for any state to have a part of its population remaining indefinitely without legal status. The Trinidad and Tobago government has expressed concern about the impacts on security of the influx of Venezuelans. However, providing some access to temporary residence and work permits would reduce the government's concerns about both insecurity and illegality. It would make it possible to identify people

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[org/docid/571109654.html](https://www.refugeesinternational.org/docid/571109654.html). It is our understanding that the draft represents the language adopted by the Cabinet. In October 2016, Trinidad and Tobago discussed adoption of the Refugee Policy and implementation efforts around it in a statement to the 67th Session of the Executive Committee of the UNHCR: <https://www.unhcr.org/uk/excom/announce/57fc3567/state-ment-of-trinidad-and-tobago.html>, Accessed January 17, 2019.

14. Amnesty International, "Trinidad and Tobago: Authorities Have No Justification for Failure to Respect International Obligations over Asylum," November 21, 2018, <https://www.amnesty.org/en/latest/news/2018/11/trinidad-and-tobago-authorities-have-no-justification-for-failure-to-respect-international-obligations-over-asylum/>.

15. Article 33(1) of the 1951 United Nations Convention Relating to the Status of Refugees provides that "No Contracting State shall expel or return ("refouler") a refugee 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 of a particular social group or political opinion."

16. JSC Human Rights, Equality & Diversity, 11th Public Meeting, "Treatment of Detainees," filmed September 14, 2018 at the Parliament of Trinidad and Tobago, video, <https://www.youtube.com/watch?v=wloyuntxXqs>.



The Refugees International team met with Diego and Antonio, two of the 82 Venezuelans deported from Trinidad and Tobago in April 2018. While being held in Trinidad and Tobago’s Immigration Detention Center (IDC), they were compelled to choose between signing a “voluntary” return order or being put in prison. Ultimately, they “chose” to return. The RI team heard from others like them who had received similar offers to sign a voluntary return order. However, those who refused repatriation had to fulfill a number of requirements before they could be released from the IDC. They had to pay a security bond of TT\$2,100 (roughly \$300), turn over their passports, and agree to an Order of Supervision. Despite being returned, Diego and Antonio again escaped to Trinidad and Tobago and re-registered for asylum just one month later.

and would enable migrants to work legally. This ability, in turn, would reduce the risks of human trafficking, labor exploitation, and forced recruitment. Therefore, the government should start by establishing a temporary special regularization or other emergency measures to give undocumented Venezuelans and other irregular migrants an avenue through which to apply for short-term residence and work permits.

## CHALLENGES RELATED TO DETENTION, ALTERNATIVES TO DETENTION, AND SECURITY BONDS

The current government's approach to refugees and migrants has essentially led to the criminalization of the refugee and migrant population from Venezuela and other countries. Indeed, there were approximately 440 persons who are known to be in need of international protection in detention in Trinidad and Tobago as of November 2018. The government's 2014 Refugee Policy calls for immigration detention to be used only as a last resort for asylum seekers, and for no longer than 10 days.<sup>17</sup> However, the practice is frequently used for asylum seekers and other migrants – at times for prolonged periods. Furthermore, fear of the Immigration Detention Center (IDC) has a serious impact on the lives of refugees and asylum seekers in Trinidad and Tobago.

## Conditions in Detention

Conditions in the IDC are a major concern. A primary challenge is that the Trinidadian authorities grant third parties little or no access to the IDC, making it very difficult for third parties to exercise oversight of detainees' conditions and treatment. To make matters worse, when the IDC is at full capacity, immigration detainees are reportedly placed in the Maximum Security Prison or the Women's Prison. Immigration detainees are often put in these prisons for illegal entry, presence, or even working. To comply with international standards,<sup>18</sup> the authorities should grant access to independent monitors.

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“They say the IDC is just detention, not prison, but it felt like prison to me. There were two very overcrowded dormitories, with 18 beds in each. There was no natural light. We were only allowed to go outside for 15 minutes once or twice a week...Very sick detainees were denied necessary medical treatment. This led to a protest by the prisoners. I saw male officers brought into the prison to deal with the protest, and they hit the female prisoners.”

**-VENEZUELAN ASYLUM SEEKER LIVING IN PORT OF SPAIN**

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Former IDC detainees told RI about problems in accessing health care in detention facilities. One Venezuelan asylum seeker reported that

17. Trinidad and Tobago: A Phased Approach,” accessed January 11, 2019, <http://www.refworld.org/docid/571109654.html>.

18. United Nations, “Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,” accessed January 11, 2019, <https://www.ohchr.org/en/professionalinterest/pages/detentionorimprisonment.aspx>.

he was still suffering from malaria while in the IDC, and a Venezuelan woman suffering from the side effects of her miscarriage said she was denied help. Access to health care in detention must be made a priority. The lack of access to the IDC also prevents many detainees from communicating with their lawyers regarding their cases, including their asylum applications. It also creates difficulties for people in the IDC who wish to register for an asylum claim, and even for those seeking repatriation. UNHCR has not had access to the IDC since 2014. Detainees, particularly those who express the wish to register for asylum, sometimes are brought out of the IDC to meet with UNHCR or a local NGO.

## Orders of Supervision

There are, however, alternatives to detention that have been widely used in Trinidad and Tobago. In many cases, the government has used Orders of Supervision instead of sending asylum seekers and migrants to the IDC. Before August 2017, the Immigration Division routinely issued these Orders of Supervision to asylum seekers.<sup>19</sup> Under this system, asylum seekers were neither arrested nor detained upon registration but were required to hand over their passports and report regularly to the authorities while living in the community. In August 2017, the High Court of Trinidad and Tobago suspended this routine practice, holding that an Order of Supervision could be issued only after someone had been arrested and detained.<sup>20</sup> The result is that many asylum seekers are now detained in the poor conditions outlined above before being released to live in the community, even under supervision. On September 14, 2018,<sup>21</sup> the Chief Immigration Officer stated that

there were still 1,700 people under Orders of Supervision.

In light of the court ruling, it is important for other alternatives to detention to be employed when Orders of Supervision cannot be used. Section 17(1) of Trinidad and Tobago's Immigration Act states that "a person taken into custody or detained may be granted conditional release or an order of supervision in the prescribed form under such conditions, respecting the time and place at which he will report for examination, inquiry, deportation or rejection on payment of a security deposit or other conditions, as may be satisfactory, to the Chief Immigration Officer." Such alternatives could include other forms of supervision (e.g., phone calls with the authorities) or additional measures, such as living at an assigned address.<sup>22</sup>

## Security Bonds

Several asylum seekers informed RI that, in order to be released from detention, the police had required them to pay "security bonds" to cover the potential cost of deportation. These security bonds are TT\$2,100 (about \$300) for Venezuelans, TT\$5,000 (about \$740) for Cubans, at least \$17,000 for Syrians, and around \$30,000 for persons from African countries. Until June 2018, the Chief Immigration Officer had used her discretion under S.17(1) of the Immigration Act to waive the requirement for security bonds.

Furthermore, several interviewees informed RI that there has been a major increase in arrests and detentions of migrants and asylum seekers since the requirement of a security bond was reimplemented in June 2018. Peo-

19. These Orders of Supervision were issued to each asylum seeker without the requirement that the asylum seeker be arrested or detained.

20. Republic of Trinidad and Tobago High Court of Justice, Henry Obumneme Ekwedike v Chief Immigration Officer, Attorney General, Claim No. CV2017-02148, Hon. Madam Justice Carol Gobin, 11 August 2017, [http://webopac.ttlawcourts.org/Library-Jud/Judgments/HC/gobin/2017/cv\\_17\\_02148DD11aug2017.pdf](http://webopac.ttlawcourts.org/Library-Jud/Judgments/HC/gobin/2017/cv_17_02148DD11aug2017.pdf).

21. "Treatment of Detainees," accessed January 11, 2019, <https://www.youtube.com/watch?v=wloyuntxXqs>.

22. Laws of Trinidad and Tobago, "Immigration Act," Chapter 18: 01, accessed January 11, 2019, [https://www.oas.org/dil/Immigration\\_Act\\_Trinidad\\_and\\_Tobago.pdf](https://www.oas.org/dil/Immigration_Act_Trinidad_and_Tobago.pdf).





“I am an asylum seeker, and I was living with my work colleague. She had a problem with a police officer one morning. That afternoon, the police came to our home and took us both to the police station. ... Then there was a hearing at which we were told that we were both being charged with illegal entry. I was totally disorientated at the hearing. My lawyer told the judge that I was an asylum seeker, so it wasn't an illegal entry. The judge said she did not know what this meant as she didn't know anything about asylum. She sent me to the Women's Prison.”

**- VENEZUELAN ASYLUM SEEKER LIVING IN PORT OF SPAIN**



ple are being held for longer periods in immigration detention because they are unable to pay their security bonds. RI also spoke with asylum seekers who had been informed that the security bonds are often not refunded, even if the individual is granted refugee status. As one asylum seeker complained to RI, “It feels like we are just a source of money and business for the officers.”

## Other Challenges

RI received a number of disturbing accounts from asylum seekers and refugees about police and members of the judiciary who did not understand or respect what rules exist around seeking asylum. The lack of domestic refugee legislation only adds to these difficulties. Despite its obligation under the Geneva Convention on the Status of Refugees not to impose penalties on refugees because of their illegal entry or presence, the government of Trinidad and Tobago has carried out frequent prosecutions and detentions of asylum seekers and refugees for illegal entry, presence, or working. Furthermore, the judiciary has wide latitude in sentencing for immigration-related offenses. Under the Immigration Act, the sentence for illegal entry can be up to three years imprisonment, or a fine of up to \$50,000. Some magistrates give a reprimand and discharge, some release them on bonds, some issue a sentence of three months, and some give a sentence of up to three years. UNHCR is conducting trainings with the police and judiciary, however, Trinidad and Tobago needs to commit to long-term and systematic investment in training for police and members of the judiciary.

Finally, RI also learned about a number of people who had decided to cancel their asylum applications and return to their countries of origin. However, they were still required to wait for a “special inquiry” even if they were in detention. This inquiry is an immigration

hearing to decide whether an irregular migrant can be granted a voluntary repatriation or will be deported. Delays can mean that a person might have to wait up to eight months even if they want to return voluntarily.

## ACCESS TO EMPLOYMENT AND SERVICES

The absence of legal protection for refugees, asylum seekers, and migrants in Trinidad and Tobago also means they cannot work legally or send their children to school. In addition, they have very limited access to health care. The language barrier also poses a problem for many of them. Each of these issues makes life more difficult for vulnerable populations and, if unaddressed, could lead to longer-term problems for the country.

## Right to Work

Despite the statement in the 2014 Refugee Policy that “It is recommended that recognized refugees be entitled to...work authorization,”<sup>23</sup> the current reality is that even recognized refugees are not granted the right to work. In principle, there is one exception to this practice – a government minister can grant a “Minister’s permit” that allows a refugee to work legally. However, RI is aware of only one case in which such a permit has been issued.<sup>24</sup>

23. “Trinidad and Tobago: A Phased Approach,” accessed January 11, 2019, <http://www.refworld.org/docid/571109654.html>.

24. RI interviews with civil society representatives in Trinidad and Tobago, November 2019.

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“Even though we [my family and I] have refugee status, this does not give us a legal right to work. It does not give a right to an identity card or to permanent residence. It does not give my children the right to attend public schools. It only grants access to health care for certain treatment but not others. We are in a legal limbo.”

**-VENEZUELAN REFUGEE LIVING IN  
PORT OF SPAIN**

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Without this right to work legally, refugees are forced into exploitative work, including prostitution. As one Venezuelan in Port of Spain told RI: “There are fewer resources for asylum seekers and refugees now – but we get fined for illegal work. Where are we to get money? We have to work illegally to survive, and it means we always have to take risks. Employers exploit us by paying us below minimum wage, and often they refuse to pay us at all, threatening to call migration if we complain.”

Venezuelan refugees and migrants constitute a potential source of significant human capital. An IOM study of Venezuelans in Trinidad and Tobago found that, “46 percent of the interviewed individuals had obtained professional degrees and, considering only those without any professional degree, 87 percent of them had completed their secondary education.”<sup>25</sup> To date, this resource remains largely untapped by the formal economy in

Trinidad and Tobago. The government or a third party such as the World Bank should undertake a labor market survey and analysis. The objective of such a study would be to identify areas where refugee and migrant populations could make the greatest contribution to the local economy. These findings could, in turn, inform a national migration policy that could contribute to the country’s economic growth.

## Education

The lack of access to education for the children of refugees, asylum seekers, and migrants is another issue of great concern. Trinidad and Tobago has acceded to the Convention on the Rights of the Child<sup>26</sup> and is therefore obliged to make primary education compulsory and free to all children regardless of their legal status. Furthermore, the government’s 2014 Refugee Policy states that child refugees should have access to educational opportunities.<sup>27</sup> However, refugee children cannot obtain the student permit required for them to attend school. An IOM study showed that “Amongst the respondents with school-aged children, more than 75 percent of the Venezuelan children that had been in Trinidad and Tobago for more than a year still didn’t had [sic] access to formal education.”<sup>28</sup>

The lack of access to education is of great concern to Venezuelan families. Some informal schools exist, but they do not enable children to graduate. In addition, children living outside of Port of Spain, the capital, have very limited access to these programs. Some Venezuelans observed to RI that when a hurricane hit Dominica last year, the children of people from Dominica who sought refuge in Trinidad and Tobago were allowed to gain

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25. IOM, “Monitoring Venezuelan Citizens Presence: Trinidad and Tobago,” accessed January 11, 2019, [https://reliefweb.int/sites/reliefweb.int/files/resources/DRAFT\\_TT\\_REPORT\\_SEP2018\\_201810291833.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/DRAFT_TT_REPORT_SEP2018_201810291833.pdf).

26. United Nations Office of the High Commissioner for Human Rights (OHCHR), “Convention on the Rights of the Child,” accessed January 11, 2019, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

27. “Trinidad and Tobago: A Phased Approach,” accessed January 11, 2019, <http://www.refworld.org/docid/571109654.html>.

28. Monitoring Venezuelan Citizens Presence,” [https://reliefweb.int/sites/reliefweb.int/files/resources/DRAFT\\_TT\\_REPORT\\_SEP2018\\_201810291833.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/DRAFT_TT_REPORT_SEP2018_201810291833.pdf).

access to public education. One Venezuelan woman living in Port of Spain expressed concern that “If Venezuelan children do not get access to formal education, we’ll have a whole generation of children condemned to poverty.”

## Health Care

Trinidad and Tobago does provide access to primary health care services for asylum seekers and refugees. However, these same populations are often extremely reluctant to access those services out of fear of arrest, detention, or deportation. This is because they fear that hospital staff, as a matter of practice, often notify the police or immigration officials of their presence.

Language barriers have proven to be an additional hurdle for those who seek care. Spanish speakers have great difficulty accessing medical care in Trinidad and Tobago unless they are accompanied by an English speaker. As one Venezuelan told RI, “It is difficult to get access if you don’t speak English. It depends on the health center if they will treat you. Often only if they have Cuban doctors [will you get treatment]. Sometimes we’re told that hospitals are only for Trinidadians – even when we have a complex, high-risk pregnancy.” IOM’s study showed that of those Venezuelans who had tried to access health services, 35 percent could not do so, and one-third of children under age five were not following their vaccination schedule properly.<sup>29</sup> This situation presents a potential public health problem for Trinidad and Tobago. The government should address the problem by ensuring easier access to health care services through the provision of translators and training on refugees’ and migrants’ rights for medical and social-work staff.

## Lack of Data

The issues of employment, education, and health care all could be better addressed if there were proper data on refugees, asylum seekers, and migrants in Trinidad and Tobago. As mentioned earlier, the working number of 40,000 Venezuelans in Trinidad has not been updated for several years. Accurate data on the magnitude and needs of Venezuelans and other migrant populations could help UNHCR, NGOs, and the government allocate resources more effectively, and create more tailored programming. The government and donors also need to invest in information systems to obtain data on and analyze the skills that refugees, asylum seekers, and migrants have to offer, and how they can contribute to the islands’ economy.

## DONOR SUPPORT FOR VENEZUELAN REFUGEES AND MIGRANTS IN TRINIDAD AND TOBAGO

In response to the Venezuela crisis, the UN established the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (Regional Platform) to coordinate a regional approach. The Regional Platform is co-led by UNHCR and IOM, using a joint UNHCR-IOM ambassador. Within each host country – including Trinidad and Tobago – the Regional Platform is meant to take shape as a National Platform, via local coordination mechanisms and in collaboration with the government. In early December 2018, the UN issued an annual global humanitarian appeal that for the first time included the Venezuela situation. Via the Regional Platform,

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29. “Trinidad and Tobago: A Phased Approach,” <http://www.refworld.org/docid/571109654.html>.





Pictured is the office of Living Water Community, one of the primary NGOs providing aid and services for asylum seekers and refugees in Trinidad and Tobago. Photo by Refugees International.

it seeks \$738 million in funding for 2019.<sup>30</sup> There is a Caribbean section of this appeal, which includes \$35 million for the needs of Venezuelans in Trinidad and Tobago.

It can be difficult to raise funds for humanitarian assistance in a higher-income country like Trinidad and Tobago. As this report notes, however, there are genuine needs for assistance in the current circumstances in which refugees, asylum seekers, and migrants find themselves. It is important for the international donor community to continue its support for humanitarian assistance to refugees and migrants via the Regional Platform's appeal for the Caribbean. In particular, donors should be prepared to provide personnel support, as addressing needs related to protection, advocacy, outreach to communities, refugee status determination, and registration require significant staffing.

## BUILDING THE CAPACITY OF LOCAL CIVIL SOCIETY

All of these challenges are compounded by the fact that there are very few local organizations or INGOs providing aid to refugees, asylum seekers, and migrants in Trinidad and Tobago. LWC, a UNHCR partner, is currently almost alone in this work. It refers people to UNHCR to register for asylum, distributes cash-based assistance, and conducts sensitization about refugee and migrant rights with faith-based communities and the general public. LWC also provides education services, legal services, shelter programming, counseling, reception, case management for persons with specific needs, and support to survivors of trafficking and GBV, making it a vital resource for the refugee community in the country.

30. Kristy Siegfried, "The Refugee Brief – 5 December 2018," UNHCR, December 5, 2018, <https://www.unhcr.org/refugeebrief/the-refugee-brief-5-december-2018/>.



Pictured here is the seaport in Cedros Bay in southern Trinidad and Tobago. Seen faintly on the horizon, the coast of Venezuela is just seven miles away. Photo by Refugees International.

However, as a small NGO, LWC is overburdened. It requires more resources as the number of asylum seekers continues to increase on the islands. International agencies like UNHCR should work to build the capacity of Trinidadian CSOs. Those include groups that already engage with refugees, asylum seekers, and migrants, as well as those that could extend their services to include them. International agencies should not only rely on these groups to implement their programs, but also facilitate their access to core funding for capacity building.

UNHCR, IOM, and others should encourage other Trinidadian NGOs, faith-based organizations, and INGOs to engage in sectors that lack adequate support, such as cash-based interventions; livelihoods, such as agriculture and small businesses; education; and psychosocial support including counseling for sur-

vivors of sexual and gender-based violence. Venezuelan CSOs that could offer support to the community also are emerging in Trinidad and Tobago. UNHCR and IOM should ensure that these groups are included in the National Platform's meetings.

## THE NEED FOR AN ANTI-XENOPHOBIA CAMPAIGN

A final challenge worth noting in Trinidad and Tobago is the prevalence of xenophobia directed toward Venezuelans and other migrant and refugee populations, especially those who speak Spanish.<sup>31</sup> This theme

31. Gregory Scruggs, "Venezuelans fleeing to Trinidad expose cracks in island refugee policy," Reuters, July 23, 2018, <https://www.reuters.com/article/us-islands-trinidadtobago-refugees/venezuelans-fleeing-to-trinidad-expose-cracks-in-island-refugee-policy-idUSKBN1KDOU6>.

emerged repeatedly during RI's interviews in the country. One Venezuelan woman, who was detained in the Maximum Security Prison, told RI that "there was lots of xenophobia by the prison officials against Latina prisoners. I wasn't assaulted myself, but I witnessed assaults. When Trinidadian prisoners physically attacked Latina prisoners, the officials did nothing." Other Venezuelan refugees told RI that "There's a very popular TV program here in Trinidad and Tobago, which has a hate campaign against Latinos – it portrays us all as drug and arms dealers and prostitutes. This impacts negatively on public attitudes, and we get trouble in the streets."

To disrupt these stereotypes, steps must be taken to change the tone of the public discourse about foreigners in the country. Asylum seekers suggested a campaign to combat xenophobia and share positive images of Venezuelans in the media. Some Venezuelans felt that Trinidadians were not aware of the reality of their lives, the reasons they fled Venezuela, and the difficulties they now face in Trinidad and Tobago. They hope an anti-xenophobia campaign would get these messages across to the public. A Trinidadian aid worker told RI that "Xenophobia against the Venezuelans is such a big issue here. We need an anti-xenophobia campaign. The perception so many Trinidadians have is that Venezuelans are just coming here to take our jobs and our husbands. We need Trinidadian organizations to run such campaigns – otherwise no one will listen."

## CONCLUSION

The slew of challenges faced by Venezuelans and other refugees, asylum seekers, and migrants in Trinidad and Tobago will be addressed only by a concerted effort by the government to establish clear refugee and asylum legislation and migration policies. Providing legal status, seeking alternatives

to detention, and allowing access to employment and key services could prove mutually beneficial by improving social cohesion and the ability of the government to respond effectively to the situation.

The need to improve these policies will become only more pronounced as the Venezuelan crisis persists and the influx of desperate refugees, asylum seekers, and migrants to Trinidad and Tobago continues. International donors can help by fulfilling humanitarian funding appeals, building local capacities, and supporting efforts to fight xenophobia. By taking these steps, Trinidad and Tobago, with the help of the international community, can become an outsized example of a compassionate response to the largest displacement crisis in the Western Hemisphere.

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# ABOUT REFUGEES INTERNATIONAL

Refugees International advocates for lifesaving assistance and protection for displaced people and promotes solutions to displacement crises around the world. We are an independent organization and do not accept any government or UN funding.



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