
3rd Session Third Parliament Trinidad and Tobago
23 Elizabeth II



TRINIDAD AND TOBAGO
Act No. 7 of 1974

[L.S.]

AN ACT to amend the Immigration Act, 1969.

[Assented to 16th April, 1974]

BE IT ENACTED by the Queen's Most Excellent Majesty, by Enactment
and with the advice and consent of the Senate and House
of Representatives of Trinidad and Tobago, and by the
authority of the same, as follows:—

1. This Act may be cited as the Immigration (Amend- Short title
ment) Act, 1974.

Act No. 41 of
1969 amended

2. The Immigration Act, 1969 is amended—

(a) in section 2 by substituting the word “of” for the word “or” occurring in line two of paragraph (o) thereof;

(b) in section 5—

(i) by substituting for paragraph (b) of subsection (1) thereof the following:—

“(b) a permitted entrant to whom permission has been granted by the Minister under paragraph (a) of section 6 to become a resident;”;

(ii) by adding after paragraph (d) of subsection (1) thereof the following new paragraphs:—

“(e) a child, parent or grandparent to whom permission has been granted by the Minister under paragraphs (b) and (c) respectively of section 6 to become a resident;

(f) such other persons on whom the Minister may confer the status of a resident.”; and

(iii) by adding at the end thereof the following new subsection:—

“(3) For the purposes of subsection (1) (f) the Minister may, in his discretion, confer the status of a resident on any person he considers fit.”;

(c) by substituting for paragraph (a) of section 6 thereof the following:—

“(a) a permitted entrant who—

(i) by reason of his education, occupational qualifications, personal history, employment record, training, skills or other special qualifications has established or is likely to be able to establish himself

successfully in Trinidad and Tobago in a profession, trade, self-operating business or agricultural enterprise and who has sufficient means of support to maintain himself and his immediate family in Trinidad and Tobago; and

- (ii) has been continuously resident in Trinidad and Tobago for five years or such shorter period (not being less than twelve months) as the Minister may in the special circumstances of any particular case accept;";

(d) by substituting for all the words occurring after the words "and is willing and able to provide for the child" in paragraph (b) of section 6 thereof, the words "In the case of a child born out of wedlock and not legitimated, the reference to father (where it first occurs) shall be construed as a reference to the mother of the child;";

(e) by repealing and replacing subsection (2) of section 8 thereof as follows:—

"(2) The Minister may authorise in writing under his hand or under the hand of a person designated by him, entry into Trinidad and Tobago of persons passing through Trinidad and Tobago under guard to another country.";

(f) by repealing and replacing subsection (1) of section 10 thereof as follows:—

^{"Issue of permits} 10. (1) The Minister may issue a written permit authorising any person to enter Trinidad and Tobago or, being in Trinidad and Tobago, to remain therein.";

(g) in section 17(1) by substituting the expression "Chief Immigration Officer" for the

expression "Special Inquiry Officer" occurring in lines seven and eight thereof;

(h) by adding at the end of section 21 the following new subsection (5):—

"(5) The provisions of section 20(2) and (3) shall apply for the purposes of an order for rejection made against a person under subsection (1)(a).";

(i) in section 22(1) by substituting the words "to the Minister in respect of paragraphs (a) to (c) and to the Chief Immigration Officer in respect of paragraphs (d) to (h)" for the words "to the Chief Immigration Officer" occurring in lines two and three thereof;

(j) in section 27—

(i) by adding the words "and to substitute the opinion of the Minister for such decision" immediately after the words "prohibited class" occurring in line three of subsection (4)(c) thereof; and

(ii) by adding the following new subsection thereto:—

"(6) The Minister may in any case where he considers it fit so to do, cancel any deportation order whether made by him or not.";

(k) in section 31—

(i) by inserting immediately after the words "and thence to the Court of Appeal against" occurring in line two of subsection (1) thereof the words ", subject to subsection (4)."; and

(ii) by adding the following new subsection (4) thereto:—

"(4) Where on an appeal against any declaration as to loss of resident status under section 7(4) the Minister certifies that it is in his opinion contrary to public order, public safety or defence to disclose the grounds for suspecting that a

resident is a person who is mentioned in paragraph (l), (m) or (o) of subsection (1) of section 8, then, unless the Court of Appeal thinks fit to order otherwise, the Minister shall be presumed to have had reasonable grounds for so suspecting, until the contrary is proved.”;

(l) in section 41(1) thereof by inserting the words “or to imprisonment for twelve months” immediately after the words “conviction on indictment to a fine of one thousand dollars” occurring in the penultimate line thereof;

(m) in section 42—

(i) by inserting the words “or the regulations” after the word “Act” occurring in lines two and three of subsection (1) thereof;

(ii) by substituting the words “a fine not exceeding the amount stipulated in subsection (1)” for the words “such a fine” occurring in line three of subsection (2) thereof;

(iii) by inserting the words “Act or the” between the words “the” and “regulations” occurring in line four of subsection (4) thereof;

(n) in section 44(1)—

(i) by substituting for the words “paragraph (b) or (d)” occurring in paragraph (b) thereof the words “paragraph (b), (d) or (e)”; and

(ii) by adding immediately after paragraph (b) thereof the following new paragraph—

“(bb) the registration and recording of persons who are not citizens or residents of Trinidad and Tobago;”;

(o) in section 47(1) by inserting the words “or if he thinks fit, to enter into a bond in the prescribed form” immediately after the words “as a guarantee” occurring in line five thereof;

(p) by repealing and replacing section 48 as follows:—

“Exercise of
functions
of Minister

48. The Minister may authorise his Permanent Secretary or the Chief Immigration Officer to perform and exercise any of the duties, powers and functions that may be required to be performed or exercised by the Minister under this Act or the regulations, and any such duty, power or function performed or exercised by the Permanent Secretary or the Chief Immigration Officer under the authority of the Minister, shall be deemed to have been performed or exercised by the Minister.”.

Commencement

3. This Act shall come into operation on a date appointed by the Governor-General by Proclamation published in the *Gazette*.

Passed in the House of Representatives this 15th day of March, 1974.

G. R. LATOUR
Clerk of the House

Passed in the Senate this 26th day of March, 1974.

J. E. CARTER
Clerk of the Senate