

Leave of Absence

Tuesday, December 12, 1995

SENATE

Tuesday, December 12, 1995

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave to Sen. Philip Marshall to be absent from today's sitting.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have been advised that His Excellency, the President has appointed Dr. Edmund Chamely, a temporary Senator, with effect from December 11, 1995, and continuing during the absence from Trinidad and Tobago of Sen. Philip Marshall.

OATH OF ALLEGIANCE

Sen. Dr. Edmund Chamely took and subscribed the Oath of Allegiance as required by law.

PETITION

Association of Independent Ministers

Sen. Rev. Daniel Teelucksingh: Mr. President, I present a petition on behalf of the Association of Independent Ministers of 70 Seukeran Street, San Fernando.

I now ask that the Clerk be permitted to read the petition and that the promoters be allowed to proceed.

Petition read.

Question put and agreed to, That the promoters be allowed to proceed.

OFFICE OF THE OMBUDSMAN

Mr. President: Hon. Senators, I have received correspondence from the Speaker's office as follows:

"Speaker's Office,
Red House,

Office of the Ombudsman
[MR. PRESIDENT]

Tuesday, December 12, 1995

Port of Spain,
Trinidad and Tobago
December 11, 1995.
Sen. The Hon. Ganace Ramdial,

President of the Senate,
Red House,
Port of Spain.

Dear Mr. President,

Resolution-Joint Select Committee

Please be advised that at a sitting held on Friday December 08, 1995, the House of Representatives agreed, by resolution, that...

'...this Honourable House appoint six members to sit with Members of the Senate as a Joint Select Committee for the purpose of considering the said Report and the functions and duties of the Office of the Ombudsman and to make recommendations for a more effective machinery for the Office of the Ombudsman so that Part II of Chapter 6 of the Constitution of the Republic of Trinidad and Tobago can be given effect.'

Accordingly, I respectfully request that you cause this matter to be placed before the Senate at the earliest convenience.

Yours sincerely,

Hector McClean
Speaker."

COUNTING UNREMUNERATED WORK (NO. 2) BILL

Bill to require the Central Statistical Office and other public bodies to produce and maintain statistics relative to the counting of unremunerated work and to

provide a mechanism for quantifying and recording the monetary value of such work, [*Sen. Diana Mahabir-Wyatt*]; read the first time.

IMMIGRATION (AMDT.) (NO. 2) BILL

Order for second reading read.

The Minister of National Security (Sen. The Hon. Joseph Theodore): Mr. President, I beg to move,

That a Bill to amend the Immigration Act, Chap. 18.01, be now read a second time.

What this Bill seeks to do is simply to amend section 40 of the Immigration Act, Chap. 18.01 of the laws of Trinidad and Tobago, whereby persons in possession of a tampered or fraudulently or improperly issued Trinidad and Tobago passport will be guilty of an offence.

There is urgent need to amend the existing legislation since in recent times the attention of the Ministry of National Security has been drawn to the prevalence of fraudulent Trinidad and Tobago passports in circulation. However, at this time persons holding fraudulent Trinidad and Tobago passports could only be prosecuted if found to be in possession of passports which bear their photographs. These persons are prosecuted under section 40 of the Immigration Act which states:

"40. Any person who—

(b) comes into Trinidad and Tobago or remains therein by force or stealth or, knowing it to be false, misleading or improper, by reason of a false or improperly issued passport, visa, medical certificate or other document pertaining to his admission or other false or misleading information or other fraudulent means;

is liable on summary conviction for a first offence to a fine of one thousand dollars and to imprisonment for twelve months, and on any subsequent conviction to a fine of two thousand dollars and to imprisonment for eighteen months."

Mr. President, I have been advised by the Chief Immigration Officer that couriers who are often found to be in possession of fraudulent and/or tampered passports cannot be prosecuted, as there is no provision in the existing laws for

dealing with such persons. Accordingly, the Chief Immigration Officer proposes that the Immigration Act thus be amended.

1.40 p.m

Mr. President, the statistics demonstrate quite graphically the compelling need for this amendment to be enacted. In the period January 1, 1994 to December 31, 1994, 224 persons were apprehended with false or fraudulent documents, but only 152 of them could be prosecuted because of the deficiency in the law, hence 72 persons escaped prosecution due to this lacuna in the legislation. The most up-to-date figures for this year indicate that in the period January 1, 1995 to December 10, 1995, a total of 303 persons were found with fraudulent passports; of this figure, 146 of them were prosecuted for passport fraud. The majority—157 offenders—managed to evade prosecution because of the existing deficiency in the law.

The Ministry of National Security is now endeavouring to ensure that the deficiency in the law is corrected. Consequently, the Bill that is before the Senate today purports to amend section 40 of the Immigration Act, Chap. 18:01. There are two limbs to the amendment. Firstly, the amendment to section 40(b) deletes and substitutes a new section 40(b) which, in fact, clarifies the position as regards the particular offence. What it does, is take the old subsection (b) and partitions it into two parts. It removes the word "knowing" as being an element in the offence with respect to Part I of the offence so that it reads:

"Any person who—

(b) comes into or remains in Trinidad and Tobago by means

of—

- (i) a false or improperly issued passport, visa, medical certificate or other document; or
- (ii) other false, misleading or fraudulent method, knowing it to be false, misleading, fraudulent or otherwise improper; is liable on summary conviction for a first offence to a fine of one thousand dollars and to imprisonment for twelve months, and on any subsequent conviction to a fine of two thousand dollars and to imprisonment for eighteen months."

Mr. President, the existing subsection 40(b) reads:

"Any person who—

(b) comes into Trinidad and Tobago or remains therein by force or stealth or, knowing it to be false, misleading or improper, by reason of a false or improperly issued passport, visa, medical certificate or other document pertaining to his admission or other false or misleading information or other fraudulent means;

is liable on summary conviction..."

The use of these words, would pose some difficulty to law enforcement officers, because the meaning is not absolutely clear and this is what the amendment to the section seeks to do—to clarify section 40(b).

It is hoped that this amendment would facilitate our law enforcement officers in executing their duties expeditiously against those involved in the fraudulent passport racket. We are therefore seeking to amend this section. The weakness is eradicated when we amend the Bill and put in the words, "other false, misleading or fraudulent methods," in the new section 40(b) (ii).

Even more important in this amending Bill is the new subsection 40(b)(j) which now creates an offence. This new subsection (j), for the first time creates a specific criminal offence of attempting to enter or leave Trinidad and Tobago, or to have in one's possession, a passport which is fraudulent, which has been tampered with, or which has been fraudulently or improperly issued whether or not it was issued to the person in whose possession it is, or someone else's. As long as one is in the possession of such a document, or one attempts to enter or leave Trinidad, one would be guilty of an offence under this statute.

The Government of national unity is intent on enacting this legislation, and ensuring its full implementation. This is just but one significant step in our campaign against the rampant crimes plaguing this country.

Mr. President, I beg to move.

Question proposed.

Sen. Danny Montano: Mr. President, I congratulate the Senator, the hon. Minister of National Security on his maiden contribution to this Senate.

We have noted this legislation, and we have seen it before; what we have seen is that not a comma has been changed, not an "i" dotted, or a "t" crossed. In fact, would especially like to congratulate the Minister on introducing a piece of PNM legislation.

Immigration (Amdt.) (No. 2) Bill
[SEN. D. MONTANO]

Tuesday, December 12, 1995

This apparently simple piece of legislation, as the Minister outlined, was designed to reduce the incidence of fraud with respect to passports, and to plug any loopholes in the legislation. However, it is not an isolated piece of legislation, it is part of a broader, comprehensive policy of legislative reform that the former administration had. The thrust of that broad, comprehensive policy was to focus on the Ministry of Education, the Ministry of Agriculture, Land and Marine Resources and the Ministry of National Security, but, Mr. President, those policies are still relevant and desirable and accordingly, we on this bench have no difficulty in supporting this legislation. In fact, we give our wholehearted support to this wonderful piece of PNM legislation.

Sen. Diana Mahabir-Wyatt: Mr. President, I would like to join in the congratulations made by Friends on the Opposition Benches to the hon. Senator on his maiden presentation in the Senate today.

Like the Members of the Opposition, I have seen the Bill before, and while the intention of the Government in introducing this is obviously a worthy one, the statistics which had been given by the hon. Senator, are quite impressive.

Over 500 false or fraudulent passports have been seized, or people arrested for using fraudulent passports, coming into the country; obviously something has to be done to correct this situation. I am wondering, in the overall context of the Government's policies dealing with this, and in light of the many pronouncements which the Government has made in the past in relation to how questions of citizenship and immigration should be handled, if this Government intends to present us with a policy dealing with immigration.

I ask this because for many years we seem to have vacillated in relation to what we feel about immigration. While we have been saying for many years—right back to independence and when Sir Arthur Lewis was the economic guru—that what we need is foreign investment in the country in order to progress and to grow industrially, when businessmen, seeking to leave Hong Kong before it was reverted to mainland China, tried to enter this country to invest, they were actively discouraged. We know that these are industrious, hard-working, disciplined people, who could have assisted us in our industrial growth and development. It is just simply too late now, since most of them have gone to Mauritius and safely invested their money.

I would like to have an idea, for my own personal estimation, of how we are going to develop economically. What is the policy in relation to immigration of people who want to invest money in this country, of people who want to come to this country to work or live?

This Bill deals with immigration, it deals with questions of fraud involved with immigration—and this is something else which I think is very important that we take up. I do not wish to be overly controversial in relation to this particular piece of legislation, but more than once over the last four or five years, we have had public controversies and scandals reported in many of our newspapers dealing with allegations that nationals of one country or another had been buying passports and coming into Trinidad under false pretences. I gather this Bill is intended to take care of that problem.

1.50 p.m.

Mr. President, we have had instances—and I am very concerned, naturally, about the whole question of employment in this country, unemployment and under-employment because of the specific interests that I represent, some of my constituency interests, if I can put it that way. I am particularly concerned about unemployment when it comes to women, moreso women who are heads of households—In fact, I have instances at the moment of women who are survivors of years of concentration-camp-like existence in homes where domestic violence has kept them in total vice-like control.

Having finally escaped from that, having been trained, having gone to hotel school and been able to get some skills to work in a restaurant in one case; in another case it was a small business—generally in the hospitality industry—finally able to support their children and live a decent life, to all of a sudden be told that, "Sorry, my family is coming from China and everybody is going to be dismissed" and they are dismissed. Now I have no objection, Heaven knows, to adding to our existing Chinese population—more disciplined, hard-working, productive people. That is something I think we should do.

I would just like to have an idea if this Government has a policy on immigration, particularly in regard to people who are working, because while on the higher levels more business just means more jobs, sometimes on the lower levels, unless this is, again, a policy, it could mean that people are going to lose their jobs in Trinidad as a result of immigration policies which are not very clear.

The Bill we have before us today is dealing with a question which is, in fact, a question of fraud and this is obviously a criminal matter as the honourable Senator has pointed out, and is one at which we obviously need to take a serious look. Section 40 in the existing Act, which refers to this, speaks about the various offences and penalties which will be applied if anyone is convicted of this particular kind of crime.

Mr. President, it is most appropriate that the Minister of National Security should have introduced this bill because within the last year we have been told that the greatest increase in crime in Trinidad and Tobago is in white-collar crime, rather than in crimes of violence, although sometimes it is a little difficult to credit this. Therefore, I was very concerned over the weekend—and I do not have access to the formal report—to see in the press a report from the Director of the Forensic Science Laboratory saying that they are very understaffed—they being the ones responsible for the investigation into such things as fraud, which includes white-collar crimes of which the offence in this Bill would be one.

There again, Mr. President, I hope that the Government or the Minister, in reply, would give us some reassurance that this particular crime-fighting department which comes under his portfolio will be given the extra resources which apparently it needs. Although obviously, according to the reports in the newspaper anyway, they have been doing a good job and have been managing to get an amazing number of autopsies done with only one person to do them. There seems to be a great backlog when it comes to crimes of fraud and the white-collar crimes which that department is expected to look after. The question of fraud which, of course, is a criminal offence, as is the crime of fraudulently trying to enter the country, leads me to the question of sentencing for such penalties.

Section 40 speaks of "a fine of one thousand dollars and to imprisonment for twelve months, and on any subsequent conviction to a fine of two thousand dollars and to imprisonment for eighteen months." One does realize, Mr. President, that there is a certain exercise of judicial discretion that is involved where crimes like this are referred to the courts. But the sentencing of crimes for fraud throws up a deep concern which exists in this country at the present time about the whole question of consistency in relation to sentencing in our courts.

There is a public perception that the judicial discretion which exists in terms of sentencing in criminal matters, perhaps, should not exist at all; or should not exist in the way that it does exist; that a right of appeal should be granted to the

state to appeal such sentencing because there is such great disparity and inconsistency in the giving of judicial sentences in criminal matters.

The Bill we are debating now is dealing with criminal matters. The ones that are most controversial at the moment, of course, are the ones that are dealing with crimes of violence, particularly of domestic and other violence such as rape, which have thrown up an enormous disparity when it comes to sentencing to the point where serious doubts have arisen in the population as to whether there is any kind of consistency in our courts at all.

I do not want to stray too far away from the Bill that is before us. This Bill certainly deals with the question of fraud which is a crime and sentencing is provided for people who commit this kind of crime. I think it is important because of the perceptions that have gone about the country about illegal immigration and about various fraudulent means of entry, which may not necessarily mean forged passports, but certainly we have been advised through the popular press of people entering the country not only by force or stealth but through other fraudulent means; and once the public starts to lose its faith in the institutions of the country, whether these institutions are the immigration authorities, the Judiciary, the Police, or the Parliament itself, Mr. President, we are in a lot of trouble. Where people of this country who are subject to laws feel that justice does not exist for victims of crimes, only for those whose crimes can be covered up or capped by clever lawyers who can get them off with light sentences, we are in serious trouble in this country.

Insofar as this particular piece of legislation is concerned, one would have hoped that before it has to be faced with this kind of indignity, something will be done by the authorities to ensure that there is a consistency in sentencing and/or that the state be given the right of appeal in cases of sentencing in criminal cases, so that where there is an inconsistency some action can be taken and the public can begin to get a little more faith in the institutions which govern us.

Thank you, Mr. President.

2.00 p.m.

Sen. Rev. Daniel Teelucksingh: Mr. President, I join with all my colleagues in extending to you sincere congratulations on your appointment to lead and to guide the proceedings of this honourable House. Furthermore, I wish you God's blessings and the wisdom and patience required for this responsibility entrusted

Immigration (Amdt.) (No. 2) Bill
[SEN. REV. D. TEELUCKSINGH]

Tuesday, December 12, 1995

upon you. Let me also compliment the hon. Minister of National Security on his first assignment in this honourable House, that of piloting the Immigration (Amdt.) Bill, 1995.

Various implications of a widely publicized passport racket and similar immigration irregularities have caused me to consider the significance of the passport to the nation and also the citizens. It is within this context I have some reservations about the Bill.

I believe that the passport is more than a mere pass-book for travel. I believe that the passport is a national document symbolic of the nation's declaration and responsibility to its citizens. Furthermore, the passport is also symbolic of that person's membership in a particular community or society. The passport is a symbol of belonging. This is the background to my concerns about the Bill.

This certificate of identity and citizenship is the property of the national community. I stand corrected if the nation's passport is anything less than this. Therefore, we have to remind our people, they must all understand what a serious crime it is against one's community, one's nation and self, to use a Trinidad and Tobago passport in a deceitful and treacherous manner. I ask: What about non-nationals who commit such a crime against our nation, bearing in mind my understanding of the place of the passport in the life of the nation, community and the individual?

Here is my first difficulty with the Bill. The previous speaker made mention of this and it was outlined by the hon. Minister in his presentation. The Bill accepts the very mild and feeble penalty of the parent Act of 1978 which stipulates a fine of \$1,000 and imprisonment for 12 months for tampering with a passport and any subsequent conviction carries a fine of only \$2,000 and imprisonment for 18 months.

How do you reconcile this? How will we, as a Parliament and nation, reconcile this with a recent report that a 22-year old Guyanese admitted to an Arima magistrate that he paid \$17,000 for a forged Trinidad and Tobago passport? He was fined only \$3,000. Others seem to place a higher value on our passport than we Trinidadians and Tobagonians do. The penalty for passport fraudulence, I believe, is a joke—ridiculously lenient, betraying how little we understand, as a nation and as a people, the significance of our passport.

I humbly submit that when next the Government looks at the Immigration Act, that fines must be increased and that the deterrent factor must serve its purpose. Furthermore, I believe that non-nationals guilty of passport crimes against the Government and people of Trinidad and Tobago should be declared *persona non grata* for at least 20 years and be placed on a prohibited list for abuse of our system and our hospitality.

Within the last few days there has been a new wave of protest against token penalties for heinous crimes and this will continue until we appreciate that justice has a retributive side.

Another very serious concern which I believe is of national interest—and the previous speaker made reference to this; the hon. Minister in his presentation made reference to this; the hon. Attorney General mentioned it in the other place recently—is the unbelievably high incidence of passport crimes in Trinidad and Tobago. The hon. Minister said there were 224 persons in 1994 and about 303 in 1995. Trinidad and Tobago must be the most accessible unguarded backdoor in the Caribbean, and our inefficiency—if you say it is there—is so well exploited and seems to be well known by all and sundry.

I was surprised to learn that our brand new passport is abused with contempt and impertinence. I remember in the last Parliament when that brand new passport was being introduced, the person who piloted the Bill was almost boasting that it was tamper-proof. No sooner than our brand new passport with laminated finishings, and so on, were out on the market, it was tampered with. Something has to be wrong with us.

I believe we need to reconsider the functioning of our surveillance at immigration check points. The question the hon. Minister would need to ask himself is: Why have we discontinued the regular immigration checks at the airport for departing passengers since 1993? Does he think that spot checks at the airport might be enough? Another question we have to ask is: Are the clerks who work at the airlines at Piarco who now examine passports, suitably qualified to detect technicalities in passport tampering? I have been reliably informed that they are not qualified to detect such technicalities.

I would like to close with another concern; my colleague made reference to it. I would just like to elaborate a little more, because I, too, have been worried, but I know that there are thousands of our citizens within the last two years who have been reading and hearing of the so-called Chinese immigration racket. It does not make for good reading and calls for some sort of enquiry. The latest of such

Immigration (Amdt.) (No. 2) Bill
[SEN. REV. D. TEELUCKSINGH]

Tuesday, December 12, 1995

reports appeared in a front page article in the *Mirror* of November 17, 1995, which refers to the granting of resident status to some 300-plus Chinese immigrants. I quote:

"Allegations abound that each immigrant was made to pay US \$10,000 for his/her 'papers', and that the 'proceeds' were divided among several top officials."

It continues further:

"...in instances, residential status was granted less than one month after the Chinese landed here—a record for any country."

My final word is that we certainly need some kind of investigation. Some allegations need a second look. Over to you, hon. Minister. The truth shall make of us a wiser nation.

I thank you, Mr. President.

2.10 p.m.

Sen. Martin Daly: Mr. President, may I add my congratulations to those who have preceded me, and say what a pleasure it is to have the opportunity to make a contribution in the Senate presided over by your good self. It is a very great pleasure, indeed, and I am very happy to have the opportunity to enjoy that pleasure.

May I also congratulate the Minister of National Security on his maiden speech in this Senate. I am sure that whatever maiden discomforts he may have felt about making a contribution in this House today, pale into insignificance in comparison to some of the discomforts he may have suffered recently in connection with some other places where he sat. I am quite sure that this was a much easier experience for him, but then, I suppose that is because the appointment was not made by anyone else's secretary. He came here, perhaps, more voluntarily—at least the nation hopes so—than when he went to some other meetings recently.

Of course, I must also take this opportunity to congratulate the Attorney General on her appointment to the very high office which she now holds. She knows that, certainly, in her professional capacity she would attract nothing but goodwill from us—and I am sure I speak for all of her colleagues in the Senate.

Immigration (Amdt.) (No. 2) Bill
[SEN. REV. D. TEELUCKSINGH]

Tuesday, December 12, 1995

Mr. President, I must also congratulate Sen. Montano on his maiden speech in the Senate. I must say that the thrill I felt when he rose was not fully satisfied when he gave such uncritical acceptance of the acts of the previous Government. I really thought it was a characteristic of the Montanos to look back at the acts of the previous administration somewhat rather more unforgivingly.

Mr. President, having enjoyed observing the protocol of congratulating and embracing everyone, may I say that I have some difficulties with this Bill as it is drafted at present. I would try, as we do, not to make this into something that is very dry and technical, but there are some things about this Bill which I cannot understand, and which I have sought to communicate in prior correspondence to the Attorney General. I would do my best to say what I think are the inconsistencies.

First of all, I do not understand why provision is made in the proposed subsection (j) for an attempt to leave but no such provision is made in the proposed subsection (b). It seems to me that if one is going to use a fraudulent document to come into Trinidad and Tobago, and to remain here, it should be just as much an offence to use it in an attempt to leave. I do not understand why “attempts to leave” appears in subsection (j) and not in the proposed subsection (b).

Equally, I do not understand, based on what the Minister said, that if the loophole is that we cannot successfully prosecute couriers because there is no provision in relation to passports that are issued to someone else, then it seems to me that the very last two lines in subsection (j), “whether or not it has been issued to him” would be an equally critical component of the offences that are created in subsection (b). I really do not understand how the proposed (b) is going to help us very much, as compared to the old (b), unless we make the provision “whether or not it has been issued to him”, that is, to the offender.

Also, I do not quite understand what is meant by “comes into Trinidad and Tobago”. Does that mean one’s physical arrival here? That is to say, when one comes into Trinidad and Tobago or the minute one disembarks from a ship or alights from an aircraft? I would have thought that the point at which we are most likely to discover passport fraud would be when one tenders the document to the immigration officer who is the only person likely to have the experience of deterring that fraud.

I would have expected to see some provision with words to the effect “attempting to gain admission into Trinidad and Tobago by means of a fraudulent document”, whatever it is.

I cannot reconcile the inconsistencies of “leave” being in one place but not in the other. I have some difficulty with the absence of a provision for gaining admission by means of a false document, which is what one attempts to do when one attends an immigration office; and I have some difficulty in understanding why the broad concept of whether or not it has been issued to him is in subsection (j) but not in subsection (b).

In any event, it seems to me that (ii) and (iii) of subsection (j) are somewhat repetitious. I do not understand why we need to provide twice for “is fraudulent” and why we need to provide twice for “has been or improperly issued”. It does not seem to make sense to me. I find this all very inconsistent and it seems to me that the principal mischief that has been adverted to by the Minister may not be caught by the revised subsection (b). These are all points which I raise for the consideration of the Government.

The other thing I have a difficulty with is that possession of a passport which has been tampered with, or has been fraudulently issued, is now made an offence. I think that is an extremely good thing, but I would have thought that the right way to have done that would have been to make that a separate offence other than to combine it with the other offences in subsection (j). If that was my only difficulty with the Bill, I would not have made any contribution at all. It seems to me that is something else which is worthy of note.

Mr. President, what I am really saying is that it seems to me that there is no need for two separate subsections except insofar as the second subsection deals with possession. Really, all of these offences should be in one subsection that combines “coming into”, “attempting to gain admission”, “attempting to leave”, and “remaining”, by all of the various means including a passport that has been tampered with. To me, it is very confusing to provide for these in separate subsections.

I, therefore, ask the Government to consider whether there is any merit in what I perceive to be these inconsistencies, and to make the offence of possession a separate one.

Mr. President, in this brief contribution, I would also like to say that this is a very important piece of legislation. For this reason if the couriers to whom the

Immigration (Amdt.) (No. 2) Bill
[SEN. M. DALY]

Tuesday, December 12, 1995

Minister is referring are involved in the drug trade, then it is very important that we make life as difficult for them as possible. One way of making life difficult is to have an efficient passport administration which is backed up by the appropriate penalties and—without repeating what has been said by previous speakers—it is very clear to me that the courier is not going to be deterred by a fine of \$1,000 and imprisonment for 12 months. Twelve months, in the context of the transporting of dangerous drugs, is running no risk at all. I think a drug courier knows in the courts they can look forward to far more substantial penalties.

In effect, if we do not have an efficient passport law and system, we are making life easier for the couriers. There is an opportunity now to choke off the activities of these couriers by passing a properly drafted and seriously enforceable piece of legislation.

Again, I would like to associate myself with the contributions of my colleagues on this Bench, to suggest that the opportunity should be taken in amending this Act to deal with the penalties and make them more severe than they are. I do not have the skill to repeat the alarm which has been portrayed by my colleagues in relation to recent sentences which have astounded the nation. What I can say in relation to this Bill is that it is very important that the opportunity be taken to improve upon the punishment to deter people in the drug trade from using Trinidad and Tobago passports. Let them—and only some Members would recall this—use the passports of Tuvalu or some other such place, but let them not use Trinidad and Tobago passports. Let us make it as difficult and as expensive as we can, in terms of jail time, to use Trinidad and Tobago passports.

2.20 p.m.

I would also like to associate myself with the remarks of Sen. Rev. Teelucksingh on the question of administration. If there is an offence concerning someone attempting to leave Trinidad and Tobago with fraudulent documents, putting airline clerks in charge of that administration really means that you are just passing law for the sake of saying you have done something in an effort to combat crime.

How these passports are handled at the ports of entry is something which this new Government could well take a look at. We certainly do not want to go back to a system that means one would have to wait hours upon hours to get through the Immigration Department. On the other hand, as has frequently happened in the not-too-distant past, we have gone to the other extreme. The passport is handed

up, it is looked at very superficially—including the immigration card. And, may I say that the immigration card is recognized world-wide as a most valuable tool in the fight against crime because it records for you where a particular person was at a particular time and, therefore, it is not an insignificant document. It is a document that should be properly filled out and properly placed in the records of the Government in the event that it has to prosecute someone for serious crimes and his/her whereabouts on a particular day were important.

I think, as is their wont, my colleagues have pointed out some of the most practical matters concerning passport fraud which go beyond simply passing a law. I am one of those becoming somewhat impatient at what I perceive to be the sloth of the new Government to govern. Indeed, I am quite surprised that we have so much time to debate this measure, as important as it is, and I would have expected to be gearing up for the budget debate.

If this is all that is put on the menu, this is all that we can deal with. Nevertheless, it is an important matter for the Government, particularly in relation to penalties; if they are serious as they have told us in their campaign about the fight against crime, then a thousand-dollar crime and a 12-month sentence is ridiculous. I seriously would have expected this Government, in the course of amending this Immigration Act to have come forward as a very clear signal, and do something about sentencing.

I hope that the pleas of myself and my colleagues about sentencing would not fall on deaf ears. I believe the country requires a firm Government and requires it quickly, as I am quite sure we are not going to have a great deal of time to debate this Bill in the future.

I am quite sure the Minister of Finance is going to see fit to inform us of the date of the budget, and not leave the country adrift any longer. I know a prudent Minister of Finance is going to crowd our calendar very soon so let us make the best of this opportunity to deal with the Immigration (Amdt.) (No. 2) Bill.

Mr. President, with those few remarks, I end my contribution.

Thank you.

Sen. Prof. Kenneth Ramchand: Mr. President, I, too, congratulate the hon. Minister of National Security on his maiden contribution. I would also like to pay my compliments to the hon. Attorney General.

Immigration (Amdt.) (No. 2) Bill
[SEN. M. DALY]

Tuesday, December 12, 1995

It is many years since she was a student of mine in Jamaica and a colleague at the University of the West Indies, St. Augustine. She has since entered into what my Friends call the "real world" by the degrees of laws and politics, with what success and with what proficiency the Bill before the Senate is but a small illustration.

I congratulate the Government for bringing this Bill to the Senate, and more importantly, for showing every intention to take practical steps in what is indeed, a long delayed matter. I have a number of reservations that my colleagues on this side have already brought up relating to the severity of the penalties; relating to a possible laxness in the treatment of the couriers who, I think, should be put under heavier and stricter "manners".

I have a point about section 40(b)(j). Sen. Daly anticipated me in a clearer and more technical manner. Section 40 (b)(j) reads:

"comes into or attempts to leave Trinidad and Tobago by means of a passport or has in his possession a passport that— ..."

I understand, as Sen. Daly has suggested, that there are two offences here. Firstly, just to be in possession of and, secondly, to attempt to leave with such a passport.

If I heard the hon. Minister of National Security right, I think he fell victim to a possible ambiguity in the words in the Bill. He said "as long as one is in possession of such a document and one attempts to enter." These were the very words used in another place by the Attorney General.

I agree with Sen. Daly that we do need to break this up into two separate offences and let the phrasing so indicate. I really would like to know that possession alone is an offence and if a raid is made on a house and such a passport is found in the house, that the person who owns the house or is responsible for the passport being there is liable to prosecution. To repeat myself, I think those two provisions ought to be put into separate clauses.

As an aside, I add to Sen. Teelucksingh's point concerning crimes involving passports. I have information, though I do not have justifiable evidence, that there is a passport rental scheme whereby one pays \$4,000.00 in Trinidad and a passport is rented to you. Arrangements are made for the immigration authorities not to notice that there is a discrepancy between you and the photograph or that there is any tampering.

When one gets to New York or Miami, one hopes that all natives look alike and one would get through. If all natives do not look alike and the immigration officer spots you then, as is said, "it is you to catch". If you get through you pay the rest of the money—\$3,000.00—to an agent for the rental of the passport and then the passport is sent back to Trinidad to be reused.

The passport scams that are going on in the country are not simply in relation to businessmen who want to acquire the right to live here or to acquire a passport as a way to getting their Canadian landed immigration status or the US green card. The passports scam applies to a mass of illegal immigrants in this country.

When the Government granted amnesty in 1987, and extended it in 1989 they reported that there were 100,000 illegal immigrants in this country. Only 8,000 of these illegal immigrants applied for Trinidad and Tobago passports and were successful.

I presume the rest of them are still here, and that since then more have come. I believe that the presence of such large numbers of illegal immigrants in this country is the source of a much larger passport scam than we seem to be aware of. It also seems to be the source of a social problem in relation to housing, jobs and crime. It is a source of various kinds of crimes and abuses in this country and, while I congratulate the Government on what it has done, I simply remind it that this larger problem exists.

I thank you, Mr. President.

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, before I move the adjournment of the Senate, I would like to inform this Senate that owing to some of the concerns expressed by Sen. Martin Daly, and other Senators, the Government would like to give due consideration to those concerns. We want to have the necessary consultation with the Senators concerned as well as the Government's legal department on this matter.

We are a very open democratic Government and we are committed to deepening the process of transparency and accountability. We are doing everything in our power to ensure that whatever legislation is brought to Parliament is brought and passed with the best interest of the people of our country. Whatever proposals are advanced and concerns expressed this

Immigration (Amdt.) (No. 2) Bill
[SEN. PROF. K. RAMCHAND]

Tuesday, December 12, 1995

Government would, in fact, be considering all with a view to seeing to what extent it can encompass them in the proposed laws that are being brought here.

I beg to move that the Senate do now adjourn to Tuesday, December 19, 1995 at 1.30 p.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 2.32 p.m.