

MINISTRY OF NATIONAL SECURITY

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Madam Chairman: Good morning everyone. It is my pleasure to welcome everyone here as we convene the Twentieth Meeting of the Joint Select Committee on Human Rights, Equality and Diversity. This public hearing is being broadcast on Parliament Channel 11, Parliament radio 105.5 FM and the Parliament's YouTube's channel *ParlView*.

I would like to welcome the officials of the Immigration Division and from the Ministry of National Security who are here with us this morning.

My name is Nyan Gadsby-Dolly and I am the Chairman of the Joint Select Committee on Human Rights, Equality and Diversity. And at this point I would like to invite members of the Committee to introduce themselves starting on my left.

[Introductions made]

Madam Chairman: Thank you so much. And at this time could we have the officials who are here with us introduce themselves starting with the Permanent Secretary, Acting, in the Ministry of National Security.

[Introductions made]

Madam Chairman: Thank you so much for being here with us this morning. The

Immigration Detention Centre was envisaged as functioning in accordance with international human rights instruments and treaties with universal respect for human dignity and fundamental rights and freedoms. The centre was created pursuant to the State's human rights obligation as a member of the international community committed to the observance of the fundamental human rights of individuals of every creed, race, religion, cultural belief or nationality.

The US Country Reports for Trinidad and Tobago 2012 to 2016 on human rights in reference to the Immigration Detention Centre states: The average length of detention was one week to two months depending on the speed with which the Government secured deportation. In some cases, detention lasted more than four years. The men's section was overcrowded; prisoner abuse and medical neglect were problems.

In 2013, at the Immigration Detention Centre a Guyanese national committed suicide, and in 2017, various media reports emerged where unsavoury conditions at the Immigration Detention Centre were highlighted. One quote stated:

Prolonged indefinite detention represents the most fundamental violation of the human rights of detainees at the Immigration Detention Centre. Indefinite detention is contrary to many human rights conventions and is widely recognized as a form of torture.

In light of these national concerns, the Committee's objectives this morning are as follows: to determine the treatment of detainees at the Immigration Detention Centre in Aripo—we had Santa Rosa, but we have learnt that that has now been closed off—and to examine the physical conditions at the Immigration Detention Centre in Aripo.

We were happy to have received written submissions, four written

submissions from the Ministry of National Security Immigration Division, the Office of the Ombudsman of Trinidad and Tobago, the Living Water Community, and the Emancipation Support Committee.

During the hearing, viewers and listeners can send the Committee questions related to today's topic via email at parl101@ttparliament.org, that is parl101@ttparliament.org, on Facebook [@ttparliament](https://www.facebook.com/ttparliament), and on Twitter [@ttparliament](https://twitter.com/ttparliament).

I would now like to invite brief opening comments from Mrs. Singh the Permanent Secretary, Acting, at the Ministry of National Security.

Ms. Singh: Good morning, Madam Chairman, and members of the Committee. The Ministry of National Security appreciates the opportunity to contribute to the Joint Select Committee on Human Rights, Equality and Diversity on the enquiry into the treatment of detainees at the Immigration Detention Centre in Aripo.

The Ministry of National Security is the arm of Government that has the primary responsibility for ensuring and maintaining the security of our twin-island State. The Ministry's three-pronged operational mandate includes: maintenance of law and order; public safety and defence against aggression; management of disaster preparedness and relief; and monitoring and controlling flow of persons into and out of the country.

Given its mandate to secure the nation, the Ministry of National Security is focused on developing solutions to the multi-dimensional security challenges that afflict our society, and the Ministry is cognizant of the need to ensure that all persons are treated humanely and fairly, and that due process is followed.

The detention centre was created in 2009 in response to the country's human rights obligation as a member of the international community committed to the observance of the fundamental human rights of every individual. At that time it

agreed that the facility would be established at the Aripo remand house to accommodate foreign nationals found in breach of our immigration laws.

The configuration is in keeping with international best practices as required by the United Nations International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Universal Declaration of Human Rights.

The Ministry of National Security continues to strive to ensure that the processes and procedures for detention and repatriation stand up to legal scrutiny and are in keeping with current best practices. As such, given the focus, as well as the objectives of the enquiry, we are pleased to be here and to clarify any matters you may have in this public forum. Thank you.

Madam Chairman: Thank you so much. At this time we would like to start the questioning, reminding both Committee members and officials that any questions that you may have can be directed through the Chair, and of course, our viewers and listeners have been apprised of how they can send their questions or comments to the Committee for elucidation.

I would like to start the questioning by drawing to the attention of immigration officials the variance between the reports that concern the conditions at the detention centre coming from the immigration, as well as those coming from the other submissions that we would have received. So we had received reports from the Living Water Community, as well as the Emancipation Support Committee. And I want to just put on the record some of the concerns that they would have raised that are at variance with what would have been submitted by the immigration department, and then ask a question based on that.

So, some of the concerns that were raised, the main concerns, were: the 15-day to two-year stay at the centre which has no definite end; the detainees not

being apprised of their right to legal representation; legal representation being denied when requested; persons being denied access to NGOs which may afford them assistance; the NGOs themselves when approaching the IDC being denied access to the detainees; detainees not being advised of their right to seek asylum; no process in place for complaints by detainees; no system to deal with language barriers; lack of medical care and treatment for detainees; asylum seekers being discouraged from seeking support; physical, verbal and psychological abuse being the norm; valuables of detainees confiscated, bullying by officers; sharing of bed space; detainees having to sleep on the floor without mattresses; leaks within the dormitories; insect infestation within the dormitories; nonviolent detainees being housed with those who are charged with violent offences such as rape and murder.

So these are some of the complaints that have come forward from the submissions we have received, and this is in direct variation with what was received from the Immigration Detention Centre based on the Immigration Division's submission.

One of the recommendations that came forward as well would have been an independent person or body being able to visit and to assess the truth of the matter with respect to what the conditions are at the centre. So what I want to ask is: Have there been any independent visits or assessments done on the Immigration Detention Centre ever? Have there ever been any independent assessments, for example, by a human rights body or some civil organization that would be able to verify the truth of the matter between these two very different reports coming out of what happens at the Immigration Detention Centre?

Mr. Belford: Good morning, again, Chair. As far as we are aware there have not been any independent assessments done. While there have been visits by the Emancipation Support Committee, the Living Water Community, we are not aware

that those visits led to any independent assessments. Those visits would have been made to see specific detainees, and I am aware personally that the Emancipation Support Committee and the Living Water Community would normally request visits through the Ministry of National Security, and those visits would be accommodated outside of the normal visiting hours; once the request is made they are facilitated. As to whether they would have visited the housing units, this may have occurred on one or more occasions, but normally they would conduct the visit in the visit area or in an office in the detention centre.

Madam Chairman: Is it best practice in detention centres such as this one, because you have certainly seen it with respect to the holding cells, and so on, that there is an international inspection of these areas on a regular basis so as to ensure that they comply with the human rights treaties that we are signed on to?

Mr. Belford: Okay. The Immigration Detention Centre does not have cells, it has housing units like a dormitory-style set-up. Yes, it would be best practice. The issue here would be determining what is considered regular visits for an external independent agency.

The other issue concerns security. Most independent agencies and/or individuals would be unwilling to go into the housing units, and that is the other issue. In terms of taking persons there, special arrangements would have to be made to perhaps remove the detainees, put them in an outdoor recreation area to get civilians to go into the housing units.

Madam Chairman: Certainly though, if this is the best practice and this has been operating since 2009, this is nine years later and there have been no visits by any independent body which is something that is being acknowledged as a best practice. So why have there not been any visits?—because certainly that can be arranged. It happens in other jurisdictions as regularly as once per year where

human rights associations are allowed to come in and to make those determinations and to actually see what is happening. Why has that not been arranged for the Immigration Detention Centre in Trinidad and Tobago?

Mr. Belford: Well I as noted previously, Madam Chair, there have been visits based on requests made by the Living Water Community and the Emancipation Support Committee.

Madam Chairman: Not to interject, but I am sorry. But what I am speaking about is the Immigration Detention Centre itself allowing itself to be visited in this way so as to determine whether or not and for the public to understand that they are being compliant with the international standards, because this is where we are having a complete dissonance with respect to what is being said by the Immigration Division, as well as what is being said by civil organizations. There must be an independent assessment that the Immigration Detention Centre itself seeks to be able to put these fears to rest, and that is the best practice, but that has not been happening. So is there an intention for that to be put into the programme at the Immigration Detention Centre?

Mr. Belford: Yes, Madam Chair, you are quite correct. Again, the Immigration Division, the Ministry of National Security has not initiated any visits by such entities. The visits are facilitated based on requests, but based, again, on international best practices and what you just said, certainly the time is ripe for us now to initiate such visits in going forward, rather than waiting on a request from the particular entity.

Madam Chairman: Okay. Thank you. Sen. Mahabir.

Dr. Mahabir: Thank you, Madam Chair. It is a follow-up to a question that you posed and that is, given that there were reports of bullying of detainees by their supervising officers, I just need to ask, whether the Ministry of National Security

has a special training programme so that the officers who are supervising the detainees are specially trained to deal with this particular peculiar category of inmate? Thank you.

Mr. Belford: The officers who are supervising the detainees are all members of the Special Reserve Police engaged on contract. They are Special Reserve Police Officers because, according to the Immigration Act, section 15, only immigration officers or police officers have the legal responsibility to arrest and detain prohibited immigrants for enquiry or deportation. As part of their 12-week 424-hour contact training programme they are exposed to training in ethics and integrity, the use of force and a number of behavioural sciences including emotional intelligence, psychology, sociology, communication skills and so on.

Specifically, as regards the use of force, they are trained to adopt the use of force on the basis of minimization, use the minimum amount of force necessary to get the desired effect; equivalence, force must equate force, the amount of force used must be similar to the amount of force encountered, as well as reasonableness. The force should be reasonable being that any normal person placed in a similar situation would have done the same thing.

In addition to that, the use of force is in keeping with the police service use of force guidelines which is based on a use of force continuum, meaning that they could start from their mere presence, move on to verbalization, soft-impact weapons like a baton, deadly force and so on, but on a continuum—it could go around.

In addition to that, if a detainee has a complaint, it is the responsibility of the detention manager, who is an assistant superintendent of police, to conduct an investigation based on the claim.

Dr. Mahabir: Yes. I just need clarification, so therefore, the officers are police

officers, by and large—

Mr. Belford: Yes.

Dr. Mahabir:—and not prison officers?

Mr. Belford: No.

Dr. Mahabir: Thank you very much. Since Madam Chair has indulged me, I would like to ask a second question. And the second question is in relation to a submission that we had received with respect to the suicide of one of the detainees, a female detainee. And I would like to ask anyone—I see a medical technician officer here—whether the detainees are afforded mental evaluations when they are admitted to the centre, and whether someone trained in psychology or someone trained in that field, similar cognate field is required to evaluate the detainee with respect to estimating the risks of this individual inflicting harm on himself or simply to ensure that there is some separation between the detainee who is experiencing a bona fide mental health issue, and to ensure that other detainees do not develop these mental health problems within the detention centre?

Mr. Downer: Thank you, Sir. The infirmary is staffed by four trained EMTs. On arrival of a detainee at the institution, all detainees are screened by the EMT who is on duty.

Dr. Mahabir: EMT, I do not understand.

Mr. Downer: Emergency technician on duty. If any tendency of mental illness is identified, that detainee is referred to be seen by a medical doctor who visits the institution once weekly. When that detainee is brought before the medical doctor, the doctor, if he determines that the detainee requires assistance with respect to a psychological or mental issue, that detainee would be referred to the hospital to see a psychiatrist and an appointment would be made by myself for that detainee. And at some time subsequently, the detainee would be escorted to the institution to

receive that mental assistance and guidance.

Dr. Mahabir: Could you give us an estimate or give me an estimate of how many detainees were granted such a privilege of being mentally evaluated over the last, like 10 years or so?

Mr. Downer: It has not been many detainees. It may have been approximately maybe three or four if so many over the last four or five years or six years. What has happened, the detainees when they are seen by the doctor and referred to a psychiatric clinic, they would be seen by the psychiatrist at the institution. Firstly, they will go to the institution that is closest to the detention centre which is the Arima Health Facility and would be seen at the psychiatric unit by the psychiatrist. If there is need for further evaluation and treatment, a recommendation could be made and the detainee may be referred to the St. Ann's institution.

Dr. Mahabir: A follow-up, Madam Chair. Do you think, given that only about four or five persons were evaluated as referred by the medical doctor, there was one suicide—you see, this is of concern to me. I imagine in a regular prison environment I will not be surprised to see a suicide there. It might be shocking, but I would not be surprised. But in a detention centre for someone who has violated the immigration laws of Trinidad and Tobago, for us to have a suicide signals to me that maybe there may be a lot of individuals who are experiencing depression, anxiety, the various conditions which require mental evaluation. Do you think as a medical technician that it may be a good idea if a trained psychiatrist or psychologist were to evaluate all of your detainees to determine which one of them may be at risk and which ones may not be at risk? It may be that only four were caught given the system and the procedure you have, and that perhaps there are many more in there suffering this kind of ailment? But do you think it would be a good idea for everyone to be evaluated?

Mr. Downer: Probably, but that decision is usually made by the—I am not an expert in the field. I am a professional as an EMT. The doctor who is the expert, he is the one that could likely make a decision like that.

Madam Chairman: Just a very quick question to follow up on your point. If the EMT—that is the Emergency Medical Technician?

Mr. Downer: Yes.

Madam Chairman: And that is the one who evaluates all detainees when they come in?

Mr. Downer: Yes, Ma'am.

Madam Chairman: And if that person detects that there may be something wrong, then it is referred for the medical doctor's visit?

Mr. Downer: Yes.

Madam Chairman: In the period of that time between the detection of something that may be wrong and the visit, is that detainee kept with everyone else? Is there a separation of them at all?

Mr. Downer: On some occasions, if the detainee shows signs of being violent or not taking instructions, he could be separated in a separate unit until he is seen by the doctor who visits on a weekly basis, sometimes twice weekly. So it would not be very long—

Madam Chairman: So, once something is picked up, there is mental instability, if there is a suspicion, that person is kept separate if they are seen to be violent?

Mr. Downer: Yes, Ma'am. And in some cases the doctor may be contacted because the doctor is on call, he may be contacted at that point in time and he may recommend some type of medication or treatment, he may even recommend hospitalization.

Madam Chairman: So are there detainees at the IDC that have been charged with

criminal offences?

Mr. Downer: I cannot say, Ma'am. I am not given that information.

Madam Chairman: Oh sorry. It may be a question for someone else to answer.

Mrs. Gandhi-Andrews: Yes. Madam Chair, there are some who would have served their time at the nation's prisons, and they come to the Immigration Division for deportation, and those persons are kept for the shortest possible time prior to deportation. So there are some, as it is currently there are probably nine of them currently at the detention centre who would have been charged for possession of narcotics.

Mr. Belford: Madam Chair, if I may?

Madam Chairman: Sorry. Let me just clarify there. But they come after they have served their sentence. So they are not criminals at that point?

Mrs. Gandhi-Andrews: Well, they might be considered criminals having—

Madam Chairman: Not having a criminal record.

Mrs. Gandhi-Andrews:—criminal record—

Madam Chairman: But they are not criminals.

Mrs. Gandhi-Andrews:—but they would have served their time or paid their fine prior coming to the detention centre for deportation.

Madam Chairman: And are they kept in circulation with everyone else or are they kept separately?

Mrs. Gandhi-Andrews: They are kept in circulation with everyone else, because as Mr. Belford would have noted, it is a housing unit, there are not separate cells within the facility. There are five in the male area, there are five separate housing units, and on the female side there are two housing units on the female side.

11.05 a.m.

Madam Chairman: So, if someone is to be kept separately, as would have been

discussed before, how are they separated?

Mr. Belford: So, Madam Chairman, there is an administrative segregation unit in the male housing unit where we have seven independent cells. That is where those persons are kept. It is not generally used to house detainees. It is used for administrative segregation purposes. If somebody develops some illness that we are unaware of, say, scabies, chicken pox, if somebody may have homosexual tendencies and they are being attacked by other members, other detainees, if somebody has breached some disciplinary guideline, and as the EMT said, if somebody displays signs of mental illness—I should note as well that we have had one case where a detainee feigned mental illness by claiming that he wanted to commit suicide and so on, the doctor was contacted, and that detainee was taken to the St. Ann's Psychiatric Hospital, and escaped the said day from the St. Ann's Psychiatric Hospital. So, we also have cases where detainees may feign mental illness to get out of the facility.

Madam Chairman: If a detainee is in there for—or has been released from prison for a violent crime, are they kept in normal circulation as well?

Mr. Belford: Yes, they are. As we noted earlier, we do have housing units. It is dormitory style with double-deckers. We do not now have the facility to effectively classify detainees based on why they are there, and separate them accordingly.

Madam Chairman: Do you think that this is the best practice?

Mr. Belford: No, it is not. And certainly that is something that we are looking at, but based on what we have now, we are unable to do that.

Madam Chairman: But, this a refurbished immigration detention centre house?

Mr. Belford: Yes. It is the same facility that has been refurbished.

Madam Chairman: Were there cells before?

Mr. Belford: Housing units.

Madam Chairman: There were always dormitory housing units?

Mr. Belford: Yes. Yes.

Madam Chairman: So, in the refurbishment, it was not taken into consideration at this point that that kind of separation would be the best?

Mr. Belford: Yes. Detainee classification was taken into consideration. And there is the Housing Unit E that could house 12 detainees. That is still being refurbished, and once that is done that is where we intend to put persons like that who are released from prison pending deportation. But that refurbishment is still taking place.

Madam Chairman: So therefore the assertion that people who have been charged and released from prison for violent crimes are in normal and circulation/rotation with people who are just there for transgressing immigration rules?

Mr. Belford: That happened in the past. We are working assiduously to streamline and adopt our detainee classification policy.

Madam Chairman: Okay. So, on this same issue, so we will have Mrs. Gayadeen-Gopeesingh and then we would have Sen. Hosein.

Mrs. Gayadeen-Gopeesingh: Just for clarification, I recall two Estonians had some problems, one matter was being tried before, I believe, the First Instance Court, and the other was detained. The judge was very annoyed about one being detained so long. So, can you clarify what really went wrong with that particular Estonian?

Mrs. Gandhi-Andrews: Okay. As far as our records show, we had one Estonian national who was convicted for drug offences, and we attempted repatriation a couple times for that particular individual, which failed, because of the routes that we were trying to take the person through. And that is one of the major challenges for the Immigration Division in repatriating any person. There were two Bulgarian

nationals—Bulgarian?

Mrs. Nelson-Joel: Yes.

Mrs. Gandhi-Andrews: Yes, there were two Bulgarian nationals who were before the courts for various offences and—

Mrs. Nelson-Joel: Skimming.

Mrs. Gandhi-Andrews: Yes, they were there for skimming and other such offences, and they were repatriated. As soon as we could make arrangements for them to be repatriated, verify their documents and get tickets for them to leave. Part of the challenge with the Bulgarians, of course, was the language barrier, and the only person who spoke that language had to come from St. Lucia. Outside of that one, there was a Latvian national who was also convicted for narcotics, and that person was repatriated. There is one to be repatriated now?

Mr. Belford: They are Estonians.

Mrs. Gandhi-Andrews: Okay. So, there are a number of challenges to repatriation with the individuals. And it stems from either not having travel documents, what route we could take them through, because some countries do not want us to pass them through a particular country. And for criminal offences we must escort them, and there must be three escorts.

Mr. Belford: For one.

Mrs. Gandhi-Andrews: For one person.

Mrs. Gayadeen-Gopeesingh: Okay. To get the interpreter from St. Lucia is really a stone's throw away, so how long does it take to get that person from St. Lucia to do the interpretation for the Bulgarian? And how long those persons remain at the detention centre?

Mrs. Gandhi-Andrews: The interpreter, of course we depend on their schedule. So it is whenever they can fly into the country, and when we can have the funds

available to pay for them to come to Trinidad and Tobago. In the case of the Bulgarians, they simply wanted to go home at the end of the day, and they did not appeal any deportation orders, and they indicated that they simply wanted to go home, and arrangements were made for them to go home. The interpreter at the time—which was, I do not remember the person's name, because it was the same interpreter that the court had used—would not have been available for at least two months. So, we are dependent on the schedule of interpreters. Like I said, there are very few interpreters for a particular language, then, of course, we have to wait until whenever they are available before we can proceed with anything.

Mrs. Gayadeen-Gopeesingh: So, what is the estimated time they remained detained? How long?

Mrs. Gandhi-Andrews: I am told that they stayed at the detention centre for three weeks.

Mr. K. Hosein: Thank you very much, Madam Chairman. All detainees admitted to the Immigration Detention Centre have fundamental rights to humane treatment. According to a chart I saw here, 537 persons were trained. Can you advise whether staff at the Immigration Division undergoes any such training in humane treatment? And if so, are there any active training plans to ensure that all persons are adequately trained and given refresher courses to offer best quality practice?

Mrs. Gandhi-Andrews: The answer to that would be, yes. In terms of the management of the detention centre, there are two things: There are the detention officers who are there to detain or to guard and manage the detainees. The Immigration Officers are there to ensure that they are informed about the matter, the status of their case, when they would be repatriated, and to have that type of liaison. During the training for all officers, they are trained in different facets of the law, international best practices. The enforcement unit was also trained. The

enforcement unit and the officers who are assigned to the detention centre were trained in the defensive tactics, and how they should treat with detainees.

Mr. Belford: I should add Minister that in terms of the detention officers who are special reserve police officers, we have also introduced in the curriculum, cultural sensitivity, and conversational Spanish for public safety officers. So that now forms part of their 424 hour induction training programme.

Madam Chairman: But, just before you follow up. So you are saying that the police officers who are assigned to the IDC have special training?

Mr. Belford: Yes Ma'am.

Dr. Mahabir: It is a follow up to Sen. Kazim Hosein's question, and that is, they are trained. My question is, where? Are they trained at the Police Academy? Can I see a copy of the curriculum, the courses, the content, and so on? I am just curious as to the special reserve officers, do they undergo a screening process to ensure that they are amenable to treating with this type of detainee as opposed to say someone in a prison? It is a little bit vague to me, and I would like to know about the quality of the training that they received?

Mr. Belford: Okay. So, in terms of the screening process, from the application process they do an entrance examination. Following the entrance examination they are subjected to interviews. Following the interviews we move to the background, a character investigation. Following that—and it is based on success—they move to the medical evaluation. From the medical, they have a psychological evaluation, and from the psychological evaluation they move to the induction training programme. The 12-week induction training programme. And again, they are required to complete as special reserve police officers in the police service complete, but because they are then assigned to the Immigration Detention Centre, that is where we move in now into cultural sensitivity, conversational Spanish,

defensive tactics, and these other issues that are specific to the job they are being engaged to perform.

Dr. Mahabir: Okay. Are they on contract or are they full-time employees?

Mr. Belford: They are on contract.

Dr. Mahabir: What is the length of the contract?

Mr. Belford: Three years.

Dr. Mahabir: Oh, they are on three years. Thank you.

Mr. Belford: Yes.

Madam Chairman: Just to clarify, 12 weeks, how many hours is the training?

Mr. Belford: Four hundred and twenty four contact hours. That is the induction part, eh Ma'am. Madam Chair?

Madam Chairman: Yes, certainly.

Mr. Belford: The 424 contact hours is the induction training.

Madam Chairman: Yes.

Mr. Belford: From that they move on to developmental training.

Madam Chairman: Okay.

Mr. Belford: The 424 contact hours is a requirement to be a special reserve police constable. And as I said, because they move on now to the Immigration Detention Centre they complete further training for that specific function.

Madam Chairman: How much is that?

Mr. Belford: That would be 24 contact hours to start. But then developmental training is something that is ongoing.

Madam Chairman: So throughout their three year contract they receive training?

Mr. Belford: Exactly. But we cannot take everybody at the same time, so we do it in stages, because their services are required, of course.

Madam Chairman: Okay.

Mr. Forde: Thanks, Madam Chair. To the Chief Immigration Officer, Acting. I would like to know clearly, how does one become a detainee in Trinidad and Tobago?

Mrs. Gandhi-Andrews: Persons who are found to be in breach of the Immigration Act, either they have entered illegally, they have overstayed their time, they might have committed criminal offences which have placed them within the prohibited classes. Once they come to the attention of the Immigration Division they are interviewed. The officers at the Enforcement Unit would do an assessment of them to see whether or not we can either release them on what is called "an order of supervision". They would like look at where they are living, who they might be staying with, whether they have any family members or any friends who are willing to support them.

Detaining anybody is a last resort at the detention centre. Because the centre could only hold so many people. So that, once they are found to have breached the Immigration Act, anybody could be detained. Putting them at the detention centre, like I said, is a last resort, depending on the circumstances. Clearly, if they have committed some criminal offence, then they will be detained depending repatriation. If they may have entered the country illegally, and they have been prosecuted, they will end up at the detention centre pending their repatriation. And once they can be identified—because a lot the persons who come to us have no identity documents. So that we have to verify nationality, we have to verify the identity before we can even move forward with some of our processes.

We have a process—I mentioned—an order of supervision, which is akin to bail, that the Chief Immigration Officer can release anyone on an order of supervision with certain conditions. And currently we have 455 persons on orders of supervision who are all in breach of the Immigration Act, and we have at this

point in time, we only have 85 males and 35 females at the detention centre as at this morning. So, that is pretty much how they may become a detainee. The fact is they are in breach of the Immigration Act, and we would do our assessment depending on what it is. Some of them might have overstayed, have been found working without a work permit. If they can be identified, and if there is somebody willing to support them, house them, because the conditions for release would be that they have some place of abode, someone that we can contact, somebody who is willing to put what is called “a security bond”, which would assist in any repatriation, and those persons would be released. So at any given time, there are actually more persons out on an order of supervision than at the detention centre.

Mr. Forde: Would it be wrong of me to suggest that our Immigration department are creating detainees?

Mrs. Gandhi-Andrews: When you say are creating detainees, I am not sure. Because, the law empowers us to arrest and detain pending an enquiry. And therefore, depending on the circumstance, and more often than not the persons who we have at the detention centre, either, like I said, fall squarely in the prohibited class or we are unable to identify the individual. If we are able to identify the individual, and depending on the other circumstances they will be released.

Mr. Forde: All right. In terms of “the red tape”, the bureaucracy that sometimes may take place, and if may probably want to say that having one or two instances of individuals coming to me my Member of Parliament office with regard to saying that they have submitted all the necessary documentations, there is a delay, they go to Richmond Street, they go to Frederick Street, they go here, the go there, and there is some sort of delay, file cannot be found, it is at this department, they cannot go to this particular department, in terms of the bureaucracy that may entail, as the Immigration Officer, again, would it be wrong of me to suggest that there is

something that is not adding up in some instances?

Mrs. Gandhi-Andrews: I think, through you, Chair, I believe that we are mixing a lot of things here, and from what you are referring to, and the correspondence that I would have seen from you, relate to those persons who may have applied for permanent resident, and that is something completely separate and apart. And, there is a process to deal with someone who has applied for permanent residence, and the role of the Immigration Division in that respect is to interview and submit a report to the Permanent Secretary. More often than not, persons who have applied for permanent residence, similarly need to go to the Immigration Division to ensure that their landing status is kept current, in that they must go and seek an extension of stay. So, persons who do not go and seek an extension of stay can end of, of course, in breach. They are now illegally in the country, because they have no permission to stay, and those persons are the ones who invariably end up on an order of supervision.

Mr. Forde: No, but then the time line, madam Immigration Officer, between the person getting that document, there is a presumed run around that takes place, and whether it is that the delay is happening in order to make a certain result. Somehow or the other there is a disparity between, you know, the communication that comes out of the Immigration Department, and I am trying to see if I can get some clarity with regard to it.

Madam Chairman: If I may assist, the member is asking, does the delay in processing the extension of stay result in many people being now illegal in the country, and now being at the risk of being detained if they do not have this extension? Are the processes working well enough that we can be confident that people who are applying for extensions of stay are getting them regularly enough so that they do not end up as detainees?

Mrs. Gandhi-Andrews: Persons are obligated to go to the Immigration Division before the expiration of their landing certificate to apply for an extension of stay. They cannot come month after their landing certificate has expired to get an extension of a landing certificate that has expired.

Madam Chairman: And is that a general circumstance?

Mrs. Gandhi-Andrews: It is a general circumstance. Since we moved into the new building, because there were challenges between 2014 and 2016 when we had a challenge with one of the buildings that was closed. Since we moved into the new facility at Richmond Street in October of 2016, all of our services have resumed fully, for extensions of stay and for person who have applied for permanent residence to be interviewed, and we have also assigned more officers to those two sections to deal with persons. So, right now, we are actually seeing persons who are walking in to get an extension.

Like I said, if it is their landing certificate that was given to them has already expired then they fall into a particular class, and they are referred to the enforcement unit, and when they are referred to the enforcement unit, the enforcement unit would more often than not put them on an order of supervision. Depending on the circumstance at that point in time of the particular individual, they may be detained at the detention centre, if there is no support, depending on their unique circumstances. They may be detained and put before a special enquiry officer for that special enquiry officer to determine whether or not they should be deported, or whether they should just be given voluntary departure, and allowed to leave.

Madam Chairman: And allowed to leave. Sen. S. Hosein.

Mr. S. Hosein: Thank you very much, Chair. Chair, I just have a follow up question following from member Forde, and then my substantive question. With

regard to the amount of detainees that are currently in the centre, or from your experience in the past, what is the most common breach of the Immigration Act that has so many detainees in the country? And, of the amount of detainees, what percentage would be those that commit criminal offences?

Mrs. Gandhi-Andrews: It is almost half and half between those who have overstayed their time and found working illegally, and those who have entered the country illegally, and I can give you an example: Of the 85 persons who we have at the—85 males and 35 females who we have presently, 52 of them are at the detention centre for illegal entry. Forty of those persons were found to have overstayed their time and would have been working illegally. And in addition to that, they may have expired travel documents and whatnot. And 12 of those individuals are there for possession of drugs. There are others who are there for—there is one who is there for importing counterfeit currency; a few of them who are there for tendering fraudulent documents and would have been prosecuted before the courts. And typically that is what we see, half and half with overstaying and in breach of the Immigration Act, and those who would have entered the country illegally, and maybe it varies from time to time. Maybe about 5 to 10 per cent who would have committed criminal offences.

Mr. S. Hosein: I just want to carry the conversation back to the structural issues that we were addressing previously with regard to the IDC, the Immigration Detention Centre, and the rehabilitation works that have been undergone recently. Now, I noted in the submission of the Ministry that there was an upgrade to the entire facility in terms of the air conditioning unit; also, I would have seen that there is no provision for potable water, or a cool wholesome drinking water supply; and also I saw that there is a repair to a perimeter fence, but this project is deferred to 2019.

Now, my first question is, was it taken into consideration to have potable water available to the detainees at the centre? Because there have been issues raised from the Living Water Community where a person is only provided 300 mls of water per day. That is almost the size of chubby bottle. From the refurbishment why was this not taken into consideration? That is my first question, so I will allow you to answer that and then I would pose my second question.

Mrs. Gandhi-Andrews: We provide bottled water to the detainees, and they are provided with the bottled water as and when they need it. Yes, I agree that perhaps we should have some kind of system, some kind of cooler, some water dispenser at the facility, but more often than not when we put a water dispenser at the facility—and there was one before—it was destroyed by the detainees themselves, which is why we resorted to the bottled water.

Mr. Belford: We also provide hot water for the detainees on mornings. Sometimes they require hot water, but we have had to restrict that use since detainees threw hot water on two detention officers, who were hospitalized and have since resumed duty, after one of them suffered second degree burns about the body. So those are some of the challenges that we face with the detainees. So we have had to restrict the use of the hot water as well—closely supervised.

Mr. S. Hosein: Now, I am very surprised that the water dispensers are destroyed. Are these detainees supervised on a 24-hour basis to ensure that there is no defacing of the State's property?

Mr. Belford: Yes, they are supervised on a 24-hour basis, but we do not have—the ratio of supervision is 1:8 based on international best practices, meaning one detention officer to eight detainees. It is impossible at times for one officer to be around all these detainees at the same time. So, things do happen. It is, of course, contained immediately, like the incident with the hot water for example. So, we

provide a percolator for the detainees during the morning breakfast. That percolator was made available to them in the indoor recreation area and, of course, the detainees and them felt that they were not getting enough—there was an issue with breakfast, and there was a struggle between two detainees of two different nationalities, the detention officer tried to contain that struggle, and in that process they threw the hot water on two detention officers, and that is what happened to them. So, it is impossible at times when you have 85 persons. Remember we are looking at a ratio of 1:8 based on international best practices. But when something does happen it is contained speedily.

Mr. S. Hosein: Okay. The second question is with regard to the perimeter fence, is there an issue with the fence, that is why it was listed as part of the repair works?

Mr. Belford: The fence that we have is a chain-link fence. We are trying to get wire walls, in keeping with international best practice.

Mr. S. Hosein: They said repair to the fence, so is there an issue with the fence? That is under the rubric that we got, repair to perimeter fence.

Mr. Belford: Well, I think it is basically to enhance its structural integrity that exists now.

Madam Chairman: If I may, a question now dealing with the staffing at the centre. Based on the submission, I am counting between Detention Officers I and II, 83 officers, based on your submission now, you have indicated that what you are preferred or what is best practice would be 101, about 170 Detention Officers I and II. So you have about 83 now, and you have indicated that you need almost double that. This is based on your submission, pages 12 and 13, and if I am following that the detention centre is designed for 158 detainees, and you have about 120 now, I find the ratio of—I am counting those only as the ones who would be in direct contact with the detainees. So, if we are looking at, at present

120 detainees to 83 Detention Officers I and II, and you are indicating that you would want 170 or so, in the centre as designed for, at maximum 158 detainees, I find the ratio to be a bit high. You mentioned one officer to eight detainees earlier. Can you give us some clarification about that, because it seems to be off? You have 120 detainees now, 83 Detention Officers I and II, how is that.

11.35 a.m.

Mr. Belford: Yes, Madam Chairman, there is a definite error in the numbers and we do apologize for that. But just to add some further clarity, in terms of the allocation and deployment of the detention officers, we have detention officers that work at the gate. We have detention officers at work on the perimeter. We have those that work in the housing units and we have a special team called the Special Operations Team. They work outside of the detention centre doing escorts to and from the airport, various ports, taking people to court and so on. So there is a definite error in terms of the numbers. I cannot get the specifics now but—

Madam Chairman: Is it an upward error or a downward error?

Mr. Belford: An upward error, clearly, because based on the figures we have now, we actually should have 20 officers who are assigned to the Special Operations Team and they work closely with the Immigration Enforcement Unit in terms of taking detainees to and from the facility for various reasons as I noted. And the other officers are working at the detention centre, either externally—perimeter and gate—or internally in terms of the housing units.

Madam Chairman: So you over-quoted here?

Mr. Belford: Yes.

Madam Chairman: You over-quoted what you have or what you want?

Mr. Belford: What we want.

Madam Chairman: So you actually have 83 officers, detention officers one and

two? [*Crosstalk*]

Ms. Singh: No, you have 109.

Madam Chairman: 109 would be all the assistant detention manager, detention supervisor. I did not count those because I am assuming those are part of the administration. So I am referring only to the one and two who I think would be in direct contact.

Mr. Belford: Yes.

Madam Chairman: It should be approximately 83, give or take one or two?

Mr. Belford: Yes, Madam Chairman. It should be—66 and 28, 14—

Madam Chairman: So there is an error with what you have as well?

Mr. Belford: Yes, Madam Chair.

Madam Chairman: So you do not have 83?

Mr. Belford: No.

Madam Chairman: How many do you have? Do you have it on hand?

Mr. Belford: No, Madam Chair.

Madam Chairman: Okay. So could we ask then for you to submit revised figures for what you have, because what you have in the submission does not gel with the 1:8 ratio.

Ms. Singh: Yes, Chairman, we will seek to get the specific figures on that for you.

Madam Chairman: Okay. So we would have that?

Ms. Singh: And submit in writing, yes.

Madam Chairman: Okay, appreciated.

Mrs. Gayadeen-Gopeesingh: Thank you, Chair. At page 22 of your submission, it is stated that the Immigration Detention Centre is designed to accommodate 120 males and 38 females. So at any point in time we may have, like say, 158 persons or if we round it off we might have an estimate of about 200 persons. Now you are

saying you have 85 males, 35 females, so we have about 120. I have turned to Appendix 4, line 40, food at the institutions. And what I am seeing here, there is a gradual increase in the allocation and what really stood out is at 2015, \$5.5 million was spent, five and a quarter in 2016 and when it was revised—provision in 2016, we reached up to \$6 million. So I need to have some clarification and perhaps if you can justify the allocation of \$6 million spent, you know, that was spent for how many persons, because we are seeing the maximum you can hold is perhaps 200 persons. So how you could justify \$6 million spent on food at the institution?

Mrs. Gandhi-Andrews: It can hold that amount at any given point in time but you have to remember that the numbers that passed through the detention centre at any given time change. So while we may have 85 males today, by tonight we may have 100, because of the exercises that would have been conducted overnight in the last two days. So the numbers change. So what the total is, you have to look at the numbers of persons who would have passed through the detention centre over the year. And we would have sent the numbers of persons who would have—*[Interruption]* Yeah, yeah. So it would be the numbers that would have passed through the detention centre.

In addition to that, the caterer would have increased the cost of the meals. Prior to—what year was it, '15? Right. It was \$50 for three meals per day, per detainee. That was increased to \$80 for three meals for each individual per day and that would account for the increase in the amount of money that we would have spent in food for the detention centre.

Mrs. Gayadeen-Gopeesingh: Is it then, it may be more prudent that the processes in expediting these detainees you have these inordinate delays, so we can save some of this money. Because I am looking at also one of the submissions and one of your challenges experienced is the unavailability of funds to purchase tickets for

the repatriation. So perhaps if the processes are expedited we can have some money allocated to purchase tickets for these detainees and the process could be more fluid.

Mrs. Gandhi-Andrews: Agreed. However, as I mentioned earlier the length of a stay at the detention centre is dependent on a number of factors. One would be, the identification of the individual, the acquisition of travel documents for the person, whether they require an escort to their home country and that in itself presents, like I said, a challenge for us. We try as far as possible to repatriate individuals as quickly as possible. We have improved our processes in terms of, from detention, to going through the process of a special enquiry, to ordering somebody deported or giving voluntary departure. And at the end of that process is when we require an airline ticket for their repatriation.

More often than not, persons provide their own tickets or their family members would provide tickets for them to leave. If not, then the State is required to purchase a ticket. And that, of course, is a process where a submission is made to the Permanent Secretary for funds to be made available for the purchase of a ticket. And if they are to be escorted, the tickets and whatnot for the escorts. So, yes, but we have significantly improved our process in terms of, from detain or arrest to order deported. And most of the persons—

Madam Chairman: If I may, right there, to interject as you are answering. What does that significant improvement represent in terms of time?

Mrs. Gandhi-Andrews: It represents adding more staff to deal with the persons in terms of writing their reports, doing the investigation, liaising with foreign missions to get identity documents for the individuals, liaising with Interpol to do traces on the individuals and following through with Interpol on that.

Madam Chairman: So have you been able to measure the decrease in detention

time, in average detention time, for the detainees at the centre?

Mrs. Gandhi-Andrews: Yes, because at least two years ago, more often than not, persons would have remained at least, maybe six months to a year before we could have done anything with the individual in terms of being able to identify them and acquire travel documents, et cetera, and repatriate. The persons who are there for longer than that we have more challenges in terms of identifying them. But that has been reduced to at least two weeks to four weeks, from six months in terms of—

Madam Chairman: Detention time.

Mrs. Gandhi-Andrews: Yeah.

Madam Chairman: You can say, average detention time has decreased from about six months to two weeks.

Mrs. Gandhi-Andrews: Yes, two weeks to four weeks depending on the circumstances and where the person would have to travel and how quickly we can acquire documents for their repatriation. But like I said, we have increased resources to deal specifically with the detainees.

Mrs. Gayadeen-Gopeesingh: And that brings me to the point, increasing resources. Is it then that this contract employment at line 16 in 2013, zero dollars allocated, '14 and then we have reached '15, \$8 million allocated. How many persons you—I do not know if you have the figures or the numbers, but from zero to \$8 million. So, how do you account for \$8 million being allocated for contract employment? And how many persons?

Mrs. Gandhi-Andrews: Prior to 2015 they were on three-month contracts, they were on short-service contracts and then we got approval for them to go on three-year contracts from the CPO with the relevant salaries and whatever allowances they would need to have. And there was also an approval to increase the numbers of detention officers when we created the SOTs. So we increased it by

at least 22 officers.

Mr. Forde: Chief Immigration Officer, in terms of the dollars we are now hearing, wanting to increase these detention officers, the repatriation, if we expedite that aspect we would not have the need for all that financing that my two colleagues have been mentioning—food, and all those different things—and we could then relocate these detention officers to different positions in the immigration department. Have you all done a survey, looked at the statistics in order to weigh the pros and the cons and the cost benefits with regard to what you are now explaining?

Mrs. Gandhi-Andrews: Like I said earlier it is a fluid system at the detention centre, because at any given time we may have no detainees or we may have close to 200 detainees.

All I need to do is to send my officers in two areas in Port of Spain and in south and I could end up with at least 400 people who are illegally in the country and I have no place to put them.

Mr. Forde: And again it comes back to the question, Madam, with regard to your division in the red tape and the bureaucracy in creating detainees.

Mrs. Gandhi-Andrews: I would disagree—

Mr. Forde: Because you are saying that you know where you can go and collect them.

Mrs. Gandhi-Andrews: No. I would disagree with that.

Mr. Forde: Why are we not dealing with them before the scenario, where you have to go to pick them up?

Mrs. Gandhi-Andrews: At the end of the day when someone enters the country legally and they are granted permission by the immigration officer to stay for a particular period of time, anybody who wants to stay longer than that, the

obligation is on that individual to go to the Immigration Division to seek an extension of their stay. If they do not come to seek an extension of their stay and their landing certificate has since expired, they have now ceased to be a permitted entrant into Trinidad and Tobago and they are subject to deportation, detention, arrest, detention, deportation.

When we go out on an exercise and we detain anybody and we would go through our process, we would check our records to see if the person is legally in the country, if they came through a legal port of entry and we would do an interview with that individual to find out what their circumstances are. And then we would make a determination as to whether they should be detained or whether they should be put on an order of supervision. I quoted 455 persons are on orders of supervision. So I disagree that we are creating a situation. The onus is on every person to report to the immigration division for a service.

Mr. Forde: Is there a fear of these persons coming to your division?

Mrs. Gandhi-Andrews: There cannot be a fear, because if they are to remain in any country legally, they are the ones to approach the authorities. So that the onus is on that individual to come to immigration and not find themselves in an irregular situation which would then and can lead to detention and deportation.

Mr. Forde: Madam Chair, I think, again, in the initial response, in terms of the financial aspect that my two colleagues, Sen. Hosein and Mrs. Gayadeen-Gopeesingh, with regard to the financial costing of the division versus the repatriation. When we look at those statistics I think it may cost the taxpayers less in order to ensure that we get these people out of the country.

Madam Chairman: If I followed closely, the average detention time of six months has been reduced to, on average, four weeks. That is in response to trying to get the detainees out faster. The question that is being raised, and I am not sure

if it has been fully answered yet, is the increase in contract employment. That came about—if you can just guide us through that again. How did that come about to increase so sharply?

Mr. Belford: Madam Chairman, when the Immigration Detention Centre was established in November 2009, the detention officers were then engaged on what is termed short-service contract. I think—

Madam Chairman: Would that have been picked up in a different line item?

Mr. Belford: Yes it would, yes. So it is only in 2014 that they were—

Madam Chairman: That would have been Other Contracted Services?

Mr. Belford: Yes.

Madam Chairman: So the decrease in other, Line Item 28, Other Contracted Services would have been mirrored by an increase in the Line Item 16, which would be Contract Employment.

Mr. Belford: Correct. Yes.

Madam Chairman: And that would have reflected the change from Short-Term Employment to Contract Employment.

Mr. Belford: Correct.

Madam Chairman: Sen. Dr. Mahabir?

Dr. Mahabir: Thank you very much, Madam Chair. I want to shift a little bit away to a human rights issue. And that is, we are speaking about detention. Detention represents the loss of much of someone's rights. He has some rights in the centre but his freedom of mobility, freedom of movement and so on have been taken away. Yet, in one of the submissions that we received, it was stated that there were detainees who were not informed of their right to legal representation at the detention centre, and I would like to know two things. One, what is the process that is available for a detainee so that the moment he has been admitted to the centre he

can obtain legal representation, say from legal aid or some other arm of the State?

And second, what is the role of the embassy in all of this? We do have embassies here, or I have heard the problem with the Bulgarian, I do not know if we have that type of embassy here, but certainly there must be a role for the legal arm of the State to provide representation even though they are not our citizens. They are on our soil and their rights must be protected as well. And second, their embassies must be involved in some way and I am not sure how. Could you elucidate on both please? Thank you.

Mrs. Nelson-Joel: Thank you, Sir. We want to inform the Committee that when a foreign national is detained, even before he gets to the Immigration Detention Centre, he is advised of his right to have an attorney, to have a friend, to have a relative, anyone come to his aid. As well, through the Ministry of Foreign and Caricom Affairs, all embassies are informed, all embassies and high commissions are informed if their nationals are detained and taken to the Immigration Detention Centre.

Dr. Mahabir: Okay, follow-up question. Were there any cases, or is there any case in which a detainee was denied legal representation? Is there any case to your knowledge where a detainee has complained that the process you outlined was not complied with?

Mrs. Nelson-Joel: To my knowledge there have been no cases like that. The detainees—the embassies and high commissions are free to go to their nationals, as well as attorneys are free to go to the detention centre to speak with their clients.

Dr. Mahabir: Many of the detainees may of course not have much by way of finances. Is the legal aid department working closely with the detention centre to afford these detainees whatever representation they require or they may request?

Mrs. Nelson-Joel: As far as I understand, in prior times the legal aid has not been

involved but now the legal aid is involved in representing people who require that assistance.

Dr. Mahabir: So you can give the Committee the assurance that every single detainee at the Immigration Detention Centre can and will receive legal representation if a request is made in some form at the last resort being legal aid?

Mrs. Nelson-Joel: Yes, for those who require it.

Dr. Mahabir: Who request it. Thank you.

Mrs. Nelson-Joel: Yeah.

Mr. S. Hosein: I just want to go back to the answer that troubled me the most with respect to the meals. I was very surprised. Now, when member Gayadeen-Gopeesingh quoted the figure, this was the actual figure for food for 2016 which was \$5.2 million. Now, when I looked at the [*Interruption*]—sorry, well 5.2 for 2016. Then when I looked at the figures that were provided to us, there were about 1,146 persons at the time at the detention centre for that year. And we are saying that we are paying \$5.2 million to feed 1,146 persons who are detained and \$80 per meal, and when I looked at the menu we see that cheese spread sandwiches in four-inch buns and a tea and a juice cost this nation—

Madam Chairman: It was not \$80 per meal, sorry. Just a correction. It was \$80 for the day.

Mrs. Gandhi-Andrews: Eighty dollars per day for three meals.

Mr. Belford: It is \$80 per day for three meals; that was increased from \$50 per day for three meals. We should note as well that the person who provides the meals is a school feeding programme distributor.

Mr. S. Hosein: Can we have the name of the contractor, please?

Mr. Belford: Sure. What is the name—

Ms. Bharath: JD De Freitas.

Mr. Belford: JD De Freitas.

Mr. S. Hosein: Company Limited?

Ms. Bharath: Yes.

Mr. Belford: Yes.

Mr. S. Hosein: Thank you.

Madam Chairman: If I may ask now, there have been reports that there is not a system in place for complaints and investigations at the Immigration Detention Centre. What is the system in place when a detainee needs to make a complaint against an officer or so at the centre?

Mr. Belford: The system in place currently is that the detainee may speak to a detention supervisor or one of the immigration officers on duty and make such complaint. Once the detainee is willing to give us that complaint in writing an investigation is launched by the detention manager who is an assistant superintendent of police and he may assign another detention supervisor to investigate such complaint.

Normally, if it is a complaint made by one of the male detainees, the female detention supervisor may investigate and if it is a complaint made by one of the female detainees, you have a male detention supervisor may investigate to create a level of transparency. And if a complaint is made against a particular detention officer then a senior—that senior, that officer's supervisor would investigate. So if it is made against a Detention Officer I, for example, we would have a senior detention officer conducting the investigation.

Mrs. Jennings-Smith: Madam Chair, who concludes these investigations? What role does the Commissioner of Police have over these investigations?

Mr. Belford: Well if it is a use-of-force complaint, the assistant superintendent does the initial investigation and that would of course have to go to the

Commissioner of Police via the office of the SRP adjutant. But we have had only one incident in terms of a use-of-force complaint thus far.

Mrs. Jennings-Smith: Who is the SRP adjutant responsible for that and what is his rank?

Mr. Belford: The SRP adjutant is a police superintendent. Police Superintendent Jackson, currently.

Mrs. Jennings-Smith: Are you certain that when a report reaches to Mr. Jackson, who is an—what he is? An assistant superintendent?

Mr. Belford: Just Superintendent.

Mrs. Jennings-Smith: Are you certain that that report meets with the eye of the Commissioner of Police?

Mr. Belford: No, I am not certain, I cannot say.

Mrs. Jennings-Smith: What is the process? Does it end with an assistant superintendent of police?

Mr. Belford: No. In terms of the use-of-force complaints it is according to the police service regulations. The initial investigation is conducted by a First Division Officer who in this case is the assistant superintendent at the Immigration Detention Centre and the findings of that report, because again the assistant superintendent belongs to the Special Reserve Police, is forwarded to the Commissioner of Police via the SRP adjutant.

Mrs. Jennings-Smith: How many such cases of brutality reports you all have had which reached to the Commissioner of Police's desk?

Mr. Belford: Thus far we have one report of abusive use of force that was submitted by a Guyanese national after he was repatriated, through the Ministry of Foreign and Caricom Affairs. That matter was investigated by the detention manager who interviewed several detainees. The matter was concluded as being

unsubstantiated because there was no supporting information from the detainees.

Mrs. Jennings-Smith: I want to ask a question. For transparency purposes, because we have persons at the detention centre who are supervised by the detention officer, who is also supervised by a manager who is also part of that process and when a report reaches to their attention, what authority does the Commissioner of Police have over that detention centre in terms of having an external investigator involved in reports such as those?

Mr. Belford: Well, the Commissioner of Police shares hybrid responsibility for the Immigration Detention Centre in that that is the person who appoints the Special Reserve Police Officers who are engaged on contract as detention officers. So again, hybrid, in that they are employed by the Permanent Secretary, Ministry of National Security on contract but they are also accountable to the Commissioner of Police who appoints them and gives them the legal powers to perform as police officers.

Madam Chairman: I want to submit and I take the point of Mrs. Jennings-Smith that I do not believe, I do not know if you believe that that complaints process is robust enough and independent enough for a detainee to feel comfortable reporting, because you are reporting within the same system. You are complaining to the same people who are supervising you and, of course, there would be the intimation of some type of bias because you, I mean, all the officers and you are complaining on an officer. Do you think this is robust enough and are there any plans to introduce some sort of independence into the complaints process?

Mr. Belford: Well certainly the system is not robust enough. We have been looking at what applies in some developed societies, detention centres, where they have an external complaint mechanism and that is something that we are still looking at to see how it could work in Trinidad and Tobago.

Mrs. Jennings-Smith: Now, there have been some reports where certain persons who have been at that detention centre who came up with their passage money or some family member or somebody came up with their passage money. What is the process which guides this activity if there is a family member who is willing to pay for the repatriation of a person who is at the detention centre? What could stop that activity from happening?

Mrs. Nelson-Joel: In some cases the person may not have a valid travel document. In some cases the person may not have valid visas to go through the countries that they wish to go. We have had persons in the past who refused to sign their forms to get their visas to go through the countries that they need to and so even if the ticket is provided they just cannot travel.

Mrs. Jennings-Smith: How many persons you have like that at the detention centre?

Mrs. Nelson-Joel: At present?

Mrs. Jennings-Smith: Yes.

Mrs. Nelson-Joel: I do not know of anybody like that at present. You mean who have provided tickets and are not allowed to go?

Mrs. Jennings-Smith: How many persons you have who are in this category where they do not have the visa and the countries that they have to pass through. How many people you have like that at the detention centre at this point in time?

12.05 p.m.

Mrs. Nelson-Joel: Could you repeat the question, please?

Mrs. Jennings-Smith: How many persons do you have at your detention centre who do not possess a visa to be sent back to the country, or they do not have a visa to pass through a particular country to go to where they have to land?

Mrs. Nelson-Joel: Okay. So most of those cases are the African nationals.

Mrs. Jennings-Smith: How many persons do you have like that?

Mrs. Nelson-Joel: I cannot tell you offhand how many. [*Confers with colleague*]
Okay. So, approximately 25 persons from the African continent who would need to have valid travel documents.

Mrs. Jennings-Smith: And how long have they been there?

Mrs. Nelson-Joel: Various periods.

Mrs. Jennings-Smith: An average?

Mrs. Nelson-Joel: Approximately two years.

Mrs. Jennings-Smith: Two years. And what is the plan to have them repatriated at this point in time?

Mrs. Gandhi-Andrews: There are a number of challenges in repatriating the African nationals, apart from the visas. We have been looking at different routes which would not require a visa for them to travel through and which routes, of course, are open for their repatriation. We have examined, and we did put forward a proposal, as we had on two occasions, to charter an aircraft to go to the African continent. We have been advised that there are no funds available for that exercise. So what we have been doing is approaching the PS to see whether or not, depending on the route—and we have identified one now that takes them through Turkey, which will not require a visa—to purchase tickets for those individuals to leave.

We tested it with a couple of them and they have left. Two persons left this morning. In fact, someone—a good Samaritan, we will have to call him—agreed to purchase tickets for two individuals to leave. So we are slowly trying to see which routes we can take them through, now that the one through Turkey is now available, and it is a little bit circuitous. And we try not to have to send them through too many different countries because that is when they kind of end up

getting lost in the system.

Some of them have to be escorted, and of course, the escorts will also have to go through those channels as well. And if someone has to be escorted, then the cost of that repatriation exercise will go up. A number of them have criminal records and have committed criminal offences, and those persons definitely require escorts. So those persons, we try to take a more direct route. But, again, now that certain countries require—and we cannot sign a visa application form on their behalf; they have to sign it themselves. We have tried with some repatriation and the persons themselves, on the day to be repatriated, decided that they were not going and created a scene at the airport which resulted in the airline saying they will not take them on board the aircraft because they see them as a risk.

So we have been trying, and the Ministry of National Security has made some funds available to us to purchase tickets for those persons who are able to now go through those routes.

Madam Chairman: Just to clarify. There are about 20 African nationals who are housed at the IDC for the past two years, on average?

Mrs. Gandhi-Andrews: No, not all 25. Within that 25 there may be about four or five of them who have been there for at least two years.

Mr. Belford: Five.

Mrs. Gandhi-Andrews: Five of them.

Madam Chairman: Five of them are there for at least two years.

Mrs. Gandhi-Andrews: For at least two years. And there are a number of challenges with some of them. One of them, we have not been able to identify because he gave us four different nationalities and every time—he does not have a travel document. I think only a month ago he provided a travel document for us and we now have to verify the authenticity of that travel document. He gave us

four different nationalities. So he was one who remained there. Every time when we interview and the person says, “I am from Nigeria”, we take fingerprints, photographs, information. The foreign mission would interview them and then they have to make a check through their system to determine whether that individual is, in fact, a national of that country.

If they come back and tell us, “No, this person is definitely not a national”, and we go back to interview again, “Well, no, you know, ah really not from Nigeria. I am from Ghana.” And we have to go through the process again. That person told us he was from Nigeria, then Ghana, then Senegal, and now there is a document that he provided that says he is from Gambia. So we have written to the authorities in Washington DC to verify that travel document. And for those individuals, that is typically the challenge that we have had trying to repatriate those who are there for the longest, in identifying them. And then there were those who absolutely—one of them, as I referred to earlier, who simply did not want to go on the aircraft when arrangements were made and has resisted any attempt at repatriation thereafter.

Madam Chairman: Does the embassy have any role at all in making sure—because it sounds almost as though an individual who wants to remain in the detention centre can simply remain in the detention centre by saying different things, not telling the truth, causing a scene at the airport. When does it end?

Mrs. Gandhi-Andrews: And that requires a higher decision. Within the ambit of the Immigration Act there is no provision for us to release such a person, to grant that person any kind of immigration status. That person has been ordered deported and has to leave the country. The embassies—their involvement, typically, would be to provide a travel document for that individual and confirm their nationality, and their responsibility ends at that point. They will go and they will visit. They

will try to coerce them to cooperate with the Immigration Division for their repatriation, but ultimately it is up to the individual to leave, and to leave willingly. I guess that some of them, we make all of the arrangements. They get to the airport. Some of them have gotten on the aircraft and then decided that they will act up and, of course, the pilot would have put everybody off the aircraft and said that they are not taking them.

Dr. Mahabir: Thank you very much. And that raises for me, Madam Chair—thank you Madam Chair—a follow-up with respect to—I am putting myself in the situation of someone who is in the detention centre and who is giving your officers trouble. And if I am that person, most likely I am afraid to return to my country. What I am asking is, what is the procedure for dealing with someone who has claimed that he is fleeing persecution of one form or the other from his country and he is seeking refuge in Trinidad and Tobago? Do we follow the relevant protocols? And if so, what are these protocols for refugees?

Mrs. Gandhi-Andrews: There is a system in place. Of course, there is no national mechanism. There are no laws in Trinidad and Tobago to deal with asylum seekers and refugees. There was a Cabinet-approved policy at 2014 and since then we have been working closely with the Living Water Community and the United Nations High Commissioner for refugees on a system of facilitating those persons who are in fear of returning to their home country. We have standard operating procedures that have been developed and have been signed off by the hon. Minister in terms of how they are to be treated. Any person who expresses a fear of returning to their home country is referred, through the standard operating procedure, to the Living Water Community and to UNHCR. There have been a number of the persons at the detention centre who have gone through that arrangement. They have been interviewed by UNHCR and were deemed not to be refugees. They did not have a

claim. So those persons remained at the detention centre because they would have gone through all of the processes.

So that we have, in the Immigration Division, as part of the arrangement to deal with the growing problem of asylum seekers in Trinidad, we have set up a refugee unit so that those persons who go to Living Water come to Immigration, we know who they are, we open a file and we monitor them throughout the process while they go through the interview process with UNHCR.

At this point, UNHCR are the ones who make the final determination as to who is a refugee and they would send that information to us, and there is a process. Once they are recognized as a refugee, we immediately release them from the detention centre. And we are working now on a process with the Ministry of National Security to put those persons, perhaps, on a Minister's permit, which is the only thing, really, under the Immigration Act right now that we can use to facilitate those individuals. So there are a number of things in place. There is draft legislation. That went to LRC. So there is a process now that we are developing to try to address this issue of asylum seekers and refugees.

Dr. Mahabir: Thank you very much. So is it that once you have the necessary legislation governing refugees in Trinidad and Tobago, the process that you face with respect to dealing with detainees can be expedited?

Mrs. Gandhi-Andrews: Yes, once they claim that they are seeking asylum. Not all of them say they are an asylum seeker. So once that person has expressed that fear, that well-founded fear of persecution, there is a process in place right now to treat with those individuals, and those individuals, I guess, if they are recognized as a refugee, are not kept at the detention centre. In fact, right now, once they have been registered with UNHCR, especially those who would come to our attention now, and there are claims, and UNHCR issues an asylum seeker certificate to this

individual, we put them on an order of supervision. And so, they do not remain in detention.

Dr. Mahabir: My question was, what would legislation do in addition to the process you currently have to expedite the processing of refugees?

Mrs. Gandhi-Andrews: Legislation would then put the onus on some national body, whether it be the Immigration Division, to now treat with all of these individuals who are claiming asylum. Because there is a distinction with those who are claiming asylum and who might simply have entered the country illegally. They are not claiming asylum, or they might be in breach of some part of the Immigration Act.

Madam Chairman: Just to follow up there. Once they enter the country, once they are detained, if they do not request—do they all request legal representation, or is that provided for them? Because one of the issues raised was that detainees are not advised of their right to seek asylum. So how is that done? If they are detained, they all require legal representation and that is provided if they cannot provide their own?

Mrs. Gandhi-Andrews: Typically, if they require legal representation, they can ask for it. We will make arrangements for them to get legal representation, and that comes through Legal Aid. That is not paid for by the Immigration Division.

Madam Chairman: Is that a requirement then, for them to be legally represented once they are detained?

Mrs. Gandhi-Andrews: They can ask for it.

Madam Chairman: If they do not ask for it, they do not—

Mrs. Gandhi-Andrews: If they do not ask for it, it is not provided. Right? Some of them do not want legal representation. Some of them ask for their repatriation as soon as possible. Some of them would ask for a family member to be contacted

instead of a legal representative. Because from the time they are detained, we ask them what do they have. Do they have some family member here? Is there somebody we can contact for them? And that is afforded to the individual.

When it comes to seeking asylum, again, there is no national process in place. We are now working on systems to put in place for persons who say that they are seeking asylum in Trinidad and Tobago. We are waiting for directives as to how we should treat with individuals, whether or not—because there is no legislation and there is no process in place, and an external agency, an international body, are the ones who are making a determination as to who, in fact, is a refugee in Trinidad and Tobago.

So that we are still waiting on guidance as to how persons who make a claim, whether or not we are to advise them, “Yes, you can make a claim for asylum”. I am not at liberty to say whether or not we can do that. It is not part of the process, the standard operating procedures that are in place and that have been agreed upon so far. However, anybody who says that they are seeking asylum, they go through this standard operating procedure that we have approval for.

Mrs. Gayadeen-Gopeesingh: Under the Immigration Act, once a person enters the country under a Minister’s permit, and let us assume that person continues to live in the country for five/10 years, those years do not contribute or add up to give that person residency. So in that instant, what happens to that person who has entered under a Minister’s permit, one; and secondly, my other question is the case of Venezuelans. Is it mandatory that you have to purchase airline tickets for them? Or is it that you can use an alternative mode of transport?—knowing that we are only six miles away we can use a boat.

Mrs. Gandhi-Andrews: I will take the last question first. Yes, we have sent some persons by boat. They do not have to purchase an airline ticket. And they go to

Cedros or to whichever port a vessel is leaving to be repatriated to their country. So that has taken place. In terms of a Minister's permit, entry under a Minister's permit does not lead to any residence. In fact, if you look at the legislation, it says the Minister can order their deportation at the end of it, and it is legislated that it cannot lead to the grant of permanent residence, no period under a Minister's permit. More often than not, the Minister's permit is a last resort, and most of the persons who should get a Minister's permit are persons who are actually deportable.

So the Minister can allow a person to remain, even somebody who has been ordered deported, to remain for a period of time no longer than 12 months, and the Minister may renew that or give another Minister's permit for another period of time. And, yes, that could go on indefinitely, as long as a Minister agrees to give a Minister's permit. For refugees, that would not be the ideal thing, and it is—in the draft legislation we are making some recommendation, as in other jurisdictions, where some kind of temporary immigration status can be granted to those persons who are, in fact, recognized as refugees, but we do need legislation for that.

Mrs. Gayadeen-Gopeesingh: Under the Act, you could only grant a Minister's permit for three years. So after the three years, perhaps that person has to be deported.

Mrs. Gandhi-Andrews: Well, we are hoping that things can happen before that. Like I said, this is a kind of stop-gap measure, because there is no provision in law to treat with refugees. So this is really a kind of stop-gap measure to have something legally in their hand for them to remain in the country. Right? I would hope that it does not take three years—and what happens then? In fact, UNHCR also reviews the cases and the countries of origin ever so often, because they issue a refugee certificate only for one year, and they review every year after that and

they will issue another one or they may issue for two years, depending on the country. And they review the cases all the time before issuing another certificate. So in our submission we are trying to align ourselves with that system but we are hoping that some measures could be put in place before three years.

Madam Chairman: Mr. Forde, and then Sen. Hosein.

Mr. Forde: Madam Chair, I just want to go back—permit me just to go back to the figure that Mrs. Joanne Nelson-Joel quoted with regard to the 25 individuals from the African continent, which is Appendix V that you all would have provided to us. And, you know, it is interesting to know that out of the 25, Madam Chair, 19 of those persons are from Nigeria. So again, a simple question is: No special arrangement can be made if those 19 individuals can be accommodated? And then when you look at the other six, it is five from Ghana, one from Gambia and one from Sierra Leone. In order to get a plane into the African continent, into Nigeria for the 19 individuals, and then—I know I am saying it simple, but you will have to guide me—what are the ramifications?

Mrs. Gandhi-Andrews: On the last two occasions we flew into—we had a number of persons from Ghana and from Nigeria. With the ECOWAS countries, they can land in one country and then they could make their way to another ECOWAS country. Sometimes we might be able to purchase a ticket from them from that particular—let us say they land in Nigeria—to the other African country that they are going to.

To charter an aircraft, we have to tell the charterers where we are going; why we want to go and they determine how many persons can be put on the aircraft. The last time we checked with an airline it was costing anywhere from 500 to US \$650,000 to charter an aircraft. And it depends on the arrangements. Sometimes they do not return to Trinidad. So for the escorts—because it is not just the

detainee or the deportees—you also have to have a number of escorts going with them on the aircraft. And the airline would determine those arrangements; how many escorts we need to put with each individual.

We had two charters in the past. The last one would have cost us about \$3 million and we were able then to charter a Caribbean Airlines flight—that is when they had the wide-bodied aircraft going to London—and we were able to use that aircraft at the cost of just around \$3 million. There was one prior to that that cost us—I think that was \$5 million that one cost us. Somewhere in 2013 we had done the first one, because there were a large number of African nationals again. So when we did this—and some of the African nationals—19—now this 25 is down from the 45 that we had previously when we started looking at chartering an aircraft. So we have been able to reduce the number of persons from the African continent from just about 49 to now 25.

The Nigerians have always been the largest number, and of this number for the Nigerians, some of them, I guess, that have criminal offences, most of them have entered the country illegally. So trying to repatriate them now, chartering an aircraft now for the 25 or even the 19, may not make sense with the numbers that we are looking at—the figures that we are looking at. So we have written to the Permanent Secretary asking for funds in order to repatriate them now that this different route is available to us.

Mr. Forde: And again, I must make mention, keep in mind the food bill.

Mrs. Gandhi-Andrews: Yes.

Mr. Forde: Nice, all right. I just want to go close to home now. My last question.

Madam Chairman: Before you go there, what is the cost of buying the tickets then?

Mrs. Gandhi-Andrews: The purchase of the ticket—a ticket would probably cost

around \$35,000, depending on the time of the year—\$35,000 to \$45,000.

Madam Chairman: So it is much less than the—

Mrs. Gandhi-Andrews: Exactly. If there are escorts to go with them, then, of course, it is three escorts we are talking about and we have to purchase a return ticket and all of the meals and the hotel accommodations and whatnot, for the escorts. So it could run well over \$200,000 for any repatriation, if the person has to be escorted.

Mr. Belford: Madam Chair, we should note as well that the airlines have specific restrictions as regards the amount of detainees that can travel on any particular flight at one time.

Madam Chairman: I would imagine so.

Mrs. Gandhi-Andrews: They say they cannot carry more than two. Two is their absolute maximum.

Mrs. Jennings-Smith: So in one week you could carry 10.

Mrs. Gandhi-Andrews: And like I said, each of them has to have three escorts once any leg of the journey is over eight hours. That is the requirement.

Mrs. Jennings-Smith: Madam Chair, I want to—you see, being associated, I heard the comment made, “We slowly repatriate them”, and I feel more effort must be made to deal with this issue. Because the word “slowly”—and now we are looking at the problems to dictate what we have to do. And, yes, we look at the problems, but when we look at the problems, like we talk about, we cannot put more than two persons on an aircraft, that would mean in a month you could carry the 10 persons. If we make a schedule of how we are going to get these people out of the detention centre, it could be solved. And as I am saying that, I want to refer specifically to what we are looking at, the current number of detainees as at March 2018. We still have 81 Venezuelans in the detention centre, as stated in your

Appendix here. And, you know, it tells a story. Is the story to have another prison set up there? Or is it a story to deal with and repatriate people back to where they came from?

Mr. Forde: So my colleague just touched on the point that I want to make, which is with regard to the Venezuelans. With your present list, Appendix V, we have a total of 81 Venezuelans, out of a total of 126 detainees as of March 19, 2018. So we are seeing that the trend has changed from the African continent, to our Caribbean neighbours, as the case may be—81. When we go through this particular document, in 2015, male detainees, Venezuelans, 29; female detainees in 2015, zero. We go to 2016. Male detainees, we had a total of 125 male Venezuelan detainees; we had a female total of 97—2016. 2017, male detainees, Venezuelans, 145; female detainees, 2017, 82.

So we are seeing where the numbers are increasing as a result of what is happening to our next-door neighbours. My question to the Chief Immigration Officer, what proactive systems are being put in place in order to manage this situation, in order to alleviate it, in order to—what plans you all have with regard to the Venezuelan scenario?—to simply put it.

Mrs. Gandhi-Andrews: The Venezuelan situation right now is, I would say, complex, in that more and more of the individuals are entering the country illegally. Our figures show that the numbers that arrived at a legal port of entry or let us say, via air, decreased significantly since the situation in Venezuela developed. More persons are now arriving by sea. At least 150 to 200 Venezuelan nationals arrive by boat every week from Venezuela. But the numbers that we are seeing at the detention centre, the majority of them, at least 90 per cent of those persons, have entered the country illegally or have a criminal conviction, either possession of drugs for the purpose of trafficking or possession of arms and

ammunition.

So it is changing. And most of them are no longer coming with a travel document. Some may come with a Cedula; some will come with nothing at all and we rely on the Venezuelan authorities to interview their persons and issue some kind of identity documents for them. That now, we had a nice system where they were doing it quite frequently. Now it is not so forthcoming, in fact, there are only certain days that the officers can go to the Venezuelan Embassy to get any kind of information on the nationals. We continue with our process of advising the Venezuelan authorities when we detain anybody.

Our challenge right now is identifying people, the Venezuelan nationals, as Venezuelan nationals. In terms of repatriating them, you first have to get the identity document and confirm that they are Venezuelan nationals before you can make an arrangement for them to go back to Venezuela. The numbers that we are seeing now—and right now, as a matter of fact, we have 37 males and 30 females. That is 67 Venezuelan nationals we have in detention at this present point in time.

Mr. Forde: Which is different from your document stated here.

Mrs. Gandhi-Andrews: Yes, and as I said, it is very fluid. Some persons would have left, and then, like I said, by this evening it may very well change after we interview the 50-something persons who are currently at stations, following police exercises. So that figure may even change by tonight.

Mr. Forde: And this is one of the easiest amounts of individuals you can get out of the country?

Mrs. Gandhi-Andrews: It is not so easy. Once we have the identity documents we then have to make arrangements for their repatriation in terms of the purchase of either a ticket or the purchase of a boat ticket for them to leave. Right? That is not as easy as it sounds. When we did that walk-through at the detention centre with

the hon. Minister, there were plans, with the agreement of the Venezuelans, for our coastguard vessels to take persons to Venezuela. That has not yet materialized and the discussions are still ongoing. There are only so many persons who can go on any of these vessels to Venezuela. Some of them do not want to go by boat to Pedernales or Tucupita, because they say it is far away from the city in which they actually live and they prefer to fly.

Caribbean Airlines only has—I do not think they have a daily flight to Caracas. So it depends on the availability of the flight.

12.35 p.m.

Madam Chairman: Just to ask: They have a choice?

Mrs. Gandhi-Andrews: They do not have a choice really eh, but at the end of the day we try. I mean, we have to try to be, you know, accommodating to the individuals.

Mr. Forde: Human rights.

Mrs. Gandhi-Andrews: We are talking human rights today right, and we are not giving them any money to buy a bus ticket to go from where we are dropping them off, to go to whichever state or city they might be living in. Venezuela is a huge country and when the State provides me maybe with money to give them as stipend to go back home all well and good, but some of them have no money. They come with no money and they are leaving without any money and, therefore, we try as far as possible to either contact their family members through the Venezuelan Embassy, sometimes persons may try to call the family members to send money for them and whatnot.

Madam Chairman: So the Embassy has no role in even assisting them to get from where we can drop them in their country?

Mrs. Gandhi-Andrews: No.

Mrs. Jennings-Smith: But is it the responsibility for us to drop them in their country and that is the responsibility of our country? What is really the responsibility of our country? Is it to get them to their land?

Mrs. Gandhi-Andrews: Yes.

Mrs. Jennings-Smith: How far does our responsibility go?

Mrs. Gandhi-Andrews: And I would agree with that, that we could just take them and drop them anywhere in Venezuela and let them make their way from whatever point we drop them off at. But I think it would either be irresponsible of us as a Government, and as an organization, to try to do something like that and just leave them wherever it is.

Mrs. Jennings-Smith: I did not mean to say anywhere; I meant a port of entry. Is it not the responsibility of this Government to drop them to a port of entry within their country?

Mrs. Gandhi-Andrews: Yes.

Mrs. Jennings-Smith: Because when they land in their country then their Government, they would pick up another type of responsibility with people landing there.

Mrs. Gandhi-Andrews: And I would say—

Mrs. Jennings-Smith: Because when people are dropped off in Trinidad at the Piarco Airport they may live in Matelot—

Mrs. Gandhi-Andrews: Yes.

Mrs. Jennings-Smith:—but they are dropped off in Piarco Airport and we have our facilities where we pick up persons dropped off at our airport. So I am just drawing an example that we can drop off persons at that port, an appropriate port within the country, a recognized port in Venezuela.

Mrs. Gandhi-Andrews: And I would agree with that. What we try to do and what

we would have to do is ensure that their family members are notified when they are leaving and what port they would be arriving at, and then try to make arrangements. Because even those persons who are coming back, Trinidad nationals who are being deported from any country, those arrangements are made. We contact family members and whatnot. Even as immigration if we ask them when they return, where you are going to when you leave here, I do not know. We would not put them outside to the wolves. We would try to contact somebody for those individuals. So it does require some communication with their family members. And I agree, yes, we can drop them off at any port, but facilitate some communication with their Embassy and their family members that this is where these individuals are going, and we do advise the Mission when the individual is being repatriated

Mr. Forde: Final question, Madam Chair. Between 2016 to present, how many Venezuelans would have entered Trinidad and Tobago? I know we are dealing with detainees, but as the Immigration Officer I do not know if you have that statistics here?

Mrs. Gandhi-Andrews: I do not have that statistic in terms of those who would have arrived at a legal port of entry. I can certainly provide it to the Committee. I know that it was significantly less from my memory and I would just say that in 2014/2015 we had something like 60,000 plus Venezuelans arriving in Trinidad and Tobago, from 2015 you started to see the decline, and last year the figure would have been just around 28,000 Venezuelan nationals arriving at a legal port of entry. Of course, I would have no figure for those who would have entered illegally. I can only surmise, the numbers that we are seeing now that we are picking up who have entered the country illegally, we can safely say that larger numbers are arriving illegally into Trinidad and Tobago.

Mr. Forde: And more are being detained?

Mrs. Gandhi-Andrews: And more are being detained. Quite a number of them, I would say, have applied for asylum because the number of Venezuelans who have applied for asylum has gone from in 2016, 5 of them; to today well over 1,000, perhaps 2,000 Venezuelan nationals, and daily those numbers are being added to. So when they come in they go to the Living Water Community and they apply for asylum at the Living Water Community, and they are then referred to the Immigration Division.

Mr. S. Hosein: Thank you very much, Chair. Just going back to the detention centre itself now. I noticed in your submission you would have indicated the way in which the detainees are allowed to communicate with persons outside, that you would loan them their phones and they would make phone calls, and initially on entry into the centre they would be allowed—one phone call I believe?—one initial phone call. Now, what are the options available to those detainees who do not have a cell phone and would like to communicate with their attorney-at-law, friends or families? The second question is that most of the detainees who are not charged with any criminal offence, why do you all take their cell phones?

Mr. Belford: The detainees who do not have a cellular phone, they would be allowed the telephone privileges by the Immigration Officers on duty at the Immigration Detention Centre, and sometimes they are allowed use of telephones by fellow detainees. A telephone is considered contraband, that is why it is not something that is kept. For security reasons obviously, all these telephones come with video cameras and all that kind of stuff. The telephones are received as property when they come in, and on specific days they are given back these cell phones, they charge it and they make phone calls and whatnot, and then they return it to us.

Mr. S. Hosein: The Immigration Officer gives them a call, but who pays for that call?

Mr. Belford: Well, the State would be paying for that if they do not have any means of contacting family.

Madam Chairman: Wow, I want to thank the officials who were here and willingly submitted themselves to our questioning. I want to thank also members of the Committee who would have raised important issues as regards this enquiry proposer. At this point, I would like to invite Mrs. Singh, the acting Permanent Secretary Ministry of National Security to make her closing comments.

Mrs. Singh: Thank you, Madam Chairman. Madam Chairman and members of the Committee, I wish to thank you for the opportunity to be here and I trust that given our lengthy discourse this morning, the Committee as well as the viewing public have been provided with some clarity regarding the treatment of detainees at the Immigration Detention Centre and the importance of the detention centre as it pertains to the security of our country. I thank you again.

Madam Chairman: Thank you, and if I may be allowed just to give a little summary of what we would have discussed, findings, and some of the recommendations that would have come up.

1. There is a marked variance between the reports and the conditions at the IDC as expressed by the Ministry of National Security, Immigration Division and other civil organizations.
2. No independent assessments have been done on the conditions at the IDC though it is acknowledged as best practice.
3. Police officers are used as detention officers. They are not prison officers, however, they receive developmental training as well as medical and psychological assessment.

4. Detainees who present symptoms of mental illness are referred to a medical doctor, then a psychiatrist if necessary, and they also can be separated from the general detainee population if necessary.
5. Detainees released from prison—whether they are ex-convicts in that case—are in general circulation with the detainee population, and though this is recognized though as not being the best practice at this time.
6. A detainee classification policy is currently being developed.
7. The most common breach of the Immigration Act is split almost evenly between those who have overstayed their time, and those who were working illegally, and those who enter the country illegally.
8. The best practice of the 1:8 ratio of detention officers to detainees could not be substantiated by the figures submitted in the response, but those revised figures will be submitted for that substantiation.
9. Detention time average has decreased from six months on average to four weeks due to increased levels of staffing and attention to the process.
10. Increases in the cost of supplying food to detainees have been explained by increases in the cost from the supplier, and that has resulted in an increase in expenditure in the food provisions at the institutions.

Very important to Mr. Forde. [*Laughter*]

11. Detainees are advised of their right to have legal representation, also all Embassies and High Commissions are informed. However, legal aid is available when required.
12. Complaints are funnelled through detention officers which is not a robust enough system, nor does it have enough independence to be considered fair.
13. There is an issue with detainees who refuse to leave the country willingly. Some procedure must be developed to allow such persons to be deported

expeditiously.

14. All refugees as recommended by the UNHCR are immediately released from the ICD. Once they express that they are seeking asylum and that is the detainees, they go through the standard operating procedure to be recognized as refugees with UNHCR. This needs to be formalized so that an international agency is not the body determining final refugee status in Trinidad and Tobago. Legislation is currently being drafted to deal with this matter of refugee status.
15. Persons are repatriated by boat to countries in close enough proximity to Trinidad and Tobago where possible.
16. The number of Venezuelan detainees is increasing as the number of Venezuelan nationals entering this country illegally increases.
17. Chartering an aircraft for repatriation of detainees from the African continent, as has been done in the past, is cost prohibitive, and a route has been identified which should result in those detainees being repatriated more efficiently in the future.
18. There may be too much responsibility assumed by the Immigration Division for deported persons when they reach their homeland. It is suggested that they can be dropped off at a recognized port in their country and then the responsibility can be transferred to their home country or their families for their internal transport.

A couple recommendations:

1. The IDC should initiate as soon as possible an independent visit by a Human Rights Association to assess their compliance with the human rights treaties to which we are a signatory.

Another recommendation:

2. The detainees' classification policy should be developed as soon as possible, and if at all possible by the end of this calendar year;
3. All efforts must be made to separate ex-convicts from the regular detainees who have simply violated immigration laws; and
4. The IDC should develop an independent complaint system for detainees.

That being said, I want to thank the officials who were here with us today, I want to thank our viewing and listening public, and really to wish you, at the end of this discourse, thank you for being and answering all our questions and we do hope that you enjoy the rest of the day. This meeting is now adjourned.

12.48 p.m.: *Meeting adjourned.*