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INVISIBLE IMMIGRANTS: *A profile of irregular migration, smuggling of migrants and trafficking in persons in Trinidad and Tobago*

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

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

Existing frameworks and systems, such as the refugee determination process, Caribbean Community Single Market and Economy (CSME) Skilled Certificates process, work permits and some immigration procedures, **have inherent gaps and deficiencies, which create and support numerous avenues for irregularity**.

Irregular migrants are mainly economic migrants between the age of 20 and 30, who are drawn to Trinidad and Tobago because of the availability of jobs and attractive wages. Detected undocumented migrant workers are relatively young, with **males significantly outnumbering the females**. Guyana, China and Indonesia were identified as popular source countries.

Undocumented migrant workers provide services to **'labour-starved sectors'**, and therefore contribute to the sustainability of these enterprises. However, they also work for extremely low wages, which can have an impact on local wages. The literature highlights that Trinidad and Tobago had experienced major skills losses particularly in the teaching and nursing professions and therefore may have labour shortages in these and other sectors. **Undocumented migrants actually contribute**

to development by sustaining productivity in these sectors. At the national level, agricultural workers support agricultural productivity and construction workers contribute to infrastructural development. Some **migrants also create their own employment in the form of small business ventures** such as restaurants and fruit stalls.

Undocumented migrant workers are not, however, fully able to make economic and welfare contributions to the host State as they do not pay income taxes and therefore cannot contribute to tax revenues and receive welfare entitlements in turn.

A major disadvantage faced by irregular migrants is that **their status inhibits them from asserting their basic human rights in the destination country** (IOM, 2004a; ECLAC, 2005; ICHRP, 2010). Many irregular migrants, trafficked persons and smuggled migrants are **exposed to various forms of abuse and exploitation** which ultimately lead to a derogation of their human rights.

The **repatriation of irregular migrants in detention is hindered by several obstacles**, especially the determination of the identity of the migrants, which significantly delays the process and leads to the lengthy detention of the migrants.

Irregular migration, migrant smuggling and human trafficking engender corruption at various levels of the society. Furthermore, human trafficking and migrant smuggling encourage the **proliferation of transnational organized crime** and are closely linked to other forms of criminality such as drug and arms trafficking.

A number of **key legislative gaps exists**, mainly the absence of migrant smuggling and refugee protection legislation, poor enforcement of the Immigration Act (1969) and the Sexual Offences Act (1986), inconsistencies in the Immigration Act, pertaining to the treatment of smuggled migrants, and the inadequacy of existing labour laws.

Significant **gaps in the capture, storage and utilization of data challenge the generation of evidence-based policies**. The Integrated Border Management System captures arrival and departure information but thus far, **reports or trend analysis from this data to guide policies have not been produced**. Efforts have not been made to determine or estimate the number of irregular migrants in the country, which if conducted, could provide useful information in the detection of smuggling and trafficking. Digitized files are created for all persons detained by the Immigration Division; however, this information is not disaggregated according to situations or administrative categories, i.e. trafficked persons, asylum-seekers etc. Therefore, in the absence of specific names, **the retrieval of data on particular administrative categories or incidents is practically impossible to access in a timely fashion**.

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

1. **Avenues for irregularity should be carefully reviewed** to reduce or eliminate existing gaps and deficiencies;
2. Options for **expanding legal channels for labour migration should be explored to fill apparent shortages** and reduce the attractiveness and profitability of clandestine options. Regularization of persons with strong economic and social ties should also be considered to facilitate their welfare and economic contributions and to limit possibilities for their exploitation and abuse;
3. A **maximum period of detention for irregular migrants should be considered** and more efficient systems should be employed to determine the identity of the migrant through collaboration with key stakeholders and interest groups;
4. Conducting a **careful analysis of areas in which migration can contribute significantly to development** and integrate migration into existing developmental strategies;
5. Sustained efforts should be made to **enforce existing laws** such as the Immigration Act (1969) and the Sexual Offences Act (1986), and outstanding issues

such as migrant smuggling and refugee protection, which require legislative action, should be engaged. Inconsistencies and deficiencies in the Immigration Act of 1969 should also be addressed;

6. More **public awareness in the area of trafficking in persons is needed**, and relevant officials should be properly trained to respond to the needs of victims of trafficking; and
7. Efforts towards **data collection and information, and intelligence sharing should be standardized** in accordance with recognized practices and procedures.

One of the major conclusions emerging from the study is that **although some benefits are derived from the employment of undocumented migrant workers in 'labour-starved' sectors, irregular migration, trafficking in persons and smuggling of migrants generally have a deleterious impact on development in Trinidad and Tobago**. More specifically, the true benefits of migration, for both the host country and migrants, cannot fully materialize as the clandestine nature of these arrangements ultimately deprives the country of economic contributions and the migrants of their basic human rights.

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

See the report for references