



**THE CARIBBEAN CENTRE FOR HUMAN RIGHTS  
REPORT ON “PUSHBACKS”**

**NOTE: This report focuses primarily on Venezuelans who have been the victims of pushbacks. CCHR submitted a Precautionary Measures petition to the IACHR in July 2020 in the issue of deportations.**

Trinidad and Tobago is a party to the 1951 Refugee Convention and its 1967 Protocol. Trinidad and Tobago established a draft “National Policy to Address Refugee and Asylum Matters” in 2014 but that has not been integrated into local legislation as yet.<sup>1</sup> Currently arrivals of migrants and refugees are treated under the 1976 Immigration Act which lacks provisions to deal with asylum seekers and refugees and to address their particular vulnerabilities and needs.<sup>2</sup> In the absence of domestic legislation for the protection of refugees and asylum seekers and asylum procedures in Trinidad and Tobago, and with the knowledge of the Government, the United Nations High Commissioner for Refugees (UNHCR) undertakes registration and refugee status determination pursuant to its mandate.

Under the draft Refugee Policy a framework was established to provide guidance on how to treat asylum seekers and refugees. This “Phased Approach Towards the Establishment of a National Policy” articulated the transition of Refugee Status Determination from UNHCR to the Immigration Division of Trinidad and Tobago. This draft policy outlines mechanisms that would have been established to identify persons with legitimate claims and highlights the need for state officials to be trained to screen persons and identify specific needs. However these policies and practices have not been implemented and doesn’t appear likely for the foreseeable future.

The Government of Trinidad and Tobago continues to disregard their international obligations under the 1951 Refugee Convention and its 1967 Protocol and place persons seeking international protection in Trinidad and Tobago at risk. Trinidad and Tobago continues to return asylum seekers which may constitute refoulement and CCHR has received reports of persons registered with UNHCR also being returned. Because of the lack of a national refugee policy asylum seekers are treated under the Immigration Act 1976. Anyone found entering the country is charged with illegal entry, detained and either released after a bond is paid and issued an Order of Supervision or they are deported to their country of origin. The Immigration Act does not recognize the non-penalization principle of the Refugee Convention. Persons that are found to be entering illegally are detained and then released on bond and issued an Order of Supervision. They are also required to report to Immigration Division on a monthly

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<sup>1</sup> <https://www.acnur.org/fileadmin/Documentos/BDL/2016/10346.pdf?file=fileadmin/Documentos/BDL/2016/10346>

<sup>2</sup> [https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/18.01.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/18.01.pdf)

basis after being released. This policy is not consistent as some persons are returned to their country of origin after they have been detained and charged with illegal entry which conflicts with TT's obligations to honor the principles of non-refoulement and non penalization. Additionally, in June 2019, the government of Trinidad and Tobago established a visa requirement for Venezuelans wishing to enter Trinidad and Tobago.<sup>3</sup> The establishment of a visa requirement has further challenged their ability to seek international protection in TT. Given the situation in Venezuela, passports are difficult to obtain and obtaining a visa may prove difficult for someone who may need to flee urgently.

In response to the COVID-19 pandemic, the Government of Trinidad and Tobago closed its borders in March 2020 however, Venezuelan migrants and refugees continue to seek international protection in Trinidad and Tobago and continue to enter the country irregularly making the perilous journey by boat. The arrival of Venezuelan refugees and migrants to Trinidad and Tobago is directly linked to the human rights and humanitarian crisis in neighbouring Venezuela. They also face risks of human trafficking, human smuggling and piracy. COVID-19 restrictions have made seeking international protection more challenging for asylum seekers and refugees in Trinidad and Tobago. Border closures due to COVID-19 mean that all persons entering the country are branded as illegal and the asylum process is further criminalized.

The returns of migrants and asylum seekers is particularly concerning in the context of COVID-19 and a report by Amnesty International on state run quarantine facilities in Venezuela which have been described as inhumane and a breeding ground for the spread of COVID-19.<sup>4</sup> The recent report by the UN Human Rights Council which accuses Venezuelan government officials of crimes against humanity adds to the belief that persons are returned to a place where their lives and freedom are at risk. Persons that are deported from Trinidad and Tobago are often not allowed the opportunity to challenge the deportation orders which may be considered a violation of rights enshrined in Trinidad and Tobago's Constitution that are also applicable to foreigners. The current practice of detaining persons and charging for irregular entry means that persons are not allowed access to asylum procedures and when they are deported, they are sent back to the risky situation from which they fled and they are also forced to take the risky journey back to Venezuela.

The Minister of National Security and other state officials repeatedly refer to Venezuelans as illegal immigrants which engenders a hostile environment towards asylum seekers and xenophobia within the local population.<sup>5</sup> Closed borders have been touted by the government of Trinidad and Tobago as a primary reason for keeping the infection rate low. Thus it's easy for the government to justify deportations of Venezuelans who may be perceived as bringing COVID-19 into the country. The public is led to believe that they are breaking the law, when in fact asylum seekers are forced into illegality due to

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<sup>3</sup> <https://www.looptt.com/content/fom-monday-visas-required-venez-enter-tt>

<sup>4</sup> <https://www.amnesty.org/en/latest/news/2020/09/americas-state-run-quarantines-form-repression/>

<sup>5</sup> [https://www.facebook.com/watch/live/?v=1884100525065559&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=1884100525065559&ref=watch_permalink)

the strict application of the Immigration Act and the breach of their human rights and TT's international obligations under the Refugee Convention to provide international protection are ignored.<sup>6</sup>

#### **PRESS CONFERENCE - MINISTER OF NATIONAL SECURITY**

Recent statements by the Ministry of National Security and subsequent actions by the government of Trinidad and Tobago places the Venezuelan migrants and refugees in an urgent situation that should be a cause for concern by the international community. In a government held press conference dated 25th July, 2020, the Minister of National Security (MNS), made the following statements:

He stated that only Venezuelans that are registered with the government are considered legal immigrants and thus have a legal right to reside in Trinidad and Tobago. Minister Young repeatedly referred to Venezuelans not registered with the government as "illegal immigrants".

The MNS stated that entry of "illegal immigrants" is a national security issue and their circulation in Trinidad and Tobago presents health risks and other risks to the population. He asked the public to share any information with the police on locals engaging in the importation of illegal immigrants and facilitating it.

He threatened to charge boat operators and drivers who have allegedly engaged in trafficking in persons with a breach of the Trafficking in Persons Act and further stated that the harboring of "illegal immigrants" is in breach of the Immigration Act. He threatened to charge local businessmen for allowing persons to disembark from boats from Venezuela and revoke their respective licenses.

Minister Young admitted that persons that are detained on entry are not allowed access to asylum procedures but rather they are quarantined and arrangements are made to "repatriate" them to Venezuela. The Chief Immigration Officer proposed to the MNS that a declaration be issued under the Immigration Act during the period where the borders are closed, to classify any non-nationals entering the country illegally as "undesirable" and immediately subjected to deportation.

Immigration detention policies and procedures are a grave concern for CCHR. CCHR has received reports that Venezuelans caught entering the country irregularly or interacting with anyone who entered the country irregularly are placed in a quarantine facility at the Trinidad and Tobago Defence Force base at Chaguaramas. Men, women and children are held together at the facility with no separation. Furthermore, CCHR is aware of COVID-19 positive persons not being separated from negative persons. There has been a recent report of an asylum seeker contracting COVID-19 whilst in Immigration Detention.<sup>7</sup> Additionally when persons are deported they are all placed on the same boat together. This is deeply concerning as it exposes already vulnerable persons to threats to their lives and their health.

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<sup>6</sup><https://reliefweb.int/sites/reliefweb.int/files/resources/Trinidad%2Band%2BTobago%2BReport%2B-%2BJanuary%2B2019%2B-%2B2.0.pdf>

<sup>7</sup> <https://www.guardian.co.tt/news/migrant-mom-child-stay-in-tt-pending-legal-matter-6.2.1277607.a02b171b55>

## CONCRETE INSTANCES OF PUSHBACKS

There have been instances where migrants and asylum seekers have crossed maritime borders and were escorted back out to sea.<sup>8</sup> Deportations/pushbacks denies the opportunity to assess asylum seekers claims and denies protection to vulnerable high risk groups such as victims of trafficking (VoTs), human smuggling, unaccompanied minors and other cases of specific needs that are part of the asylum seeking population. Consequently, they do not receive the protection they may be entitled to under the Refugee Convention, international law and human rights law. Because of the dire situation in Venezuela, persons that have been deported often make their way back to seek protection in Trinidad and Tobago. The strict application of the Immigration Act renders all persons entering irregularly as illegal and provides justification based on this interpretation to detain and charge them and treat them as criminals and consequently issue deportation orders.

Deportations or pushbacks of asylum seekers remains an ongoing concern in Trinidad. The issue of Immigration Detention is also strongly linked to pushbacks as immigration detention is a component of the deportation strategy. CCHR has received unconfirmed reports that the Venezuelan government assists in the maintenance of the immigration facility in Chaguaramas.

### 2018

The first significant deportation occurred in 2018 where 82 Venezuelans were returned to Venezuela. The group consisted of registered asylum seekers and persons that declared an intent to seek asylum. UNHCR was not granted access to these persons before they were deported. The following is an excerpt from a news article:

‘82 – 53 men and 29 women – were processed...after visiting the Venezuelan Embassy in Port of Spain. The presence of the Venezuelans at the embassy raised another issue, this time with the United Nations High Commission for Refugees (UNHCR) which claimed that 13 of the 82 Venezuelans were asylum-seekers and 19 others were in the process of becoming asylum-seekers.

Some Venezuelans were arrested after they had applied for asylum and alleged their documentation was destroyed by officials before they were taken to the IDC. UNHCR, in their statement, said, “The Government is saying people are returning voluntarily, but agreed procedures with UNHCR on the voluntary return of registered asylum-seekers are not being followed.”<sup>9</sup>

### 2019

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<sup>8</sup> <https://www.looptt.com/content/tt-coast-guard-turns-away-venezuelan-boats>

<sup>9</sup> <https://newsday.co.tt/2018/04/22/82-deported/>

In October 2019, seventeen of eighteen Venezuelan nationals were returned to Venezuela after being charged with illegal entry. One child was allowed to stay based on the fact that the child's parents were legally registered in Trinidad. They were escorted back to the territorial waters of Venezuela.<sup>10</sup>

In November 2019 'two pirogues with a total of 48 occupants were detained and escorted out of Trinidad and Tobago waters back to Venezuela, based on instructions received from the Immigration Division of the Ministry of National Security'.<sup>11</sup>

## 2020

A vessel carrying 32 Venezuelan nationals was intercepted by the Trinidad and Tobago Coast Guard (TTCG). It is unclear what occurred subsequent to this event. But more than likely they would have been detained and charged with illegal entry which is standard protocol.<sup>12</sup>

In July, approximately 165 Venezuelan nationals were repatriated to their home country this week. These deportations also occurred after a crackdown on human trafficking which is concerning because if there were possible victims of trafficking in this group, they should have been offered protection as per our Trafficking in Persons Act. These deportations happened around general election period, xenophobia was high and Venezuelans were being blamed for bringing in Covid, so this particular deportation may have been an effort to appease the public and not risk political suicide.<sup>13</sup>

In September a total of 93 Venezuelan nationals were repatriated to their country on Friday. According to reports, the group included refugees and asylum seekers who were being housed at the Immigration Detention Centre and the Chaguaramas Heliport. Attorney CJ Williams filed judicial review for 29 of the Venezuelan nationals with refugee status on Friday.<sup>14</sup>

In November, 29 persons were deported including 16 children after they had been detained for entering the country irregularly. Their deportation was challenged in the court but they were deported before they were granted the opportunity to have their matter heard before the court. They have since returned and their matters are pending before the court.<sup>15</sup>

Boats intercepted at sea are escorted back to Venezuelan waters by the Trinidad and Tobago Coast Guard. Venezuelans that are caught entering the country irregularly have been detained and charged with illegal entry under the 1976 Immigration Act. They are then quarantined and returned to Venezuela in collaboration with the Venezuelan government. The government does not allow them access to

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<sup>10</sup> <https://www.looptt.com/content/17-venezuelans-deported-after-being-charged-illegal-entry>

<sup>11</sup> <https://www.looptt.com/content/tt-coast-guard-turns-away-venezuelan-boats>

<sup>12</sup> <https://www.looptt.com/content/vessel-32-venezuelans-intercepted-sea>

<sup>13</sup> <https://www.looptt.com/content/165-venezuelans-repatriated-human-trafficking-crackdown>

<sup>14</sup> <https://www.looptt.com/content/93-venezuelan-nationals-repatriated>

<sup>15</sup> <https://newsday.co.tt/2021/01/26/judge-venezuelan-mother-can-challenge-deportation/>

asylum procedures.<sup>16</sup>

## 2021

Trinidad and Tobago Coast Guard (TTCG) were on border patrol and spotted a vessel with a large group on board. The TTCG intercepted the vessel following which they discovered the group, one Trinidad national and eight Venezuelans. The group was handed over to the Immigration Department to be repatriated to their homeland.

To mitigate the risk of Covid-19, the government of Trinidad and Tobago. The only options for Venezuelans to travel to TT are by air or by sea. With borders being closed, it is difficult for asylum seekers to take regular routes to access asylum and for the government of Trinidad and Tobago to identify persons arriving in TT. Asylum seekers are still able to enter irregularly via boat. They are forced to take risky boat trips across perilous seas. Also, there have been limited coast guard patrols because of the limited number of coast guard patrol vessels.

The issue of human trafficking and migrant smuggling also poses a challenge to the state in being able to ascertain who is entering TT's borders. Initial reports from a study being conducted by CARIFORUM indicate that Trinidad and Tobago Police Service (TTPS) is directly involved in human trafficking.<sup>17</sup> Police involvement means that irregular routes into the country are protected by TTPS and that persons that are in need of international protection may not be able to do so for fear of being targeted by the TTPS and enter the country under the radar.

There is also the issue of piracy between the Venezuelan and Trinidadian maritime borders. Venezuelans that are fleeing may be exposed to these criminal elements. There have been reports of boats being attacked by pirates.<sup>18</sup>

While the government of TT has engaged in humanitarian measures to support asylum seekers and refugees, they have been engaging in hostile rhetoric towards the asylum seekers and towards civil society and international organizations involved in the response. (See the screenshot for PM's statements). Civil society is also not allowed access to immigration detention and when persons are detained they are not notified. Hence asylum seekers are not granted access to asylum procedures. Thus persons that may be in need of international protection are deported before civil society has any knowledge of their presence on TT soil. Additionally, lawyers who may be acting on behalf of persons who may have family members in immigration detention are also denied access. This was occurring before the pandemic also.

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[https://trinidadexpress.com/newsextra/trini-and-venezuelans-caught-in-boat-off-cedros/article\\_48faee56-5756-11eb-908a-2f4f350b453e.html](https://trinidadexpress.com/newsextra/trini-and-venezuelans-caught-in-boat-off-cedros/article_48faee56-5756-11eb-908a-2f4f350b453e.html)

<sup>17</sup> <https://www.guardian.co.tt/news/caricom-report-tt-officers-involved-in-sex-trafficking-6.2.1160097.1ae375b233>

<sup>18</sup> <https://www.abc.net.au/news/2020-06-09/pirates-of-the-caribbean-return-trinidad-venezuela/12273988?nw=0>

## **ANNEX**

### **ACCOUNT OF A DEPORTED REFUGEE**

Mi nombre es Neymar José Heredia villalba venezolana de 24 años de edad ci 25331941 actualmente vivo en Tucupita estado delta Amacuro Venezuela.

En Abril del año 2019 motivado a la situación económica tan difícil que atraviesa mi país y porque tengo un hijo de 4años de edad tome la decisión de irme de manera ilegal a TRINIDAD Y TOBAGO gracias a dios al llegar ahí me encontré con personas buenas que me prestaron su ayuda me dieron trabajo y me ofrecieron un sitio donde quedarme con ese dinero pude ayudar económicamente a mi familia y a mi hijo.

Para el mes de junio de ese mismo año comenzó un proceso de registro para los venezolanos que se encontraban en ese país de manera ilegal y legales yo logre registrarme en el 04/06/2019 sin embargo en varias ocasiones fui a puerto España donde me tenían que entregar el carnet del registro pero nunca me lo entregaron solamente poseo el recibo del registro y también pude obtener el carnet de la UNHCR.

En el mes de AGOSTO del 2020 me encontraba en mi residencia cuando de repente llego la policía llevándose detenido varias personas que supuestamente están indocumentadas a pesar que otras personas están en la residencia, yo i otras personas les mostramos nuestros documentos del registro y de la UNHCR y ellos no le dieron importancia a eso y nos llevaron detenidos con las demás personas en total éramos 22 personas incluyendo un niño y 2 mujeres embarazadas.

Primero fuimos llevados a la estación de policía ERIN donde permanecimos 2 días en una celda y el día siguiente nos trasladaron a chaguaramas en un refugio donde permanecimos 32 días cabe destacar que allí estaban otros connacionales que tenían más tiempo que nosotros.

Varias veces nos hicieron la prueba del COVID19 pero nunca nos mostraron los resultados de dicha prueba, y nos hacían firmar documentos y nosotros no sabíamos que decían porque estaban escritos en idioma INGLES y después nos enterábamos que esos documentos decían que estábamos POSITIVOS al COVID19 sin embargo ningunos de nosotros presentamos síntomas de dicha enfermedad, cuando ese 18 de Septiembre a las 4 de la mañana nos sacan de ese refugio y nos suben a un autobús allí nos llevan al puerto de chaguaramas nos hacen firmar un documento de deportación a las República Bolivariana de Venezuela.

Durante el tiempo que permanecimos en ese refugio de chaguaramas recibimos de parte de las autoridades de allí un trato hostil, nos daban unas comida muy desagradable casi no comíamos yo perdí varios kilos nos sentíamos secuestrados por que no nos podíamos comunicar con nuestra familia, las personas que teníamos el papel del registro tuvimos la esperanza de ser liberado pronto pero nuestra sorpresa fue ese día 18 cuando nos sacan de ese refugio con engaño sin nosotros saber a dónde íbamos para posteriormente ser deportados.

REPUBLICA BOLIVARIANA DE VENEZUELA  
**CEDULA DE IDENTIDAD**  
V 25.331.941 MIM2201

APPELLIDOS HEREDIA VILLALBA  
NOMBRES NEYMAR JOSE  
Gustavo Vizcaino  
Director

*Neymar Heredia*


FIRMA TITULAR

14-01-96 SOLTERA  
F. NACIMIENTO EDO CIVIL

03-12-18 12-2028  
F. EXPEDICION F. VENCIMIENTO

VENEZOLANO



 **UNHCR**  
United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés


Registration Number  
834-19-03965

Name  
HEREDIA VILLALBA, Neymar Jose


Sex Date of Birth  
Female 14/01/1996

Country of Origin  
Venezuela

Date of Issue: 04/06/2019 Date of Expiry: 04/06/2020





  
**REPUBLIC OF TRINIDAD AND TOBAGO**  
 IMMIGRATION ACT AND REGULATIONS, CHAPTER 18:01  
**LAWS OF THE REPUBLIC OF TRINIDAD AND TOBAGO**  
**DEPORTATION ORDER AGAINST**

..... NEYMAR JOSE HEREDIA VILLALBA .....

I have reached the decision that you may not enter or remain in Trinidad and Tobago for the reason that:

(i) You are neither a citizen nor a resident of Trinidad and Tobago  
 (ii) You are a person described in Section 8(1)(a) of the Immigration Act, Chapter 18:01 of the Laws of the Republic of Trinidad and Tobago which state:

**Section 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 section 7(2), residents, is prohibited, namely:-**


**Paragraph (a) - "any person who from information or advice which in the opinion of the Minister is reliable information or advice is likely to be an undesirable person just as or visitor to Trinidad and Tobago."**


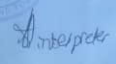
I hereby order you to be detained and to be deported to the **BOLIVARIAN REPUBLIC OF VENEZUELA** and I further order you to remain out of Trinidad and Tobago while this Order is in force.

07.09.2020  
 Date 30/9  
 Minister of National Security

WHEREAS I have been served with a Deportation Order, the service of which order is hereby acknowledged by me; now I, **NEYMAR JOSE HEREDIA VILLALBA**, hereby undertake that I will not return to Trinidad and Tobago unless I am specially permitted by the Minister, in writing, to return.

DECLARED AT 08:45 AM this 15th day of September, 2020  
 (Place)

  
 (Signature of Deponee)

WITNESSED   
 Signature of Immigration Officer 

Ministry of National Security  
 Republic of Trinidad and Tobago  
 Migrant Registration Acknowledgement Receipt

This is to certify that the bearer of this document whose bio-data information appears below has been registered with the Ministry of National Security, Trinidad and Tobago:

Registration Number: 9567098 050076-2019-06-09

Name: NEYMAR JOSE HEREDIA VILLALBA

Date of birth: 14/01/1994 Nationality: VENEZOLANO



Registration Date: 04/06/19 12:15:28







The Office of the Prime Minister of Trinidad and Tobago

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To Ashanti's family and all other members of families who experience this unspeakable hurt, I share your pain.

Our grief comes in double doses. As we bury our dead we continue to receive updated news of the tragic loss of many lives off the coast in Venezuela.

But do you see agents of the OAS, our Opposition and other Trinidadian and Venezuelan imps and agents are lying in the face of the available information and evidence that we have?

These imps have now been pushing a narrative that these illegals and their criminal traffickers reached Trinidad but our Authorities here turned them back and that is why they drowned in waters off the coast of Venezuela at Guiria. This is their lie!

Our Coast Guard never saw or interacted with these traffickers and their cargo. These liars who operate in Venezuela and in Trinidad and Tobago now know that THEY are now to be held criminally accountable, not only

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Our Coast Guard never saw or interacted with these traffickers and their cargo. These liars who operate in Venezuela and in Trinidad and Tobago now know that THEY are now to be held criminally accountable, not only for encouraging Venezuelans to break the law in trying to penetrate our borders but actually, physically arranging their dangerous transport and illegal reception in Trinidad.

The law will take its course in every instance in Trinidad and Tobago but in the meantime we advise all, including local do-gooders and the international press and agencies, to cease and desist from encouraging and exposing ordinary Venezuelans to risk their lives in the waters between our two nations.

It might appear to some to be a short journey but these waters are very dangerous and they should not risk their lives nor their children's future to come to Trinidad and Tobago, illegally, where currently the borders are closed in a pandemic and the only legal way to enter is by way of an application through a visa.

Currently we, the people of the tiny nation of Trinidad and Tobago, located in the mouth of the Orinoco River of Venezuela are hosting just over 16,000 registered

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Currently we, the people of the tiny nation of Trinidad and Tobago, located in the mouth of the Orinoco River of Venezuela, are hosting just over 16,000 registered Venezuelan migrants who are protected in neighbourliness, under the authority of the Government and the laws of Trinidad and Tobago.

We, the Government, receive no help from any agency to look after these migrants, many of whom are relatively recent arrivals who entered or were trafficked to our country illegally, nonetheless, last year, in empathy, we registered them all and allow them to try and make an

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and the laws of Trinidad and Tobago.

We, the Government, receive no help from any agency to look after these migrants, many of whom are relatively recent arrivals who entered or were trafficked to our country illegally, nonetheless, last year, in empathy, we registered them all and allow them to try and make an honest living within our borders.

Most of them pursue this path offered to them.

However, regardless of the political or economic affairs in Venezuela, or any other territory, all persons interacting with Trinidad and Tobago must do so under an understanding that we all do so in strict accordance with the laws of Trinidad and Tobago.

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**The Office of the Prime Minister of Trinidad and Tobago** was live.

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Ministry of Health Media Conference - Monday 14th December 2020.

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