
Second Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 24 of 1978

[L.S.]

AN ACT to amend the Immigration Act, 1969.

[Assented to 19th July, 1978]

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows—

1. This Act may be cited as the Immigration (Amend- Short title ment) Act, 1978.

Section 2 of
Act amended

2. Section 2 of the Immigration Act, 1969 (hereinafter referred to as "the Act") is amended—

(a) by repealing paragraph (d) and replacing it as follows—

“(d) ‘Constitution’ means the Constitution of the Republic of Trinidad and Tobago set out in the Schedule to the Constitution of the Republic of Trinidad and Tobago Act, 1976;”;

No. 4
of 1976

(b) by adding the following new definition—

“(aa) ‘former Constitution’ means the Trinidad and Tobago Constitution set out in the Second Schedule to the Trinidad and Tobago (Constitution) Order-in-Council, 1962;”;

(c) by repealing paragraph (j).

Section 5 of
Act amended

3. Section 5 of the Act is amended—

(a) by repealing paragraphs (a) and (b) of subsection (1) and replacing them as follows—

“(a) a person who was entitled under the former Constitution to be registered as a citizen;

(b) a person to whom permission has been granted by the Minister under section 6 to become a resident.”

(b) by repealing paragraph (e) and replacing it as follows—

“(e) the child of a person who by virtue of this section is a resident or who is a citizen of Trinidad and Tobago provided that such child is a minor or is dependent on and living with his parents.”

4. Section 6 of the Act is repealed and replaced as follows—

“Acquisition
and loss of
resident
status

Section 6 of
Act repealed
and replaced

6. (1) Subject to this Act and the regulations, persons who come within the following classes may on application in the prescribed form, be granted permission by the Minister if he thinks fit, to become residents, that is to say—

(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;

(b) a person who is the parent or grandparent of either a citizen or resident of Trinidad and Tobago, residing in Trinidad and Tobago, if such citizen or resident is willing and able to provide care and maintenance for that person;

- (c) the spouse of a citizen or resident of Trinidad and Tobago; and
- (d) a person who has ceased to be a citizen of Trinidad and Tobago by reason of his voluntary acquisition of citizenship of another country.

(2) In determining the suitability of an applicant for the grant of resident status under this section, the Minister shall be satisfied, *inter alia*, that the applicant—

- (a) had entered the country legally;
- (b) is not in a prohibited class; and
- (c) is of good character as evidenced by a police certificate of good character.”.

Section 7 of
Act amended

5. Section 7 of the Act is amended—

- (a) by repealing subsections (1) to (4) inclusive and replacing them as follows—

“ (1) Subject to subsection (6), resident status is lost by a person—

- (a) who voluntarily resides outside Trinidad and Tobago for a continuous period of one year, unless he obtains from the Minister a certificate in the prescribed form exempting him from the provisions of this paragraph; or
- (b) who was entitled under the former Constitution to be registered as a citizen of Trinidad and Tobago, if he has resided outside Trinidad and Tobago for a continuous period of two years immediately preceding the commencement of this Act, unless within a period of six months from that date

he obtains from the Minister a certificate in the prescribed form exempting him from the provisions of this paragraph.

(2) Where the Minister is satisfied that a person has been—

(a) engaged in activities detrimental to the security of Trinidad and Tobago; or

(b) an habitual criminal, that person shall be deemed to have lost the status of resident at the commencement of his engagement in such activities or at the time of his becoming an habitual criminal.

(3) For the purposes of paragraph (b) of subsection (2) an habitual criminal is a person who—

(a) is not less than thirty years of age;

(b) has been convicted of an indictable offence punishable with imprisonment for two years or more and has been convicted on at least three previous occasions since the age of seventeen years of offences similarly punishable; and

(c) was on at least two of these occasions sentenced to imprisonment, or has at least on one occasion been sentenced to be detained at the Youth Training Centre or any other similar Institution.

(4) The Minister, if he has reasonable grounds for suspecting that a resident—

(a) has given false or misleading information in his application for residence; or

(b) is a person referred to in paragraphs (e), (f), (k), (l), (m), (o) or (q) of subsection (1) of section 8,

may issue a written declaration under his hand stating that the resident has lost his resident status from the date specified in the declaration, and the Minister may make a deportation order against that person.”; and

(b) by deleting the words “under section 5(1) (b)” occurring in the third and fourth lines of subsection (5) and substituting therefor the words “under section 6(1) (a)(ii)”.

Section 9 of
Act amended

6. Section 9 of the Act is amended—

(a) by repealing subsection (1) and replacing it as follows—

“ (1) An immigration officer may allow to enter Trinidad and Tobago on such conditions and for such periods as may be fit and proper in any particular case, the following persons or classes of persons, as the case may be—

(a) persons who are diplomatic or consular officers or representatives or officials duly accredited, of a country other than Trinidad and Tobago, or of the United Nations or any of its agencies or of any inter-governmental organization in which Trinidad and Tobago participates, coming to Trinidad and Tobago to carry out their official duties or passing through intransit, or members of the suites or families of such persons;

- (b) members of any naval, army or air forces who come to Trinidad and Tobago for training or otherwise in connection with the defence and security interests of Trinidad and Tobago, or under the provisions of any treaty or agreement between Trinidad and Tobago and another country and whose entry into Trinidad and Tobago is approved by the Minister, together with such members of their families or suites as may be approved;
- (c) tourists or visitors;
- (d) persons passing through Trinidad and Tobago to another country;
- (e) clergymen, priests or members of a religious order entering Trinidad and Tobago or who, having entered, are in Trinidad and Tobago in connection with the carrying out of their religious duties in accordance with regulations made in that behalf;
- (f) students entering Trinidad and Tobago for the purpose of attending, and who having entered Trinidad and Tobago are in actual attendance at, a university or college authorised by statute or charter to confer degrees;
- (g) persons who have been accepted as students by an educational or training establishment recognised by the Permanent Secretary to

the Minister, or the Chief Immigration Officer, and who, after entering Trinidad and Tobago are in actual attendance at such educational or training establishment;

(h) members of crews entering Trinidad and Tobago or who, having entered are in Trinidad and Tobago for shore leave or some other legitimate and temporary purpose; and

(i) persons entering Trinidad and Tobago for the purpose of engaging in a legitimate profession, trade or occupation.”;

(b) by repealing subsection (3) and replacing it as follows—

“ (3) Every person who has a certificate under subsection (2) to enter Trinidad and Tobago and who wishes to remain for a longer period than that previously granted or to have the conditions attaching to his entry varied, shall, notwithstanding that he is already in Trinidad and Tobago, submit to an examination under the provisions of this Act and the regulations, and the immigration officer may extend or limit the period of his stay, vary the conditions attaching to his entry, or otherwise deal with him as if he were a person seeking entry into Trinidad and Tobago for the first time.”; and

(c) by repealing paragraph (g) of subsection (4) and replacing it as follows—

“(g) has escaped from lawful custody or detention under this Act.”.

7. Section 12 of the Act is amended—

Section 12 of
Act amended

(a) by repealing subsection (1) and replacing it as follows—

“(1) For the purposes of this Act an immigration officer is a person appointed as such officer in manner authorised by law.”; and

(b) by repealing paragraph (b) of subsection (6) and replacing it as follows—

“(b) question, within the scope of his functions under this Act, any person who desires to enter or leave Trinidad and Tobago or who he believes is in Trinidad and Tobago otherwise than in accordance with the provisions of this Act.”.

8. Section 13 of the Act is amended by deleting the words “forty-eight hours” occurring in the second line of subsection (3) and substituting therefor the words “twenty-four hours”.

Section 13 of
Act amended

9. Section 14 of the Act is amended by repealing subsection (1) and replacing it as follows—

Section 14 of
Act amended

“(1) The Minister may issue a warrant for the arrest of any person in respect of whom an examination or inquiry is to be held or a deportation order has been made under this Act, and may order the release of any such person.”.

10. Section 15 of the Act is repealed and replaced as follows—

Section 15 of
Act repealed
and replaced

“Arrest
without
warrant in
certain
cases

15. Every police officer and every immigration officer may, without the issue of a warrant, order or direction for arrest or detention, arrest and detain for an inquiry or for deportation, or both, any person who upon reasonable grounds is suspected of being a person referred to in subsection (4) of section 9, or in paragraph (i) of subsection (1) of section 22, and the Chief Immigration Officer may order the release of any such person.”.

Section 16 of
Act amended

11. Section 16 of the Act is amended by deleting the comma after the word "deferred" occurring in the second line and inserting it after the words "section 20" occurring in the third line.

Section 17 of
Act amended

12. Section 17 of the Act is amended by deleting the words "inquiry or deportation" occurring in the sixth line of subsection (1), and substituting therefor the words "inquiry, deportation or rejection".

Section 18 of
Act amended

13. Section 18 of the Act is amended by deleting the words "including citizens of Trinidad and Tobago and residents" occurring in the first and second lines of subsection (1).

Section 20 of
Act amended

14. Section 20 of the Act is amended by repealing subsection (1) and replacing it as follows—

"(1) Where, in the opinion of the examining immigration officer, a person appearing before him for examination cannot be properly examined by reason of the effects of alcohol, drugs or illness, the immigration officer may cause an examination of such person to be deferred until such time as he may be properly examined, or may make an order for his rejection."

Section 22 of
Act amended

15. Section 22 of the Act is amended—

- (a) by deleting the words "to the Chief Immigration Officer in respect of paragraphs (d) to (h)" occurring in subsection (1) and substituting therefor the words "to the Chief Immigration Officer in respect of paragraphs (d) to (i)"; and
- (b) by adding immediately after paragraph (h) of subsection (1) the following new paragraph—

"(i) any person who either before or after the commencement of this Act came into Trinidad and Tobago at any place other than a port of entry or has eluded examination or inquiry under this Act."

16. Section 26 of the Act is repealed and replaced as follows— Section 26 of Act repealed and replaced

“Re-opening of inquiry

26. An inquiry may be re-opened for the hearing and receiving of additional evidence or testimony by order of the Minister or at the instance of the Special Inquiry Officer who presided at such inquiry, or by any other Special Inquiry Officer acting upon the directive of the Chief Immigration Officer; and the Special Inquiry Officer concerned may confirm, amend or reverse the decision previously given.”.

17. Section 29 of the Act is amended—

Section 29 of Act amended

- (a) by deleting the words “or Chief Immigration Officer” occurring in the fourth line of subsection (8); and
- (b) by repealing subsection (11) and replacing it as follows—

“ (11) Subject to the determination of any appeal under section 27, a person who is ordered to be removed from Trinidad and Tobago may be placed aboard a suitable vessel by a police officer or immigration officer, and may be lawfully detained on board such vessel, so long as the vessel is within the territorial limits of Trinidad and Tobago.”.

18. Section 30 of the Act is amended by deleting the words “section 31(2)” occurring in the first line thereof and substituting therefor the words “section 31(3)”. Section 30 of Act amended

19. Section 31 of the Act is repealed and replaced as follows— Section 31 of Act repealed and replaced

“Right of appeal for citizens and residents

31. (1) Subject to the provisions of subsection (2) an appeal shall lie to a judge of the High Court and thence to the Court of Appeal against any declaration as to loss of resident status under subsection (4) of section 7, or any rejection order or deportation order of the Minister, a Special

Inquiry Officer or an Immigration Officer, with respect to a person who claims to be a citizen or resident of Trinidad and Tobago.

(2) Notwithstanding the provisions of subsection (1), there shall be no appeal by a person referred to in paragraphs (l), (m), (o), or (q) of subsection (1) of section 8, against a declaration of the Minister under subsection (4) of section 7.

(3) A person to whom subsection (5) of section 50 applies may appeal to a judge of the High Court, whose decision thereon shall be final, on the ground that there is a reasonable excuse for his failure to apply for permission to become a resident in accordance with subsection (1) of section 50, or, where his application is refused because the Minister considers that such person was not ordinarily resident in Trinidad and Tobago for a period of five years from the commencement of this Act, he may appeal on the ground that he was so ordinarily resident.

(4) Rules of Court may be made by the Rules Committee under section 76 of the Supreme Court of Judicature Act, 1962, for regulating and prescribing the procedure on appeal from the decision of the person making the rejection order or deportation order or any other matter in respect of which an appeal may lie under this section to a judge of the High Court and therefrom to the Court of Appeal.”

Act No. 12
of 1962

Section 36 of
Act amended

20. Section 36 of the Act is amended by repealing subsection (3) thereof and replacing it as follows—

“ (3) A person who knowingly and willingly lands or suffers himself to be landed, and a person who knowingly lands or procures to be landed or who aids or assists in landing another person contrary to the provisions of this Act, is guilty of an offence.”

21. Section 40 of the Act is amended—Section 40 of
Act amended

(a) by repealing paragraph (f) thereof and replacing it as follows—

“(f) knowingly and wilfully makes any false or misleading statement—

(i) in a declaration required to be made by an applicant for the issue of a passport or other travel document; or

(ii) at an examination or inquiry under this Act or in connection with the admission or application for admission of any person to Trinidad and Tobago.”; and

(b) by deleting the words “a fine of five hundred dollars or to imprisonment for six months, and, for the second or subsequent offence to a fine of one thousand dollars or to imprisonment for twelve months or to both such fine and imprisonment.” occurring therein and substituting therefor the words “a fine of one thousand dollars or to imprisonment for twelve months, and, for the second or subsequent offence to a fine of two thousand dollars or to imprisonment for eighteen months or to both such fine and imprisonment.”.

22. Section 41 of the Act is amended—Section 41 of
Act amended

(a) by deleting the words “a fine of five hundred dollars or to imprisonment for six months or to both fine and imprisonment, and is liable on conviction on indictment to a fine of one thousand dollars or to imprisonment for twelve months or to both such fine and imprisonment.” occurring in subsection (1) thereof and substituting therefor the words “a fine of one thousand dollars or to imprisonment for

twelve months or to both such fine and imprisonment, and is liable on conviction on indictment to a fine of two thousand dollars or to imprisonment for eighteen months or to both such fine and imprisonment.”; and

- (b) by renumbering subsection (2) as subsection (3) and inserting a new subsection (2) as follows—

“(2) A person convicted for the second or subsequent time under subsection (1) is liable to a fine of two thousand dollars or to imprisonment for eighteen months or to both such fine and imprisonment, and is liable on the second or subsequent conviction on indictment to a fine of four thousand dollars or to imprisonment for two years or to both such fine and imprisonment.”.

Section 42 of
Act amended

23. Section 42 of the Act is amended—

- (a) by repealing subsection (1) and replacing it as follows—

“(1) A person who contravenes or fails to comply with any of the provisions of this Act or the regulations is guilty of an offence, and any person guilty of an offence against this Act or the regulations, except where the provision by or under which the offence is created provides the penalty to be imposed, is liable on summary conviction to a fine of one thousand dollars or to imprisonment for twelve months or to both such fine and imprisonment, and for the second or subsequent offence is liable to a fine of two thousand dollars or to imprisonment for eighteen months or to both such fine and imprisonment.”; and

- (b) by repealing subsection (2) and replacing it as follows—

“(2) Notwithstanding the provisions of subsection (1), where a person is charged with committing a breach of the regulations, the Chief Immigration Officer may impose a fine not exceeding the amount stipulated in subsection (1) for the breach, but the power to impose such fine is exercisable, in respect of the master or representative of a vessel, at the election of the master or representative.”

24. Section 44 of the Act is amended as follows—

Section 44 of
Act amended

- (a) by deleting the words “paragraph (b), (d) or (e)” occurring in the fifth line of paragraph (b) of subsection (1) and substituting therefor the words “paragraph (b), (d), (e) or (f)”;

- (b) by repealing paragraph (k) of subsection (1) and replacing it as follows—

“(k) the provision, equipping and maintenance of building accommodation or other facilities for the proper detention and examination of persons brought to Trinidad and Tobago, or to be deported from Trinidad and Tobago, on the vessels of transportation companies and also respecting the requirement that such transportation companies pay the costs incurred in detaining persons at detention stations provided by Government;”

- (c) by repealing paragraph (n) of subsection (1) and replacing it as follows—

“(n) the obligations and duties of transportation companies to ensure that persons who are carried by them and who are

seeking admission into Trinidad and Tobago are—

- (i) outside the prohibited classes; and
- (ii) in possession of the proper medical and travel documents;”
and

(d) by repealing paragraph (r) of subsection (1) and replacing it as follows—

“(r) the boarding of vessels carrying persons seeking admission into Trinidad and Tobago after such vessels have entered the territorial limits of Trinidad and Tobago and before such persons have left the vessels; and also respecting the granting of clearance to such vessels before departure;”.

Section 50 of
Act amended

25. Section 50 of the Act is amended—

- (a) by deleting the words “in subsection (i)” occurring in the second line of subsection (2) and substituting therefor the words “in subsection (1)”; and
- (b) by deleting the words “section 31(2)” occurring in the first line of subsection (5) and substituting therefor the words “section 31(3)”.

The Act amended.
Validation

26. The Act is amended by adding immediately after section 52 the following new section—

“Validation

53. Where prior to the commencement of this Act, the Minister, the Chief Immigration Officer or a person acting on their behalf purported to grant resident status otherwise than in accordance with the provisions of the former Ordinance, such purported grant shall, save where it would have been unlawful had this Act then been in force, be deemed to have been lawfully and validly made, and no legal proceedings

or other action of any kind shall be entertained in respect of or in consequence of such purported grant.”.

27. This Act shall be deemed to have come into ^{Commencement} operation on the 1st day of August, 1976.

Passed in the Senate this 5th day of July, 1978.

E. WILLIAMS
Acting Clerk of the Senate

Passed in the House of Representatives this 7th day of July, 1978.

J. E. CARTER
Clerk of the House