



Joint Select Committee on Human Rights, Equality and Diversity

Public Hearing Summary Friday April 06, 2018 at 10:40 a.m.

Topic:

Inquiry into the Examination of the Treatment of Detainees at the Immigration Detention Centre (IDC)

Committee Members:

The following Committee Members were present for the public hearing:

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| • Dr. Nyan Gadsby-Dolly, MP | Chairman |
| • Mrs. Glenda Jennings-Smith, MP | Vice- Chairman |
| • Mrs. Vidia Gayadeen-Gopeesingh, MP | Member |
| • Mr. Saddam Hosein | Member |
| • Mr. Esmond Forde, MP | Member |
| • Mr. Kazim Hosein | Member |
| • Mr. Dennis Moses | Member |
| • Dr. Dhanayshar Mahabir | Member |

Witnesses who appeared:

Ministry of National Security –

- | | |
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| • Mrs. Vashti Shrikrisen Singh | Permanent Secretary (Ag.) |
| • Mrs. Charmaine Gandhi-Andrews | Chief Immigration Officer (Ag.) |
| • Mrs. Joanne Nelson-Joel | Assistant Chief Immigration Officer,
Enforcement |
| • Mr. Dennison Aley | Immigration Officer IV, IDC |
| • Mr. Curtis S. Belford | Deputy Director,
Office of Law Enforcement Policy |
| • Mr. Kent Downer | Senior Emergency Medical Technician |
| • Ms. Dassie Bharath | Administrative Officer II |

Key Issues Discussed were:

1. There were 120 detainees at the IDC as at April 06, 2018 (85 males and 35 females);
2. The most common breaches of the Immigration Act, Chap. 18:01 from current detainees at the IDC were:
 - Illegal entry into Trinidad and Tobago (52 detainees);
 - Overstayed visit/ working illegally/ expired travel documents (40 detainees);
 - Drug trafficking (12 detainees);
 - Trafficking counterfeit currency (1 detainee);
 - Tendering fraudulent documents; and
 - Other offences.
3. IDC Detention is utilized as a last resort, after the Immigration Officers seek a relative or person who is willing to put up a security bond for detainee custody release under an Order of Supervision;
4. There were discrepancies between the written submissions provided to the Committee by the Ministry of National Security and those provided by the NGOs including the Living Water Community and the Emancipation Support Committee. Some of the discrepancies identified were:
 - Lack of access to legal representation and the denial of legal representation for the detainees upon request;
 - Denial of detainee access to NGOs and the denial of NGO access to the detainees;
 - Detainees are not informed of their right to request asylum;
 - Sharing of bed spaces in housing units;
 - Lack of mattresses resulting in detainees sleeping on floors;
 - Leaks and insect infestations within the housing units at the IDC;
 - Housing of non-violent detainees with those detained for criminal/violent offences such as rape or murder;
 - Lack of an appropriate system for medical care for detainees with mental illnesses;
 - Lengthy stay at the Immigration Detention Centre (IDC) with no definite end date, for example a length stay will range from 15 days to up to 2 years;
 - Lack of a proper complaint system and a formal system for addressing language barriers at the IDC;
 - Accusations of verbal, physical, mental abuse and bullying by Detention Officers at IDC; and
 - Detainees' valuables being confiscated by officers at the IDC.
5. The absence of visits by independent bodies to IDC to assess conditions and to conduct regular inspections in order to ensure compliance with international human rights best practice;
6. The need to establish an independent complaints system to investigate complaints by the detainees;

- 7.** The need for the evaluation of all detainees at the IDC by a trained psychiatrist;
- 8.** During the last six years, approximately 3 to 4 detainees were referred to the St. Ann's Psychiatric Hospital for a mental evaluation;
- 9.** There are approximately nine (9) detainees who are currently awaiting deportation at the IDC after serving time in the prisons or paying fines for criminal offences;
- 10.** The absence of a housing classification system based on offence;
- 11.** The challenges faced by the IDC in order to repatriate detainees are:
 - The high cost of airfare to certain countries and the lack of state funding;
 - The lack of permission for repatriated detainees to pass through certain countries;
 - The language barriers and the lack of availability of interpreters of the detainees' languages;
 - The need for three escorts for each detainee with a criminal record and
 - The airline ticket and housing costs for the detainees and escorts; and
 - The identification procedure and acquisition of travel documents for detainees.
- 12.** Visitors who seek to extend their stay in Trinidad and Tobago must apply for the extension on their landing certificate prior to the expiration date;
- 13.** The need to recruit additional Detention Officers to fill the vacancies in the IDC and in order to achieve the best practice 1:8 ratio of Detention Officers to detainees;
- 14.** The decision to provide bottled water to the detainees on a needs basis based on the previous destruction of the potable water dispenser by the detainees;
- 15.** The restriction to the provision of hot water to the detainees as a result of a hot water attack on Detention Officers by detainees at the IDC;
- 16.** The increase in the food budget from \$2M in 2012/2013 to \$5.5M in 2016/2017 due to the increased catering prices from \$50 per day/detainee to \$80 per day/detainee;
- 17.** There are currently 25 persons from African countries at the IDC who are in need of travel documents in order to be repatriated;
- 18.** The recent finalization of a route through Turkey and the release of funds from the Ministry of National Security to enable the repatriation of detainees to African countries;
- 19.** The absence of a provision in the Immigration Act, Chap. 18:01 to allow detainees at the IDC to apply for immigration status if they unwilling to return to their country of origin;

20. The absence of a legislation or policy to determine the treatment of persons who are refugees or registered as asylum seekers in Trinidad and Tobago;
21. The intended use of the Minister's Permit by the Immigration Division as an interim measure for refugees until permanent measures can be established to ensure temporary immigrant status for refugees in Trinidad and Tobago;
22. Detainees at the IDC are allowed the use of telephones at established time periods if they do not have access to a mobile phone; and
23. The measures adopted by the Immigration Division to reduce the number of illegal Venezuelan immigrants entering Trinidad and Tobago.

View the Hearing:

The hearing can be viewed on our YouTube page via the following link:

<https://youtu.be/kN5C-5DFKUw>

Contact Information:

You may contact the Committee's Secretary at jschumanrights@tparliament.org or 624-7275 Ext. 2288/2627.

Committees Unit

April 11, 2018