



TRINIDAD AND TOBAGO
Act No. 41 of 1969

[L.S.]

AN ACT respecting the admission of persons into Trinidad
and Tobago.

[Assented to 30th December, 1969]

BE IT ENACTED by the Queen's Most Excellent Majesty, ^{Enactment}
by 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 Act, 1969, ^{Short title}
and shall come into operation on a date appointed by
the Governor-General by proclamation published in the
Gazette.

PRELIMINARY

Interpretation

2. In this Act—

- (a) “admission” means the coming into Trinidad and Tobago from a port outside Trinidad and Tobago of citizens and residents of Trinidad and Tobago and includes entry of permitted entrants and other persons under this Act;
- (b) “Chief Immigration Officer” means the person so appointed for the purposes of this Act and includes a person to whom the Chief Immigration Officer delegates any of his powers, duties or functions;
- (c) “citizen of Trinidad and Tobago” means a person who is a citizen of Trinidad and Tobago by virtue of the Constitution or the Trinidad and Tobago Citizenship Act, 1962;
- (d) “Constitution” means the Constitution of Trinidad and Tobago;
- (e) “deportation” means the removal under this Act of a person from any place in Trinidad and Tobago to the place whence he came or to the country of his nationality or citizenship or to the country of his birth or to such other country as may be approved by the Minister under this Act, as the case may be;
- (f) “deportation order” means an order requiring the person in respect of whom it is made to leave and remain outside of Trinidad and Tobago;
- (g) “entry” means the lawful coming into Trinidad and Tobago from a port outside Trinidad and Tobago of permitted entrants and other persons under this Act;
- (h) “former Ordinance” means the Immigration (Restriction) Ordinance;
- (i) “immigrant” means a person who seeks admission into Trinidad and Tobago for permanent residence or is within Trinidad and Tobago as such;
- (j) “immigration officer” means a person described in subsection (1) of section 12;

- (k) "immigration station" means any place designated by the Minister for the examination, treatment or detention of persons for any purpose under this Act, and includes immigration quarters at ports of entry;
- (l) "master" means the person in immediate charge or control of a vessel;
- (m) "medical officer" means a person authorized or recognized by the Minister as a medical officer for the purposes of this Act;
- (n) "member of a crew" means any person, including a master, who is employed on board or belongs to the staff or crew of a vessel;
- (o) "Minister" means the member of the Cabinet to whom responsibility for the subject of immigration is assigned;
- (p) "owner" includes the agent of the owner of a vessel or the charterer or consignee of a vessel;
- (q) "permit" means a permit authorizing any person to enter Trinidad and Tobago issued by the Minister under section 10;
- (r) "permitted entrant" means any person permitted to enter under the provisions of section 9;
- (s) "port of entry" means any place in Trinidad and Tobago prescribed for the examination of persons under this Act;
- (t) "prohibited class" means any of the classes of persons designated in section 8;
- (u) "resident" means a person referred to in section 5 (1);
- (v) "ship" includes every boat and craft of any kind for travel or transport other than by air;
- (w) "Special Inquiry Officer" means a person described in subsection (1) of section 13;

- (x) "transportation company" includes the agents of any such company carrying on business in Trinidad and Tobago;
- (y) "vessel" means any ship, aircraft or other means of travel by sea or air;
- (z) "place of detention" means a Prison, a Police Station or any place approved by the Minister.

PART I

ADMISSION OF PERSONS INTO TRINIDAD AND TOBAGO

Immigrants

3. Except as permitted under this Act, no person may be admitted into Trinidad and Tobago as an immigrant or being within Trinidad and Tobago remain therein as an immigrant.

Entitlement of citizens and residents to come into Trinidad and Tobago

Entitlement to admission to Trinidad and Tobago

4. (1) A citizen of Trinidad and Tobago has the right to be admitted into Trinidad and Tobago.

(2) A resident who is not a citizen of Trinidad and Tobago shall, so long as he continues to be a resident, have the right to be admitted into Trinidad and Tobago.

Persons who are residents of Trinidad and Tobago

5. (1) The following persons not being citizens of Trinidad and Tobago are residents of Trinidad and Tobago:—

- (a) a person who is or who was entitled under the Constitution to be registered as a citizen;
- (b) a permitted entrant who has been continuously resident in Trinidad and Tobago for five years to whom permission has been granted by the Minister under section 6 to become a resident; and
- (c) a person other than a person described in paragraph (a) or (b) who immediately before the commencement of this Act was deemed to be a person belonging to Trinidad and Tobago by virtue of subsection (2) of section 2 of the former Ordinance;
- (d) a person who applies for and is granted permission to become a resident under section 50 (1).

(2) For the purposes of subsection (1)(b) and (d), no period shall be counted towards the acquisition of resident status during which a person—

- (a) is confined in or is an inmate of any prison or hospital for mental diseases;
- (b) remains in Trinidad and Tobago after the making of a deportation order against him and prior to the execution of such order or his voluntarily leaving Trinidad and Tobago, unless an appeal against such order is allowed; or
- (c) is in Trinidad and Tobago under a permit.

6. 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—

Persons who may be permitted to become residents

- (a) a permitted entrant who, 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;
- (b) a child whose father (or where the father is dead whose mother) is—
 - (i) a citizen of Trinidad and Tobago by registration or naturalisation under the Constitution or the Trinidad and Tobago Citizenship Act, 1962 who resides in Trinidad and Tobago; or
 - (ii) a resident;
and is willing and able to provide for the child. In this paragraph “child” means a legitimate, legitimated or adopted person under the age of sixteen years;
- (c) a person not being himself a citizen of Trinidad and Tobago who is the parent or grandparent of a citizen of Trinidad and Tobago residing in Trinidad and Tobago or a resident if such citizen or a resident is willing and able to provide care and maintenance for the person.

Loss of resident
status

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

- (a) who, not being a person who was entitled under the Constitution to be registered as a citizen of Trinidad and Tobago, voluntarily resides out of 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; and
- (b) who was entitled under the Constitution to be registered as a citizen of Trinidad and Tobago—
 - (i) 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 subparagraph;
 - (ii) if, after the commencement of this Act, he resides outside Trinidad and Tobago for a continuous period of three years, unless within such period he obtains from the Minister a certificate in the prescribed form exempting him from the provisions of this subparagraph.

(2) A person who the Minister is satisfied is or has been—

- (a) engaged in activities detrimental to the security of Trinidad and Tobago; or
- (b) an habitual criminal,

shall be deemed to have lost the status of a resident at the time of engaging in such activities or of becoming an habitual criminal.

(3) For the purpose of paragraph (b) of subsection (2), an habitual criminal is a person who is not less than thirty years of age and who 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, of offences similarly punishable and who was on at least two of those occasions sentenced to imprisonment or has on at least one occasion been sentenced to be detained at the Youth Training Centre.

(4) The Minister, if he has reasonable grounds for suspecting that a resident is a person who is mentioned in paragraph (e), (f), (k), (l), (m), (o) or (q) of subsection (1) of section 8, may declare in writing under his hand that such person has lost his resident status from such time as the Minister shall specify in such declaration.

(5) Any period during which a permitted entrant is in Trinidad and Tobago that is less than the period required for the acquisition of resident status under section 5(1) (b) that might otherwise be counted by a person towards the acquisition of such status in accordance with regulations made under this Act is lost upon the making of a deportation order against him, unless an appeal against such order is allowed by the Minister.

(6) In no case shall residence out of Trinidad and Tobago for the purpose of serving in the public service or diplomatic or other service of Trinidad and Tobago, cause loss of resident status.

Prohibited Classes

8. (1) Except as provided in subsection (2), entry into Trinidad and Tobago of the persons described in this subsection, other than citizens and, subject to subsection (2) of section 7, residents, is prohibited, namely—

Prohibited
Classes

- (a) persons who are idiots, imbeciles, feeble-minded persons, persons suffering from dementia and insane persons, and who are likely to be a charge on public funds;
- (b) persons afflicted with any infectious or dangerous infectious disease;
- (c) persons who are dumb, blind or otherwise physically defective, or physically handicapped, which might endanger his ability to earn a livelihood, or likely to become a charge on public funds;
- (d) persons who have been convicted of or admit having committed any crime, which if committed in Trinidad and Tobago would be punishable with imprisonment for one or more years;

- (e) prostitutes, homosexuals or persons living on the earnings of prostitutes or homosexuals, or persons reasonably suspected as coming to Trinidad and Tobago for these or any other immoral purposes;
- (f) persons who are reasonably suspected of attempting to bring into Trinidad and Tobago or of procuring prostitutes or other persons for the purpose of prostitution or homosexual or other immoral purposes;
- (g) habitual beggars or vagrants;
- (h) persons who are likely to become charges on public funds;
- (i) persons who are chronic alcoholics;
- (j) persons who are addicted to the use of any drug;
- (k) persons who are engaged or at any time have been engaged or are suspected on reasonable grounds of being likely to engage in any unlawful giving, using, inducing other persons to use, distributing, selling, offering or exposing for sale, buying, trading or trafficking in any drug;
- (l) persons who are or have been at any time before or after the commencement of this Act, advocates of the overthrow by force or violence of the established Government of Trinidad and Tobago or any other country, or of all forms of law, or who advocate the abolition of organized government, or who advocate the assassination of public officials or who advocate or teach the unlawful destruction of property or who are or have been members of or affiliated to any organization which entertains and preaches any of the doctrines and practices specified in this paragraph;
- (m) persons concerning whom there are reasonable grounds for believing they are likely to engage in espionage, sabotage or any other subversive activity of any kind whatsoever directed against Trinidad and Tobago or detrimental to the security of Trinidad and Tobago;
- (n) persons, not included in any other prohibited class, who are certified by a medical officer as being mentally or physically abnormal to such a degree as to impair seriously their ability to earn a living;

- (o) persons who have been reasonably suspected of engaging in treasonable activities against Her Majesty in right of Trinidad and Tobago or of assisting Her Majesty's enemies in time of war;
 - (p) persons who cannot or do not fulfil or comply with any of the conditions or requirements of this Act or the regulations or any orders lawfully made or given under this Act or the regulations;
 - (q) any person who from the information or advice which in the opinion of the Minister is reliable information or advice is likely to be an undesirable inhabitant of, or visitor to Trinidad and Tobago.
- (2) The Minister may authorize in writing under his hand or under the hand of a person designated by him, entry into Trinidad and Tobago of—
- (a) persons passing through Trinidad and Tobago under guard to another country; and
 - (b) any other person upon such terms and conditions as he thinks fit.
- (3) In this section—
- “drug” means any substance included in the Schedule to the Narcotics Control Ordinance, or anything that contains any substance included in that Schedule, and includes any hallucinogenic drugs or any drug producing hallucinations if misused;
- “infectious diseases” and “dangerous infectious diseases” have the meanings respectively assigned to them by section 2 of the Public Health Ordinance.

Ordinance No. 27
of 1961

Ch. 12, No. 4

Permitted Entrants

9. (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,—

Permitted
entrants

- (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 provision 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 any university or college authorized by statute or charter to confer degrees; or
- (g) a person who has been accepted as a student by an educational or training establishment registered as such with the Ministry of Education and Culture, and who after entering Trinidad and Tobago is 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;
- (i) persons who are—
 - (i) members of a dramatic, artistic, cultural, athletic or other groups entering Trinidad and Tobago or who having entered are in Trinidad and Tobago for the purpose of giving performances or exhibitions of an entertaining or instructive nature, or

- (ii) entering for the purpose of engaging in a legitimate profession, trade or occupation.

The entry of persons described in subparagraphs (i) and (ii) shall be subject to and in accordance with regulations made in that behalf.

(2) Subject to this Act, an immigration officer shall issue to a person who has been allowed to enter Trinidad and Tobago under subsection (1) (other than a person mentioned in paragraph (a) or (b) thereof), a certificate which shall be expressed to be in force for a specified period and subject to such terms and conditions as may be mentioned therein.

(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 an immigration officer may extend or limit the period of his stay or vary the conditions attaching to his entry.

(4) Where a permitted entrant is in the opinion of the Minister a person described in paragraph (k), (l), (m) or (n) of subsection (1) of section 8 or a person who—

- (a) practices, assists in the practice of or shares in the avails of prostitution or homosexuality;
- (b) has been convicted of an offence and sentenced to a term of imprisonment for one or more years;
- (c) has become an inmate of any prison or reformatory;
- (d) was a member of a prohibited class at the time of his admission to Trinidad and Tobago;

- (e) has, since his admission to Trinidad and Tobago become a person who would, if he were applying for admission to Trinidad and Tobago, be refused admission by reason of his being a member of a prohibited class other than the prohibited classes described in paragraphs (a) (b), (c), and (p) of subsection (1) of section 8;
- (f) was admitted or deemed to have been admitted to Trinidad and Tobago under subsection (1) of this section and remains therein after the expiration of the certificate issued to him under subsection (2) or under section 50 (2);
- (g) 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 or escaped from lawful custody or detention under this Act;
- (h) came into Trinidad and Tobago or remains therein with a false or improperly issued passport, visa or other document pertaining to his admission or by reason of any false or misleading information, force, stealth or fraudulent or improper means, whether exercised by himself or by any other person;
- (i) returns to or remains in Trinidad and Tobago contrary to the provisions of this Act after a deportation order has been made against him or otherwise;
- (j) came into Trinidad and Tobago as a member of a crew and, without the approval of an immigration officer or beyond the period approved by such officer, remains in Trinidad and Tobago after the departure of the vessel on which he came into Trinidad and Tobago,
- (k) has, since he came into Trinidad and Tobago broken any of the terms and conditions of the certificate issued to him under subsection (2)

the Minister may at any time declare that such person has ceased to be a permitted entrant and such person shall thereupon cease to be a permitted entrant.

(5) The Minister may make a deportation order against a person referred to in subsection (4), and in section 50 (5) and such person shall have no right of appeal and shall be deported as soon as possible.

Entry under Permit

10. (1) The Minister may issue a written permit author- Issue of permits izing any person not specifically referred to in subsection (1) of section 9 to enter Trinidad and Tobago or, being in Trinidad and Tobago, to remain therein.

(2) A permit shall be expressed to be in force for a specified period not exceeding twelve months, and during the time that it is in force such permit stays the execution of any deportation order that may have been made against the person concerned.

(3) Subject to subsection (4) and without prejudice to the generality of his powers under this section, the Minister may issue a permit to the following persons to enter Trinidad and Tobago or being in Trinidad and Tobago to remain therein, that is to say:

(a) persons such as are described in paragraph (a) or (b) of subsection (1) of section 8, if satisfied that such persons are—

(i) unlikely to become charges on the public funds; or

(ii) members of a family in Trinidad and Tobago and the family of such persons have given satisfactory security against their becoming charges on the public funds,

and that, except in the case of persons described in section 8 (1) (a) in respect of whom as is mentioned in paragraph (ii) satisfactory security is given, the Minister responsible for Health has agreed to their treatment and care at any health resort, hospital, sanatorium, asylum or other place or institution in Trinidad and Tobago.

(b) persons such as are described in paragraph (1) of subsection (1) of section 8 if satisfied that such persons have ceased to be members of or associated with such organizations, groups or bodies and that the entry of such persons would not be detrimental to the security of Trinidad and Tobago.

(4) The Minister may attach to the entry or remaining in Trinidad and Tobago of such persons such terms and conditions as he may think fit, and if any person to whom a permit has been granted under subsection (3), contravenes any such term or condition, the Minister may cancel such permit.

(5) The Minister may, at any time in writing, extend, vary or cancel a permit.

(6) The Minister may, upon the cancellation or expiration of a permit, make a deportation order respecting the person concerned and such person shall have no right of appeal from the deportation order and shall be deported as soon as practicable.

Unlawful
entrants and
prohibited
immigrants—

11. Nothing in this Part shall be construed as conferring any right to be or to remain in Trinidad and Tobago on any person who—

(a) either before or after the commencement of this Act has come into Trinidad and Tobago otherwise than in accordance with the former Ordinance or this Act, as the case may be; or

(b) is at the date of the commencement of this Act a prohibited immigrant within the meaning of the former Ordinance,

and the Minister may make a deportation order against such person and such person shall have no right of appeal therefrom and shall be deported as soon as possible.

PART II

ADMINISTRATION

Immigration Officers

Immigration
Officers

12. (1) The following persons are immigration officers for the purposes of this Act—

(a) persons appointed as immigration officers in the manner authorized by law;

(b) where no immigration officer is available for duty at a port of entry, the senior Customs Officer at that port or any subordinate Customs Officer designated by him.

(2) Every immigration officer has the authority and powers of a constable to enforce any provision of this Act, the regulations or any order lawfully made under this Act or the regulations relating to the arrest, detention or deportation of any person.

(3) For the purposes of subsection (2), every immigration officer may, in cases of emergency, employ such temporary assistants as he deems necessary to enable him to carry out his duties under this Act and the regulations and such temporary assistants shall, during their employment, have the authority and powers referred to in subsection (2), but no such employment shall continue for a period exceeding forty-eight hours unless approved by the Minister.

(4) Every immigration officer has authority to administer oaths and take evidence under oath or by affirmation of any matter arising under this Act.

(5) An immigration officer shall not disclose directly or indirectly, to any person except—

(a) the Minister or a person authorized by him to be privy to the information; or

(b) a member of the immigration department, any information whatever obtained by virtue of any provision of this Act.

(6) For the purpose of exercising his powers and carrying out his duties under this Act, an immigration officer may—

(a) without a search warrant, enter upon and search any vessel in Trinidad and Tobago;

(b) question, within the scope of his functions under the Act, any person who desires to enter or leave Trinidad and Tobago or who he believes is a prohibited immigrant.

13. (1) Immigration officers in charge of a port of entry are Special Inquiry Officers and the Minister may nominate such other immigration officers as he deems necessary to act as Special Inquiry Officers.

Special Inquiry
Officers

Powers of
Inquiry

(2) A Special Inquiry Officer has authority to inquire into and determine whether any person shall be admitted into Trinidad and Tobago or allowed to remain in Trinidad and Tobago or shall be deported and for the purpose of the exercise of such authority has all the powers and may do any of the things mentioned in the Schedule.

Schedule

(3) Any person aggrieved by the decision of a Special Inquiry Officer may within forty-eight hours appeal to the Minister on the prescribed form and the decision of the Minister shall be final and conclusive and shall not be questioned in any court of law.

Arrest and
detention

14. (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.

(2) The Minister, the Chief Immigration Officer or a Special Inquiry Officer, may make an order for the detention of or direct the detention of any such person.

(3) Where the person concerned is an inmate of a reformatory or prison, the Minister may, instead of issuing a warrant or order under subsection (1) or (2), issue an order to the Commissioner of Prisons or other person in charge thereof commanding him, at the expiration of the sentence or term of imprisonment awarded to such person or at the expiration of his sentence or term of imprisonment as reduced by the operation of law, to detain such person and deliver him to an immigration officer to take into custody and cause him to be detained as the warrant may direct.

(4) A warrant or order made or a direction given under this section is, notwithstanding any other law, sufficient authority to the person to whom it is addressed or who may, under this Act, receive and execute it, to arrest and take into custody or cause the detention of the person concerned, as the case may be.

Arrest without
warrant in
certain cases

15. Every constable 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 section 8.

16. Any person in respect of whom an inquiry is to be held, or an examination under section 18 has been deferred, under section 20, or a deportation or rejection order has been made may be detained pending inquiry, examination, appeal or deportation at an immigration station or other place satisfactory to the Minister.

17. (1) Subject to any order or direction to the contrary by the Minister, a person taken into custody or detained may be granted conditional release or an order of supervision in the prescribed form under such conditions, respecting the time and place at which he will report for examination, inquiry or deportation, on payment of a security deposit or other conditions, as may be satisfactory to the Special Inquiry Officer.

(2) Where a person fails to comply with any of the conditions under which he is released from custody or detention he may without warrant be retaken into custody forthwith and any security deposit that may have been made as a condition of his release shall be forfeited and shall form part of the general revenue.

Examination of persons seeking admission or entry

18. (1) Every person, including citizens of Trinidad and Tobago and residents, seeking admission shall first appear before an immigration officer at a port of entry or at such other place as may be designated by an immigration officer in charge of the port of entry, for examination as to whether he is or is not admissible.

(2) Every person shall answer truthfully all questions put to him by an immigration officer at an examination and his failure to do so shall be forthwith reported by the immigration officer to a Special Inquiry Officer and shall, in itself, be sufficient ground for deportation where so ordered by the Special Inquiry Officer.

(3) Unless the examining immigration officer is of the opinion that it would or may be contrary to a provision of this Act or the regulations to admit a person examined by him, he shall, after such examination, immediately grant admission to such person.

19. Where so required by the regulations, a person seeking admission to Trinidad and Tobago or a person referred to in section 8 shall undergo a mental or physical examination or both by a medical officer.

Where a person
cannot be
properly examined

20. (1) Where, in the opinion of the examining immigration officer, a person appearing before him for examination cannot be properly examined due to the effects of alcohol, drugs, illness or who is a person prescribed in section 8 (1)(h) 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.

(2) A rejection order in the prescribed form or copy thereof shall be served upon the person against whom it is made and upon the owner or master of the vessel by which such person was brought to Trinidad and Tobago.

(3) A rejection order shall cease to be in force or to have effect when the person against whom it was made again appears before an immigration officer and can, in the opinion of such officer, be properly examined by him.

Inquiries

Report on
persons seeking
admission

21. (1) Where an immigration officer, after examination of a person seeking to enter into Trinidad and Tobago, is of opinion that it would or may be contrary to a provision of this Act or the regulations to grant admission to such person into Trinidad and Tobago, he may either—

(a) make an order for the rejection of such person;
or

(b) cause such person to be detained pending the submission of a report to a Special Inquiry Officer.

(2) A person in respect of whom an order for rejection has been made under paragraph (a) of subsection (1) who is aggrieved by the making of such order may forthwith give notice of appeal to the immigration officer.

(3) Where a notice of appeal has been given under subsection (2), the immigration officer shall forthwith make arrangements for the appeal to be heard and determined by a Special Inquiry Officer.

(4) Where a notice of appeal has been given under subsection (2), the immigration officer may either—

(a) cause such person to be detained pending the hearing and the determination of such appeal;
or

- (b) release such person on such terms and conditions as he thinks fit having regard to all the circumstances of the case.

22. (1) Where he has knowledge thereof, any public officer shall send a written report to the Chief Immigration Officer, with full particulars concerning—

Reports on
persons in
Trinidad and
Tobago

- (a) any person, other than a citizen of Trinidad and Tobago, who engages in, advocates or is a member of, or associated with any organization, group or body of any kind that engages in or advocates subversion by force or other means of democratic government, institutions or processes;
- (b) any person, other than a citizen of Trinidad and Tobago, who, if in Trinidad and Tobago has, by a court of competent jurisdiction, been convicted of any offence involving disaffection or disloyalty to Her Majesty;
- (c) any person, other than a citizen of Trinidad and Tobago, who, if out of Trinidad and Tobago, engages in espionage, sabotage or any activity detrimental to the security of Trinidad and Tobago;
- (d) any person, other than a citizen of Trinidad and Tobago, who is convicted of an offence for the violation of section 4 of the Narcotic Control Ordinance;
- (e) any person who being a resident is alleged to have lost that status by reason of section 7 (2) (b) or (4);
- (f) any person, who, being a permitted entrant, has been declared by the Minister to have ceased to be such a permitted entrant under subsection (4) of section 9;
- (g) any person other than a citizen or resident of Trinidad and Tobago who has become a charge on the public funds;
- (h) any person, other than a citizen of Trinidad and Tobago, who counsels, aids, or abets others to remain in the country illegally.

(2) Every person who is found upon an inquiry duly held by a Special Inquiry Officer to be a person described in subsection (1) is subject to deportation.

Powers of Special
Inquiry Officer

23. (1) Where a Special Inquiry Officer receives a report under section 18 he may admit such person into Trinidad and Tobago or may cause such person to be detained for immediate inquiry under this Act.

(2) Subject to any order or direction by the Minister, the Chief Immigration Officer shall, upon receiving a written report under section 22 and where he considers that an inquiry is warranted, cause an inquiry to be held concerning the person respecting whom the report was made.

(3) Where a Special Inquiry Officer receives a report under section 21 with respect to a person seeking admission into Trinidad and Tobago who has been detained he shall hold an inquiry concerning such person.

Nature of
hearing

24. (1) An inquiry by a Special Inquiry Officer shall be separate and apart from the public and in the presence of the person concerned wherever practicable, but the person concerned shall, on request, be entitled to a public hearing.

(2) The person concerned shall be entitled to conduct his case in person or by counsel or solicitor, or may be assisted in conducting his case at the hearing by any other person with leave of the Special Inquiry Officer (which leave should not be unreasonably withheld).

(3) The Special Inquiry Officer may, at the hearing, receive and base his decision upon evidence considered credible or trustworthy by him in the circumstances of each case.

(4) Where an inquiry relates to a person seeking admission to Trinidad and Tobago, the burden of proving that he is not prohibited from admission to Trinidad and Tobago rests upon him.

Decision

(5) If the respondent in a deportation matter admits the factual allegations in the order to show cause and is willing to leave Trinidad and Tobago voluntarily and at no expense to the Government of Trinidad and Tobago, he may make verbal application for voluntary departure before the Special Inquiry Officer and if the Special Inquiry Officer is satisfied that the case is genuine he may issue the prescribed form in this matter.

25. (1) At the conclusion of the hearing of an inquiry, the Special Inquiry Officer shall give his decision in writing as soon as possible and shall give it in the presence of the person concerned wherever practicable. ^{Decision after inquiry}

(2) Where the Special Inquiry Officer decides that the person concerned is a person to whom section 4 relates he shall, upon giving his decision admit or let such person come into Trinidad and Tobago or remain therein, as the case may be.

(3) Where the Special Inquiry Officer decides that the person concerned is a person who—

(a) in the case of a permitted entrant, is not a member of a prohibited class;

(b) in the case of a person other than a citizen of Trinidad and Tobago, or a resident who is in Trinidad and Tobago, is not proven to be a person described in paragraph (d), (e), (f), (j), (k), (l), (m) or (o) of section 8; or

(c) in the case of a resident who is in Trinidad and Tobago is not proven to have lost that status by reason of subsection (1) of section 7,

he shall, upon giving his decision, subject, in the case of the admission of a person mentioned in paragraph (a), to the provisions of this Act and the regulations and any directions to the contrary given him by the Minister, admit or let such person come into Trinidad and Tobago or remain therein, as the case may be.

(4) In the case of a person other than a person referred to in subsection (2), the Special Inquiry Officer shall, upon giving an adverse decision make an order for the deportation of such person.

26. An inquiry may be re-opened by a Special Inquiry Officer or by order of the Minister for the hearing and receiving of any additional evidence or testimony and a Special Inquiry Officer has authority, after hearing such additional evidence or testimony, to confirm, amend or reverse the decision previously given. ^{Re-opening of inquiry}

27. (1) No appeal may be taken from a deportation order in respect of any person who is ordered deported as a member of a prohibited class described in paragraph (a), (b) or (c) of subsection (1) of section 8, where the decision is based upon a certificate of the examining medical officer, or as a person described in paragraphs (j) and (k) of subsection (1) of section 8. ^{Appeals}

(2) Except in the case of a deportation order against persons referred to in section 50 (5), an appeal may be taken by the person concerned from a deportation order if the appellant within twenty-four hours serves a notice of appeal in the prescribed form upon an immigration officer or upon the person who served the deportation order.

(3) All appeals from deportation orders may be reviewed and decided upon by the Minister, and subject to sections 30 and 31, the decision of the Minister shall be final and conclusive and shall not be questioned in any court of law.

(4) The Minister may—

- (a) consider all matters pertaining to a case under appeal;
- (b) allow or dismiss any appeal; or
- (c) quash a decision of a Special Inquiry Officer that has the effect of bringing a person into a prohibited class.

(5) The Minister may in any case where he thinks fit appoint an Advisory Committee consisting of such persons as he may think fit for the purpose of advising him as to the performance of his functions and the exercise of his powers under this section.

PART III

DEPORTATION AND TRANSPORTATION

Deportation

Deportation
Service of
order

28. A deportation order or copy thereof shall be served upon the person against whom it is made and upon such other persons and in such manner as may be prescribed.

Execution of
deportation

29. (1) Unless otherwise provided in this Act, a deportation order shall be executed as soon as practicable.

(2) A deportation order does not become invalid on the ground of any lapse of time between its making and execution, and remains valid after execution unless cancelled by the Minister.

(3) An appeal against a deportation order shall stay the execution of the order pending the decision thereon.

(4) A person who has committed an offence against this Act or the regulations may, notwithstanding the fact that a deportation order has been made against him, be

prosecuted and required to undergo any punishment that may be imposed upon him in respect of such offence before he is deported.

(5) A deportation order that has been made against a person who was at the time of its issue an inmate of any prison or becomes an inmate of such an institution before the order can be executed, shall not be executed until such person has completed the sentence or term of imprisonment awarded or at the expiration of his sentence or term of imprisonment as reduced or remitted by lawful authority.

(6) A person in respect of whom a deportation order is made shall leave Trinidad and Tobago in accordance with the terms of the order, and shall thereafter so long as the order is in force remain out of Trinidad and Tobago.

Any person who contravenes or fails to comply with the foregoing provisions of this subsection is guilty of an offence.

Any person who returns to Trinidad and Tobago in contravention of a deportation order may again be deported under the original order.

(7) Subject to subsection (9), a person against whom a deportation order has been issued shall be deported to the place whence he came to Trinidad and Tobago or to the country of which he is a national or citizen or to the country of his birth or to such country as may be approved by the Minister under this Act.

(8) Any person who, having been removed or otherwise lawfully sent out of Trinidad and Tobago, enters or resides in Trinidad and Tobago without the permission in writing of the Minister or Chief Immigration Officer shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding four hundred dollars or to both such imprisonment and fine, and shall, in addition to any penalty for such offence, be liable to be removed or again removed as the case may be from Trinidad and Tobago.

Return of
deportee

(9) Unless otherwise directed by the Minister or an immigration officer in charge, a person against whom a deportation order has been made may be requested or allowed to leave Trinidad and Tobago voluntarily, provided he complies with the conditions governing voluntary departure.

Arrangements
for deportees

(10) Where any person is ordered to be removed from Trinidad and Tobago under the provisions of this Act, it shall be lawful for the Minister or Chief Immigration Officer to order such person to be detained in custody for such period as may be necessary for the purpose of making arrangements for his removal, so however, that any person detained under this subsection who appeals under the provisions of section 21 or section 27 against the order of removal may, in the discretion of the Minister or Chief Immigration Officer, be released pending the determination of his appeal, on such conditions as to furnishing security or otherwise as the Minister or Chief Immigration Officer may deem fit.

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

(12) Any person who is detained in custody in pursuance of an order made by the Minister or Chief Immigration Officer under subsection (10) may be so detained in any prison, police station or immigration depot, or in any other place appointed for the purpose by the Minister or Chief Immigration Officer.

Jurisdiction of
Court

30. Subject to section 31 (2) no court has jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision or order of the Minister, the Chief Immigration Officer, a Special Inquiry Officer or an immigration officer had, made or given under the authority of and in accordance with this Act relating to the detention or deportation of any person, upon any ground whatsoever, unless such person is a citizen of Trinidad and Tobago or is a resident.

Right of appeal
for citizens
and residents, &c.

31. (1) 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 section 7 (4) or any rejection order or deportation order of the Minister, a Special Inquiry Officer or immigration officer with respect to a person who claims to be a citizen or resident of Trinidad and Tobago.

(2) A person to whom section 50 (5) 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 the said section 50, or, where the application is refused because the Minister considers that such person is not ordinarily resident in Trinidad and Tobago for five years upon the commencement of this Act, on the ground that he was so ordinarily resident.

(3) 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.

Transportation

32. (1) Where a deportation order or rejection order is made against a person, the transportation company that brought him to Trinidad and Tobago shall, when he is deported pay the costs of deportation or rejection from the port of entry from which he will leave Trinidad and Tobago and shall at its expense convey him or cause him to be conveyed to the place whence he came to Trinidad and Tobago or to the country of which he is a national or citizen or to the country of his birth as directed in the deportation order, rejection order or other order or direction made by the Minister, Chief Immigration Officer, a Special Inquiry Officer or an immigration officer or at the request of the transportation company and subject to the approval of the Minister, to a country that is acceptable to such person and that is willing to receive him.

(2) Where a person against whom a deportation order has been made is being detained in any place in Trinidad and Tobago, other than the port of entry from which he will leave Trinidad and Tobago, the transportation company or companies that brought him to such place shall, when he is deported, at its or their expense, convey him or cause him to be conveyed to that port of entry in accordance with the direction or order made in that behalf by the Minister, Chief Immigration Officer, a Special Inquiry Officer or an immigration officer.

(3) Notwithstanding anything in this section, where an inquiry is ordered more than five years after the date on which the person concerned was admitted to Trinidad and Tobago or where deportation is ordered due to causes that arose subsequent to admission, the deportation costs shall not be paid by the transportation company concerned.

Act No. 12
—1962
Liability of
transportation
Company

(4) The Minister may direct that the costs of transportation from Trinidad and Tobago be paid out of moneys appropriated by Parliament in the case of a person—

- (a) whose transportation costs are not, under this Act, payable by a transportation company;
- (b) who should, in the opinion of the Minister, be assisted in leaving Trinidad and Tobago;
- (c) who is, in the opinion of the Minister unable to defray, without hardship, his own costs of transportation.

Cost of detention of persons seeking admission to Trinidad and Tobago

33. (1) The transportation company that brought to Trinidad and Tobago a person seeking admission thereto shall pay all costs of his detention.

(2) A transportation company is not required to pay the detention costs of any person who is detained after he has been admitted to Trinidad and Tobago, except in the case of a person described in paragraph (j) of subsection (4) of section 9.

Duties of transportation companies to carry out deportation direction

34. Every transportation company which by this Act, is directed to pay deportation or rejection costs or to carry any person who is ordered, deported or rejected shall at their expense—

- (a) detain and guard safely the person concerned until he can be placed on board the vessel on which he is to be carried;
- (b) accept on board such vessel, guard safely and transport such person in accordance with the deportation or rejection order or other order or direction or any regulation issued or made in that behalf; and
- (c) treat in a humane manner and feed the deportee.

Transportation of deported person

35. Where pursuant to section 32, a transportation company is obligated to pay the costs of deportation of a person who is to be deported, it shall be notified thereof and given an opportunity of conveying him or causing him to be conveyed on one of its own vessels or otherwise, but, where the transportation company, after being notified, is not prompt in furnishing transportation or if it is expedient that the deportee leave the country immediately, the Minister may direct that such person be deported by other transportation at the expense of the Government and the obligated transportation company shall, on demand, reimburse the Government for the transportation expenses and any costs of the detention or safeguarding of the deported person incurred while en route or otherwise.

36. (1) A transportation company bringing persons to Trinidad and Tobago shall not, upon the arrival of its vessels in Trinidad and Tobago, allow—

Duty to prevent passengers from leaving vehicles at unauthorized times or places

- (a) any person to leave the vessel at a place other than a designated port of entry;
- (b) individual persons or groups of persons to leave the vessel until permission has been granted by an immigration officer in charge of the port of entry or by an immigration officer authorized by him.

(2) Any master of a vessel who knowingly suffers any person who arrives in such vessel to land therefrom contrary to the provisions of this Act shall be guilty of an offence.

(3) Any prohibited immigrant who knowingly and willingly lands or suffers himself to be landed and any person who knowingly lands or procures to be landed or who aids or assists in landing any prohibited immigrant contrary to the provisions of this Act shall be guilty of an offence.

37. (1) Immigration officers may inspect any vessel bringing or taking persons to or from Trinidad and Tobago, examine the persons and their baggage carried by it, examine any records or documents relating to such persons and take copies of extracts therefrom and may hold and detain such vessel until their inspection and examination are completed.

Rights of Immigration Officers to inspect vessels, documents, &c.

(2) The master of any vessel leaving the country must report to an Immigration Officer at a place designated by him immediately prior to departure to enable the said immigration officer to examine the crew and passengers.

(3) All passengers and crew seeking to leave Trinidad and Tobago may be required to report to an immigration officer at a place to be determined by him, and to complete an international E/D Card in the form as may be prescribed and submit his travel document and other papers for examination.

38. No vessel bringing persons to Trinidad and Tobago shall be granted clearance if the transportation company operating it or the owner or master thereof has, in the opinion of an immigration officer in charge, committed an

Clearance

offence under any provision of this Act or the regulations, but clearance may be granted in the discretion of the immigration officer in charge, if a sum of money or other security is deposited with him at least equal to the maximum fine that may be imposed for such offence.

Medical treatment

39. (1) Where a medical officer is of opinion that a person seeking admission to Trinidad and Tobago is or may be, either pending his admission or pending his deportation where admission has not been granted, suffering from sickness or mental or physical disability or has been in contact with a contagious or infectious disease, such person may, where it is so directed by the Minister, Chief Immigration Officer, an immigration officer in charge of a port of entry or a medical officer, be afforded medical treatment or held for observation or diagnosis, on board the vessel by which he was brought to Trinidad and Tobago or at an immigration station or may be removed to a suitable hospital or other place for treatment, observation or diagnosis as so directed and the cost of treatment, medical attention and maintenance shall be paid by the transportation company that brought such person to Trinidad and Tobago.

(2) The Minister, Chief Immigration Officer or an immigration officer in charge of a port of entry may, where he considers it advisable for the proper care of such person, direct that a member of his family or other suitable attendant be kept with him during his period of medical attention and treatment, including, in the case of deportation, his journey to the port of entry from which he will leave Trinidad and Tobago, and to his port of destination if this is necessary and the costs thereof shall be paid by the transportation company that brought him to Trinidad and Tobago.

PART IV

OFFENCES AND PENALTIES

Specific offences
against this Act

40. Every person who—

- (a) comes into Trinidad and Tobago at any place other than a port of entry and fails to report to an immigration officer for examination;

- (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;
- (c) escapes or attempts to escape from lawful custody or detention under this Act;
- (d) eludes examination or inquiry under this Act or, having received a summons issued by a Special Inquiry Officer, fails without valid excuse, to attend an inquiry or, where required by such summons, to produce any document, book or paper that he has in his possession or under his control relative to the subject matter of the inquiry;
- (e) refuses to be sworn or to affirm or declare, as the case may be, or to answer a question put to him or does not truthfully answer all questions put to him at an examination or inquiry under this Act;
- (f) makes any false or misleading statement at an examination or inquiry under this Act or in connection with the admission of any person to Trinidad and Tobago or the application for admission by any person;
- (g) makes a false promise of employment or any false representation by reason of which a person is induced to seek admission to Trinidad and Tobago or is assisted in any attempt to seek admission unlawfully to Trinidad and Tobago or by reason of which his admission is procured;
- (h) makes any charge to or receives any fee, recompense or reward from any person to secure or assist in securing the admission to Trinidad and Tobago of any person; or
- (i) induces, aids or abets or attempts to induce, aid or abet any person to violate a provision of this Act or the regulations or to commit any offence under this Act or the regulations,

is guilty of an offence and is liable on summary conviction, for the first offence to 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.

Offences
respecting
immigration
officers and
members of the
Immigration
Department

41. (1) Every person who—

- (a) being an immigration officer or any other employee of the Immigration Department makes or issues any false document, certificate, declaration, statement or return touching upon any matter connected with his office or duty or accepts, agrees to accept or induces or assists another person to accept any bribe or other remuneration or benefit with respect to any matter connected with his office or duty or otherwise forsakes his duty;
- (b) being an immigration officer or any other employee of the Immigration Department violates a provision of this Act or the regulations or commits any offence under this Act or the regulations or induces, aids or abets or attempts to induce, aid or abet any other person to do so;
- (c) gives, offers or promises to give any bribe, recompense or consideration of any kind to or makes any agreement or arrangement with an immigration officer to induce him in any way to forsake his duty or to conceal or connive at any act or thing by which this Act or the regulations may be violated or an offence committed thereunder;
- (d) personates or holds himself out to be an immigration officer or takes or uses any name, title, uniform or description or otherwise acts in any manner that may lead any person wrongly to infer that he is an immigration officer; or
- (e) obstructs or impedes an immigration officer in the performance of his duties under this Act or the regulations,

is guilty of an offence and is liable on summary conviction to 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 both such fine and imprisonment.

(2) No proceedings by way of indictment for an offence under this section shall be commenced without the fiat of the Attorney General.

42. (1) A person who contravenes or fails to comply with any of the provisions of this Act is guilty of an offence, and any person guilty of an offence against this Act, 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 five hundred dollars or to imprisonment for a term of six months or to both such fine and imprisonment. Offences and penalties

(2) Notwithstanding subsection (1), where a person is charged with committing a breach of the regulations, the Chief Immigration Officer may impose such a fine for such breach or breaches but the power to impose such fine shall be exercisable in respect of the master or representative of a ship at the election of the master or representative. Power of Chief Immigration Officer to impose fine

(3) Notwithstanding anything contained in the regulations, the Chief Immigration Officer may, subject to the approval of the Minister, which approval may be signified by general directions to the Chief Immigration Officer, mitigate or remit any penalty at any time prior to the commencement of proceedings in any court against any person for an offence under this Act or the regulations. Mitigation of penalty

(4) The power of the Chief Immigration Officer under subsection (3) to mitigate or remit any penalty shall not be exercised unless the person charged with committing a breach of the regulations, admits the breach in writing in the prescribed form.

43. Any proceeding in respect of an offence under this Act or the regulations that is punishable on summary conviction may be instituted at any time within three years after the offence was committed but not thereafter. Limitations

PART V

MISCELLANEOUS

Regulations

44. (1) The Minister may make regulations for carrying into effect the purposes and provisions of this Act and, in particular, may make regulations respecting—

- (a) the conditions applicable to the grant of permission to acquire the status of a resident and the manner of making application therefor;
- (b) the registration of persons who acquire the resident status by virtue of section 5 and the registration and recording on travel documents of the status of a person who is a resident by virtue of paragraph (b) or (d) of subsection (1) of section 5;
- (c) the forms of warrants, permits, certificates or other documents to be prescribed by this Act or the regulations or issued or used for the purposes of this Act;
- (d) medical and other examinations or tests and the prohibiting or limiting of admission of persons who are unable to pass them;
- (e) the terms, conditions and requirements with respect to the possession of means of support or of passports, visas or other documents pertaining to admission;
- (f) the prohibiting or limiting of admission of persons who are nationals or citizens of a country that refuses to re-admit any of its nationals or citizens who are ordered deported;
- (g) the prohibiting or limiting of admission of persons by reason of unsuitability having regard to the economic, social, industrial, educational, labour, health or other conditions or requirements existing, temporarily or otherwise, in Trinidad and Tobago;
- (h) the procedure to be followed upon examination, inquiries and appeals to the Minister under this Act and the duties and obligations of immigration officers and the methods and procedure for carrying out such duties and obligations, whether in Trinidad and Tobago or elsewhere;

- (i) prescribing such forms and notices as he deems necessary for the carrying out of this Act;
- (j) designating ports of entry and facilities for detention for the purposes of this Act;
- (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 such transportation companies;
- (l) manifests, bills of health or other records or documents concerning the persons carried by vessels to or from Trinidad and Tobago;
- (m) the obligations and duties of transportation companies and members of a crew to safeguard persons on board vessels, to report escape from custody of persons in their custody and to take such other precautions or steps as may be required to prevent such persons from unlawfully coming to Trinidad and Tobago or, in the case of persons in their custody who are ordered deported or rejected, from failing to leave Trinidad and Tobago;
- (n) the obligations and duties of transportation companies to ensure that persons seeking admission into Trinidad and Tobago being carried by them are not within the prohibited classes and the medical examination and records of such persons carried by such companies to Trinidad and Tobago;
- (o) arrangements for the procurement of suitable uniforms and insignia to be worn by immigration officers;
- (p) the reporting, detention, custody and return of stowaways or other persons who have secreted themselves in or upon a vessel coming to Trinidad and Tobago;
- (q) lists or other information concerning the members of a crew, their discharge, transfer or desertion and the obligations and duties of transportation companies respecting the physical and mental fitness of members of a crew and the custody

- and return of deserters or any other members of a crew who are discharged from or leave the vessel and come into or remain in Trinidad and Tobago contrary to this Act or the regulations;
- (r) the boarding of ships or aircraft carrying persons seeking admission into Trinidad and Tobago after reaching Trinidad and Tobago and before such persons have left the vessels;
 - (s) Such fees as are required by the regulations to be paid;
 - (t) prescribing such matters as are by this Act required to be prescribed.

(2) Regulations made under subsection (1) shall be subject to negative resolution of the Senate and the House of Representatives.

SECURITY AND LIENS

General Security
by transportation
companies

45. (1) The Minister may at any time require any transportation company that transports or carries, directly or indirectly, persons seeking admission into Trinidad and Tobago to deposit with the Chief Immigration Officer, such sum of money or other security as the Minister deems necessary as a guarantee that such transportation company will comply with this Act and the regulations.

(2) Where a transportation company fails to comply with a provision of this Act or the regulations, the Minister may order that the whole or any part of the security money deposited by it be forfeited and thereupon such money or part is forfeited or may order that proceedings be taken to enforce payment of the whole or part of such other security as may be deposited.

(3) Any security or part thereof deposited under this section may be returned or cancelled, as the case may be, upon a direction from the Minister that such security or part is no longer required.

Security
respecting
deserters

46. (1) Where a member of the crew of a vessel deserts the vessel while in Trinidad and Tobago, or is, for any reason, to be left in Trinidad and Tobago after the departure of the vessel, the immigration officer in charge of the port of entry at which the vessel may be, may require the transportation company operating it or the owner or master thereof to deposit with him such sum of money as he deems necessary as security for the return of such member to the vessel or his deportation or other departure from Trinidad and Tobago.

(2) Where, within three years after the date of the deposit, such member of the crew returns to the vessel, has voluntarily left Trinidad and Tobago or is deported, the money deposited shall be returned, less any expenses for detention, maintenance, treatment or transportation or otherwise incurred by the Government in respect of him.

(3) Where a member of the crew has not returned to the vessel or has not voluntarily left Trinidad and Tobago or has not been deported within three years after the date of the deposit, the Minister may order that the money deposited be forfeited and thereupon it is forfeited or that it be returned subject to any further security, he may prescribe against the expenses that may be incurred by the Government, should such member of the crew be later found in Trinidad and Tobago.

(4) If conclusive proof is established that the deserter has left the country clandestinely, the deposit made on his behalf may be refunded to the transportation company.

47. (1) The immigration officer in charge at a port of entry may require any permitted entrant or group or organization of permitted entrants arriving at such port to deposit with him such sum of money as he deems necessary as a guarantee that such permitted entrant or group or organization of permitted entrants will leave Trinidad and Tobago within the time permitted by him as a condition for entry. Security that permitted entrants will leave.

(2) Where the permitted entrant or group or organization of permitted entrants fails to leave Trinidad and Tobago within the time prescribed, the immigration officer in charge may order that the sum of money so deposited be forfeited and thereupon it is forfeited and where the person or persons concerned leave Trinidad and Tobago within the prescribed time, the money deposited shall be returned, less any expenses for detention, maintenance, treatment or transportation or otherwise incurred by the Government in respect of such person or persons or any of them.

48. The Minister may authorize 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 Authority of Chief Immigration Officer

and any such duty, power or function performed or exercised by the Chief Immigration Officer under the authority of the Minister shall be deemed to have been performed or exercised by the Minister.

Evidence

49. (1) If upon any proceedings under this Act a question arises whether any person is an immigration officer, his own evidence thereof shall be *prima facie* evidence thereof and every such officer shall be deemed a competent witness upon the trial of any matter arising under this Act.

(2) The contents of all registers, permits, certificates and other documents shall be admissible in evidence in all courts upon matters coming before those courts under this Act, and the production of the register or a copy of the relevant portion thereof certified by an officer designated by the Minister for the purpose shall be *prima facie* proof of the facts recorded therein.

*Transitory Provision*Applications
by certain
persons for
resident
status and
for certificates
under section 9

50. (1) Notwithstanding anything in Part I to the contrary, a person who, upon the commencement of this Act, was ordinarily resident in Trinidad and Tobago for a period of five years is entitled to apply to the Minister for permission to become a resident, and the Minister may, if he thinks fit, grant such permission. An application under this subsection shall be made within one year of the commencement of this Act and no later, unless the Minister prescribes some further period, not exceeding three years, within which such application may be made.

(2) Every person other than a person referred to in subsection (1) who has a permit under the former Ordinance to enter Trinidad and Tobago and who wishes to remain for a longer period than that previously granted or to have conditions attaching to his entry varied, shall, within the period of six months or less as is provided in subsection (3), report in person to an immigration officer and shall, notwithstanding that he is already in Trinidad and Tobago, submit to an examination under the provisions of this Act and the regulations, and an immigration officer may issue him a certificate in accordance with section 9 (2), as if he had entered Trinidad and Tobago under subsection (1) of the said section 9.

(3) A person who immediately before the commencement of this Act has resided in Trinidad and Tobago for a period of less than five years shall, if he does not already hold a permit that is in force by virtue of having been

granted under the former Ordinance specifying some lesser period than six months, be deemed to hold a certificate under section 9 (2) authorizing him to remain in Trinidad and Tobago for a period of six months from the commencement of this Act but no longer, and the provisions of subsection (2) shall apply to such person.

(4) Subsection (3) shall not apply to a person who—

- (a) has unlawfully entered Trinidad and Tobago;
- (b) is at the date of the commencement of this Act a prohibited immigrant within the meaning of the former Ordinance.

(5) Subject to section 31 (2) where an application—

- (a) is not made within the period of one year referred to in subsection (1) or such further period as is prescribed thereunder; or
- (b) is refused,

a person shall be deemed to be a permitted entrant for the purposes of this Act, save that such person is liable to be deported, if he fails to obtain from an immigration officer a certificate in accordance with section 9 (2), as if he had entered Trinidad and Tobago under subsection (1) of the said section 9.

(6) A person who fails to comply with the provisions of subsections (2) and (3) shall for all the purposes of this Act be deemed not to be a permitted entrant and shall subject to section 27 (2) and to any provisions of this Act with respect to prosecution for offences against this Act, be deported.

(7) Where the Minister refuses an application made by a person under subsection (1), on the ground that he does not consider that such person was ordinarily resident in Trinidad and Tobago for the period required by the said subsection (1), but in no other case, he shall so certify upon giving notice of such refusal.

51. (1) Every deportation order, permit, warrant, order, ^{Transitional} direction in writing or other document that was issued, made or granted under the laws respecting immigration before the commencement of this Act and that was valid immediately prior to such commencement, shall be given effect as if issued, made or granted under this Act.

(2) Unless the Minister directs that they be continued and completed under the provisions of the law respecting immigration that were in force before the commencement of this Act, all examinations, investigations, inquiries,

appeals and other matters relating to landing, entry or deportation of any person that were commenced pursuant to such laws and are not completed at the time of the commencement of this Act shall be completed pursuant to the provisions of this Act so far as such provisions may be adapted.

(3) The Chief Immigration Officer and every immigration officer appointed in accordance with the immigration laws in force immediately prior to the commencement of this Act, continue to hold the posts to which they were appointed under such laws and are hereby vested with all the powers, functions and responsibilities that are vested in immigration officers by this Act.

Repeal

52. The following Ordinances are repealed—

- | | |
|------------------------------------|---|
| Ch. 20. No. 2 | (a) the Immigration (Restriction) Ordinance; |
| Ch. 20. No. 1
<i>26 of 1972</i> | (b) the Immigration (Indian) Ordinance except sections 53-56 thereof; |
| Ch. 20. No. 3 | (c) the Deportation (British Subjects) Ordinance; |
| Ch. 21. No. 1 | (d) the British Nationality (Offence and Fees) Ordinance; |
| Ch. 21. No. 5 | (e) the Alien Missionaries and Teachers Ordinance; |
| Ch. 21. No. 6 | (f) the Alien Criminals Ordinance; and |
| Ch. 21. No. 7 | (g) the Expulsion of Undesirable Aliens Ordinance. |

SCHEDULE

[Section 13 (2)]

POWERS OF SPECIAL INQUIRY OFFICERS

1. Special Inquiry Officers have the power of summoning before them any witnesses, and to examine such witnesses and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in any court of law and orally or in writing, and to produce such documents and things as such officers deem requisite to the full investigation of the matters into which they are appointed to examine, and to punish persons guilty of contempt. Powers of Special Inquiry Officers

2. Special Inquiry Officers have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in a Magistrate or Justice by the Summary Courts Ordinance. Idem

3. A Special Inquiry Officer may, for the purposes of an inquiry— Idem
- (a) issue a summons set out as Form No. 45 in the First Schedule to any person requiring him to appear at the time and place mentioned therein, to testify to all matters within his knowledge relative to the subject matter of the inquiry, and to bring with him and produce any document, book or paper that he has in his possession or under his control relative to the subject matter of the inquiry; Form No. 45
 - (b) administer oaths and examine any person upon oath, affirmation or otherwise;
 - (c) issue commissions or requests to persons to take evidence in Trinidad and Tobago and such persons when so authorized by the Minister, have the same powers as Special Inquiry Officers to take evidence, issue summons, enforce the attendance of witnesses, compel them to give evidence and otherwise conduct the inquiry;
 - (d) engage the services of such counsel, interpreters, technicians, or other experts, clerks, stenographers or other persons as he may deem necessary for a full and proper inquiry; and
 - (e) do all other things necessary to provide a full and proper inquiry.

Passed in the House of Representatives this 14th day of November, 1969.

G. R. LATOUR
Clerk of the House

Passed in the Senate this 10th day of December, 1969.

J. E. CARTER
Clerk of the Senate