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On Becoming a Migration State:
Immigration Control in Small-Island, Decolonized States – The Trinidad and Tobago Case

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by

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The Thesis of Shane Solomon Prince is approved, and it is acceptable in quality and form for publication on microfilm and electronically.

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DEDICATION

For Margaret & Wendy.

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LIST OF ABBREVIATIONS

Caricom	Caribbean Community
CARIFTA	The Caribbean Free Trade Association
CDERA	Caribbean Disaster Emergency Response Agency
Covid-19	Coronavirus disease 2019
EU	European Union
IOM	International Organization for Migration
MP	Member of Parliament
NALIS	National Library and Information Systems Authority of Trinidad and Tobago
PNM	People's National Movement
SIDMS	Small-Island, Decolonized Migration State
SIDS	Small-Island, Developing States
T&T	The Republic of Trinidad and Tobago
TTCD	Trinidad and Tobago Coast Guard
TTID	Trinidad and Tobago Immigration Division
UK	United Kingdom
UN	United Nations
UNC	United National Congress
UNHCR	United Nations High Commissioner for Refugees
US	United States of America

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ABSTRACT OF THE THESIS

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Venezuela is in crisis and people are fleeing. However, unlike in the Ukraine/Russia conflict, Venezuelan displacement is not a consequence of war, or any of the other five conditions delineated under the Geneva Convention of 1951. Instead, the Venezuelan exodus comes as the most impactful symptom of political malfeasance and economic mismanagement in high office. Consequently, millions of Venezuelans have been displaced and many now live precarious lives, on island nations ill prepared for their arrival and/or permanence. Notwithstanding, neighboring small island developing states (SIDS) like Trinidad & Tobago

(T&T) are now experiencing unprecedented migrant inflows from Venezuela. This novel wave of immigration has presented T&T and other Caribbean countries with unique challenges seldom seen in the conventional migration states of the global North. This study asserts that these SIDS are a type of emergent migration state and advances an addition to existing migration state model by examining the unique ways in which such small island decolonized countries respond to unprecedented changes in immigration patterns. This study takes the case of T&T and uses it to illustrate the immigrant nature of population expansion in the colonial West Indies and how the now independent countries of the Caribbean had their demographics artificially created. Additionally, the study explains the use of ambivalent immigration policy in SIDMS as a function of path dependent legislation and their past.

CHAPTER 1

INTRODUCTION
The Small-Island, Decolonized Migration State

The Caribbean region; renowned for its idyllic tropical climate, welcoming citizens and overall 'island vibe'; consists of several island nations whose demographics, politics and economic systems are attributable to intimate, colonial relationships with Empire. Today, a 15-member-state Caribbean Community (Caricom), primarily born out of Britain's last round of twentieth century decolonization[1] has emerged amongst the nations of the Caribbean basin. Today, according to Mahabir, this community is experiencing important developments in migratory flows (2006), and is now the reapperture of a once productive migration corridor. In light of such developments and the 're'-establishment of extant routes, Caribbean countries now find themselves engaging in seemingly arbitrary and hard-to-forecast policymaking as it pertains to immigration.

As a whole, the region is greatly affected by many developmental issues arising out of its unique and yet collective experiences with the anachronistic ideologies colonialism, decolonization and imperialism. The Caribbean's core vulnerabilities are evident in the region's increased unemployment, rising poverty and 'frail susceptible developing economies of scale' (Mahabir, 2006). Notwithstanding the sundried developmental issues facing the region, integration initiatives such as Caricom and the Caribbean Single Market and Economy (CSME) have driven Caribbean states to enact legislative reforms to both encourage and manage the new migration corridors created by those projects. Today, CSME-driven migration, remains amongst the most

[1]A unique feature of the SIDMS of the West Indies is that of decolonization over independence. I differentiate between these two, often conflated concepts as they concern the historical development of path dependent legislative state instruments in SIDMS, in detail in Chapters 2 and 3 of this thesis. However, I at its core, true political independence requires an agitated if not violent rupture between the colony and the metropole. History confirms that this sort of separation typifies historical independence movements and revolutions. In the particular case of the Anglophone West Indies SIDMS however, there were organized and almost aristocratic negotiations at the highest echelons of British political power to agree upon the constitutions of the fledgling states. In the cases of the French and Dutch colonies of the West Indies, they too were decolonized but in different ways – ways that provide adequate academic fodder for a future research project.

comprehensively legislated type of migration managed by West Indian[2] governments. However, with the reopening of the historical migrant corridor between Venezuela and the Caribbean Basin, those governments forced to also actively deal with largescale, irregular migration sparked by the ongoing Venezuelan Migrant Crisis (VMC).

Considered in some circles to be the world's largest and possibly most significant forced displacement event of the modern era (Bahar & Dooley, 2019), the VMC has presented West Indian countries with the additional challenge of now managing sustained, irregular and undesired immigration, and re-assessing its existing protocols for border protection. As more and more Venezuelans travel to the countries of the Caribbean in search of refuge, the traditionally emigration states of the region find themselves receiving high numbers of 'economic migrants' (see Rowley in Chapter 3) or refugees (UNHCR, 2017), and unable to effectively cope with arising outcomes. One revelation of the VMC is that despite migration being an integral part of the Caribbean's economic tapestry, it presents the small-island developing states (SIDS) of the Caribbean with significant legal, political and economic challenges.

Since *decolonization* of the region, interisland trade in goods and services has increased in the Caribbean (Harding & Hoffman, 2003). To facilitate this growth, Caricom states have opened up to each other through new immigration legislation and regional agreements that promote growing trade and integration. Yet, the same approach to border open-ness and the political will to reduce immigration restrictions, as evidenced by multiple Caricom-enabling laws, is perplexingly lacking vis-à-vis refugee legislation (and Venezuelan refugees) among countries like

[2] The term West Indian is often used as a synonym for 'Caribbean' and is used to collectively refer to the now independent countries that were at some point in their history were ruled over by one of the several West India companies (or similarly constructed entity) established by European hegemonic powers during the colonial period. These powers included Great Britain, France, Spain, The Netherlands and more recently, the United States. Despite being contiguous nations, Belize, Guyana and Suriname have traditionally been categorized as Caribbean countries due to shared cultures, languages and histories. For the purposes of this work, they will be treated as SIDMS.

Jamaica, Guyana and Trinidad and Tobago. These conditions converge in several Caribbean countries and point to a unique type of postcolonial state with liberal economic values and democratic political ideologies. Here I will refer to this specific type of state as the small island, decolonized migration state (hereinafter referred to as SIDMS).

The SIDMS exists in the space between the conventional migration states of Western Europe and the settler states of the Global North. In 1992, Costa-Lascoux and Weil argued that Western European states such as France were postcolonial migration states with long histories of immigration and previous experience with immigration management during times of economic downturn (p. 62). Similiarly, the modern settler states of the Global North also boast significant experience managing immigration and in constructing the post-1945 international control landscape. On the other hand, countries like Haiti and Cuba have also enjoyed long histories of political independence and all that that would entail. Yet today, Haiti and Cuba both have negative net migration rates. They both contribute greater numbers to the global migrant stock than they take in. Nevertheless, between the '*big sender'* states of the Global South and the *migrant magnetic* receiving states of the Global North, we find the SIDMS.

SIDMS are an aglomeration of states that despite their intimate histories with immigration and population-building, their autonomous political powers of legislating migration were limited by colonialism. For many SIDMS, their governing ordinances, statutes and policies came handed down by a distant and largely out-of-touch hegemonic authority, a ocean away. Today, effective immigration policymaking in an increasingly more globalized world presents an existential challenge for governments in such countries. In fact, although they are politically independent countries, SIDMS are dependent on the international capitalist structure for their economic survival. Consequently, SIDMS must strike a delicate balance between the state's economic

interests with its domestic obligations to its own citizens, against the backdrop of the rights-sensitive global migration regime. Like the great settler states of the Global North but with none of the benefit of a century plus of immigration rights management knowhow.

Small-Island ~~Developing~~ 'Decolonized' Migration States

SIDS are a unique group of 57 island countries scattered across three (3) geographic regions across the globe – The Caribbean/West Indies, the Pacific and the Atlantic/Indian Ocean/South China Sea (AIS). Of these 57 nations, 37 are United Nations (UN) member states while the other 20 are a mix of UN non-member and associate member states (Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, n.d.). In 1992, the UN officially recognized the special distinction of small island developing states (SIDS) at its conference on Environment and Development in Rio de Janeiro, Brazil. According to the UN, SIDS face a smorgasbord of developmental challenges owing to their geography and limited accessibility. Their inherent challenges of geography often result in SIDS facing high import/export costs, irregular international traffic volumes and emigration towards the migrant magnetic Global North. Futhermore, their narrow resource base, due in part to their small land area and insular features, SIDS must rely on external markets for trade (ibid.). This leaves SIDS vulnerable to the exigencies of greater economic powers and global market forces in ways that do not challenge global North migration states. This unique vulnerability is seen reflected in how SIDS legislate immigration in contention with how they are expected to act in the face of an international migration crisis.

As a specially designated UN category, significant research has gone into expanding our current understanding of social issues as they pertain to the development of small-island states. Notwithstanding the important scholarly work done around them, the existing literature

surrounding the history and legislation of migration in those states appears quite cursory in its treatment of the dynamic conditions that influence migration policymaking in those territorially disadvantaged and economically weak nations. The general lack of indepth research specific to this class of state demands a retheorization of how the contemporary migration sociology scholarship conceptualizes the emerging migration state, and perhaps calls for the expansion of the original model to encompass the West Indian SIDS. James Hollifield (2004) defines the migration state as a liberal state inasmuch as it creates a legal and regulatory environment in which migrants can pursue individual strategies of accumulation (p. 901). Hollifield's model out of empirical studies of states experiencing in-flows of large numbers of refugees displaced by Europe's second major bellicose conflict of the twentieth century. Following World War II (WWII), the liberal democracies involved in the conflict collectively deepened their collaboration and regulation vis-à-vis refugees. By promoting logics of openness and the expansion of rights to non-nationals within their borders, and allowing for the pursuit of said accumulation, those Global North countries became the conventional migration states of the twenty-first century.

According to Hollifield, rights that accrue to migrants largely come from the legal and constitutional protections guaranteed to all "members" of society (2004). Such protections are well established in many of the world's migrant-magnetic countries. However, here we begin to see a core assumption of Hollifield's model. The creation of a "legal and regulatory environment," as ideated by Hollifield, presupposes a level of state capacity that is not universal among liberal democracies. Consider that under Hollifield's assumption, countries like Saint Vincent and the Grenadines and Australia belong to the same state category – liberal democracies - simply because they both create mechanisms to control and regulate movement across their borders in liberal ways and through elected representatives. However, such an assumption leaves little room for gradation

or a measure of the efficacy with which those states regulate migration nor does it give way to the myriad of variables considered by each government's unique decision calculus. Additionally, Hollifield offers a potentially irresponsible notion that one size fits all in regulating migration and border control.

Notwithstanding that initial assumption, Hollifield (2004) goes on to assert that if rights are ignored, liberal states run the risk of undermining their own legitimacy (p. 902). At the same time, he maintains that in order for a state to be seen as legitimate, it must maintain the security of its territory and citizens, stimulate and foster trade and investment relationships abroad with other states and managing the flows of people, goods and services across its borders (Hollifield, 2004, p. 886). For the liberal democracies of Hollfield's model, this is their principal dilemma. How are states to attain or retain legitimacy? Do the all pursue legitimacy in the same ways?

Liberal democracies may jeopardize their legitimacy in four ways; by ignoring migrants' rights, through the inability to achieve domestic security, by failing to stimulate foreign trade relationships, and through the inability to effectively manage the flows of goods, services and people across its borders. Their legitimacy or politico-economic survival therefore depends on there ability to balance these four components within a "legal and regulatory environment". As states negotiate with stakeholders to strike the necessary balance between their sovereign right to homeland security and border control, the political logics to legislating economic open-ness and citizens' rights become entangled in the liberal paradox (Hollifield, 2022, p. 10).

In this thesis, I argue for the recategorization of SIDS and the expansion of the migration state model to include liberal democracies that bear the unique blend of characteristics embodied in what I call small-island, decolonized migration states (SIDMS). To that end, I examine how SIDMS were decolonized and how that process may have affected how these states make

immigration laws and create policies. Additionally, I examine how their legislative processes may be shaped by past political conditions and external forces. As I proceed, I advance following the hypothesis: as a type of postcolonial migration state, SIDMS make policies to mitigate the effects of the liberal paradox and in so doing, they derive significant aspects of their immigration control systems and responses from colonial-era laws, put in place at decolonization. Throughout this study, I provide answers to the following questions: To what extent is the VMC unprecedented in the region? When confronted with undesireable/irregula immigration, why do SIDMS respond in such ambivalent and seemingly ad hoc ways? To what extent are legislative reformations needed for the effective management of migration in such countries? To illustrate my hypothesis and advance my argument, I turn to the Caribbean nation and country of my birth, Trinidad and Tobago (T&T), for examples and insights.

Case Selection

Trinidad and Tobago – The Small-Island Decolonized Migration State

SIDMS are known for their small geographic size and relatively constricted economies. Their limited land area implies the imposition of certain natural restrictions on the kinds of economic activity within which they can pragmatically participate (UNWTO, n.d.; Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, n.d.). Additionally, their geographic confines impose certain challenges on the acquisition of natural resources needed for development like energy, land, water and human capital. Their insular quality also speaks to the remoteness and inherent isolation of these countries from one another. For example, found just 166 kilometers north of Trinidad, today, the SIDMS of Grenada is connected to its regional neighbors solely by air. The maritime infrastructure that would improve accessibility and undoubtedly benefit the overall economic

development of both these SIDMS is noticeably absent in the region, despite ongoing efforts to integrate the region. Such infrastructural deficiencies result in barriers to intra-regional movements of trade and labor.

T&T is a small island, decolonized migration state. Starting in the 1950, Europe's principal imperial hegemons began the process of decolonization of their remaining New World colonies. The process birthed the post-colonial liberal democracies of the West Indies that together form the world's largest agglomeration of SIDMS. Yet, as research centers more and more on an understanding of migration trends and humanitarian responses to forced displacement events, analytic attention is inadvertantly diverted away from our collective understanding of how less influencial liberal democracies within the hierarchy of sovereignty – like the SIDS of the West Indies – create the legal and regulatory environments to manage migration and navigate the liberal paradox. In my re-evaluation of SIDS as migration states, I substitute their economic quality as developing states for their political quality as decolonized states for reasons that will become clearer as our discussion progresses. Additionally, I go beyond Hollifield's carte-blanche conclusion of merely asserting that most contemporary states are migration states in some way (Hollifield, 2004; p. 886). Instead, I peer beyond T&T's status as a high [per capita] income, highly industrialized and comparatively wealthy nation, and focus on how the island nation regulates both emigration and immigration to flesh out its migration state quality. A geographically small archipelago with a meagre 1.4 million population, T&T's impressive GDP of US$ B24.46 (World Bank, 2023) and century-old petroleum industry make it wealthier than many of its regional neighbors. Yet almost counterintuitively, the country is still considered developing due to its low Human Development Index score relative to other industrialized, migration states. However, unlike the quintessential developed migration states of the world, T&T only possesses maritime

borders. Its small population size and lengthy coastline make continuous and constant border vigilance and protection difficult for the fledgling nation and perennial issues for its government. At the same time, the process of decolonization conferred upon T&T and its regional neighbors, a unique origin story that conflicts with those of conventional migration states of North America and Western Europe.

During its colonial history, T&T experienced high rates of inbound migration that when adjusted for scale could put the country in the realm of other migrant-magnetic[3] settler states of the Global North. After decolonization, T&T quickly became an emigration state, with sustained voluntary migration to the United States (US), the United Kingdom (UK) and Canada amongst other economically robust countries. Further limited by its geography, T&T's small size and island nature naturally constrain its economic growth and made effective migration an imperative feature of the socio-economic and political agendas of every cabinet since decolonization. As a SIDMS, T&T embodies the qualities of a migration state in a way that has largely gone unnoticed by the extant literature. The T&T case combines in a single, global South polity the post-war, rights-minded liberal democratic migration state of the twentieth century regime with the unique postcolonial features of the small-island liberal democracy born out of decolonization. As a comparatively young liberal democracy, T&T inherited its parliamentary democratic system from the UK. That system, framed by the British, imposed a liberal economy that would all but ensure the industrialization efforts started by the British during colonization would continue to benefit Britain and her reconfigured empire. This political peculiarity further imbues the T&T case with the ability to illuminate the role of path dependent colonial laws in the development of postcolonial

[3] Throughout, I use the term *migrant-magnetic* to refer to those migrant receiving countries that figure amongst the most popular choices of destination country to both voluntary and involuntary migrants around the world and those countries with the largest per capita stock of immigrants worldwide. Under this characterization, it becomes possible to measure the "migrant-magnetism' of a country. This would be a measure of country's attractiveness to migrants.

immigration policies while also providing insights into the seemingly ad hoc wielding of existing legislation in an emerging migration state.

At the negotiation of T&T's independence, Britain ensured that various features of T&T's legal, judicial and economic infrastructure would remain at best – tied to, and at worst – dependent on British systems of law, government and policymaking (Girvan, 2015). Consider an example given to us by the T&T judicial system. Despite having 'won' its independence 61 years prior to the production of this thesis, the Constitution of the Republic of Trinidad and Tobago *still* "provides that appeals from the [T&T] Court of Appeal be made to the Judicial Committee of the Privy Council in London," (Meditz & Hanratty, 1987). This is still true for several other Anglophone SIDS of the Caribbean with Barbados, Belize, Dominica and Guyana being the sole exceptions. This is true despite the existence of a competent and equivalent regional entity with scope for challenging the primacy of the Privy Council[4].

Today, several SIDMS of the Anglophone Caribbean employ the static and imperial system of government seeded by the British during the period 1950 to 1983 known as the Westminster system. According to Girvan (2015), the Westminster system as employed in the Caribbean is characterized by the supremacy of British institutions, laws and symbols of the colonial state, an entrenchment of the two-party system and a progressive alliance with the West against the threat of communism spanning the Cold War. Similarly, its use of the dualist legislative model forces one of its characteristic two parties into effective subservience to the other as one occupies the

[4] The Caribbean Court of Justice or CCJ is a regional tribunal which serves as the final appellate court of several countries belonging to Caricom. With its headquarters in Port of Spain, Trinidad and Tobago, its inaugural president was Kittian jurist, Sir Dennis Byron. The court bears two (2) jurisdiction: original and appellate. In its original jurisdiction, the regional court is responsible for the legal interpretation and application of the article which enable Caricom – The Revised Treaty of Chaguaramas. In this jurisdiction, the CCJ enjoys full adoption amongst its membership. In its appellate jurisdiction, the CCJ has seen less success. Within the appellate, the court adjudicates both civil and criminal matters as the court of last resort for all Caricom member states that have adopted same as their replacement for the London-based Judicial Committee of the Privy Council. With the exceptions of Barbados, Belize, Dominica and Guyana, all Caricom member states have ratified the court in its original jurisdiction but have rejected its appellate functions opting instead to retain the use of the JCPC.

powerless opposition and the other forms the very powerful cabinet. Such a system can, in theory, hijack the legislative process and subjects the policymaking process to the whims of a given party leader and their individual administrations.

Separately, these features have been studied extensively by scholars (Hollifield et al., 2008; 2020; Massey, 2012; Olivieri et al., 2021). However, through examination of their combined characteristics as a single migration state type, we can expand the current theorization of the liberal democratic migration state, and thereby harvest new insights about the impact of political systems on the evolution of migration policy. A study of T&T builds the case for the analytic examination of migration as it interacts with the decolonized, postcolonial, liberal democracy's political system whose legislative and policy framework can be considered akin to prime ministerial dictatorship[5] (Girvan, 2015). Such an examination promises empirical insights into how this emergent class of migration state – the SIDMS – both benefit from and is affected by immigration. Furthermore, the T&T case illustrates ways in which governments might attempt to control immigration and mitigate legislative and policy responses to exogenous pressures and endogenous challenges to its extant legislative framework. In T&T, we find an opportunity to pursue historical comparative sociological analysis between economic interests vis-à-vis labor and immigration of colonial state with those of the autonomous SIDMS over time. Lastly, I selected T&T for its ability to illumine how immigration policy and the overall economic health of SIDMS depend, to varying degrees, on their governments' ability to navigate the liberal paradox as less influential, autonomous polities amongst a constellation of more powerful international actors.

[5] These states are often blanketly considered democratic perhaps because their citizens exercise suffrage in selecting one half of their national legislature. However, a deeper incursion into the colonial instruments still on the books and in force reveal enormous degrees of discretionary power vested in the Office of the Prime Minister making him/her "by far the most powerful figure in the government," (Meditz & Hanratty, 1987). While this is not the focus of this study, these peculiarities provide supple investigative ground for further exploration of immigration policy making and legislation in former colonies, which I discuss in other projects.

The Migration State and the Liberal Paradox

Central to the theoretical foundations of this thesis is an understanding of the liberal paradox. Additionally, the theories of path dependence and ambivalence in politics and policymaking frame my analysis of our current understanding of how less conventional migrant-receiving liberal countries in the Caribbean control migration and why they employ the policies that they do. As I discuss T&T's migration statehood through the lens of Hollifield's model, I show that the emerging migration state's addition of the human rights into global migration management presupposes the existence of robust state infrastructure and capacity to implement and enforce policy. This is a fundamental flaw in the model as I will show that while larger economies struggle to find the desired outcomes to their policies, states with lower capacity stand a greater chance of enacting ad hoc policies as they are pressured on multiple sides in dissimilar ways to conventional migration states.

According to Hollifield, migration states are characterized by their engagement with the liberal paradox. As its name suggests, the liberal paradox is a dilemma encountered by liberal democracies the world over. First advanced by economist Amartya Sen (1970), the liberal paradox refers to the political difficulty faced by states as they struggle to maintain a competitive advantage in international markets. It theorizes that a social choice function cannot simultaneously satisfy minimal liberalism and weak Pareto efficiency[6] over an unrestricted domain. When later applied to studies of migration states by Hollifield, the paradox illustrates that political actors [ie politicians and policymakers] cannot, all at once, satisfy the condition of unrestrictedness and liberal social choice while also achieving Pareto efficiency. However,

[6] Pareto efficiency or Pareto optimality is an economic state where resources cannot be reallocated to make one individual better off without at least one individual worse off (Investopedia, 2023). That is to say, Pareto describes an economic state in which economic resources are distributed or allocated to operate at their highest utility. Therefore, any extra effort for reallocation will not provide a positive effect unless there is an equivalent negative effect, (Srivastav, 2023).

despite the theoretical impossibility of Sen's proof of contradiction, politicians and policymakers still must attempt to satisfy these conditions if their economies are to grow. To that end, liberal democratic governments must try to satisfy those principles of liberalism and keep their economies and societies open to trade, investment, and migration (Hollifield et al., 2008; 2020). At the same time, we must understand that people are not things. Moving people around is a significantly more complex affair than the logistics involved with moving goods, capital, and services around the world. In managing migration, states look for Pareto optimality in that they want the largest possible return for the recourses injected. Notwithstanding, controlling the largescale movement of people across long distances and sovereign borders requires minimal liberalism but involves greater political risks, to both the migration states and to the individual decision makers that govern them.

The current scholarship sorts liberal democratic migration states into three distinct categories: the Western European migration state the likes of France and the Netherlands, the English-speaking settler migration states of the New World such as Canada and the US, and other European states that receive high numbers of migrants/refugees from Africa, Asia, and the Middle East (Cornelius et al., 1994; Hollifield et al., 2008). This narrow application of our collective understanding of the emerging migration state has led much of the contemporary research to focus their studies on the migration policies and politics of Global North countries and those countries' economic interests in fostering labor migration, immigrants' impact on welfare state systems, and state regimes' ability to secure the rights of immigrants and their descendants, (Adamson & Tsourapas, 2019). Some researchers have since turned to better understanding migration patterns from the global South to the global South (Leal & Harder, 2021; Adamson & Tsourapas, 2019; Schwarz et al., 2015). In attempting to bridge the intellectual divide between voluntary and

involuntary migrations, the contemporary literature shows that the current iteration of the migration state model pigeonholes much of what can possibly be gleaned from expanding it to encompass other states who share similar qualities with the conventional migration states yet are sufficiently dissimilar to them, that their analytic study may advance entirely different sets of empirical data than those currently available from Global North states (Adamson & Tsourapas, 2019).

As fleeing migrants radiate out from Venezuela, neighboring countries – all positioned within the Global South – find themselves sharply impacted by the initial and most subtle outcomes of the migratory event. Consequently, Latin American scholars have begun conducting analytic studies of the spillover effects of the VMC in Colombia (Caruso et al., 2019), Perú, (Said & Jara, 2020) and Ecuador (Olivieri et al., 2021; Beyers & Nicholls, 2020) amongst other global South, traditionally emigration states (Wolfe, 2020). However, academic interest in those larger countries does little to extend beyond an understanding of these countries' economic value relative to Global North states as well as their capacity to serve as a geographical buffer or what I prefer to refer to as thoroughfare states between the sending state – Venezuela – and the major migrant-magnetic states of North America and Western Europe. Adamson and Tsourapas (2019) advocate for such expansion of the current migration state model in *The Migration State in the Global South: Nationalizing, Developmental, and Neoliberal Models of Migration Management.* At the same time, there persists an underlying tendency in the academic corpus to understate the sociological value of the insights that may be gained from the systematic deconstruction of small island immigration controls and thereby assessing how their already vulnerable economies attempt to achieve Pareto optimality and juggling political and social risks.

Furthermore, the literature is dominated studies seated principally in the traditional

migration states of the global North. That dominance is in turn reflected in their north-centric research interests – namely the study of the economic drivers of migration, how immigration affects their receiving states and the development of policies that curb and/or encourage selective migration (Liverpool, 2017; Reidy, 2021). But focus that prioritizes how the wealthy controls immigration obfuscates the possible counterintuitive effects of irregular, undesired immigration on the less economically visible countries of the world and effectively relegates them to prolonged misrepresentation and problematic policy development. Many of these often ignored are considered non migrant-magnetic, yet, like their continental neighbors, they occupy an important intermediary space as thoroughfare nations; vital and perhaps susceptible to international systems of burden-sharing, refugee and asylum protection and resettlement agreements. Such deficits open up the field for more meaningful debate on global South migration state issues in general and those affecting SIDMS in particular.

Equidistant from the crisis epicenter as Latin American giants Colombia and Brazil arethe many island states of the West Indies. Some are sovereign, some are autonomous but all are economically dependent on international markets for their survival and must respond to unprescedented levels of immigration coming out of Venezuela with policies that reveal the extent to which external forces might influence immigration policymaking in those countries. The customary border control tactics employed in the global North intuitively would have less tangible and forecastable outcomes as they often fail to consider challenges to the region such as their unique acquisition of statehood. Caribbean scholarship vis-à-vis the interactions between irregular migration and the legislative structures of a region actively pursuing integration is sparce at best. While scholars like Mohan (2019) and Anatol and Kangalee (2020) have shed some light on T&T's specific policy responses to the VMC and frame the case as a petri dish for immigration control

across the wider region. Notwithstanding, our conventional conceptualization of the countries of the Caribbean as states only tacitly connected to the conventional idea of the migration state only for their emigratory quality both ignores these states historical formations and rejects their analytic value in providing meaningful ways to understand how and why small island, developing states attempt to escape the liberal paradox.

Path Dependency and Ambivalence

For many countries, controlling immigration is an economic affair. However, as Venezuelans began immigrating en masse to T&T, that country's strange policies responses indicated that for some, it is just as much an issue of legislative and political capacity. Facing a dearth of legal alternatives, deteriorating popular sentiment and political posturing, T&T authorities have resorted to the rejection of Sen's unrestictedness condition and pursued a strict policy of enforcement of its available legal tools to repel Venezuelan migrants while also passing new laws encouraging Caricom immigration. The arguably draconian and unhumanitarian application of that country's extant, colonial-era Immigration Act raises a series of sociologically poignant questions such as to what extent might the extent, colonial legislation of T&T influence or even determine the policies created and implemented by a given contemporary and incumbent government?

Where I interrogate the legislation and policymaking structure at work in the SIDMS of the West Indies, I do so from the analytic perspective of path dependence theory. Often when one thinks of path dependency, it is easy to oversimplify the concept as a mere acknowledgment of the past's role in shaping present and future social institutions, policies and attitudes. While this is true, path dependence through the lens of historical sociology remains an effective explanation for understanding the contextual framework within which politicians in post-colonial societies create

laws and policies along their developmental trajectories. Despite this continued relevance however, social scientists who study path dependence theory still struggle to produce a universal definition that "demonstrates why path dependent patterns and sequences merit special attention," (Mahoney, 2000, p. 507). With this in mind, I turn to James Mahoney's definition of path dependence to illumine my understanding of the development of immigration control and border protection laws and policies in post-colonial SIDMS. According to Mahoney (2000), path depencence does not merely view history as conducive to contemporary scenarios but instead, it also specifically characterizes those historical sequences in which contingent events (for example: colonialism and decolonization) set into motion institutional patterns or event chains (for example: T&T's legal and administrative responses to the Venezuelan Migrant Crisis) that have deterministic properties, (ibid., p. 507). Path dependence theory therefore essentially tells us that path-dependent sequences come exist in two categories: self-reinforcing and reactive sequences.

Without wanting to commit the 'sin' of oversimplification myself, limits placed on this thesis demand conciseness. For this reason, while I do not discard the analytic insights that a reading through the lens of the self-reinforcing sequences model might provide, my focus throughout this study is better informed by a reading of reactive sequences which refer to chains of temporally ordered and causally connected events in which each event within the sequence is in part a reation or response to temporally antecedent events, (Mahoney, 2000, p. 509).

Lastly, I turn to the concept of ambivalence as policy as advanced by Kelsey Norman (2017) to complete the theoretical framing of this study. Throughout, I also refer to works by Gainous and Martinez (2005) and Lorenz-Meyer (2001) as I discuss the seemingly ad hoc wielding of immigration policy over victims of the VMC in small island decolonized state, T&T. Gainous and Martinez (2005, p. 47) assert that ambivalence is generated whenever attitudinal evaluations

of a given item, individual or circumstance is simultaneously regarded as positive and negative. Similarly, Smelser (1998, p. 5) posited that ambivalence could be an important vessel for "understanding, analyzing and explaining political issues beyond the scope of rational-choice explanations" in contexts of interdependence where actors feel "locked in" by personal or institutional commitments and constraints (Lorenz-Meyer, 2001). Norman reinforces this idea when she argues that ambivalence is different from your run-of-the-mill neglect in that the state is fully aware of the presense of refugee groups but chooses not to engage with them [in a prescribed manner] and turns a blind eye, relying on international organizations and NGOs to carry out engagements on its behalf (Normam, 2017, p. 28). These ideas together provide the intellectual springboard from which to launch the discussion of my this study.

Methods

In conducting this investigation, I employed an interdisciplinary and mixed methods approach to analyzing primary and secondary data collected through various avenues. I began with close readings of important texts by leading academics in the fields of migration studies, political migration and sociology. I then buttress that data with data gleaned from semi-structured interviews with numerous T&T 'immigration insiders' whose expert opinions and insider knowledge helped to contextualize the part played by SIDS within the world immigration system. Those interviewees included two (2) active duty police officers attached to the Trinidad and Tobago Police Service (TTPS), two (2) practicing attorneys-at-law with specialty in T&T immigration law, one (1) ex-immigration officer formerly attached to the TTID, and two (2) active duty coast guard officers attached to the T&T Coast Guard (TTCD). Further to my review of the relevant literature and interviews conducted were many hours spent scouring legislative and political databases made available by the government of T&T, the US Department of State and the

UNHCR. That component grounds this study in statistical evidence and empirical analysis of the evolution of law and policy when a polity transitions from colony to sovereign state.

Thesis Layout

This thesis proceeds in the following manner. Structurally, there are three chapters which directly follow this introduction. In Chapter 2 which I have decidedly called *Peopling Trinidad: A History,* I develop a timeline of the major historic waves of immigration into T&T during both the colonial and independent periods. In the chapter, I show that migration has historically played a major role in T&T's socioeconomic development as creation of its current demographic make-up. As I set the stage for my discussion of the country's post-decolonization policy responses to the VMC, I argue that Venezuelan migration to the West Indies is not new and that sovereign T&T could return to benefit from current streams of immigration much like it did in its colonial iterations.

In Chapter 3, entitled *Responding to Crisis: Ambivalence in Trinidad &Tobago Immigration Control*, I examine T&T's objectively questionable handling of its side of the VMC. To that end, I directly interrogate the nation's Immigration Laws – Chapter 18 of *The Laws of the Republic of Trinidad & Tobago* (hereinafter referred to as the Laws of T&T) – the principal legislative instrument governing the national migration system. Throughout the chapter, I assess T&T's legal response to the crisis as a function of its existing, anachronistic law and investigate the application of ambivalence in SIDMS policymaking.

In our fourth substantive chapter, *Legally Flawed: Legislating Immigration in Trinidad & Tobago,* I look at T&T's use of legislative reform to fashion contemporary immigration policies through the lens of path dependency as an example of how SIDMS might react to the liberal paradox. In it, I reevaluate our contemporary understanding of 'independence' in SIDMS and

discuss their deferral to their extant laws in times of political and economic stress as a function of expediency and politico-economic feasibility. After critical analysis of some illustrative examples drawn from the T&T case, I further discuss my findings to my initial research questions and the potential implications of this work on migration research within SIDMS in my concluding chapter - *Key Takeaways.* There, I summarize my argument and offer my views for improving how we think about the liberal paradox and the conditions under which disadvantaged migrant-receiving states manage migration against the backdrop of international treaty obligations and the exercise of their own sovereign right to control borders and promote national security amidst unprecedented waves of sudden and irregular immigration. (Simmons, 2010; p. 280).

CHAPTER 2

PEOPLING TRINIDAD: A HISTORY

In a recently concluded 2022 state visit to the US, Mexican president Andrés Manuel López Obrador spoke with his American counterpart on key issues of mutual importance to their respective countries. Of the multiple issues he addressed, President López Obrador reiterated, "the need for broader, more predictable migration policies," (Obrador in Detrow, 2022). Intended as a clarion call to more meaningful action from his wealthier neighbor to the north, López Obrador recognized the binational imperative of creating predictable immigration policies that facilitate the authorized movement of persons across their shared terrestrial border, and ease the suffering endured by refugees and asylum seekers attempting to cross into the United States through Mexico.

Although López Obrador's words spoke specifically to the tensions that exist between Mexico and the United States, this need for "more predictable migration policies" is one that is evident in the migration control kits of many countries across the world who now find themselves on the receiving end of a shifting paradigm - a paradigm which traditionally positioned them on the sending side. Among such nations we find many of the world's small-island, decolonized states (SIDS). Chief amongst those states is the Caribbean country of Trinidad and Tobago (T&T). Mere kilometers to the west of T&T lies the Bolivarian Republic of Venezuela. Since the death of revolutionary president Hugo Chávez in 2013, Venezuela has come under the rule of former Chavista disciple and former executive vice president Nicolás Maduro. Tumultuous to say the least, Maduro's government has presided over widespread social unrest (Singer, 2020), runaway hyperinflation (Lozano, 2023), dwindling popular support for state powers (Fisher & Taub, 2017) and never-before-seen levels of economic and social hardship in Venezuela (Ulmer, 2018).

When it became apparent that Maduro was headed towards a second, consecutive, six-year term as president in the fast-approaching 2019 general elections, Venezuela's already deteriorating socioeconomic and political climate forced many Venezuelans to abandon their homeland in droves in efforts to secure a more financially tenable alternative (Kinosian & Sequera, 2022). That search has taken many such Venezuelans to the shores of their anglophone neighbor to the east – T&T. In this chapter, I delve into T&T's colonial past and seek to provide a historical timeline of certain major immigration events that progressively shaped the demographics and the immigration control kit of both colonial Trinidad and contemporary T&T. Additionally, I hope to illustrate the extent to which T&T's immigration control kit has historically resided outside the territory and in foreign hands.

T&T is a small island, developing nation positioned within the global South of the world migration regime. This means that it has traditionally been a contributing nation to global migrant numbers of the more conventional migration states such as the US, Canada and the United Kingdom (Central Statistical Office, n.d.), more than it receives migrants from other countries. Due to this situation, and from a policy standpoint, the small Caribbean nation found itself largely underprepared for the challenges brought on by the unprecedented and ongoing wave of Venezuelan migration that has been spilling over into its jurisdiction since 2018.

Coming out of its colonial past, T&T inherited a liberal economic system from its former colonial masters. Those colonial masters fashioned what Richard Rosecrance referred to as a trading state - an economic model that prioritized the economic advancement and the influence of the then empire above all else (1986). I discuss said prioritization of economics and influence in greater detail in this thesis' fourth chapter. Notwithstanding, Rosecrance reminds us that ensuring material wealth and power – the core principles of the trading state – requires states to risk greater

economic openness and to pursue policies of free trade (1986). Sharing vast oil and gas reserves with Venezuela, T&T as a trading state, has pursued numerous bilateral agreements with the Bolivarian Republic in efforts to pursue such policies and foster collaboration. Yet, since the Venezuelan Migrant Crisis (VMC) began expanding towards the islands of the Caribbean, T&T's apparent willingness to "risk economic openness" has come under fire from the international community – namely refugee and human rights NGOs as well as from other key players in global immigration control. As the eyes of the world observed the island nation's policy responses vis-a-vis the VMC, domestically, attitudes towards the arriving Venezuelans were mixed and fell anywhere on the spectrum from "we need to swiftly deliver humanitarian relief to these people" to "they're driving up the rates of violent crime in the country," (Anatol & Kangalee, 2020). According to Hollifield (2004) such divergent opinions come to the fore when the state and its citizens both fear that the presence of foreigners in too great numbers, may become difficult for the state to identify its own population relative to other nations. At the same time, the state struggles with a moral and humanitarian obligation to render aid.

This hemming-and-hawing around self-preservatory instinct versus humanitarian duty is an all-too-common occurrence when governments and their societies are called upon to shelter the forcibly displaced. This dilemma of liberal democracies or the liberal paradox compels liberal states to consider the opportunity, financial and political costs of the decisions they make vis-à-vis refugees, asylum seekers and displaced migrants. However, unlike the mainstream migration states of the twenty-first century, many SIDS have relatively short national histories – since for most, independence was only won from European powers in the post-WWII era and through the manipulative process of decolonization.

In the case of T&T, we find a gap in the current sociological literature between the liberal democratic migration state and the post-colonial migration state. As both a former colony and a democratic society, T&T provides a point of intersection to study this intellectual gap and derive insights applicable to other SIDS both within the Caribbean and extra-regionally. T&T displays a set of nuanced complexities as to why its government has gone down the particular path of immigration control that it has chosen despite its political freedom as a now sovereign state to reform law. Given T&T's brief history as a decolonized liberal, democratic state and its more ample history under British colonial rule, two questions come to the fore: (1) how has Trinidad's colonial immigration system affected its contemporary immigration control kit? And (2) to what extent is the current uptick in Venezuela to T&T migration a novel event?

Populating Colonial Trinidad

T&T gained political independence from the UK in 1962. Yet previous to the passage of the *Trinidad and Tobago Independence Act of 1962* in London that year, Trinidad's migration history had been dotted with periods of voluntary and involuntary movement that were possible through various British laws and ordinances. Many of those laws would serve as precursor legal instruments of the currently enforced *Immigration Act of 1969.* In the time of pre-Columbian indigenous histories, movement between the South American mainland and the islands of the Lesser Antilles was unencumbered by arbitrary and invisible boundaries. It was not until the arrival of the Spanish at the end of the fifteenth century that an immigration control system, upon which the modern structure built, would be set up on the island. Despite finding the island already inhabited by a significant population of indigenous Taino and Kalinago peoples (an estimated 35000 natives) initially (Besson & Brereton, 2010), Spanish conquistadores quickly instituted a system of Catholic missions to convert and thereby control the indigenous peoples in order to

extract their labor. During this period, the indigenous peoples not only fell victim to previously-unencountered diseases brought by the Europeans. At the same time, the indigenous peoples also resisted conquest and enslavement in diverse ways. Notwithstanding their efforts, resistance to hegemonic rule largely proved lethal for many indigenous groups in what would come to be known as the West Indies.

Despite being one of the larger of the West Indies islands, Trinidad's first European settlers never fully capitalized on the island's strategic geography and other advantageous features. Mainly interested in the acquisition of precious minerals and gems – two commodities in very short supply in Trinidad - Spanish rulers largely neglected economically developing the island in favor of direct investment elsewhere. Instead, in what I consider a final attempt at developing the agricultural economy of the island – the plantocracy economy, Spain opened up Trinidad in 1776 to the first of several major *groups in immigration*[7] that would come to settle on the island under European, colonial rule.

1.1. Europeans - Spanish and French Planters - Immigration under Spanish rule prioritized religion, wealth and race as the principal desirable traits. Spain aim was to attract wealthy, white Catholic settlers to Trinidad. Like the encomienda system used in other Spanish-American colonies, Spain passed the 1783 *Cédula de población* decree with which it opened up Spanish Trinidad to French agronomists (Besson & Brereton, 2010). The policy encouraged the migration of agriculturalists from French Caribbean colonies to relocate to Trinidad by granting them licenses to settle on the island (along with freed non-whites) with their slaves in efforts to populate the island and invigorate its agricultural economy. Licenses were also extended to freed

[7] Here and throughout, I refer to immigration happening in Trinidad as in groups rather than in waves as I focus primarily on the various ethno-racial groups that have over the years, contributed to the growth and development of the Trinidadian population rather than provide an exhaustive breakdown of each immigrant incursion into the island.

Blacks from the French West Indies, many of whom brought slaves along with them. With this move, the Spanish trading state legally linked migration to landownership and used the prospect of personal material gain to create labor markets that would in turn, further fuel migration. In essence, the ordinance decreed that the more slaves a planter had, the greater the acreage of land allotted to him upon settlement (ibid.). Hailing predominantly from Grenada and other French-colonized islands to the north, many planters themselves were experiencing displacement amidst events surrounding the French and subsequent Haitian Revolutions – making them participants in an early incidence of forced migration in the region. French Catholic planters and free non-whites were offered an additional incentive under the cédula. After only five years of residence on the island, those farmers would qualify for citizenship status in the colony (ibid.). The Cédula provided a direct pathway to citizenship. However, during the time of empires, migration policies were not as rights-centric as today but instead were intended as instruments for imperial expansion – mechanism for increasing the empire's wealth, influence and power. However, as immigration increased and territories changed hands (Higman, 1995; Besson & Brereton, 2010), states responded by developing new legal instruments to manage movements and the jurisprudential aspects of immigration (Hollifield, 2004). Consequently, although Spain oversaw the genesis of Trinidad's immigration framework, but it was Britain that placed it on the path it is on today.

By 1797, after only two decades of "open borders", control of Trinidad fell to the British. Despite Spanish attempts to improve the economic profile of the island, it was not until Britain seized full administrative control of Trinidad that immigration grew in status and scope for economic development (Eltis, 1972; Williams, 1993). Spain officially ceded Trinidad to Britain in 1802 under the *Treaty of Amiens*. With political and administrative control, the British established Crown Colony rule. Under new management as it were, a new suite of racialized British laws and

ordinances signaled the institutionalization of restrictive migration policies, void of humanitarian considerations.

1.2. Europeans: British Crown Colonial Rule – By the early 1800s, the British Empire had grown renowned for its economic stability (Besson & Brereton, 2010). Its liberal free trade economy and capitalist policies incentivized many colonists and investors to settle in, and further develop Trinidad. Many chose to do so and set up shop in the burgeoning agricultural sector (ibid.; Higman, 1995). In addition to sugarcane, other cash crops such as coffee, cacao and cotton also played significant roles in growing the colonial economy and creating a space for population expansion through imported labor. How the British would go about expanding the colony's population and forging ahead with settlements came with a set of deeply-ingrained racial prejudices and notions of ethno-racial hierarchy – at the top of which sat the white man – that they would use to eventually mold the political and legislative institutions of its future 'commonwealth units' (see Chapter 4).

During the transitionary phase between Spanish colonial rule and British colonial rule, many Britons and British West Indians migrated from the metropolis and other colonies to the island for resettlement (Meditz & Hanratty, 1987). Migration in the Caribbean at that time was somewhat as it is today in that colonial governments also played an active role in inducing immigration and promoting the resettlement of 'desired' classes through legal and material incentives in order to reap economic benefits through taxation and other means (see Caricom Single Market, Chapter 4). Along with those early British settlers, more enslaved Africans were involuntarily added to the colonial population. The uptick in the importation of slave labor into the colony bolstered economic prosperity and significantly grew Trinidad's economy under British rule (Higman, 1995). The British formula was a simple one –more land meant more scaled up

production which demanded more labor, which demanded more land, which would in turn increase production and so on.

Other European groups such as the Dutch and the Courlanders (from modern-day Latvia) also boast stints of occupation during colonial T&T's history. However, their presence was generally confined to Tobago. As a result, I do not think that their combined contribution to Trinbagonian demographics and population building warrants more detailed scrutiny than this acknowledgment for the purposes of this historical trace of the major groups migrating to T&T through ethno-racially selective immigration legislation and/or imperial ordinances.

2. Afro-Trinidadians and The Trans-Atlantic Slave Trade – As we move our discussion away from European settlers, we come to the people who represented the colonialism's chief store of wealth – enslaved Africans. British colonialism in Trinidad was built on the plantocracy economy and agriculture is a labor-intensive industry. The high labor-intensity of pre-industrial sugar cultivation necessitated an immigration kit that would meet the ever-increasing demand for labor in colonial Trinidad. With no significant indigenous population during British rule (Roberts & Byrne, 1966; Eltis, 1972; Friedman, 1982), the increased economic activity and resultant need for labor, the British colonists increased the stock of enslaved Africans on the island through the continued abduction and importation of Africans so as to continue to extract material wealth from the colony. In fact, so stark was the increase in the number of enslaved persons flowing into Trinidad that the colonial census of 1803 revealed the considerably high population of 28,000 residents on the island. Of that figure, 20,464 were enslaved Africans and 2,261 were whites, (Meditz and Hanratty, 1987). This stark shift in demography came after only six short years under British rule. When Britain first seized the colony, its population comprised a meagre 2,086 whites, 4,466 free Blacks and 10,009 enslaved Africans (Higman, 1995).

Within four years of that initial census, the British parliament passed another consequential immigration law - *the Slave Trade Act of 1807*. The new law, in theory, ended the economic practice of trading in enslaved persons in Britain's West Indies realms. However, in practice, its abiding effect was that it provided the legal groundwork for the eventual emancipation of enslaved Africans altogether (Higman, 1995). However, despite the criminalization of the trade, the practice of slavery persisted within Britain's imperial confines for an additional twenty-seven years. Slavery accounts for the largest group-in-migration into colonial Trinidad. The descendants of enslaved Africans today constitute 34% of T&T's population.

In 1813, Britain conducted another colonial slave census. Since the enslaved were considered a store of wealth, their numbers were used as a metric for gauging the economic strength of the colony. Trinidad's Black population stood at 25,696 with 11,633 registered as 'creole'. This meant that these Blacks were born in the West Indies and therefore did not constitute new imports from outside the region. Of these creole slaves, 7,088 were native to Trinidad itself while 2,576 were brought in from other British colonies, 1,593 were from French islands and 376 arrived from elsewhere (Higman, 1995; Eltis, 1972). This dramatic increase in the slave population was possible due in part to Britain's trading state immigration policies that enabled the interisland movement of wealthy whites and their slaves to fuel the economic heart of the colony and thus the empire – the plantocracy system.

Notwithstanding, during the period 1797 to 1838[8], the Black population of Colonial Trinidad generally waxed and waned. Given that it was, "The wish of the British Government to have it [Trinidad] inhabited not by slaves, but by a free people," (Higman, 1972: p. 26), Britain

[8] In 1797, British admiral, Sir Walter Raleigh led the attack that would initially capture Trinidad for the British. This date is often taken as the genesis of British rule in Trinidad. In 1838, with the end of a four-year apprenticeship period, enslaved Africans throughout the British Empire achieved full emancipation from slavery.

put reduced effort into importing Black labor into Trinidad once slavery had been abolished. Additionally, plantation owners sometimes emigrated from the island with their slaves in tow seeking economic prospects elsewhere in the region (Besson & Brereton, 2010). Likewise, as emigration carried on, Trinidad simultaneously received both slaves (prior to 1834) and other Blacks seeking to sell their labor or to resettle Trinidad from other colonies such as British Guiana (Higman, 1995).

In addition to many intercolonial movements during this time, the early 19th century also saw the irrevocable abolition of slavery in the British Empire. The official end to British slavery in Trinidad was codified into law as Ordinance #19 of 1833: *Division of Apprentices and labour into classes, as prescribed by the English Act 28.8.1833-Abolition of Slavery*[9]. The ordinance went into effect on August 1st, 1838, and paved the way for the other groups to migrate into the island under the British's racialized immigration/labor model[10] (Roopnarine, 2011). However, before these new groups could be entered into the 'colono-capitalist' machine that became Colonial Trinidad's migration control kit, a period of apprenticeship was entered into between the soon-to-be-emancipated slaves and imperial powers that would see them [the slaves] further tied to oppressive plantations for an additional four years. This period perhaps afforded British authorities the time needed to devise contingencies for the lost labor and capital that the abolition of slavery signified to white colonial planters. Whatever the case, during the apprenticeship period, formerly enslaved persons emigrated out of the colony in search of economic opportunities while others remained and sold their labor under unimproved conditions (Dryden, 1992).

[9] Despite going into effect on August 1st, 1834, the abolition of slavery in Trinidad was codified into law with the passage of the Slavery Abolition Act 1833 in London and the subsequent passage of Ordinance #19 of 1833 by the legislative council of Trinidad (Legislative Council, 1833).

[10]The act of parliament came as an amendment to the earlier Slave Traded Act 1807 and allowed for the phased eradication of slavery within most of Britain's colonial possessions in the nineteenth century (Dryden, 1992).

By the end of the apprenticeship period, Trinidad's African population stood at an estimated 17,439 (Williams, 1993). With the unremunerated labor once provided by enslaved people consigned to the empire's past, labor substitution schemes became the order of the day (Roopnarine, 2011). From 1838 to 1917, Britain initiated indentureship policy which sanctioned the importation of replacement plantation labor from Asia, Africa and even non-British slave colonies throughout the Americans – such as Rio de Janeiro, Brazil and Havana, Cuba for example (Roberts and Byrne, 1966). Indentureship allowed for the British to amend its migration policies to fuel its imperial objectives and build a sustainable labor market to that end. The trading state functioned on logics of wealth production because capitalism was the economic logic of colonialism (Williams, 1993).

Inspite of the abolition of slavery, the British viewed immigration as little more than the means to an economic end. Ultimately, Britain's newly acquired moral compass did not get in the way of its capitalist compulsion to turn a profit. The plantations on Trinidad, at the time of emancipation, were productive, viable and in need of laborers. The formerly enslaved had to be replaced. The empire initially argued for importing Chinese labor en masse as a prime choice to replace slave labor in its West Indian plantocracies (Higman, 1972). Regardless of those arguments, it was from another one of its colonial possessions that London turned to meet the labor shortfall created by emancipation. Britain looked to India and India responded.

3. Indo-Trinidadians and Indentured Servitude – According to Roopnarine (2011), the forces of capitalism penetrate into underdeveloped regions of the world and distort social and economic relations, which, in turn, cause people to move. The tradition of uneven wealth distribution and extractivist imperial policies reflected in the disproportionate economic and social development of the British metropole versus its Indian colonial holdings made recruiting

indentured servants from that part of the empire almost a foregone conclusion. India boasted a large population ideal for economic exploitation and working in agriculture. Indian indentureship in the Anglophone Caribbean was akin to waged slavery. By 1839, the undermanned and therefore underproductive sugar, coffee, cocoa and cotton estates began importing indentured laborers from the British Raj – India. Over the 79-year lifespan of the policy, an estimated half a million contracted Indian indentured servants to its West Indian colonies (ibid.).

Beholden to a set of strict and oppressive contractual terms and conditions, Indian immigrants to the *Karma Bhumi*[11] or Land of Work, were initially brought to the islands as guest workers. (Roopnarine, 2011). In need of a reprieve and with free slave labor consigned to the past, Westminster vigorously promoted Indian migration and resettlement in Trinidad and other territories (ibid.; p. 181; see table 2.1). The Crown offered multiple incentives to entice Indian labor towards the colonies. Servants would be paid wages, entitled to free passage back to India upon the completing their contract as well as opportunities to extend their indentureship contract or perhaps even migrate to other colonies (Roopnarine, 2011). However, once Westminster decided to switch from a guest worker model to a permanent resettlement model, it devised a land inducement program (Perry, 1969; Roopnarine, 2011). The policy ran from 1869 to 1880 (ibid., p. 180). During that time, it became a core mechanism for the permanent resettlement of indentured servants on the island. Having an onsite, local workforce would significantly diminish overhead expenses to the imperial government, colonial authorities and to estate owners as well. Through incentivizing laborers to stay, the costs of returning them to India and bring fresh workers would remain in the imperial coffers.

[11] According to Roopnarine (2011), Hindu Indian indentured laborers used this term to refer to the British West Indies as the place had become synonymous with toil for them.

With an imperial focus on trade and the prosperity of the metropole through the exploitation of the colonies, Britain considered the role of landownership as a means of social mobility to its workers. However, the religious and economic significance of landownership to the Hindu and Indian ethos made the policy particularly enticing to prospective laborers. Hinduism teaches that owning land and material wealth are signs of one's divine favor. The opportunity to own land therefore was an ideal incentive to low-caste Indians looking to migrate to the distant West Indies in the pursuit of better lives. Britain consistently linked labor to land in the empire, however, during indentureship, colonial lands were not offered to European planters as happened under the Spanish *Cédula* (Moodie-Kublalsingh, 2020), but instead to the Indian servants working the plantations and growing the economy (Roopnarine, 2011). Suffice it to say, the aforementioned land inducement scheme was a success and served as a catalyst for an almost endless stream of Indian guest labor for Britain's West Indies agricultural sector in general and that of Trinidad in particular. Today, Indians continue to play a defining role Trinidadian identity and have left an indelible mark of the development of art, culture and politics. Notwithstanding the importance of the Indian Raj to the success of Britain's indentureship schemes, other ethno-racial groups also participated in such programs. Of those such groups, labor from China was highly sought after (Higman, 1972).

4. Sino-Trinidadian Migration - Britain was determined to open up nineteenth century Trinidad to economic development and resettlement. To achieve that, Britain built upon the existing framework borne out of slavery and established labor inflows predicated on eugenicist notions of racial hierarchy. Despite the scaled success of Indian indentured labor in the West Indies, the Crown had intended to draw from ethno-racialized groups that, in its misguided view, were, "Capable of resisting the debilitation of the tropics, but [were] more civilized than the

African, (Higman, 1972, p. 22)." In fact, calls for prioritizing the importation of Chinese labor were first made to London's Colonial Office[12] from as early as 1792 – years before the emancipation of the enslaved and prior to the introduction of indentured servitude from India. The initial idea was formalized in 1802 and proposed by Royal Navy captain William Layman. Layman argued that by itself, slave labor was economically insufficient to propel the Trinidadian economy beyond plantocracy. With talk of abolition afoot, Layman proffered the Chinese as the most apt candidate owing to their being, "inured to a hot climate, and habitually industrious, sober, peaceable, and frugal, and eminently skilled in the culture and preparation of every article of tropical produce," (Layman in Higman, 1972, p. 22).

Layman conducted a cost/risk analysis in order to prove, "the superiority of the ingenious and indefatigable" Chinese work ethic. He hypothesized that establishing a sugar plantation of acreage 640 in Trinidad during that period, an initial capital investment of £49,690 would be needed if manned by enslaved, African labor, whereas if the same plantation were to be manned by free, imported Chinese labor, the required start-up capital would fall to the considerably lower £26,435.00, (Higman, 1972; 22).

In addition to what he saw as glaring economic potential, Layman also believed in the possible social benefits to be gained from a racialized migration management/resettlement system. The importation of Chinese labor would not only save the British on start-up costs but with popular belief painting the Chinese as, "a people whose industry and ingenuity are proverbial, they were also civilized free men [who] would set the Africans an example of rational liberty and help avert rebellion," (Higman, 1972, p. 23). Layman and his supporters had hoped that the resettled Chinese

[12] Initially operating as the Board of Trade and Plantations and known by other names throughout its history, the Colonial Office was established as such in 1854. It was the government agency in Imperial England that oversaw the affairs of many of Britain's New World possessions including Trinidad (Young, 1961, p. 55).

would first impregnate the colonial society with their unique work ethic and cultural ethos, then form a robust middle class that would eventually create as a social buffer between the powerful white ruling class and the destitute, formerly enslaved, Black lower class.

Nevertheless, despite Layman's proposed economic and social 'positives' for favoring Chinese immigration into Trinidad, his policy encountered various obstacles to getting off the ground. From a lack of legislative support from the British parliament, to Chinese isolationism in the 1800s, amongst others, Layman's project seemed bound to fail. Yet, in spite of those initial impediments, Trinidad received its first stock of Chinese immigrants in 1806. Aboard an Indian sailing ship christened *Fortitude*, an initial group of 192 Chinese immigrants arrived in Port of Spain, bound for sugar plantations across the island. Those workers were recruited from areas outside the main sphere of influence of the Chinese government, namely Macao, Penang and Canton. Of the first 192 migrants, only 23 remained in Trinidad at the end of their indenture (NALIS, 2007). Layman's plan of seeding Trinidad with Chinese migrants who would establish social and kinship networks and grow the population had flopped abysmally. His failure impeded further attempts at largescale importing Chinese labor as a viable alternative to African enslaved labor.

Almost half a century post-Layman, the importation of Chinese labor into Colonial Trinidad received a renewed lease on life. Following the passage of colonial ordinance 5 of 1850 - "Encouraging industry of immigrants" and ordinance 9 - "Introduction of Chinese Laborers into the Colony," later that year, Chinese migration to Trinidad was allowed to resume in 1853. In the succeeding decades, other ordinances further paved the way for a mix of indentured servants and free, voluntary immigrants to be brought to the island. A second wave of Chinese migrants made its way to Trinidad from 1853 to 1866. That second wave coincided with a global surge in

migration originating in Guangdong Province, China towards Australia, North America and British colonies in the West Indies. By 1911, another wave had begun. With the recently culminated Xinhai revolution serving as primary impetus, the 1920s to 1940s saw a third uptick in Chinese immigration to Trinidad. However, unlike both prior sets of major Chinese arrivals, migrants during this period were largely merchants and small businessmen rather than the indentured labors first envisioned by Layman (Higman, 1972).

The fourth and final wave of Chinese migration into Trinidad began in the late 1970s and continues into the present day. Chinese migration was spurred on by the lasting effects of China's 1949 revolution as well as other major geopolitical events playing out on the world stage – WWII, the Cold War in the Caribbean theater, and the emergent liberalization of the global migration regime, for example. Nevertheless, Chinese immigration into Trinidad has irrevocably shaped the political, social, economic and cultural dynamics of the SIDS. The contributions made by Chinese Trinidadians and Chinese Tobagonians have opened the doors to years of direct bilateral and economic relations between T&T and China. These many years of people movement and back-and-forth exchange illustrate that widespread migration is an integral part of life in a globalized economic environment with tangible and necessary benefits to the receiving state. As a modern twenty-first century state, T&T continues to profit from more than two centuries of immigration from China by way of strong, bilateral and historical ties. Enabling greater access to its economy by qualified and vetted immigrants will only serve to further strengthen the young country, and further position it as a formidable player on the world stage.

5. Arab-Trinidadians and escaping persecution - Trinidadians often identify the country's principal merchant class as the 'Syrians'. Their economic and entrepreneurial ethos is said to be unparalleled within T&T society (Besson & Brereton, 2010). Yet, when the terms

‘Syrian Trinidadians’ or ‘Syrian Tobagonians’ are used, it is often done in reference to the last major ethno-racialized group in immigration to arrive and resettle in colonial Trinidad and Tobago. The ancestors of many modern Arab-Trinidadians from the Middle Eastern subregion of Greater Syria. Today, Greater Syria largely comprises parts of modern-day Iraq, Syria, Palestine, Jordan and Lebanon. Chiefly hailing from villages in the Syrian mountains and the Lebanese coast, migrants from other parts of Greater Syria also made the journey west towards religious freedom (Besson & Brereton, 2010).

The pursuit of freedom from religious persecution was the impetus for the first wave of Syrian immigration to the region. Arab migration to T&T began circa 1904/1905. Comprising an all-male group, the first wave of Arab immigrants to T&T first settled around the capital city of Port of Spain. They did not make the perilous journey to the West Indies with indenture contracts nor as part of a guest worker scheme. Instead, as a type of early refugee, Arabs in T&T went as a merchant class who, upon achieving moderate financial stability in the colony, engaged in chain migration in the years following resettlement. First, they established themselves financially, then sought to reunite with their Christian families by rapturing their relatives from lands controlled by the Islamic Ottoman Empire – an empire which dominated much of the Mediterranean region at the turn of the twentieth century. In addition to the opportunities afforded them as ‘free’ migrants, Arab immigrants to T&T escaped persecution and gained protection from what today has become Islamic extremism and protracted conflict – two foundational pillars of the modern refugee regime. However, it the British metropole to facilitate their resettlement and not autonomous T&T law. This comes as no surprise as T&T was a colony of the UK at the time. However, it does speak to colonialism’s power to strip a people of their agency vis-à-vis legislating policies commiserate with its que interests and instead, advance those of the hegemon. Britain assistance to Arabs by

way of resettlement in T&T was mutually beneficial; the British gained more human capital for colonial exploitation while the migrants were afforded protection. Notwithstanding, Arab chain migration to Trinidad extended into the 1920s and 1930s – the time by which the first wave was economically stable enough to finance the next wave.

Undaunted by the calamitous events occurring on the world stage, many of the Arab immigrants travelled west to escape the tumult of life under the Ottoman Turkic rule. As Christians under Muslim subjugation, not only were Trinidad's Arab migrants disallowed from owning land, but they also had their movements within and without the Ottoman Turk empire curtailed and controlled, amongst other indignities they suffered under the hands of local sheiks (Besson and Brereton, 2010).

The Arab experience under Ottoman rule harkens back to the Black and Indian experiences within the British Empire. Nevertheless, the first and second waves of Arab immigration to colonial T&T from Greater, like to the displaced Venezuelans now seeking refuge in contemporary T&T, were also considered economic migrants by colonial powers (ibid.). During those times, there was no comprehensive state legal infrastructure for rendering assistance to migrants fleeing persecution - the foundations for same did not take root until 1948 with the ratifications of the Universal Declaration of Human Rights and the subsequent 1951 Refugee Convention. Those coming in the 1920s depended on familial bonds and pre-established social networks to migrate. Today, many Venezuelans in T&T take advantage of the very same migratory channel to escape economic hardship and rampant insecurity in contemporary Venezuela.

By 1914, with war having broken out across the global North, fewer than one hundred migrants from the original 1904/1905 stock remained in Trinidad. From that remnant group T&T's present-day Arab-descended community received its genesis. Their small numbers and relatively

recent arrivals have made tracing the origins of most Arabs Trinbagonians today synonymous with reviewing the genealogies of a small group of Christian families that crossed the ocean more than a century ago. Among those families were the Sabgas, the Fakoorys, the Hadads and the Matouks – names now ubiquitous in contemporary Trinbagonian business sectors like manufacturing, wholesale and retail.

Following on the heels of the family reunification wave of the 1920s and 30s, a subsequent wave of Arab migration made its way to Trinidad. Around that time, two notable members of the Arab community emerged and facilitated the resettlement of many of their compatriots. According to Besson and Brereton (2010), Yussef Sabga and Rahme Sabga often assumed, at least in part, the economic costs of new arrivals from their homeland and would pay the immigration bond – a type of tax exacted by the colonial government – associated with lawful entry into the colony at that time. The Sabgas would eventually acquire Sabga House in Port of Spain and continue their important work of providing temporary accommodation for their newly arrived countrymen and women. Theirs was an instrumental role in establishing an organized and financially stable social network for new arrivals – making them the founders of one of the country's early associations borne out of ethno-racialized immigration during colonialism.

In contemporary T&T, Arab influence has permeated many facets of the social fabric. Most notably, Arab-descended industry contribute significant sums to the nation's economic development. From initial economic participation as haberdashers, peddlers and vendors; the small, contemporary community of approximately 3,500 Arab Trinbagonians have today excelled in areas such as financial services, manufacturing, food production and restaurant management (Besson & Brereton, 2010). Today, the economic and cultural contribution of the Arab community on the island has greatly shaped the development of T&T. Their presence of the Arab Trinbagonian

community is also felt in politics at the national and diplomatic levels in personages such as Faris Al-Rawi (former attorney general and current Minister of Local Government – a type of interior ministry) and John Rahael (former minister of health), amongst others, who have attained high elected and appointed offices throughout the country's independent history.

Immigration in Post-independence Trinidad and Tobago

Arab migration marked a turning point in T&T immigration history. While their resettlement into the island started during colonialism, it came at a time when public opinion surrounding imperialism began to wane and the British Empire stealthily studied mechanisms for doing away with its New World colonies (Higman, 1972). At this point in our discussion, I have laid out a panoramic view of major immigrant groups in colonial Trinidad and illustrated some of the core forms of immigration that brought human resettlement to Trinidad as well as the corresponding legal instruments employed in the achievement of that task. From the enslavement of free Africans to the indentureship of the Chinese and Indians laborers, to the 'refugeehood' of Christian Arabs fleeing religious persecution, colonial-era immigration focused chiefly on economics and the logics surrounding capitalism.

Prior to independence, a restrictive and convoluted system of colonial ordinances and British common law orchestrated the selection of migrants from specific ethno-racialized groups based on their eugenics-inspired psychological and physical attributes and abilities. Notwithstanding, when Colonial Trinidad became Independent T&T, its chief enabling framework, that is to say the laws that would govern immigration policies post-independence, remained largely unchanged and anachronistic. Somehow, a sovereign T&T inherited much of its 'new' immigration control kit from its former British colonizers. Even today, with the British Empire all but fully decolonized and the UK itself a major player in global migration

policymaking, T&T finds itself clinging to a national migration apparatus that resembles a cut-and-paste version of Imperial British ordinances that the UK has long since discarded.

Not only did the latter half of the twentieth century bring political independence to T&T but it also marked a turning point in world migration management. As Britain rid itself of its remaining crown colonies and amidst technological advances in the areas of travel and communication, SIDS like T&T were left largely without direction with regard to migration management as an emergent liberal world migration system developed under US and British influence. As a result of this unintended consequence of independence, T&T opted to cling to already-in-place policies handed down by Britain and fashion that into a migration kit. However, despite the anachronistic quality behind T&T's extent 1969 immigration law, the incumbent government has steadfastly shown its comprehension of its role as an emergent small-island migration state, as well as the economic function of openness and diminished restrictiveness as drivers of immigration policy vis-à-vis the liberal paradox.

Born out of Britain's short-lived but preferred West Indies Federation, Caricom today is the Caribbean region's principal instrument for regional integration and collaboration between neighboring states. Despite having its genesis as an association of Anglophone Caribbean countries, post-decolonization, the organization has since expanded to include non-English-speaking member states Suriname and Haiti, as well as observers Colombia and Venezuela. As a full Caricom member state, independent T&T[13] has amended its 1969 immigration act at several junctures in its recent past to domesticate the provisions of various Caricom agreements. First signed in Chaguaramas, Trinidad in August 1973, the Treaty of Chaguaramas breathe new life into

[13] Trinidad and Tobago gained political independence from the British Empire in 1962. However, the country remained a realm of the British Crown until 1976, when its parliament gained an intentionally hard-to-grasp 75% majority to amend the constitution and establish the country as a unitary republic. Despite replacing the British monarch with a republican president, T&T remains an active member of the British Commonwealth of Nations (Trinidad & Tobago, 2023a).

Britain's ideal concept of multiple islands working as a single unit in service to the British Commonwealth (see Chapter 4). On several occasions, T&T has governments have gone to parliament to incorporate certain provisions made by the aforementioned treaty into its national legal framework. Two principal modes of integration that have been focal points for co-operation are the regional economy and migration. As we have already seen, where the market creates the policy, the legal potential exists for Britain's Privy Council to hypothetically be the final arbitrator in T&T immigration matters that extend beyond the legal purview of the nation's Immigration Division. With this concept in mind, let us now scrutinize the waves of immigration into T&T after Port of Spain's political break from London.

Independence in the Anglophone Caribbean meant that immigration in the region would soon be dominated by the movement of Caricom citizens across maritime borders (United Nations, 2002). Post-1962 immigration control in T&T is now and continues to be characterized by the passage of numerous acts of parliament that facilitate migration from its fellow Caricom member states and other select countries (such as Venezuela, Costa Rica and the Dominican Republic) with which member states maintain bilateral arrangements (Chap 18:01 – Immigration Act of 1969). Consequently, Caricom immigrants represent the next group in immigration to resettle in those islands.

6. Caribbean Community (Caricom) Citizens – In the 1950s, as T&T hurtled towards independence and full autonomy, the British outlined and implemented the preferred path it wanted its soon-to-be-independent Caribbean territories to take. Britain had hoped to relinquish control of its realms to a single federal entity – the West Indies Federation (1958 – 1962) as opposed to a combination of mismatched states. As we shall see in greater detail in subsequent chapters, the

Federation project failed and as result, the British begrudgingly granted independence to ten individual, yet historically and culturally bound states over the course of three decades.

Motivated by their shared colonial history, culture and common geography, those newly independent states embarked on a diplomatic and legislative mission to strengthen already deep social ties and forge political and economic ones. As terribly small economic players on the global scene, banding together as a single, regionally integrated bloc would not only gird their position at the negotiating table with more influential foreign powers, but could also keep much-needed resources financial and human resources from fleeing the region. A combined front would present a fiercer competitor to the international market and expand the physical confines of each state's territory to include that of each other member state. Said front would eventually morph into Caricom.

In the case of T&T, Caricom migrant flows have a two-prong effect. First, Caricom gives us the first group-in-migration to arrive in a sovereign T&T free of colonial interference. Second, Caricom migration to T&T fosters an incubatory space in which to evaluate migration as a function of regional integration within neighboring insular migration states. Unlike the groups-in-migration herein discussed previously, Caricom migrants comprise a voluntary group of migrants, with no specific racial identity, but selected based on metrics of education and monetizable skills. However, T&T's membership in Caricom and its push towards regional integration have allowed citizens of Caricom member states to benefit from certain negotiated migration privileges in T&T which were inconceivable during its colonial past but have become possible under the liberal interconnected systems of modern migration regimes.

With the signing of the 1973 treaty, Barbados, Guyana, Jamaica and T&T started the bloc. It quickly expanded to 12 member states in 1974 and again in 2002, when the organization

expanded to incorporate Haiti as its fifteenth and most populous member state. With Haiti's addition, Caricom achieved a level of regional integration amongst sovereign nations that remains unrivalled in the Americas today. Caricom's efforts to intertwine regional financial, immigration and other systems are evident with any superficial interrogation of the amendments to the Immigration Act of 1969 and elsewhere in other laws, post-1976. Similarly, Caricom nationals are actively utilizing T&T's legal provisions to resettle in that country and live and work unimpeded by jurisprudential gray areas and legal ambiguities. In fact, the most recent, available statistics show that T&T possesses an overall negative net migration rate. This means that the country loses more residents to other countries in the form of emigration (out-migration), than it gains from immigration. In spite of that statistical fact, in 2013, T&T had more than five times as many Caricom-born immigrants with 16,743 (coming from Grenada, St Vincent and the Grenadines and Guyana) as it had US-born immigrants with 3,810 or UK-born immigrants with 2,087 from a total stock of 22,540 migrants (UNICEF, 2013).

In addition to contributing the lion's share to T&T's overall immigrant population, Caricom citizens member states represent the most visibly group to engage with the country's immigration framework. However, there is a comprehensive body of extent legislation that goes to great lengths to detail the conditions governing their presence in the country. The same cannot be said about the ongoing spate of irregular migration to the islands coming from Venezuela.

As country's immigration management apparatus grew away from a system of ethno-racial selection in the colonial era, and towards systems of ambivalent oscillation between policies of inclusion and exclusion, the nation, alongside the rest of the postbellum world, fell into the gravitational pull of the emergent new world order of migration states dominated by the US and Europe. Post-decolonization and perhaps involuntarily, T&T entered into previously unchartered

political and legislative territory and was subsumed by the principles of Hollifield's liberal paradox.

Through its involvement in Caricom, T&T's government has created legislative avenues geared towards facilitating the movement of specific groups of Caricom citizens across its borders. We now know that such moves are in sync with the country's regional integration agenda and other binding responsibilities under Caricom agreements. From the aforementioned we see that T&T, at least from a political standpoint, is committed to employing immigration as a mechanism for enhancing co-operation between states. Political instruments such as the Grand Anse Declaration[14] of 1989 reinforce that commitment. However, as Caricom citizens are afforded a veritable litany of carveouts, in the name of regional integration, some post-independence T&T policies appear set to hinder the movement of other vulnerable, non-Caricom migrant groups.

Venezuelan Migration to Trinidad and Tobago

Of the diverse nationalities whose citizens cross T&T's borders, perhaps none is more at risk of facing undue hardship than neighboring Venezuela. According to various international reports, many Venezuelans who have fled the crippling economic situation in their country have since been forced into sex work, experienced human trafficked and some have even lost their lives in the pursuit of refuge (Brown, 2022; Hutchinson-Jafar, 2020). In T&T, at the time of writing, many Venezuelans are reliant on the goodwill of strangers for their day-to-day wellbeing. Yet, in spite of T&T and Venezuela's history of binational migration, T&T's policy stance seems committed to ignoring said history and the colonial and economic forces of population building

[14] In 1989, Caricom member states proclaimed the *Grand Anse Declaration and Work Programme for the Advancement of the Integration Movement* which, among others, established its intent to, step 11) [make] arrangements by January 1991 for the free movement of skilled and professional personnel as well as for contract workers on a seasonal or project basis; and step 12) [take] immediate and continuing action to develop, by 4 July 1992, a regional system of air and sea transportation including the pooling of resources by existing air and sea carriers conscious that such a system is indispensable to the development of a Single Market and Community (Caricom, 1989).

that once upon a time allowed for less-restricted movement between both states. Similar to the European, Black African, East Indian, Chinese and Arab migrants discussed previously, the sustained presence and numbers in which Venezuelan migrants have resettled in Trinidad, reasonably constitute a seventh and most consequential major group-in-migration.

7.1. Early Venezuelan Arrivals – Many Trinbagonians can trace their racial lineages back, not only to the major groups installed under colonial sponsorship, but also to less demographically significant groups that settled on the islands by way of more sporadic and individualistic migration. Trinidad's booming energy industry, stable agricultural economy and geographic proximity collectively made the island-colony an attractive option to free Venezuelans looking to explore their horizons and seeking immigration as a means of socio-economic mobility. In fact, Trinbagonian manufacturing firm Angostura – renowned for its worldclass aromatic bitters – got its start when the Venezuelan sons of German physician and friend to Simón Bolívar, Johann Siegert resettled in Trinidad from Angostura (now Ciudad Bolívar), Venezuela in 1875. Today, important streets that traverse Port of Spain's busy Wrightson Road now bear the names of those Sons of Angostura[15]: Alberto and Luis amongst others, (Buzz Media, n.d.; ANGOSTURA® aromatic bitters, 2018; Appendix B).

Venezuelan migration to the Anglophone Caribbean is not a novel phenomenon. The above vignette confirms that Venezuelans have been moving to Trinidad to escape political turmoil for more than a century. Historically, the Venezuelan presence in colonial Trinidad is perhaps most

[15] According to Buzz, the influential Venezuelan family – the Siegerts - once owned a Port of Spain sugar factory that once stood at the current site of the family's namesake square. When the family sold the property to the city in 1911, it did so with the caveat that the family's connections to the land be forever immortalized in the names of nine streets in the Woodbrook suburb of the Trinbagonian capital. Appendix B is a map showing where the Siegerts' Woodbrook sugar cane estate once stood, and the modern streets named after its descendants (accessed 9 Jan. 2023).

intertwined with the *Cocoa Payol*[16] community. Cocoa Payol [or Cocoa espagnols] Trinbagonians are the descendants of Venezuelan immigrants who arrived in Trinidad in the late 1800s (Moodie-Kublalsingh, 2020). Their ancestors, like the Siegerts, were drawn to the islands in search of economic and political stability. As the cultivation of cocoa in colonial Trinidad grew in importance, even surpassing sugar as the colony's primary agricultural export for a number of years, many Venezuelan cocoa farmers immigrated to the British colony in hopes of finding work (ibid.). But understanding how cocoa production turned Venezuelan labor into an unofficial *group-in-migration* in Trinidad requires context.

In the early 1720s, much of Trinidad's *criollo* cocoa crop was wiped out by natural disaster (Bekele, 2004). By the 1800s, in efforts to revive the failing cash crop, Trinidad's British colonists crossbred the remnants of the almost extinct criollo with the hardy *forastero* strain of Venezuela to produce the never-before-seen *trinitario* strain (ibid.). Naturally, Venezuelan planters, verse in the nuances of cocoa husbandry were incentivized by these new developments. Incentives from the colonial government attracted both the wealthy and the poor and together, the introduction of Venezuelan capital and labor first gave rise to new cocoa plantations and then eventually to the cocoa boom of the early 1900s (Moodie-Kublalsingh, 2020).

Despite having its genesis in agriculture, the impact of early Venezuelan settlers is not confined to economics and agriculture but instead, permeates other facets of modern Trinbagonian cultural expression. Take its celebration of Christmas for example. Gastronomically, *pastel* and rum dominate annual end-of-year festivities while *parang* can be heard on many radio stations and

[16] Cocoa Panyols sometimes spelled *Cocopayol*, *Cocoa Pagnol* and *Cocoa Panyols* refer to members of an ethnic group in T&T that formed out of interbreeding between Afro-descended Trinidadians; indigenous, Trinidadian Amerindians and Spanish-speaking Venezuelans that extend as far back as the Cédula de población and as recently as the first half of the twentieth century. They eventually integrated themselves into different communities in Trinidad but had first initially settled in southern coastal areas like Moruga and along the river valleys of the Northern Range where many cocoa plantations were established (Moodie-Kublalsingh, 2020).

in many households. This is regardless of religious persuasion or ethnic background. These quintessentially Trinbagonian cultural items made their way to the country on the backs of Venezuelan migrants more than two hundred years before their countrymen and women would again find themselves fleeing political upheaval and economic downturn.

Fast-forward to the modern era and we find a different scenario. T&T and Venezuela established formal diplomatic relations in 1962, a mere two weeks after the former attained sovereignty from Britain. Their geographic proximity to one another has economically tied both states into a perpetual relationship surrounding the exploitation of their shared resources. T&T's independence and the subsequent formalization of bilateral relations Venezuela further led to the formalization of migration policies between both countries that might have previously been incumbered by Britain's colonial possession of the islands. Since formalization, Venezuelans have enjoyed visa-free travel to T&T while Trinbagonians reaped similar benefits in across the Gulf. That was, until 2018 when the T&T government announced its imposition of an entry visa requirement on Venezuelan migrants fleeing repressive conditions in their homeland (Capriles, 2022; Popplewell, 2019). This point is where ambivalence in T&T immigration policy steps into the sociological spotlight. Why employ different approaches for arguably, the same type of issue – immigration control?

According to writers Carens (1987), and Cornelius et al (1994), liberal democratic countries face unique challenges from the global market and internally as they control migration through legislation and policymaking. Democracies with liberal economies are essentially pitted against each other themselves within a system that is constantly seeking equilibrium. The liberal democracy is continually engaged in an existential battle for its outward-facing economic

viability[17] and its inward-facing responsibilities to its own citizens. That balancing act of managing the economic/foreign policy interests of individual incumbent parties and the global thrust towards greater open-ness to the movement of human capital for economic gain, against the states inalienable duty to preserve and protect its national territory and the everyone within its limits from external threats to its stability. It is in such a space the independent government of T&T finds itself. As a migration state, T&T has finally emerged. With supply-push forces remaining constant and/or increasing (Hollifield, 2004), no longer is migration a strictly unidirectional phenomenon tracing the movement of human capital from the global South to the North (Leal and Harder, 2021), and in pursuit of economic prosperity. Instead, increased forced displacement of Venezuelans towards T&T shows that traditionally emigration countries (like T&T and the other Caricom members) emerging as modern migration states.

Conclusion

However, engaging with the world economy is not optional for SIDMS. Those states show themselves dependent on trade with the world market for their economic survival. As such, despite their sovereignty is subjective – it is subject to international market forces, other governments foreign policy towards them, and the criticisms of international monitoring organizations. Consequently, while migration states are theoretically open to freer movement of people across their borders in the literature and perhaps in the conventional migration states of the global North, controlling migration within the global South, as the T&T case will show, is an unpredictable endeavor that forces SIDMS to look beyond the standard strategies of immigration control employed in the global North to manage movements across their own maritime borders.

[17]Within the liberal paradox, liberal democracies have their interests of diplomatic solvency (outward-facing or foreign policy involvements) pitted against the need to retain politically solvent. That is to say, as elected officials seeking to retain power, democratic politicians can ignore the desires of their electorate for only so long. Eventually, the collective throng of electorate voices can steer policymaking in such countries.

Migration and its control are fundamental driving forces behind globalization and the international economy. At the same time, they are also key elements in the creation of both modern migration states and former imperial colonies. As migration intensifies the world over and people parlay their labor far from home, it has caused a shift in global economic and political operations. Migrants of the colonial era were chattel and commodified. Under the contemporary world regime, migrants are people and people have rights. Yet, the enduring commodification of migrant labor, the award of specific rights to migrant categories; both voluntary and involuntary, magnify the cracks present in the worldwide immigration machine and advances the need for a reconsideration of the existing migration state model to include SIDMS. In order for these rights to be relevant, they must be made law.

T&T's colonial history of racialized labor migration and its contemporary history of Caricom-based, regional migration make it a fertile ground for accommodating Venezuelans displaced by the VMC. However, its immigration ambivalent policies largely serve as deterrents to migrants contemplating migration while also placing avoidable pressures on migrants already in the country. T&T's intimate history with immigration control spans half a millennium. From the initial arrival of Europeans in 1492 to the despicable enslavement and displacement of Africans to the contemporary arrivals of Venezuelan migrants, immigration has been a legislative issue. It was by way of legislation that the British government managed migration in colonial Trinidad and it is by the same avenue that modern T&T now does the same in the contemporary era.

Throughout both sides of Trinidad's history – both colonial and contemporary - we see that not only has immigration in that country traditionally been controlled by foreign powers externally,

but that it was open borders in the context of colonialism[18] that ultimately constructed the demographic make-up of contemporary T&T and set the foundations of immigration law in that country. Notwithstanding, T&T's contemporary policies seem unpredictable and restrictive. In the following chapter, I examine those policy responses and offer an explanation for the ad hoc approach adopted by the incumbent government of T&T concerning Venezuelan migration.

[18] It is important to note here that with rare exception, 'open borders' did not extend to competing imperial interests. That is to say, here I refer to the use of legislation from the metropole to move migrant labor around the empire from colony to colony and not to cross-imperial migration.

CHAPTER 3

RESPONDING TO CRISIS: AMBIVALENCE IN TRINIDAD & TOBAGO IMMIGRATION POLICY

In recent years, Trinidad and Tobago (T&T) has had a former migration corridor reopened amidst the growing number of refugees it receives from Venezuela. Despite its status as a emigration or sending state, T&T has now become a destination country and thoroughfare state for many Venezuelan migrants who reside there and/or intend to use the small, twin-island republic as a springboard for eventual migration towards its more migrant-magnetic, anglophone neighbors in North America and elsewhere. Unfortunately for many Venezuelans and the government of T&T itself, few persons ever accomplish this feat (Norman, 2017). Many migrants who engage in this type of step-migration wind up remaining, sometimes indefinitely, in thoroughfare states, without any clear avenue out of their precarious situation. In this context, the precarity of the refugees' situation stems from the ad hoc manner in which the government of T&T has engaged with them, and the arbitrary and inconsistent policies that it has brought to bear on displaced Venezuelans seeking refugee within its national borders. In this chapter, I explain that despite the implementation of minimal measures to accommodate Venezuelan migrants, the government of T&T has largely chosen to tolerate but not encourage the Venezuelan refugee presence in its society. Kelsey Norman, Dagmar Lorenz-Meyer and others call such inaction 'ambivalence' (2017).

In its application to the study of migration and according to Norman, ambivalence occurs when the state [the national executive or cabinet] seemingly willfully ignores the presence of an incoming refugee group in favor of utilizing its already strained resources to attain Pareto while advancing its political and economic agenda (2017, p. 28). It does this while banking on the notion that someone else will do it. That "someone else" takes the form of the UNHCR, its implementing

partners and other humanitarian agencies. In its management of the Venezuelan migrant crisis on its shores, the T&T government has utilized colonial-era laws and deterrents to turn a blind eye to the plight and inherent rights of refugees, effectively ignoring its responsibilities as party to the 1951 Geneva Convention on Refugees since its accession in 2000 (UNHCR, 2020). Consequently, the T&T government has fashioned control policies from its anachronistic legislation to offer minimal temporary protections and "comfort" to migrants. Notwithstanding, the currently in-force legislation and the absence of updated legislation specific to the novelty of the VMC suggest that the incumbent government prioritizes immigration for economic gain while relegating international refugee and asylum law to its political blind spot. In the proceeding pages, I add to Norman's theory of ambivalence and argue that small island developing states like T&T engage in ambivalent immigration policymaking when, due to their minimal leverage as political players on the world stage, they find themselves amidst of a veritable tug-o-war and end up politically torn between larger and opposing interests with which the SIDS must maintain amicable relations to ensure its own national interests.

According to FitzGerald (2019, p. 5), states that are more powerful in the 'hierarchy of sovereignty' (Lake, 2009) reach into other countries' territories to try to shape outmigration and transit. In the case of T&T, the fledgling country is torn between its necessary relationship with the Maduro-led, socialist government of Venezuela and the liberal democratic demands of the US-led global refugee regime. As we discuss T&T immigration policy towards Venezuelan refugees, I examine the extent at which the Rowley-led government employs a policy of ambivalence.

Migrant Selection: Then and Now

Well before rights and special carve-outs for refugees began playing such a prominent role in the global system of immigration control, states based migrant selection and the importation of labor on racial and ethnic distinctions and other perceived qualities believed to be inherent to each ethno-racial group (see Chap. 2). In the colonial West Indies, European powers established a hierarchy of races with its own at the helm and, imposed a 'battery of labor ordinances and laws,' (Roopnarine 2011, p.174) that overtly embedded racism as the dominant structure for the importation of desired labor classes. The justifications for such policies were shrouded in pseudoscientific racism that perpetuated the hegemon's dominance in the region. From 1838 and spanning much of the post-emancipation years, colonial T&T relied on a system of ethno-racist policies, legitimated by unambivalent logics of economic expansion, to resettle lands and source labor to fuel the colony's agrarian economies. Observe the following table.

Table 3.1: Principal colonial-era (British Crown Colony) Trinidad and Tobago immigration ordinances evidencing ethno-racial selectivity as the main migration control policy pre-independence (Parliament, n.d.)

Year	Ordinance Reference No.	Title/Description of Ordinance
1838	17 of 1838	To facilitate – immigration – Agricultural Labour
1839	05 of 1839	Encouragement of Immigration
1842	07 of 1842	Protection and Promotion of Industry-Liberated Africans brought to Trinidad
1843	02 of 1843	Payment of expenses-bringing immigrants from the coast of Africa or other places under the authority of H. M. Government
1844	18 of 1844	Payment of expenses-Immigrants from Asia-Extending 2 of 1843
1844	19 of 1844	Raising money-Immigration-Agricultural Labour from India
1846	13 of 1846	Apprehension of offenders from Venezuela
1847	01 of 1847	Immigration from India-1847
1850	09 of 1850	Introduction of Chinese Labourers into the Colony
1851	08 of 1851	Encouraging Free Blacks and Coloured Immigrants from US and British North America into the Colony
1853	03 of 1853	Introduction of Chinese Immigrants-Introduced at Public Expense
1856	11 of 1856	Education and Industrial Training-Children of Indian Immigrants
1858	11 of 1858	Immigration from China
1859	21 of 1859	Steam Navigation-Venezuela and Trinidad
1859	14 of 1859	Introduction of Indian immigrants at the expense of private persons
1861	03 of 1861	Indenturing Liberated Africans
1862	23 of 1862	Indian Immigrants
1878	21 of 1878	To prevent Fraudulent Enlistment of Immigrant Labourers to foreign part
1895	11 of 1895	AN ORDINANCE to amend and extend the provisions of "The Infirm Paupers Ordinance, 1882," and to make provision to restrict the landing in the Colony of Criminal and Vicious Immigrants
1900	04 of 1900	AN ORDINANCE to restrict the making of contracts for Foreign Labour in the Colony and to protect Labourers entering upon such Contracts.
1902	02 of 1902	AN ORDINANCE To provide a fund for the repatriation of Indian Immigrants.
1916	26 of 1916	The Immigration Act of 1916 - AN ORDINANCE relating to Immigration [On Proclamation].
1928	01 of 1928	AN ORDINANCE to amend the Expulsion of Undesirables Ordinance.
1936	04 of 1936	Immigration (Restriction) – [On Proclamation] AN ORDINANCE to impose restrictions on immigration.
1942	04 of 1942	AN ORDINANCE to impose special restrictions on the immigration of certain immigrants and to make special provision for their later repatriation.
1969	41 of 1969	The Immigration Act of 1969 - AN ACT respecting the admission of persons into Trinidad and Tobago.

Table 3.1 illustrates the role of legislation in not only sculpting the colonial economy of T&T but in facilitating the racialized objectification of immigrants in the selection of desired labor forces envisioned by Britain during that period (Parliament, n.d.). By 1969, T&T was a decolonized and

politically independent nation. However, despite that momentous event, the immigration control kit of the SIDMS has only barely changed relative to its colonial legislative instruments.

CSME/T&T Migrant Selection

Upon independence and the failure of Britain's West Indies Federation, T&T and a number of other West Indies colonies gained the sovereign right to self-determination. According to Michael Walzer (1984), as self-determining political communities, those countries reclaimed from their former colonial masters the right to fashion autochthonous frameworks for controlling access to their own borders. This right, according to Walzer, includes the right to restrict immigration given that the capacity to do so may have far-reaching implications for those who already enjoy membership in the given state and national security (ibid.). Nevertheless, in today's modern world, states do not exist in a vacuum. International interactions in the forms of trade and migration are now necessary to the economic health of many countries.

In fact, the process of globalization has led to the establishment of a series of global and regional trade liberalization agreements that either directly or indirectly impact the socio-economic development of SIDS, (ECLAC – United Nations, 2005, p. 5). Intuitively, those small states have a greater reliance on international relations than their economically more resilient counterparts of the global North. Therefore, as small island liberal democracies, they are inveigled by the global economic forces to create immigration policies that favor their economic interests. At the same time, contemporary humanitarian and moral standards can influence policy towards the opposite end of the restrictions/open-ness spectrum with or without needing to meet the condition of "dire need". When the aforementioned conditions align, ambivalence as policy becomes a situational remedy for overcoming the liberal paradox. Sen believed that to solve the paradox, a society would need only to ignore the non-restrictedness condition or minimal liberalism (1970; 1992) in order

to escape the bonds of the liberal paradox. However, as we shall discuss in the proceeding pagers, SIDMS cannot simply prioritize Pareto at the expense of the economic openness nor vice versa. Despite the condition of "dire need" is met in the T&T case yet, the government responded with mixed-signal policies and dubious statements of their efforts to render humanitarian assistance and "comfort" to migrants. Research into Caribbean migration from the *Caribbean Expert Group Meeting on Human Rights and Development in the Caribbean* claimed that in response to the needs of migrants, governments in the Caribbean had undertaken various efforts to provide access to basic social services in their countries," (ECLAC – United Nations, 2005, p. 7). However, in practice, such facilities do not indiscriminately extend to all migrant categories.

On the surface, the government of T&T's ambivalent policy responses to the VMC seems reminiscent of colonial-era migrant selection criteria. First T&T practices a policy of exclusion before it then switches to policies of provisional inclusion. This is seen when we examine the post-decolonization reforms to the Immigration Act of 1969. Following decolonization, T&T began expanding its immigration policies and began legislating greater open-ness and reducing previous restrictions vis-à-vis immigration control. However, as Lee and Fiske (2006) maintain, host state attitudes "vary significantly depending on who the group is and where they come from." Many people develop their preconceived notions of and stereotypes about other racial and ethnic groups through the consumption of mass media (Aggarwal et al., 2020; Agovino et al., 2021). Some of those people become politicians and policymakers. As a western, anglophone nation, much of the media consumed by T&T is construed in the US. Perhaps such consumption of US media plays a role in local attitudes in T&T towards Venezuelans (generalized as Latinos/Mexicans in US media) remaining negative (Teff, 2019; CNC3News, 2023; Nakhid & Welch, 2017; Mohan, 2019). Since popular rhetoric suggest that those migrants are associated with lower status and illegal transient

immigration while other non-Latino groups might be viewed more favorably (Reyna et al., 2013; Norman, 2017), T&T's legislative preference for Caricom migrants over non-Caricom migrants harkens back to the US quota system of the 1900s era that once pitted different immigrant groups against each other as they competed for the right to enter.

In T&T, citizen attitudes generally point to a belief that the Venezuelan presence in the country threatens citizens' access to jobs while also driving up the national incidence of violent crime (Anatol & Kangalee, 2021; Cawley, 2014). While humanitarian agencies struggle to aid migrants, politicians foment the distrust of Venezuelans while simultaneously promoting Caricom initiatives[19]. Although research shows that polarization in the realm of public opinion surrounding immigrants and immigration policy is commonplace, governments often use that polarizing effect to their advantage and use citizen attitudes to justify restrictive immigration policies (Freeman, 1995). In this regard, we see the citizenry of T&T as a type of xenophobic accomplice in the government's policy pursuits as opposed to an informed participant in the legislative and policymaking process. Nevertheless, an ambivalent cabinet – holding both positive and negative views on Venezuelan immigration at the same time - explains to some degree why small island, developing economies would employ seemingly ad hoc measures to separate who they consider the proverbial chaff from the wheat of potential immigrants.

[19] Ambivalence is even evident in the rhetoric spoken by the incumbent government. In 2017, Prime Minister Keith Rowley pleaded with the public to not wrongfully attribute blame for the country's increase in violent crime (Polo, 2017). Yet, as more Venezuelans entered T&T, the government changed its tune to one of xenophobic fear (Griffith in Venezuelan Immigrants' Impact on Trinidad, 2019; *Venezuelan Gang Muscles into Trinidad and Tobago, others may follow*, 2019; *Pirates Control Ocean Between Venezuela, Trinidad & Tobago*, 2019). At the same time, immigration corridors coming from CSME/Caricom partner states are facilitated in line with the country's regional integration agenda (Table 2.2).

Table 3.2: All amendments to the Immigration Act of 1969 (and other Caricom-related acts that may affect immigration) made since the Law was enacted by the country's independent legislative organs to the present day (Revised Act, n.d.)

Year	Ordinance Reference No.	Title/ Description of Ordinance
1974	07 of 1974	AN ACT to amend the Immigration Act, 1969.
1978	24 of 1978	AN ACT to amend the Immigration Act, 1969 – Citizenship and Residence
1988	19 of 1988	Section 38 of the Trinidad and Tobago Free Zones Act, 1988
1990	16 of 1990	(Foreign Investment Act, 1990) repealed the Aliens (Landholding) Act, Ch. 58:02. Accordingly, section 38 (3) of Act No. 19 of 1988 should be read in the light of this repeal.
1991	41 of 1991	AN ACT to give effect to the agreement for the establishment of a Regime for Caricom Enterprises.
1995	37 of 1995	AN ACT to amend the Immigration Act, Chap. 18:01.
1996	26 of 1996	Immigration - AN ACT to remove the restrictions on entry into Trinidad and Tobago of skilled nationals of qualifying Caribbean Community countries.
2001	06 of 2001	Immigration - AN ACT to amend the Immigration (Caribbean Community Skilled Nationals) Act, 1996.
2001	10 of 2001	Caricom - AN ACT to give effect to the Free Trade Agreement between the Caribbean Community and the Government of the Dominican Republic.
2003	18 of 2003	Immigration - AN ACT to amend the Immigration (Caribbean Community Skilled Nationals) Act, 1996.
2005	02 of 2005	Caribbean Community - AN ACT to amend certain laws to facilitate the implementation of the Revised Treaty of Chaguaramas Establishing the Caribbean Community, including the CARICOM Single Market and Economy.
2005	04 of 2005	Caribbean Community - AN ACT to give effect to the Free Trade Agreement between the Caribbean Community and the Government of Costa Rica.
2005	14 of 2005	Section 5 of Act No. 14 of 2005 with respect to entry into, residence in, and departure from Trinidad and Tobago.
2006	05 of 2006	Caribbean Community - AN ACT to give effect to the Trade and Economic Co-operation Agreement between the Caribbean Community (CARICOM) and the Government of Cuba.
2006	29 of 2006	Immigration - AN ACT to make provision for the transmission of advance passenger information respecting persons travelling to Trinidad and Tobago and for matters related thereto.
2016	01 of 2016	Amendments made to the Immigration Regulations by Act No. 1 of 2016 took effect from 1st January 2016.

At a glance, the paradigmatic shift away from policies of ethno-racial migrant selection in colonial T&T towards systems that promote logics of regional integration is easily observed. Table 3.2 shows a marked legislative investment in carving out provisions for economically-driven migration from specific countries only – namely from Caricom member states and other nearby collaborators. While the shift away from racist policies is certainly a win for the T&T immigration control kit, this type of policymaking begs the couple question: What of the migrant categories

and nationalities not covered by the legislation? What happens if an unprecedented situation occurs? Successive T&T governments have continually ignored such proactive questions opting instead, as the empirical data suggests, to take a pass-the-buck approach to lawmaking, with the hope that as long as it is not needed, developing comprehensive legislation concerning refugees that would lay out the rights and benefits to refugees and asylees would fall to the next cabinet.

Table 3.2 shows that from 1974 to 1996, the government of T&T laid the legislative foundations of its primary immigration scheme – The Caribbean Single Market and Economy (CSME). A push to integrate regional markets triggered the creation of legislation encouraging the free movement of trading bloc citizens across its borders. Lacking the large population sizes and extensive national territory necessary for economic self-sufficiency, T&T has taken to pooling resources with neighbors and consolidating efforts with the aim of establishing a homogenous regional migration control framework to effectively manage immigration across all member states. This can be understood as an awareness of their [SIDMS] status as minor players on the world stage and its inability to manage major migratory shocks events at current legislative capacity. The ambivalent quality of T&T's VMC policy response is first evident in the political rhetoric of some incumbent cabinet members, which conflicts with its supposed willingness to help migrants and the real-world outcomes of its actions. During the initial months of the VMC spillover, the T&T government let known its official stance on the situation: there was, according to the prime minister, "no way that little Trinidad & Tobago could be the solution" [to accommodating and resettling displaced Venezuelan refugees]. The twin-island republic of 1.4 million people could not become "the place of relief" for a country of 33 million people. (Trinidad counts the cost of being Venezuela's Neighbour, n.d.).

In November of 2000, T&T acceded to both the 1951 Geneva Convention and its 1967 protocols. From the onset of the VMC spillover, T&T officials feigned compliance with international standards of morality while simultaneously denying legal ones. Pertinent to international law, T&T's legislative system was first imposed by the British during colonialism, then later bequeath to T&T in the independence pact of 1962 – the Westminster system (see Chap. 4). Under that system, the former colony turned liberal democracy adheres to the dualist model of international law adoption. Here, dualist refers to the legal process by which international conventions, treaties and agreements become incorporated into municipal or national law (Sloss, 2011). This means that while global North countries such as France, Germany and the Netherlands allow international agreements to enter into force in their municipal/domestic body of law upon ratification or accession, dualist jurisdictions – like most of the West Indies SIDMS - must first propose legislation [in the form of a parliamentary bill] with provisions for the features of the international agreement and pass it through both houses of the bicameral Parliament. Only after having successfully passed through Parliament will the policy proceeds from international conventions be deemed law domestically. This part has yet to take place in T&T.

Restriction as Policy

Contemporary research shows that the politics of immigration in liberal democracies is highly volatile, rancorous and restrictionist (Brubaker, 1995, p. 903). That propensity for restrictive policymaking liberal democratic states is perpetuated by populist politicians seeking electoral advantage by appealing to the latent or manifest xenophobia [and racism] of a disgruntled citizenry, (ibid.). In the grand scheme of things, the VMC is a major migratory event still in its evolutionary infancy. The novelty of the event suggests that our thorough understanding of its causes and long-term consequences is a piecemeal affair. In order to fully appreciate the nuanced

mosaic of the crisis in context, one must take a panoramic view of the situation against the backdrop of lawful provisions.

Though T&T may have taken in the most displaced Venezuelans per capita to date (VICE News, 2019), the island nation has done arguably little to legislate for their prolonged presence. According to Freeman (1995), the dynamics of migration flows engender misconceptions about their characteristics and consequences that ultimately lead to a systematic tendency toward 'temporal illusion'. This inclination towards temporal illusion occasions a delay or somewhat of a lag between the production of applicable data, and its usage by government to inform immigration law and policy. It is during that lag that information can become distorted and new narratives produced as it moves up the policymaking chain. When erroneous and evolving data is taken up by politicians, it almost inevitably results in the creation of poorly conceptualized policies as bureaucrats and administrators attempt to remedy problems about which the available data is in a state of constant flux. This intensifies the effects of the liberal paradox on the state. Since governments themselves often have only the most speculative info about the immigration intake, legal and illegal, its composition, or its effects on society and economy (Freeman, 1995, p. 883-884).

In 2000, T&T acceded accession to the 1951 Convention. The following year, the then Basdeo Panday-led T&T government, decided to act on the country's refugee policy deficit when it commissioned the production of a draft policy document that would detail the specific and standard procedures for the state's handling of refugees and asylum seekers. In non-signatory states of the 1951 Geneva Convention, many of the administrative operations[20] vis-à-vis refugees

[20] Chief among the responsibilities usually carried out by the UNHCR in non-signatory states is Refugee Status Determination. When a country accedes to the 1951 Geneva Convention on Refugees and the 1967 Protocols, the UNHCR surrenders the duties of determining which refugee and asylum cases are valid and which are not. In the larger countries of the Global North, RSD is done by a pseudo-autonomous immigration courts system. Such structures can be seen in the US, Canada and Germany. In T&T however, RSD is left squarely up to the discretionary power built into the country's legislative framework inherited from the British.

are usually handled by the UNHCR. Today, much of the determination of refugee status (RSD) in T&T is still handled by the UN and its implementing partners at the behest of the government[21]. However, upon accession to the Convention and its protocols, such tasks fall to the government of the state. Yet, in the T&T case, the VMC has revealed that, two decades later, the country's successive governments continue to make selective reforms to migration legislation but lack the necessary reforms to manage migration predetermined and internationally sanctioned way. In an ideal scenario, accession should have triggered a reclaiming of refugee management from the UNHCR by the ministry of National Security's Immigration Division – the designated agency for border protection and homeland security – however, this is still to happen.

Officially titled *A Phased Approach Towards the Establishment of a National Policy to Address Refugee and Asylum Matters in the Republic of Trinidad & Tobago,* the Panday document opened the door for important collaboration on migration control between the government of T&T, the UNHCR and the United States Citizenship and Immigration Services (USCIS). For example, in June 2014, the combined efforts of those entities resulted in the adoption of the Panday draft policy by the Persad-Bissessar cabinet[22] and T&T's participation in the 2014 USCIS *Refugee, Asylum and International Operations Combined Training* and the *Asylum Division Officer Training Course* (Government of T&T, 2016, p. 2). Yet despite the formalization of the draft

[21] While it is the norm for the UNHCR to carry out certain key functions such as refugee status determination, etc. in non-signatory states, by the government of T&T's own admission, previous to the development of the draft document, "ad hoc procedures had been in place to treat with asylum seekers which saw UNHCR and its honorary liaison, the Living Waters Community conducting RSDs with little involvement by government agencies," (Government of T&T, 2016, p. 2). Its 2000 accession to the 1951 Convention and 1967 Protocol created the space for legislative reform and for the cabinet to develop comprehensive legislation and therefore jurisprudence to guide future events.

[22] Under the Westminster system, the cabinet refers to the group of ministers, selected by the prime minister and appointed by the president who together oversee the day-to-day operations of the state. In countries where the Westminster system is used, government ministers often serve as both members of the legislature (either as elected members of parliament in the House of Representatives or as appointed senators in the Senate) and members of the national execute. The powers granted to their office allows ministers to influence both policy at the executive level and legislation at the parliamentary level.

policy by a subsequent UNC[23] government and capacity building assistance from both the UN and the US, the policy document made no significant additions and instead simply reinforced the provisions of the extant Immigration Act of 1969[24].

In December 2001, a People's National Movement (PNM) cabinet led by Patrick Manning took the reins of power. For the ensuing eight and a half years, Manning's government spearheaded legislation that was sympathetic to its Caricom agenda (Table 3.2; The Immigration Act of 1969: Acts 06 of 2001- 29 of 2006). During that time, progress on refugee law stalled. The government's inaction in the face of global trends and shifting economic prospects demonstrated an "it could never happen to us" approach almost commiserate with the laid-back *God is a Trini*[25] ideology. However, beyond the cultural nuance of such an approach lies, according to Norman, the benefit of ignoring the social and political implications of irregular migration while also maintaining legal grounds for deporting refugees (2017).

In 2010, Kamla Persad-Bissessar's UNC was elected to government. During that five-year term, there was no significant legislation passed with respect to refugees and asylum seekers. Notwithstanding, in the run-up to general elections of 2015, Persad-Bissessar's cabinet adopted

[23] It is important to note that the development of refugee policy in T&T seems to be of political importance to the UNC party – the party under whose administration both the draft policy and its subsequent adoption by cabinet occurred. These two events provided the basis for current T&T refugee policy. Under successive PNM administrations, Caricom migration was prioritized, and several acts of parliament (legislation/laws) were passed to that effect, (see Fig. 3.2).

[24] The draft refugee policy drafted under the Panday administration reaffirmed that full discretionary power resides in the Minister of National Security and that the UNHCR would conduct determination of refugee status (RSD) procedure alongside the state but is ultimately secondary to that of the state. As of 2017, the government "will participate in the Quality Assurance Initiative, which would contribute to the progressive transfer of responsibilities from UNHCR to the Government," (UNHCR, 2017).

[25] Ubiquitous in Trinidadian culture, many Trinidadians subscribe to the folkloric belief that because of the island's track record of relative safety from natural disasters and other calamitous events relative to the other islands of the region, Trinidad must be highly favored by a Supreme Being (given that the country is a multireligious one, no specific deity is assumed). According to Silverton, "Trinidadians or 'Trinis' feel secure. They are continually being spared the devastation caused by geohazards in the neighboring Caribbean islands. This may be a result of Trinidad's favorable location or the belief that 'God is a Trini,'" (n.d.).

the draft policy of her predecessor[26] but was voted out of office before her party could introduced meaningful legislation to enshrine 1951. The incumbent government, led by Dr Keith Rowley took office in September of 2015. Since then, reform of immigration law has largely remained dormant with minimal concrete action towards the creation of legislative infrastructure and therefore jurisprudence.

According to the UNHCR, T&T is the Caribbean's largest refugee-receiving state per capita [with a notably high incidence of extra-regional cases] (2015). Despite this, the Rowley government has to date ignored the furtherance of refugee legislation by continually resorting to outdated law and the 2001 draft policy to manage increased irregular immigration from Venezuela. This approach may have benefitted the state in the interim. However, as VMC numbers waned then waxed, and pandemic issues exacerbated already complicated challenges, the country's international reputation began to suffer. In attempting to manage the effects of the liberal paradox in this way, Rowley chose to ignore the minimal liberalism principle. In so doing, certain rights of refugees such as non-refoulement, were denied in favor of policies of deportation and closure. When it acceded to the 1951 convention, T&T became bound by international convention to recognize displaced and irregular Venezuelan migrants to its shores as refugees, to receive their asylum applications and comply with the principle of non-refoulement amongst other responsibilities (Government of Trinidad & Tobago, 2001). Yet in 2018, then attorney general Faris Al-Rawi let slip the incumbent administration's ignorance of the matter when in a press conference he claimed that, "The government was under no legal obligation to refugees," (Doodnath, 2018). In a subsequent address in 2020, head of government, Prime Minister Rowley

[26] I glean this from the lack of any significant amending acts of parliament being added to the Immigration Act of 1969 during this government and the 10th Republican Parliament of Trinidad and Tobago that would further bring the country into congruence with international law and standards.

informed the T&T public and by extension the world, that the government's view was that Venezuelans entering their jurisdiction were doing so as "economic migrants"/voluntary migrants (Bahaw, 2020; McLeod, 2020) and not as refugees forced out of their homes for 'satisfactory' reasons.

The unprecedented nature of the VMC sparked discourse among the T&T population. The people were talking about refugees and the government's response to their increasing presence in all spheres of life. In liberal democracies, significant consideration must be afforded to citizens' rights and attitudes towards hot button issues like immigration during the policymaking process. The individual preferences of the common citizen inform policy through representation and advocacy. The extant literature reveals that host country citizens often perceive immigrants as untrustworthy grifters who threaten both the economic and socio-cultural security of a given polity (Mc Laren, 2003; Espenshade & Hempstead, 1996). Such perceptions could be heard on the ground but were often quickly countered by positive sentiments regarding the refugees and calls for the government to do more. These sentiments fuel policy decisions and inform the maneuvers adopted by governments. At the same time, SIDMS find themselves locked in a battle between the electorate's majoritarian choice and the demands of the international community on them. For example, in a scathing rebuke of US and Organization of American States (OAS) commentary on his government's handling of the crisis, T&T prime minister Rowley quipped, "If we appear to be a 'soft-touch flexible-border neighbor, this country would be overrun by tens of thousands of illegal migrants in a jiffy," (Rowley in Bahaw, 2020). Later, in the same address, the prime minister further claimed that if left unchecked, the state's obligations to refugees as laid out by the US-led international regime "will effectively pries open our borders to every economic migrant, gun runner, drug dealer, human trafficker and South American gang leader/members," (ibid; Mc Leod,

2020). With such striking rhetoric, T&T's policy of restriction seemed set in stone and unchanging until the introduction of the Migrant Registration program (MRP)

The Migrant Registration Program

In May 2019, one year ahead of an almost complete closure of its borders, the government of T&T rolled out its Migrant Registration Program or MRP – arguably the government's crowning achievement of the country's humanitarian response to the VMC to date[27]. The MRP regularized the status of irregular migrants in T&T by requiring that "Venezuelans who have come to T&T either legally or illegally MUST register," (ReliefWeb, 2019). The inauguration of the MRP represented an about turn in T&T's earlier restrictionist approach. It came at a time when T&T's economic outlook - affected by pandemic-induced challenges - was on the decline. Comparable to the US's Temporary Protected Status program, T&T's MRF allowed registrants to legally live and work in the country for up to one year and subjected them to a biannual re-evaluation of each individual case (ibid.).

Notwithstanding the temporary relief that the program brought to 16,523 Venezuelans residing in T&T (Mohan, 2019), several key observations can be gleaned from their exclusion during the MRP. First, we see an insistence on the part of the government labelling Venezuelan refugees as migrants and not as refugees. This classification permits the legal exclusion of persons from the benefits and protections to which the 1951 agreement and 1967 Protocols affords them. From the migrant perspective, attorney Devvon Williams (full interview transcripts are presented in Appendix A) noted that T&T does not possess the legislative and judicial framework and is therefore only now in the process of creating jurisprudence around the Venezuelan migrant crisis. That lack of legislative infrastructure and judicial oversight (Grey, 2020) was evidenced when in

[27] The program is still currently active and has since been extended twice following the expiration of the initial program period.

November 2022, 160 Venezuelan migrants were refouled despite their having retained legal representation and initiating active matters before the courts against the Immigration Division. The presiding judge in one matter issued a stay of deportation order for 19 of the deported persons. That order was subsequently dismissed by the government and according to the then minister of national security Stuart Young, deemed to be in line with the country's laws in fulfillment of government policy (Young in Loutoo & La Vende, 2020).

According to Devvon Williams (full interview transcripts are presented in Appendix A), Young's statement was lawful and correct. The specific "laws" to which Young referred are found in Section 10 of the Immigration Act of 1969. Williams revealed that the MRP was little more than the government's employment of the *Entry under Permit* provision of *Act No. 7 of 1974*[28] which amended the 1969 initial law. Under the provision, the executive took to implementing a colonial era policy in the absence of comprehensive legislation. Figure 3.1 shows Chapter 18: Section 10 – the piece of legislation used to facilitate the Venezuelan MRP.

Entry under Permit

10. (1) The Minister may issue a written permit authorising any person to enter Trinidad and Tobago or, being in Trinidad and Tobago, to remain therein. Issue of permits. [7 of 1974].

(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 section 8(1) *(a)* or *(b)* if satisfied that such persons are-

(i) unlikely to become charges on 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 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 section 8(1)(i) if satisfied that such persons have ceased to be members of or associated with such organisations, 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 anytime 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.

Figure 3.1: Section 10, Chapter 18 of the Trinidad and Tobago Immigration Act of 1969

[28] Despite obtaining political independence in 1962, Trinidad and Tobago remained a Commonwealth Realm of the United Kingdom until it attained republican status on August 1, 1976. This status meant that the British monarch no longer served as Head of State of the Caribbean country but instead would now see the highest, largely ceremonial office in the land held by a native president.

The Immigration Act of 1969 retains a colonial quality in the level of discretionary power that it affords the executive arm of government. The use of Chapter 18: Section 10, commonly referred to as the Minister's Permit (Williams, full interview transcripts are presented in Appendix A) and the Work Permit Exemption (Mohan, 2019), the policy allows the government to circumvent both the opposition and the public in the policymaking process. Considered a rudimentary enumeration, intelligence-gathering and policing exercise (Mohan, 2019), because the policy stems from "saved law", it cannot be struck down by the state's judicial courts, (full interview transcripts are presented in Appendix A) but instead, exists at the pleasure of the incumbent minister of national security and by extension, the prime minister. Unincumbered by international standards of best practice or the opinions of attorneys, activists and migration stakeholders, the T&T government's actions were well within its legal recourse to do so. In the proceeding chapter, I delve further into the social and judicial implications of the cabinet's unchecked discretionary power. Notwithstanding the MRP, the T&T government's overall failure to label migrants as refugees had the additional consequence of effectively absolving the Maduro government of any wrongdoing in the public eye. If they are seen as economic migrants, it is easy to conclude that they are not in physical danger but instead are like every other typical migrant and thus, they are voluntary, not forced.

T&T and Venezuela have long shared amicable foreign relations (Alvarado, 2022). Their close geographic proximity has resulted in an interconnected fossil fuels infrastructure derived from shared hydrocarbon resources. In order to maintain the stability of their oil and gas co-operations, it would be incumbent on T&T to foment and sustain good relations with whomever controls Miraflores (Sánchez Cordero in John-Lall, 2022). When political upheaval in Venezuela resulted in the South American nation having two presidents simultaneously (circa 2019), T&T made its position of no interference clear and sided with incumbent president, Nicolás Maduro

(Government of Trinidad & Tobago, 2022). It did so even as many global North liberal democracies recognized President of the *Asamblea Nacional* [National Assembly] Juan Guaidó as the rightful president of Venezuela. Since then, the Maduro government has received a series of economic sanctions by the US and other entities over its alleged human rights abuses and other alleged crimes accusations against the Venezuelan people. The economic pressures of maintaining a positive diplomatic relationship with Venezuela's leftist government on the government of T&T are great. Such an imperative, at least in part, explains T&T's deportation efforts in collaboration with the Maduro administration to repatriate irregular Venezuelan refugees (EFE, 2021; Doodnath, 2022). The country's economic ties to Venezuela comprise the first 'competitor' in the tug-o-war of immigration policymaking in which T&T is the rope. The MRP as a policy brought the government closest to Pareto optimality as it held currency in both assistance to refugees and a basis to deport non-registrants freely.

A Policy of Exclusion

Ambivalence has become a characteristic feature of the T&T government's strategy for combating unwanted immigration. In just the minister's permit or MRP policy, the state was able to both include and exclude migrants simultaneously. A key observation to be gleaned from exclusionary policies is the exclusion of refugees from education. Venezuelan children residing in T&T have been met with several obstacles to their integration into society. One major area of concern is access to the local education system. At present, Venezuelan children are not permitted entry into the traditional school system and instead rely on humanitarian assistance from non-governmental and religious organizations and private citizens to access limited schooling. At the

same time, Venezuelans with professional and academic training cannot have their qualifications vetted and authorized by the Accreditation Council of Trinidad and Tobago – the statutory body with responsibility for recognizing foreign degrees and skills certifications as no such provision is allowed under the present iteration of the minister's permit. This means that despite being allowed to live, work and contribute to the local economy, Venezuelan migrants are effectively relegated to participating in only certain types of menial labor activities.

Another fundamental aspect of humanitarian assistance from which T&T policy excludes migrants is healthcare. It is standard procedure in the international travel regime that travelers should acquire travel insurance before embarking on any international voyage. While it does provide a sense of security in the event of a missed flight or a lost suitcase, one major function of travel insurance is to cover unexpected healthcare expenses while abroad. Many travelers who embark on short trips and touristy jaunts either purchase insurance or risk travelling without it. On the other hand, for refugees, the concept of duration of stay is immaterial and just as volatile as the conditions from which they have fled. For refugees forced to flee, sometimes with only the clothes on their backs, health insurance would be considered a luxury. The precarity of the refugee's sojourn on foreign soil makes them dependent on both the goodwill of states and on those states' adherence to international law for healthcare. In the case of Venezuelans in T&T, again we see the important role that rhetoric plays in policymaking. The government's prevailing narrative that Venezuelans are economic migrants, implying that they are voluntarily leaving their country simply in pursuit of improved financial prospects, allows it to legally apply the full force of T&T's saved law in its exercise of its sovereign right to protect its borders. In so doing, despite the provision of some humanitarian aid to Venezuelans in T&T, the absence of refugee legislation and the insisted-upon label of "migrant", the government's MRP policy legally excludes Venezuelans

from gaining access to the socialized healthcare[29] afforded to citizens. The Immigration Act of 1969 enables the state to reject any immigrant who it deems to be a "charge on public funds," (Chap. 18, Sec. 10, Subsection 3(a)(i), 1969) and refoul said person back to their country of origin. The government sees providing healthcare beyond emergency levels as a burden on state coffers and has thus taken steps to frustrate migrant access within the MRP. As I have illustrated previously, such restrictions do not apply to immigrants coming from Caricom member states.

The external pressures of maintaining positive diplomatic and economic relations with Venezuela's leftist government is perhaps the driving force behind the T&T government's apparent reluctance to openly denounce Nicolás Maduro and his administration as the principal detonator of the current migrant crisis. To label Venezuelans in T&T as refugees would be to accept that they cannot be refouled to Venezuela because they will face undue hardship. Such a label would further imply an admission that there exists such hardship and that the government there is unable to meet its responsibility to protect. However, current and future collaborative energy projects that involved both countries shared reserves would undoubtedly require a cordial, if not harmonious diplomatic relationship. This imperative helps to shed light on T&T's numerous deportation efforts in collaboration with the Maduro administration to return irregular migrants to Venezuela. The country's economic ties to Venezuela are the first 'competitor' in T&T's tug-o-war of immigration policymaking. The implementation of the MRP may have been interpreted as a sudden change in course by the T&T government. However, another perspective is available. The government's insistence on deportation as a corrective measure, and its lack of state capacity

[29] It can be argued that with the advent of the Migrant Registration Program, some migrants were afforded primary healthcare or emergency services only (Mohan, 2019). While this may be the case, the extension of primary healthcare or emergency services was made only to registered migrants. Despite only yielding 16,523 registrants, conservative estimates from both the UNHCR (2019) and Vice News (2019) place the number of both regular and irregular Venezuelans actually residing in T&T between 40,000 and 60,000 (ibid.). On the conservative end of the spectrum, that still leaves some 23,477 migrants uncertain of the duration of their stay and without healthcare.

to accommodate increasing numbers of regular and irregular Venezuelans was suddenly replaced with a relaxed, albeit temporary policy. This about-fact tactic, while ultimately occasioning some positive humanitarian outcomes, was also born out of exogenous forces. These forces provide the second and arguably more influential of T&T's tug-o-war 'competitors', namely, the US and its allies.

As both T&T's largest trading partner in terms of imports and exports (World Bank, 2022) and the highest destination country for Trinidadian and Tobagonian emigrants (Government of Trinidad & Tobago, 2023), the US holds great sway over the small island developing state's economic and societal interests. In the international arena, states often collaborate to control movement, (FitzGerald, 2019). Similarly, given the high numbers of Venezuelan migrants turning up at the US/Mexico border in search of refuge and asylum, US Vice President, Kamala Harris' pointed request to refugees and asylum seekers already en route to the US to "Please do not come," (Harris in Guardian News, 2021), the US has taken to using strategies of remote control (ibid., p. 5) and burden-sharing (Stein, 1987; Dowd & McAdam, 2017) to mitigate its own domestic immigration issues stemming from the Venezuelan Migrant Crisis. Through funding and technical expertise either directly or through partner agencies like the IOM, the UNHCR and OAS, and in the absence of comprehensive refugee legislation, the US government has effectively provided for some material needs of Venezuelan migrants in T&T, (US Embassy in Port of Spain, 2022). In fact, so strong is external pressure for compliance from the US and its allies on the government of T&T that in a strongly worded 2020 address, Prime Minister Rowley remarked that the OAS and UNHCR had declared a veritable war on his nation for having the "temerity to have not joined Elliot Abrams and [then US] President (Donald) Trump in forcing violent regime change in Venezuela," (Rowley in McLeod, 2020). The type of extra-territorial, state interventions to which

Rowley alludes is often seen as illegitimate and contentious, and thus are usually carried out behind closed doors, (FitzGerald, 2019, p. 5). Nevertheless, the very public pronouncements articulated by T&T government officials point to the country's acknowledgement of, albeit begrudged, its position within the world hierarchy of sovereignty, as a country pulled in two distinct directions by 'more powerful' external forces, and the extent to which its economic viability and sustainability are subject to its ability to withstand and/or satisfy those forces.

Conclusion

Given the country's current predicament, T&T's ambivalent approach to handling its side of the Venezuelan migrant crisis affords the government a modicum of wiggle room within the confines of the liberal paradox. As the government cycles through intervals of placating its citizens' demands [to satisfy the minimal liberalism condition] followed by bouts to toing and froing between US pulls and Venezuelan tugs [both are resources to the T&T government strives for high Pareto efficiency from resources accessed from both sides], ambivalence as policy has been deemed the most effective placeholder for comprehensive legislation. Simultaneously, the T&T case provides significant empirical evidence against the efficiency of ambivalence as viable strategy for developing and implementing effective long-term immigration policy and its corresponding enabling laws. Ultimately, ambivalence serves the desiderata of political expediency even as it jeopardizes the physical and psychological well-being of real-life human beings in need of protection.

SIDS, by their very nature as isolated, small economies find themselves subject to the economic and diplomatic pressures of larger extra-national countries, organizations, NGOs and the like. As they struggle to placate external stressors, they create ambivalent immigration policies that ebb and flow with the immediate economic interests of the incumbent government. Such

administrative carve-outs become enshrined in the immigration laws of some SIDMS as is the case in T&T. Ultimately, the T&T case shows the scope of executive power in SIDMS. Incumbent government straddle the divide between morality and legality to legally justify its exercise of full discretionary power in policymaking. Even when a state lacks the requisite legislative framework to properly manage immigration in its territory, it can utilize extant law to create ambivalent policies that are beyond the reach of both the parliamentary opposition and the judiciary.

As they search for lasting solutions for escaping the liberal paradox, small island states, void of comprehensive legislation, are caught between the metaphorical rock of effective resource management and the hard place of unrestrictedness and economic open-ness. Notwithstanding those intrinsic conditions that undergird the liberal international immigration regime in the modern, globalized era, small island migration states are hard pressed by additional forces created out of competing, usually economic interests. For T&T – a comparatively weak nation amongst the hierarchy of sovereignty, playing ball means maintaining functional relations with both the government of Venezuela and that of the US. The imaginably laborious task of playing both sides while also factoring in the *vox populi* of Trinbagonian society has resulted in the adoption of seemingly ad hoc responses and ambivalent policies. Yet, these policies are not as ad hoc they may appear. Instead, it is a case of the inherent difficulty involved in matters of globalization from the perspective of the periphery. Peripheral states often suffer the ramifications of decisions made by the international core. T&T's resorting to colonial saved law to stave off unwanted immigration and its performance of diplomatic intricate maneuvers to placate its economic partners, further reveals the degree to which similar states are greater affected by the liberal paradox than their global North counterparts.

Ambivalence in policy is seldom seen as a strategy for immigration management because the literature has chiefly been focused on the undertakings of larger, more migrant-magnetic liberal democracies. The policy outcomes of Global North states cannot be applied as a 'one-size-fits-all' panacea to all other liberal democracies. The Venezuelan Migrant Crisis and the T&T government's irresolute policies for handling that situation within its shores lead me to conclude that important insights can be gleaned from a deeper understanding of how non-conventional migration/settler states such as the Caribbean nations born out of British decolonization in the twentieth century, cope with the liberal paradox in the face of not only economic, but also political and diplomatic pressures from 'stronger' nations.

Furthermore, the liberal paradox also fails to take into consideration the fact that geographically small, economically developing countries such as T&T are subject to additional diplomatic forces that may not necessarily affect larger, industrialized nations or if they do, they are not felt with the same intensity and are therefore not reflected in the same ways. While economic forces and trends can be measured and predicted with a relative degree of accuracy, the same is not so easily said about the exogenous pressures exerted on small states by more influential and therefore powerful ones.

CHAPTER 4

LEGALLY FLAWED: LEGISLATING IMMIGRATION IN TRINIDAD AND TOBAGO

While the islands of the Caribbean have traditionally been casted as emigration states, - contributing vast numbers to the Global North immigrant stock since decolonization in the 1960s and 80s - some now also play the role of receiving state to both voluntary and involuntary migrants alike. Despite countries of the West Indies being the final destination for some, other migrants see Caribbean countries as intermediary or thoroughfare states (IOM, 2023), intended to accommodate them temporarily only to later facilitate their eventual onward passage to the more migrant-magnetic economies such as those in Western Europe and North America (Conway, 1992).

Like many of their hemispheric neighbors, the small island **decolonized** states (SIDMS) of the Anglophone Caribbean have had long and storied histories with immigration control and border protection first as colonial entities and later across national borders as sovereign states. However, for much of their colonial past, the countries of the West Indies were recipients of immigration laws, policies and directives from their colonial superiors an ocean away. Now that most Caribbean states boast the status of fully fledged, sovereign countries, they now bear full responsibility of self-government. While self-governance is an onerous task that entails multiple components, two core functions of the sovereign state are legislating border protection and enforcing immigration policies. But is responsibility the same as capacity? Assuming that they were synonymous concepts, does having the state capacity to reform existing immigration legislation equate to having the political will to do so or are political actors in anglophone SIDMS path dependent on past legislation to fashion contemporary immigration policies?

Today, the SIDS of the Caribbean have emerged as migration states in their own right. Migration across their borders is now managed domestically with policies supposedly informed

by the *vox populi*. At the same time, these recently independent liberal democracies are expected to simultaneously placate the economic and political exigencies of the international immigration regime and conform to an internationally agreed-upon status quo. Similar to the major migration states of the twentieth century referenced extensively by James Hollifield (2020) and others in the literature, these nations too find themselves afflicted by the liberal paradox. As they devise legislation and policies to mitigate the effects of the paradox on their nascent economies and international reputations, the assumption is made that the mechanisms employed by such states would tow-the-line, as it were, of global immigration control and follow the 'standards' of liberal democratic countries. However, notwithstanding their intrinsic quality as modern migration states, the policies for immigration control in SIDMS can seem at odds with the measures espoused by the global system or those adopted by the governments in traditional migration states. Why is this? Why is it that despite being migration states alongside the US, Canada and the Netherlands, the countries of the Caribbean in general and those of the Anglophone West Indies in particular, struggle to meet the standards of the modern refugee regime? Why do those states respond to refugees with ambivalent policies and ad hoc strategies that ultimately lead to greater restrictiveness and overall closure in the face of the liberal paradox? To what extent is a path dependent approach to policymaking a suitable explanation for contemporary immigration control policies in SIDMS? These questions set the empirical foundations of this work as I attempt to illumine the extent to which the colonial legacies of European residual hegemonic power in those countries influence their government's policy responses to irregular immigration flows.

In this chapter, I argue that despite their obvious political sovereignty and the right to "freely determine their political status and freely pursue their economic, social and cultural development," (Article 1 of the 1966 International Covenant on Civil and Political Rights), SIDS

are locked into path dependent relationships with "saved" law that peg their economic survival to economic markets and other countries' foreign policy. These factors can potentially influence immigration policies and compel SIDMS into ambivalent policies.

British-descended SIDMS were generally denied, by virtue of their colonial past, the opportunity to blaze their own trail and devise autochthonous policies commensurate with their unique and dynamic socioeconomic and political conditions. It is largely because of this dearth of legislation that in times of emergency, they forego legislative reform and defer to extant law. The Anglophone Caribbean SIDMS, having gone through the decolonization process as recently as 1983[30], have had much less time to tinker with immigration policy as it were, and thereby develop non-temporally fixed strategies to mitigate their own, indigenous immigration issues. Instead, Anglophone SIDMS opt for temporally fixed policies that rely on executive powers over legislative reform. Today immigration policies in West Indies SIDMS largely remain grounded in dated, temporally fixed legislation that see their governments default to 'saved law' to navigate the liberal paradox and ultimately adopt immigration policies that best facilitate that process.

To make my argument, I take the case of Trinidad and Tobago (T&T) and its overall policy responses to the fallout of the Venezuelan Migrant Crisis (VMC) across its borders. Following the theoretical perspectives of path dependency, I examine T&T's immigration policymaking process, and submit the following reactive event chain as the bedrock of T&T's path dependence vis-á-vis immigration control: *decolonization → the independence pact → sovereign lawmaking → contemporary immigration policy → the Venezuelan Migrant Crisis (VMC).* Lastly, I examine the major immigration law that shapes the contemporary immigration regime of T&T and further argue that, despite the literature evidencing greater open-ness in liberal democracies, British-

[30] On September 19, 1983, St Kitts and Nevis became the last West Indian country to attain independence with consent of the British government.

descended SIDMS respond to the liberal paradox in less predictable ways than the conventional migration states of Hollifield's prevailing model.

Path Dependence and Small-Island Immigration Policy

Conventional ideas of path dependence tell us that history matters. The past often provides the present with a prognostic lens with which to forecast future events as well as causes to some current events and ideas. Such insights allow politicians and policymakers to plan for and mitigate forthcoming challenges. As we analytically peer into the past in search of causal connections to current issues, we sometimes find isolated events that together produce a domino-like effect leading to political, social or economic outcomes wherein one event is predicated on a previous one. These historical occurrences themselves are static and frozen in time. Yet serving as a time capsule of sorts, each event can aid in our understanding of the logics that went into the previous event upon which it finds itself contingent. Consequently, an understanding of how such contingent events in the past initiate and construct institutional patterns or event chains that reverberate into the present is central to our discussion of the effects of colonialism on the legislative psyche of contemporary legislators/policymakers in decolonized states and the policies they enact.

Edith Penrose, in her 1963 study into organizational behavior, outlined several ways in which the expansion of a company is linked tangentially to, and is therefore influenced by, the experience of its managers and the history of the business' evolution. These tangential connections form the linkages of what James Mahoney (2000) refers to as reactive event chains. According to Mahoney, in path dependent, reactive event chains, each event within the sequence of events, in part, is a response to a temporally antecedent event or series of events. The evolution of immigration law in T&T provides an empirical example of such a reactive event chain. In the T&T

government's response to the influx in irregular immigration from Venezuela to that country, we find a leftover *standard* set by the colonial masters that, over time, has confined the development of immigration policy in that country to parameters negotiated under significantly different circumstances in the past. Such policymaking is not restricted to T&T but rather is expected in other countries who share twentieth century decolonization as the starting point for their foray into sovereignty.

In his discussion of path dependence in historical sociology, Mahoney draws many of his insights from historical institutionalism. Embedded in the historical institutionalist literature is the assumption that policymaking systems tend to be conservative and therefore find ways of defending pre-existing patterns of policy, as well as the institutions that make and enforce those policies, (Peters et al, 2005, p. 1276). This idea corroborates Paul David's (1985) understanding that the first product to market often sets the standard and becomes entrenched as the benchmark. David went on to posit that inferior standards can often endure simply based on the prestige they represent or the legacy they have instilled on those who employ them (ibid.). With this in mind, T&T's adherence to saved, British-era legislation in the face of the uptick in irregular migration from Venezuela begins to make analytic sense. According to Mahoney, an initial or primary event is needed to trigger a temporally linked chain of events that those involved in its [the primary event] establishment endeavor to preserve (2000). In the SIDMS of the Anglophone Caribbean, that causal, primary event is the period of decolonization and the induction of its former colonies into the British Commonwealth of Nations.

Decolonization in the West Indies

Indubitably, the effects of colonialism on the development of former colonies are many, long lasting and complex. From prevailing concepts of racial categorizations of people to political

institutions, the legacy of colonialism remains embedded in the sociopolitical and economic fabrics of contemporary, decolonized countries in various forms that have outlasted formal colonialism and become entrenched in succeeding social orders (Quijano, 2000). Further to the legacy of colonialism and decolonization's lasting effects on the now sovereign SIDMS of the Anglophone West Indies, we find institutions and instruments of the state that remain replete with structural symbols of British heritage and standards. These traces of imperial standard, combined with the latent conservatism embedded in the political and policymaking structures of decolonized SIDMS bind their executive branches of state to a path dependent relationship with the legislative symbols (a British-crafted constitution, British-crafted laws and statutes) and economic interests of the colonial past.

Features of British superiority did not simply vanish into the ether with the attainment of independence. Instead, as Quijano reminds us, vestiges of colonial rule permeate many aspects of contemporary life. In the Anglophone SIDMS of the Caribbean, colonially embedded ideals give rise to path dependent reactionary policies that perpetuate the myopic interests of specific parties/entities and in some cases individuals, rather than prioritize the long-term developmental interests of the state. Prior to decolonization, the premiers of each Anglo-West Indian colony would have been culturally British. That is to say, it is reasonable to conclude that they would have been socialized and raised in a quintessentially 'British way'. Still today, several Caribbean prime ministers and opposition leaders at some point in their formative life, identified as subjects of the British Crown having largely been born before decolonization. Now led by former subjects of the Elizabeth II, it is reasonable to expect that a level of latent allegiance to imperial standards, systems and institutions has been passed down and inculcated into the collective psyche of West Indians in general. Such attitudes now find themselves entrenched in the political attitudes of the region's

contemporary leadership and reflected in the persistent use of colonial era legislation to confront current issues. Let us return to the T&T case to illustrate this latency. With the exception of Eric Williams – that nation's last colonial premier and first prime minister - all of T&T's leading political figures would have been children of school age when decolonization came to their country. They were subjects of the British Empire; an empire that encouraged allegiance to the imperial standard even as it sought to rid itself of its colonial possessions, who would later come to tap into that standard when legislating topical issues. Further to the psychological groundwork laid by colonialism, the decolonization process had the lingering effect of freezing legislation surrounding certain core aspects of governance and nation building in time. Various acts of parliament reflect this empirical feature of SIDMS lawmaking. However, in such countries where the order of the day has customarily been that of emigration, certain aspects of immigration control have gone unaltered simply because there have not been previous grounds to do so.

The Independence Pact

In quite dissimilar fashion to other migration states in the hemisphere, decolonization rather than war triggered the sequence of events that would eventually result in the ambivalent type of immigration control policies we see today in T&T. While many former colonial states like the US, Haiti and Venezuela among others, ruptured ties with their colonial masters by way of violent insurrection or all-out war, the British West Indian territories were made to first negotiate their political and economic freedom from the UK government. In the days and weeks leading up to the passage of the 1962 independence act, an '*independence pact*' was orchestrated and struck to protect British colonial interests under the guise of assistance to new nations (Girvan, 2015). While these negotiations involved all ten territories born out of the failed West Indies Federation project, the Independence Pact of T&T was of particular economic importance to Britain. As we shall soon

see, the idea of regional integration and its economic implications for the Caribbean were of significant importance to both Britain and Premier Williams as well. The bill that would eventually pass into law and grant T&T's independence – the Trinidad and Tobago Independence Act of 1962 – was read on three separate occasions in Britain's House of Commons upon the conclusion of a spirited round of negotiations between colonial Trinbagonian leadership and the then British Secretary of State for the Colonies.

On July 4th, 1962, following the second reading of the bill and during the subsequent debate, then Member of Parliament (MP) for the Dundee West Constituency, John Strachey, entered the following statement into the Hansard, "This is one more of a remarkable series of Bills which have been passing through this and preceding Parliaments by which by far the greatest Empire of modern times is being transformed into a Commonwealth," (Hansard, 1962, p. 542). Immediately, Mr Strachey's words begin to reveal a hidden agenda of reconfiguring its listing empire into a possibly more viable entity that would leave the metropole free to prioritize domestic issues while still securing her economic interests in the colonies through complicit and sympathetic governments. Through the colonial fomentation of allegiance to 'Britishness' and the negotiation of national constitutions and laws, Britain constructed its colonial exit strategy and ensured that its ideological legacy would go on to outlive its political control.

By this point in our discussion, it comes as no surprise that Britain favored regional integration as the best option for its decolonized territories in the West Indies. According to Hollifield (2020, p. 904), regional integration has a buttressing effect on the trading state and acts as a midwife to the emerging migration state. As the Britain of the mid twentieth century sought to relinquish its remaining colonies and move towards postwar logics of rights alongside economic interests, it would stand to reason that engaging with a single political entity in the form of a

federated West Indies could logically enhance bureaucratic and economic processes between both states. For the West Indies, integration would facilitate the ease of movement of goods, services, people and ideas while for Britain, it would mean a reduction in bureaucratic obstacles with multiple commonwealth units[31]. Britain's preference for an integrated Caribbean failed as a decolonization strategy but remained with Williams as a "Cardinal point in Trinidad's foreign policy," (Fisher in Hansard, 1962, p. 544, 3:55pm). At the end of his initial contribution at the Second Reading Debate of the Trinidad and Tobago Independence Act of 1962, Nigel Fisher, MP for the English constituency of Surbiton stated,

> Knowing as I do the breadth of Vision of Dr Williams and many others in Trinidad, and their feeling for the unity and co-operation of the whole Caribbean area, I am certain that she [T&T] will play her full part in working the common services and other unifying influences in the Caribbean and building upon for the future of the West Indies. I go further - and I have heard Dr Williams say this himself – and say that a cardinal point in Trinidad's foreign policy will be to integrate not only the British Caribbean, but the whole area of the Caribbean in a wider and even more significant unity. Whether it be only economic or ultimately political, we cannot yet tell.
>
> (ibid.)

Williams' legacy for an integrated Caribbean has persisted as a vital component of the legislative and economic agenda of the party he founded in Colonial Trinidad. The People's National Movement (PNM) of the 1950s maintained an amicable relationship with the Colonial Office and the British government in general. A fruitful relationship, it not only resulted in a seamless transition from colony to commonwealth unit for T&T and Williams' ascension to prime minister, but also the embedding of regional integration as a defining feature of PNM politics and a contingent reactive event of British decolonization in the West Indies. This is evident by the

[31] Upon first taking the floor during the Second Reading Debate of the Trinidad and Tobago Independence Act of 1962, Strachey made evident Britain's preference for a singular West Indies when he stated, "This is one more of a remarkable series of Bills which have been passing through this and preceding Parliaments… Of course, we wish that in the case of the West Indies it was not so many Bills. We wish that it could have been done in one Bill, with one Federation, but this was not to be, and it is no use crying over spilt milk." (Strachey in Hansard, 1962, p. 542, 3:38pm).

PNM's ferocious pursuit of legislative reform that favors Caribbean immigration and economic exchange between independent T&T and the wider Caribbean only. Consider the table below.

Table 4.1: Table showing the principal amendments to Chapter 18 of the Laws of the Republic of Trinidad and Tobago (Immigration) enacting Immigration Reforms to facilitate migration and economic co-operation from non-Caricom Caribbean Countries and the UK, spanning independence to the present day.

Laws of the Republic of Trinidad & Tobago	Incumbent Parliamentary Majority/Ruling Party	Purpose	Date Introduced/Assented
Chapter 18:03 – Act 06 of 2001	UNC Mervyn Assam, MP	The Immigration (Caribbean Community Skilled Nationals) (Amendment) Act, 2001. AN ACT to amend the Immigration (Caribbean Community Skilled Nationals) Act, 1996.	July 3, 2001
Chapter 18:03 – Act 10 of 2001	UNC Mervyn Assam, MP	AN ACT to give effect to the Free Trade Agreement between the Caribbean Community and the Government of the **Dominican Republic.**	October 12, 2001
Chapter 18:03 – Act 18 of 2003	PNM Knowlson Gift, MP	An Act to amend the Immigration (Caribbean Community Skilled Nationals) (Amendment) Act, 1996 The Act widened the application of the Act to include persons qualifying as citizens of Caribbean Community States by descent, registration, naturalization and adoption and put beyond doubt the authority of immigration officers to permit the spouses and dependents of persons who satisfy the qualification requirements of the Act to enter Trinidad and Tobago.	June 26, 2003
Chapter 18:03 – Act 02 of 2005	PNM Knowlson Gift, MP	The Caribbean Community (Removal of Restrictions) Act, 2005. AN ACT to amend certain laws to facilitate the implementation of the Revised Treaty of Chaguaramas Establishing the Caribbean Community, including the CSME – Tourism Development	January 14, 2005
Chapter 18:03 – Act 03 of 2005	PNM Knowlson Gift, MP	AN ACT to give effect to the Revised Treaty of Chaguaramas including the CARICOM Single Market and Economy and for matters related thereto.	February 17, 2005
Chapter 18:03 – Act 04 of 2005	PNM Kenneth Valley, MP	The Caribbean Community (CARICOM) **Costa Rica** Free Trade Act, 2005	February 24, 2005
Chapter 18:03 – Act 05 of 2005	PNM Knowlson Gift, MP	The Caribbean Community (CARICOM) Regional Organization for Standards and Quality Act, 2005	May 12, 2005 (By proclamation)
Chapter 18:03 – Act 10 of 2005	PNM Knowlson Gift, MP	AN ACT to give effect to the Caribbean Community (CARICOM) Regional Organization for Standards and Quality (CROSQ) Agreement between Member States of CARICOM	May 12, 2005
Chapter 18:03 – Act 05 of 2006	PNM Kenneth Valley, MP	The Caribbean Community (CARICOM) **Cuba** Trade and Economic Co-operation Act, 2006. AN ACT to give effect to the Trade and Economic Co-operation Agreement between the Caribbean Community (CARICOM) and the Government of Cuba	April 11, 2006
The Security Assistance (CARICOM) Act – Act 07 of 2007	PNM Martin Joseph, MP	AN ACT to provide for the implementation of the Treaty on Security Assistance Among CARICOM Member States and for matters connected therewith	March 23, 2007

Table 4.1 continued.

Laws of the Republic of Trinidad & Tobago	Incumbent Parliamentary Majority/Ruling Party	Purpose	Date Introduced/Assented
Chapter 18:03 – Act 03 of 2021	PNM Paula Gopee-Scoon, MP	The CARIFORUM States (the Caribbean Community and the Dominican Republic) and the United Kingdom of Great Britain and Northern Ireland Economic Partnership Agreement Act, 2021.The Act widened the application of the Act to include persons qualifying as citizens of Caribbean Community States by descent, registration, naturalization and adoption and put beyond doubt the authority of immigration officers to permit the spouses and dependents of persons who satisfy the qualification requirements of the Act to enter Trinidad and Tobago.	March 29, 2021
Chapter 18:03 – Act 09 of 2022	PNM	AN ACT to amend the Immigration (Caribbean Community Skilled Nationals) Act, Chap. 18:03	June 17 2022

From the above table, we can observe an almost aggressive proliferation of reforms aimed at regional integration. Without reinventing the proverbial wheel, successive T&T cabinets added to the extant body of immigration legislation with the clear objective of strengthening integration and establishing the legal infrastructure necessary to continue the colonial aspirations of both the UK and Williams in the region. The legislation thrusted upon the emergent Anglophone nations of the West Indies by way of the Independence Pact laid the foundations for much of the policy responses employed by T&T against the VMC today. The vestigial effects of colonial legislation are seldom seen in the policy responses of traditional migration states that boast longer histories of legislating immigration despite sharing similar government system[32]. This makes sense given the unique collection of features that the decolonization process wrought on the SIDMS of the Anglophone Caribbean.

[32] Like Australia, Canada and New Zealand; T&T utilizes the Westminster Parliamentary Model inherited from the UK. However, its geographically and economically larger fellow Commonwealth member states boast far more expansive histories of autonomous migration management having gained independence prior to and under significantly different social, political and economic conditions than those that brought decolonization to the Anglophone West Indies.

As we continue our discussion of events surrounding Britain's pact with her colonial possesses in exchange for independence, I return to the words exchanged on the floor of the House of Commons on that July day. Again during the second reading debate of the 1962 bill, Reginald Maudling, the then Secretary of State for the Colonies, delivered the following pronouncement,

> I think that we all welcome very much the fact that at the recent conference not only was agreement reached on the form of the constitution for independence, but, also, that there was an unanimously expressed desire both that Trinidad and Tobago should remain within the Commonwealth and that they should continue in allegiance to Her Majesty the Queen as Queen of Trinidad and Tobago.
>
> (Maudling, 1962, p. 541)

Here, Maudling makes little attempt to veil the hegemon's true intentions for her 'liberated' territories. Empire or commonwealth; what was clear was that Britain would continue to be ever present in the sovereign machinations of her former colonies. Following Maudling's remarks, Strachey added, "This Bill, like the Jamaica Bill, which we considered the other day, sets up one more unit, and we hope that this one, like the Jamaica unit, will prove viable both politically and economically." Strachey then went on to acknowledge the "immensity of independence" to the infant T&T government and expressed the UK's readiness to lend assistance when he stated, "We must recognize that they [T&T] face very great complications and difficulties in doing so, and we must still be intimately concerned to help her (1962, p. 542).

Perhaps Strachey's 'intimate concern' for the independent success of T&T was born out of genuine concern for the future development of the Trinbagonian people or perhaps it stemmed from a keen interest in the Trinidadian petroleum that up until independence had revolutionized the British navy[33] and continues to this day to remit large profits to British multinational

[33] In 1910, during the lead up to the First World War, British secretary of the navy Winston Churchill opted for the British admiralty to cease using coal-powered watercraft to begin using gasoline-power vessels. Trinidadian oil played a major role in this project. By 1937, colonial T&T supplied 63% of all British oil production (Holton, n.d.). With the discovery of petroleum coming fewer than a hundred years before, and the meteoric development of the oil industry, the value of T&T's petroleum to Britain's economic expansion and military might was great.

corporations. Regardless of his motives, his contribution to the parliamentary discussion of the T&T Independence Bill of 1962 speaks to the British government's economic motivations behind the reconfiguration of its imperial efforts and strategic rebranding of its former colonies as independent 'commonwealth units'.

Equally as concerned for Britain's economic interests in T&T as Strachery during the parliamentary debate was Donald Chapman, MP for Birmingham/Northfield. After praising the statesmanship of Williams at the negotiating table of the independence pact, the parliamentarian underscored the importance of Britain's lasting sway over developments in the emergent commonwealth units over which it would remain supreme. He stated,

> We should have an assurance from the [British] Government that the particular requirements of Trinidad will be safeguarded in any agreement about British and Commonwealth association with the Common Market…. Any agreement with the Common Market must make provision for an expanding contribution of oil from Trinidad and must not be based on a quota system related to past production. This is important, just as the safeguarding of the Commonwealth Sugar Agreements is important in the future of the Common Market. I hope that the Under-Secretary will tell us that these things will be borne in mind, particularly in the negotiations about the Common Market.
>
> (Chapman, 1962, p. 550)

In seeking to secure its economic interests and preserve the imperial status quo of British dominance over its colonial possessions, the UK government fashioned constitutions and laws that seeded its new commonwealth partners with British-dependent institutions that would ultimately be sympathetic to British economic, political and legislative systems. Wangari Mathai insisted that in the game of empires, the subjects of the crown have their collective consciousness molded according to the whims of the dominant power (2012). With reference to British colonization, she asserted that the hegemon designed their systems to encourage the peoples of their colonies to have a worldview that simultaneously elevates the imperial but minimizes the indigenous. Despite

specifically referencing her native Kenya, Mathai's statement echoes Britain's decolonization strategy in the West Indies.

Today, several decades after decolonization of Anglophone Caribbean SIDMS in general and of T&T in particular, political leadership remains largely resistant to undertaking significant reformations to existing immigration policy, in part due to the combination of an enduring legacy of imperial superiority and the conservative quality that seems almost innate to societies eager to return to the "good old days". In the T&T case, we find that decolonization [the trigger event] produced a contingent event in the independence pact of 1962. While it is inherently difficult to make blanket statements that cover hypothetical situations, it is unlikely that T&T's current constitution and major acts of parliament would have developed in the ways they have were it not for mutual agreement of terms. Brokering the independence pact not only provided the legal framework from which the country now constructs its immigration policies, but also enabled the contemporary T&T government's doubling down on policies already in place. This 'doubling down on pre-existing law' comes as a direct result of institutional conservatism (Girvan, 2015, p. 96) or the preservation of available political, legislative and judicial foundations owing to their legacy of superiority. Now we may consider decolonization as a characteristic feature of SIDMS in the Caribbean. Rather than producing a true rupture[34] between colony and metropole, decolonization in the Anglophone Caribbean colonies constituted the institutionalization of a colonized psyche of political and economic allegiance among new citizens and those who would eventually be responsible for running the affairs of the nascent state (Girvan, 2015, p. 96-97).

[34] By the term 'true rupture', I refer to a sudden political divergence between two polities that results in fundamental ideological shifts in world view in the colonial entity away from that of the hegemon. Such a rupture is evident in the US independence from the UK as well as in Spain's loss of its American possessions during the nineteenth century. As Britain relinquished some of its West Indian territorial holdings during decolonization, she played a substantial role in determining what kind of countries her colonies would become. This is unique to states born out of decolonization.

From Colony to Commonwealth

It was never the intention of the UK government to entirely relinquish political and economic sway over its Caribbean territories with its decolonization strategy. In order to ensure and maintain a degree of influence within the newly independent island states of the West Indies, Britain implemented various standards of 'Britishness'. One such standard saw itself entrenched in those countries as the Office of the Governor General. In T&T, the UK government negotiated for that institution during the pact of 1962. Retaining the British monarch was an ingenious mechanism of institutional manipulation in that despite the democratic peculiarity surrounding Westminster majorities at the electoral level, a very particular control that favored British hegemony was worked into the final document.

Guy Peters et al (2005) have made the claim that the deterministic nature of institutions and their corresponding institutional arrangements stem from the establishment of formal and informal parameters that govern policymaking. In her Caribbean territories, Britain cemented such formal parameters into law. During the second post-reading debate of the *Trinidad and Tobago Independence Act of 1962*, Norman Pannell, MP for Liverpool/Kirkdale entered into the Hansard his legitimate preoccupation that T&T, like other emancipated territories in the past, would throw off the reigns of the Crown and seek republican status. He remarked,

> We in the British Commonwealth act differently. We make a clean cut. We cut the painter and let the small craft adrift on the troubled waters of independence with only the tenuous connection of inter-commonwealth relations to maintain any influence we may have. […] I hope that in this case it [T&T] will not follow in a few months by a declaration of intention to declare a republic. This would be unfortunate. I know that disrespect is not intended, but the world must think that it implies a certain disrespect.
>
> (Pannell, 1962, pp. 14-15, 4:46pm)

Pannell's words tell us that to reject the British Monarch as head of state was to go against British standards of indoctrination and control. Even as sovereign states, republicanism in the Commonwealth Caribbean represented an indignation to British institutional ideals of empire and prestige. In immediate response to what he saw as his parliamentary colleague's unfounded remarks, Chapman interrupted,

> But I would point out that the White Paper carefully sets out most of the points which would need an amendment of the Constitution to change the present form of allegiance to the Commonwealth, such as the office of Governor-General. These are specially entrenched parts of the Constitution needing two-thirds and three quarters affirming votes in the Legislature to enable the Constitution to be changed. Is the hon. Member, therefore, not raising a problem which probably would not arise?
>
> (Chapman, 1962, p. 15, 4:46pm)

Pannell's fears were well-founded given that a mere fourteen years later (in 1976), T&T would do exactly what he feared and go on to abolish the office of Governor-General and replace it with that of an elected president, opting for republican status within the Commonwealth of Nations. However, of greater importance to this discussion are the ideas espoused by Chapman in response to Pannell. The UK government intended for an independent T&T to go the route of its more influential Commonwealth partners such as Australia, Canada and New Zealand, and continue on the path of allegiance to the Crown. Retaining the British Monarch as head of state in the Anglophone West Indies entailed a perpetuation of political and economic institutions beholden to the colonial hegemon. The crafting of the constitutional clauses that determine the procedure to remove the British Monarch as head of state shows a degree of intentionality on the part of the British to place its former colonies on path dependent tracks. Fully aware of the racialized social issues facing T&T at the time of decolonization and the colonially entrenched politicization of race in that country (Maudling, 1962; Fisher, 1962), framers of the constitution hinge the removal

procedure on a permanent and generalized lack of co-operation between Williams' Afro-dominant PNM and Rudranath Capildeo's Indo-dominant Democratic Labor Party (DLP). The perceived irreconcilable animosity between both major racial groups and the implications of this on the ethno-racial composition of the T&T parliament, at least in the minds of Chapman and others, would ensure that the requisite seventy-five percent majority would be near-unattainable.

In the second chapter and elsewhere in this thesis, I alluded to the general intentionality of imperial rule (Add citation). British politics are anything but ad hoc, and if history were any indicator, meticulous bureaucracy is almost characteristic of British imperial rule. For this reason, it should come as no surprise that the groundwork for "cutting the painter and letting the small craft adrift on the troubled waters of independence" were laid more than a decade prior to the passage of the Trinidad and Tobago Independence Act of 1962 when the British introduced a ministerial system of government to its Caribbean territories. A strategic move, the installation of the ministerial system, alongside powers of self-governance initiated the process of weening the dependent colonies off the teats of a metropole eager to do away with the remaining vestiges of its imperial history. By 1961, in yet another calculated move, the British government granted full internal self-government to the then Crown Colony of T&T. The logics behind such strategies were economic and geared towards preserving British interests in Trinidadian oil, agricultural produce (chiefly sugar and cocoa at the time) and other areas of bilateral importance (Fisher, 1962, p.05). In continued pursuit of its economic interests, Britain embedded a complementary function of the independence pact into its strategy of reconfiguration. The major instruments negotiated under the pact promoted the installation of a uniform and common legal framework under which Britain could continue to interact with its emancipated colonies as a collective. This was the genesis of integration without nationalization in the British imperial order. That is to say, with

common constitutions and laws giving rise to similar institutions under the Westminster model, the colonies of the West Indies could serve as economic extensions of the British Empire without the Crown incurring the responsibilities for the inherent challenges of statehood such as managing the economy, national defense or social development – while less conspicuously maintain strong political and economic influence in the region.

Now that the historical context surrounding T&T independence has been made a tad clearer, I direct our discussion to the next contingent event of our path dependent reactive chain – post-independence legislation. Upon attaining independence from a conquering force, as I have mentioned before, institutional conservatism theory tells us that political acts tend to hold on to colonial instruments in efforts to maintain the established status quo (Mahoney, 2000). Notwithstanding, despite certain expected changes in form and appearance, decolonization left the SIDMS of the Caribbean with functional constants. In simpler terms, the very form an institution takes and its organizational character it develops over time, play important roles in the policymaking decision calculus of nations. In the SIDMS of the British West Indies, some of those institutions tend to take on a hierarchical form or structure steeped in coloniality and enabled by temporally fixed, laws of restriction and closure. Let us return to Chapter 18 of the Laws of the Republic of Trinidad and Tobago (hereinafter referred to as the Laws) discuss the broad topic of legislating immigration in T&T. As Laws often are, Chapter 18 is a lengthy amalgam of migration control legislation that delves into onerous detail and convoluted adjustments that merit in depth analysis and further study. However, owing to the limits imposed on this thesis, I will confine my examination of the Laws to specific Acts taken from sections one (Chap 18:01) and three (Chap 18:03) and some of the more significant immigration policies enabled by them.

Post-Independence Legislation and Cabinet Dominance

At this point in our discussion, it is clear how the instruments of British hegemony have become embedded in West Indian legislation and policymaking and how the same now persist in the legislative and government structures within the Anglophone Caribbean. The Independence Pact enshrined British colonial ideals in the national constitutions and early laws, initially in the larger colonies of Jamaica and T&T, then eventually spread to negotiations with Barbados, Grenada and the rest of the Little Eight[35]. Pacts by themselves are commonplace features, ubiquitously employed within the confines of British imperial rule and Westminster politics. Take for example, the Lib-Lab pact of 1977. The Lib-Lab pact was a working arrangement or coalition between then Prime Minister James Callaghan and thirteen Liberal MPs in the House of Commons. Despite the pact being between Labor incumbents and Liberals, not one MP was added to Callaghan's cabinet during the period when the pact was in force. This peculiarity of the Lib-Lab pact brought the arrangement closer in form to authoritarianism than to a true democratic coalition cabinet (Lijphart, 1999, p. 11). Such discretionary power - effectively a form of prime ministerial dictatorship – allows the cabinet to unilaterally make policy without necessitating bipartisan support. The overwhelming powers of the prime ministers and the dominance of the cabinet is a foundational trope of Westminster politics and a defining characteristic of policymaking systems in the SIDMS of the former British West Indies.

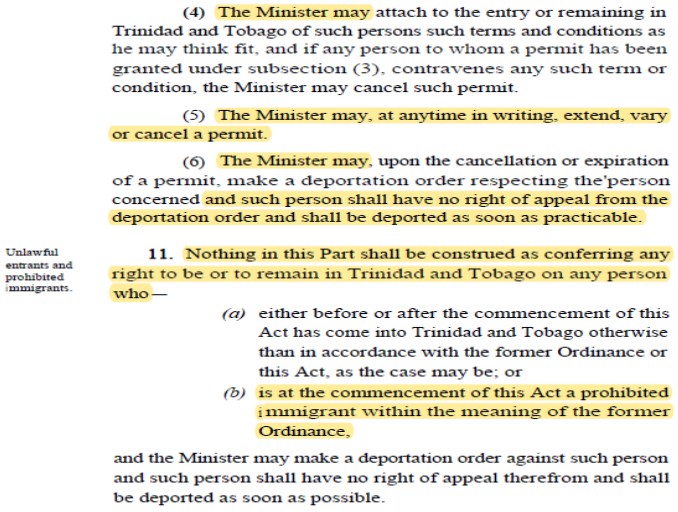
When Joan Vickers, MP for Plymouth/Devonport rose to address the House of Commons on July 4, 1962, she voiced her concerns about the perceptibly inordinate discretionary powers conferred to the prime minister, a position to be inaugurally held by Williams, by the independence

[35] The West Indies Federation lasted four years from foundation in 1958 to dissolution in 1962. Initially conceived as a single federal, parliamentary democracy, the Federation collapsed when Jamaica first decided to opt out and pursue independence as a unitary state. Jamaica's withdrawal prompted the withdrawal of T&T as well. The withdrawal of the Federation's two largest economies caused a domino effect that would eventually produce 12 independent states where the UK hope for, at best one but at worst three.

pact and the new Constitution of T&T. In her statement, she alerted, “When I was in Trinidad and read the draft Constitution, I found that there were thirty or forty instances of power being vested in the hands of the Prime Minister of the day (p. 550, 4:25pm).” Vickers’ declaration of concern bears remembering that Williams would have negotiated the formal parameters that would ultimately define his prime ministerial powers during the independence pact and embedded them in the Constitution. Despite the parliament’s supposed preeminence as the maximum legislative authority under the Westminster model, it is, in practice, the cabinet that truly dominates the parliament (Lijphart, 1999, p. 12). Westminster imbues one party [of the traditionally two-party system) with concentrated executive power based on bare-majority electoral victories (ibid., p. 10). In parliamentary systems in which more than two large parties vie for political power, coalition cabinets tend to be the order of the day (ibid., p. 12). Such coalitions have the mitigating effect of divesting executive power away from a single party and their ideology. However, according to Lijphart (1999), it is the nature of the Westminster model, which ascribes incredible constitutional discretionary authority to the chief minister rather than the Parliament itself that enables the cabinet’s complete control over policymaking.

In the T&T case, immigration control in response to the ongoing spillover of displaced Venezuelan migrants is a clear and topical example of cabinet dominance within the Westminster model. At the height of the VMC, the migratory event began to expose certain structural cracks in the small island-nation’s immigration apparatus (Popplewell & Mendes-Franco, 2019). The unprecedented migratory event thrusted the T&T government into a legal and humanitarian space without clear jurisprudence on how it should handle the inescapable fallout (full interview transcript is present in Appendix A). The jurisprudential void created by the VMC allowed the government of T&T to default to its existing immigration law as a reprieve to the unprecedented

uptick in immigration from Venezuela – Chapter 18:01 of the Laws. Chapter 18:01, also referred to as the Immigration Act of 1969, demonstrates a temporally fixed law that favored logics of restriction and closure to immigration both within and without the British West Indies. Table 3.1 shows us the short titles of some colonial era laws used to control immigration into T&T prior to independence. After the pact of 1962, similar logics found themselves embedded in the laws of independent T&T. In fact, a cursory reading of the Act quickly reveals an outdated law replete with instances of extreme discretionary power in the hands of an appointed, rather than elected minister of national security. Consider the excerpt below.



(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 anytime 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 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.

Figure 4.1: Chapter 18, Section 01: Subsections 10; clauses 4, 5 and 6, and Subsection 11, clauses (a) and (b) of the Trinidad and Tobago Immigration Act of 1969

Figure 4.1 depicts a range of powers vested in 'the Minister'. While it could be argued that much like we use the term 'The Court' out of deference and protocol when referring to a presiding judge in their courtroom, the Act intends the same usage whenever it refers to 'the Minister' [of national security] as maximum authority presiding over immigration affairs, it could just as enthusiastically be argued that such unchecked, discretionary power is a defining feature of legislation passed under Westminster rules (Lijphart, 1999, pp. 09-30). However, assuming that the former were the

case, the above endorses the conclusion that functionally and by design, the cabinet wields greater powers than the parliament that enables it. Assuming the opposite – that the Act explicitly endows the appointed minister with responsibility for national security, as an agent of the cabinet [designated by the prime minister], we find that throughout the Act, many of the decisions concerning the migrant's permanence and status in the country as well as the rights afforded to them during their sojourn within the country largely depend on the ideological interests and political agenda of the incumbent executive.

According to Hailsham (1978) and Lijphart (1999, p. 02), the policymaking power wielded by the national executive in Anglophone SIDMS under the Westminster system is akin to elective dictatorship. Once elected by popular vote, power is rested from the people and invested almost exclusively in the PM. Upon nominating his cabinet and recommending [instructing] the president to appoint each member, theirs becomes an unrivalled authority in accordance with Westminster parameters. The fully installed cabinet can, in essence, run the affairs of the country based solely on the powers granted it by the nation's extant immigration law. In the T&T case, this meant that the incumbent cabinet had the discretionary choice of deferring to the parliament to amend existing legislation with the input of the opposition party or unilaterally utilizing the provisions of Immigration Act of 1969 to combat irregular immigration amidst the VMC. Here, it must be noted that while passing legislation through a bicameral parliament is often a bipartisan and collaborative process in many liberal democracies, the powers of the parliament under the Westminster model are here dwarfed by those of the ruling party.

The Westminster model is firmly rooted in the concept that the executive branch of government [the cabinet] is formed from the party that has gained a simple majority in the parliament's lower house. Unlike the special majority needed to convert to republicanism, such an

arrangement guarantees the legislative dominance of the cabinet since its members reliably sit in two of the three branches of government – the Legislature and the Executive, and since its party enjoys an overt majority in both chambers of the legislative body by way of popular election and senate appointments. Furthermore, additional empirical evidence to support the dominance of an incumbent cabinet in the furtherance of its political agenda can be gleaned from the ways in which both major parties in T&T have advanced immigration law during their respective stints in office. Consider the table below as we delve into T&T's most recent immigration reforms.

Table 4.2: Principal amendments to the Trinidad and Tobago immigration control framework along party lines spanning 1969 to 2022 and the parliamentarians who introduced certain specified Bills

Immigration Law currently in force	**Amendments by the People's National Movement (PNM)**	**Amendments by the United National Congress (UNC)**	**Amendments by colonial government or other party**
Chapter 18:01 - Immigration Act 41 of 1969 General body of immigration laws outlining the functions of the TTID, its agents and functionary.	**Act 41 of 1969** Act 07 of 1974 Act 24 of 1978 Act 47 of 1980 Act 16 of 1990 (by implication) Act 37 of 1995 Act 02 of 2005 Act 14 of 2005 (by implication) Act 01 of 2016	Adoption of 1951 Convention Conditions in 2000 No Bill/Act to amend previous legislation produced. Draft policy document produced, 2014.	Act 19 of 1988 National Alliance for Reconstruction (NAR) headed by Arthur Robinson Subsidiary Legislation to Chap 18:01: (G.N. 178/1974) (Free Zones Act, 1988)
Chapter 18:02 - Emigration (Children) Act 02 of 1918	None	None	Act 14 of 1939
Chapter 18:03 - Immigration Act of 1996 Caribbean Community Skilled Nationals Act	**Act 26 of 1996** Act 18 of 2003 Act 02 of 2005 Act 29 of 2006 Act 09 of 2008 Act 09 of 2022	Act 06 of 2001 (UNC Senator Mervyn Assam)	None
Chapter 18:04 - Immigration Act 09 of 2008 Advanced Passenger Information Act	**Act 09 of 2008**	None	None
Geneva Conventions Act of 2008 An Act to enable effect to be given to certain Conventions done at Geneva on 12th August 1949 and to the Protocols 1977 and for related purposes	**Act 25 of 2008** (PNM MP Paula Gopee-Scoon)	None	None

From the above, the T&T case reveals implications of divergent interests vis-à-vis immigration control between the country's two principal political parties. On the one hand, Williams' PNM has locked into the institutionalism established by the British colonialism and continued the party's colonial era mission of creating an economically robust and properly integrated Caribbean region. This is evident in the advancement of almost exclusively Caricom-enabling immigration reforms during the PNM administrations of both Patrick Manning and Keith Rowley – the PNM's longest serving prime ministers respectfully having served a combined total of 20 years as head of government, out of 61 years of independence. Furthermore, table 4.2 shows that of the several major immigration reforms developed since decolonization (19 acts of parliament and one draft policy paper over the period 1969 to present), 17 were sponsored/introduced by the PNM, one by the NAR and one by the UNC. Consequently, the reforms enacted under PNM governments point towards a pro-immigration agenda with the caveat of regional integration. While the NAR's contribution to immigration reform is insufficient to glean empirical date, the adoption of the 1951 Convention and draft policy under the UNC administration of Basdeo Panday are also indicative of a pro-immigrant agenda. However, instead of a direct slant towards specific immigrant selection, the UNC seemed poised to bring T&T immigration law into line with the global rights regime but failure to advance their efforts beyond the planning stage.

With the passage of Chapter 18: 03 – *An Act to remove the restrictions on entry into Trinidad & Tobago of Skilled Nationals of Qualifying Caribbean Countries* (Act 06 of 2001) in 2001, successive PNM administrations capitalized on the inherent cabinet dominance and guaranteed parliamentary majority afforded to the incumbent executive under Westminster to repeatedly reform laws. However, those reforms followed the objective of developing a legislative framework that prioritizes the party's regional integration initiatives. Post-independence

immigration legislation from the PNM directly advances the developmental path laid for the country by the Independence Pact while simultaneously harkening back to the unique historical conditions that continue influence law and policy in West Indian SIDMS.

Despite the PNM's longevity and the multiple immigration reforms it has effectuated in favor of regional integration during, two other large parties have also held cabinet dominance in T&T during the country's short sixty years of independent history: the National Alliance for Reconstruction (NAR) and the United National Congress (UNC). From a legislative standpoint, the least significant contribution to T&T's immigration reform came from the Arthur Robinson-led NAR administration. Despite holding office for the full duration of a constitutionally mandated five-year term, table 4.2 shows that under Robinson's stewardship, little by way of enacted legislation was done in furtherance of immigration control and border protection. Instead, what we find are major changes to financial infrastructure, but inconsequential adjustments to the existing immigration law that served broadly to "provide for the establishment of free zones in Trinidad and Tobago and for matters incidental thereto," (Chapter 81: 07 – The Trinidad and Tobago Free Zones Act [Act 19 of], 1988). Perhaps the attempted coup d'état of July 1990[36] proved too disruptive to the Robinson agenda and irremediably stymied the administration's intentions. One thing that is clear is that when afforded the opportunity to legislate immigration, like the PNM, the NAR opted to advance efforts of regional integration and direct economic interest in its passage of Act 19 of 1988.

[36] The Jamaat-al-Muslimeen attempted coup d'état of 1990 was a violent insurrection perpetrated by the Jamaat-al-Muslimeen paramilitary movement against the democratically elected government of Arthur Robinson. Under the leadership of Imam Yasin Abu Bakr, the insurrectionists seized the Red House (the legislative center of Trinbagonian government) and sought to oust the ruling NAR from power. Their goal was to stem the tide of growing social discontent wrought by government austerity measures and install an Islamic government. Robinson is the only person in Jamaat-al-Muslimeen he history of an independent T&T to have serve as both head of government (1986-1991) and head of state (1997-2003). Twenty years later, Robinson, in his capacity as president of the republic, would be called upon to break the 18/18 tie of 2021.

On the other hand, when we examine the legislative reforms of successive UNC administrations vis-à-vis immigration control, we find that despite that party's adoption of the 1951 Geneva Convention and 1967 protocols nearing the end of its first term in government, and despite the elaboration of the resultant draft policy of 2000, the potential for a lack of continuity from one cabinet to another, enabled by Westminster rules, ensured that upon losing the confidence of the Trinbagonian president in 2001[37], the likelihood of any proposed bill or act of parliament expressly enshrining the aforementioned convention passing under succeeding PNM governments would be shelved, at least pending another UNC cabinet. In 2008, PNM MP and then minister of trade and industry Paula Gopee-Scoon introduced and oversaw the passage of the Geneva Conventions Act of 2008. The law entered the provisions of four distinct Geneva conventions and protocols into T&T law. More notable than the conventions enshrined in the law is a look at provisions that were excluded from it, namely the 1951 Refugee Convention and its 1967 Protocol. The legislative environment and institutions established under Westminster enable the contemporary policies we see coming out of SIDMS. The supremacy of the cabinet and the prime minister's power to circumvent the parliament, forego bipartisan consultation and unilaterally make policy stems from the systems entrenched at decolonization. Now that we have elucidated some of the linkages between colonialism and contemporary policymaking in SIDMS, I direct our attention to T&T's policy responses to the VMC as a function of path dependent legislation and external pressures.

[37] In 2001, parliamentary elections in Trinidad and Tobago saw both major parties (PNM and UNC) each gaining 18 of the 36 legislative seats contested. Under Westminster rules, the Monarch breaks such a deadlock. When the parliament voted to amend the Constitution in 1976 and T&T gained republican status, the tie-breaking powers originally afforded to the Monarch through the Governor-General fell to the President. When this happened in 2001, then President, Arthur Robinson granted the right to form a cabinet to Patrick Manning. This had the functional effect of advancing PNM immigration reforms while relegating the UNC agenda to the waiting room of opposition.

Contemporary Policy and US/TT/Venezuela Relations: SIDMS defer to Existing Law in Times of Emergency

In the midst of the abiding political rhetoric concerning the complexity of managing immigration amidst a migratory crisis, SIDMS are uniquely tasked with managing the crisis while also managing the dictates of economically larger, more influential players on the world stage. This feature of SIDMS, when paired with Westminster, gives ear to why small island decolonized economies might defer to extant law and create policies of ambivalence to manage immigration. Governments experience pressure from within and without their territorial confines. While social pressure is the common form of domestic resistence, pressure from abroad may manifest itself as economic in nature. In attempting to meet the challenge of external pressure to do its part and share the humanitarian burden amidst the VMC, the government of T&T was initially receptive to foreign aid and co-operation (Share America, 2019; USAID, 2022). Meanwhile, multinational organizations and foreign governments alike such as the UNHCR, the IOM and the USAID have provided funding, capacity-building expertise and skills training to ministry of national security response personnel in T&T (UNHCR, 2021b). Notwithstanding that support, empirical evidence shows that T&T's government resisted immigration reforms involving the parliament and instead favored policies drawn directly from its pre-existing yet arguably inefficient legislation. From the onset of the VMC, the T&T government fixed its policy responses to irregular immigration from Vnezuela on a strict adherence to saved law. Although this strategy has brought the incumbent administration stern condemnation from international agencies (Taraciuk & Rápido, 2021; UNHCR, 2018), fellow governments (Hamilton, 2019), the local opposition (Loop News, 2022) and other detractors both foreign and domestic (Bahaw, 2020), politically speaking, the executive's strategy of ambivalence through extant law has allowed the Rowley-led cabinet, at least partially,

to satisfy the exigencies of external and internal entities while remaining within the confines of established jurisprudence.

Second Schedule Visa Policy

In 2019, the T&T government produced its first significant policy response to the nascent Venezuelan crisis in the form of a new visa restriction (Chan Tack, 2019; Karim, 2019). Previous to this policy, Venezuelans enjoyed visa-free travel to T&T for a period of ninety (90) days or less. Notwithstanding its ad hoc unrollment, the new restriction required no legislative amendment nor stakeholder consultation for implementation. Instead, the policy was enabled by regulation 13(11) of Chapter 18:01 of the Laws, also referred to as the *Second Schedule*. The Second Schedule of the Trinidad and Tobago Immigration Regulations identifies the countries whose citizens require visas to enter the country. Prior to 2019, four countries were listed under the Second Schedule – Cuba, Macedonia, North Korea and Vietnam. With the inclusion of Venezuela on the schedule, the total number of countries needing an advance visa to land in T&T now stands at five.

Despite the government's claim that the policy's objective was to provide migrants with an avenue for legal entry, in practice, it serves as a deterence and means to disrupt the uptick in Venezuelan migration to T&T shores. The imposition of a visa requirement would imply that the issue was one of increased migration through conventional means. However, given the high incidence of irregular migration from Venezuela prior to the Second Schedule change, it is unlikely that the measure would have significantly impacted regular entries or impeded irregular ones. Latin American[38] arrivals to T&T amounting to 25,140 persons in 2018 (the year prior to the implementation of the visa policy) and a total of 2,722 arrivals in 2020 [one year since its

[38] Individual country data was not readily available from the Central Statistical Office of Trinidad and Tobago. That agency sources its immigration data directly from the Immigration Division of the Ministry of National Security. A FOIA request has been submitted in efforts to obtain more specific data but the timeline for the processing of that request extends beyond the production of this thesis.

unrollment] (CSO, 2023). That differential could construe the policy as an operational success. However, when these statistics are juxtaposed against the mitigating effects of the covid-19 pandemic such as widespread border closures and reduced international travel worldwide, the efficacy of the visa policy becomes blurred. At the same time, it is important to acknowledge claims citing that beyond the visa policy is the notion that T&T's government deliberately hindered operations at its consular mission in Caracas as a means of further disrupting regular Venezuelan immigration to legal ports of entry. (Chan Tack, 2019; full interview transcript is present in Appendix A). T&T's government has dismissed the claim as spurious and vociferously denies its veracity.

Later that year, while delivering an address to members of the Trinbagonian diaspora in London, PM Rowley made clear that his government's position vis-à-vis the VMC. The PM was in the UK to hold talks with, by his own estimation, "the decision-makers" of the oil and gas companies who do business with T&T (Rowley in Caribbean Intelligence, 2019) According to Rowley, not only was the spillover of the VMC was an orchestrated attack on his country from forces beyond their borders, the T&T government would resist ongoing attempts by foreign bodies to, "use nameless, faceless people armed with innocent children, to try and force us to accept their understanding of "refugee status and international treaty" where a little island nation of 1.3 million people must be expected to maintain open borders to a next-door neighbour of 34 million people even during a pandemic," (ibid.). He further assured his audience his government would govern in the "interests of all" and that T&T's official stance would be one non-interference and non-intervention (ibid.).

Following the Second Schedule change, T&T's second significant policy response to the VMC was one that I have discussed in previous parts of this thesis – the Migrant Registration

Program (MRP). Considered by the T&T government as a level of confort afforded to displaced Venezuelan migrants within its national borders. Yet, despite its on-the-nose humanitarian appeal, the MRP remains one of the cabinet's more contentious policy responses to date. From May 31, 2019 to June 14, 2019, the Ministry of National Security captured biometric and personal data from some 16,000 Venezuelans (see Chapter 3). By the conclusion of the registration exercise, unofficial/non-governmental sources suggested a range of 40,000 to 70,000 Venezuelans residing in T&T. Notwithstanding, the discrepancy between state figures and unofficial ones meant that a large number of migrants would have opted to remain outside the protections of the program. If non-governmental figures are to be entertained, it would mean that fewer migrants were able to access the program. While numerous bureaucratic obstacles[39], in theory, could have impeded migrants' access to participation, the majority's 'choice' to forego the government's offer to regularize their presence in the country, the government's narrative spun the outcome as rejection of T&T hospitality or indicative of some underlying, nefarious motive on the part of migrants.

Amnesty Policy

The MRP, as a policy response, was yet another unilateral application of saved law by a Westminster cabinet. In devising the program, the cabinet defaulted to Chapter 18:01, 10 (1) and 10 (2) [Act 07 of 1974] to enable the policy (full interview transcript is present in Appendix A). That policy itself left little by way of novelty to be added to the enabling law, however, notwithstanding, the policy furnished the government with a bifurcated outcome. The program allowed the government to earn humanitarian clout after some damage was done to the nation's reputation amongst international stakeholders (Hassanali, 2019; McLeod, 2020). Under the

[39] Bureaucratic obstacles are those that have the intentional or unintended outcome of restricting popular participation in programs. For example, in the T&T case, migrants were asked to complete lengthy applications in not in their native language and often online. As fleeing migrants abandoning their homes and arriving in unfamiliar territory, it is unreasonable to expect most persons to have immediate internet access or certain supporting documents necessary for participation. Such conditions often relegate persons to exclusion.

minister's permit or MRP policy, migrants were granted certain accommodations such as permission to live and work legally for up to a year, while they were excluded from others such as permission to study or comprehensive healthcare (OPMRTT, 2019). The program came with the hefty price tag of five million Trinidad and Tobago dollars (OPMRTT, 2019) but likely would have been offset by aid packages from the US and the EU. At the same time that if relief to a small fraction of Venezuelans resident in T&T, the program further established the legal basis from which to launch the third and last major policy response under discussion herein – the largescale deportation of non-compliant migrants.

Deportations

Early in its plan to manage the fallout of the Venezuelan exodus, the T&T government adopted a policy of rampant and seemingly indiscriminate deportations. Despite the momentary respite granted by the MRP, the government had always intended that, "When the registration period ends on June 14, 2019, the enforcement of existing immigration laws will resume," (OPMRTT, 2019). Bookended by the spate of deportations (Reuters, 2018; Doodnath, 2022), the MRP only shortly placated critics of the government who called for more to be done. Prior to the MRP, the state's policy for dealing with irregular Venezuelan migrants heavily focused on removal. Elsewhere in this thesis, I noted the T&T government's position of labelling Venezuelans entering Trinbagonian territory as irregular 'economic migrants'. The government pronounced that the state was not morally nor legally obligated to provide humanitarian relief for persons so categorized, and that such a misrepresentation of the migrants had legal implications. That position carries the theoretical support of Wellman where he states that legitimate states are entitled to reject all potential immigrants, even those desperately seeking asylum from incompetent or corrupt

political regimes that are either unable or unwilling to protect their citizens' basic moral rights," (2011, p.109). By this token, the T&T government was justified in its deportation efforts.

During the height of the T&T's VMC response, migrants could be forcibly removed by the state, or finance their own deportation through self-repatriation (full interview transcript is present in Appendix A). Chapter 18:01 of the Laws, like the previous two measures we have discussed, grants the Cabinet full powers to effectuate the deportation of any migrant deemed undesirable by the Minister of National Security. Having the legal basis, T&T next sought logistical capacity. However, despite US aid sent to Trinbagonian coffers, it was to the Venezuela government – the presumptive cause of the VMC – that the T&T cabinet turned to for help on repatriations. Several factors collectively enabled T&T's deportations.

The absence of jurisprudence caused by the failure to enshrine 1951 Geneva convention provisions in the Laws, compounded by T&Ts growing need for Venezuelan natural gas, paved the way for the collaborative repatriation of some irregular migrants. Those efforts not only saw *Fuerza Armada Nacional Bolivariana* (FANB) aerial resources ferrying deported nationals back to Venezuela but also ensured that the Venezuelan Embassy in Port of Spain was kept abreast of developments concerning its detained citizens' immigration statuses (Amnesty International, 2018). Chiefly, it is T&T and Venezuela's common economic interests that foster continued collaboration between both nations on major issues. For example, politically, T&T recognized Maduro's second presidential election in 2018 despite major world powers giving their support to interim president, Juan Guaidó (Jones & Wintour, 2019). Then again in 2023 with T&T's bid to develop Venezuelan natural gas amidst crippling economic sanctions from the US and other influential international entities (Williams, 2023; Rani, 2023) we see a level of interdependence that can influence policy from without. Similarly, as much as T&T needs Venezuelan natural gas

to keep its underutilized infrastructure in working condition (Argus, 2023; Garip, 2023), Venezuela badly needs the injection of foreign currency or *divisas* if it is to reverse its current sociopolitical and economic trajectory (Licheri, 2021). However, beyond T&T/Venezuela relations is the role of the US in the T&T immigration policymaking.

The US is at the center of many systems with global reach. Its financial system supports transactions in diverse currencies while facilitating the trade of goods and services across international borders and cyber space alike (Mowla, 2020). Because of this, transactions between T&T and Venezuela would pass through American banks. Additionally, owing to their long strained diplomatic relationship, the US has imposed strict sanctions on the incumbent Venezuelan government that prohibits US trading partners – T&T included – from conducting cash transaction with Caracas. These occurrences, together with a global pandemic, set the backdrop of immigration control in T&T during the VMC. They quickly changed the dynamics of small state immigration management and created conditions that the framers of T&T's Westminster Constitution could not envisage from 1962. Nevertheless, authoritarianism built into the Cabinet under Westminster provided the country's tool de jure for controlling migration and satisfying multiple stakeholders to some degree.

Conclusion

As T&T continues to create immigration policies while simultaneously contending with the liberal paradox, its prevailing logic of self-preservation positioned the deployment of enacted 1969 law as preferable to the passage of new immigration reforms. This preference for existing law in response to unprescedented immigration is not only evidenced by the government's unveiling of the Second Schedule Visa Policy, the MRP and a series of deportations but, in part,

is also determined by the very liberal paradox that liberal democracies must weather if they are to succeed in the globalized and increasingly more interconnected world.

We now know that T&T's policy responses were devised entirely from its existing colonial-era Immigration Act of 1969 as the foundational enabling instrument despite the SIDMS' ratification of the 1951 Geneva Convention and 1967 protocol in 2000. We also know that the executive powers granted to the cabinet by the British-negotiated Constitution by the aforementioned act not only creates the conditions of a prime ministerial dictatorship, but also allows for a constitutionally legal response that, from a political standpoint, arguably satisfies the exigencies of all sides without the need to recur to the parliament and seek legislative reform. As scholars of public policy and policymakers can attest, legislative reform is a lengthy and bureaucratic process. Notwithstanding, in decolonized migration states like T&T, reform of immigration control legislation can take a back burner in favor of issues of higher importance to the state and its economic and social security. Such discretionary policymaking power to not merely determine the party's political agenda but almost unilaterally determine that of the nation, without direct oversight is a unique quality of emergent SIDMS like T&T. Having their foundational laws contingent on remnants of European coloniality in the modern age provides a mixture of advantages and disadvantages to those states.

In the T&T case, that nation's government deferred to its already existing legal instruments out of political expediency. In simple terms, the argument could be made that reform would be too protracted a process and displaced migrants required more immediate assistance. By tapping into the 1969 legislation, the government was able to project both a hardline, restrictionist approach to irregular immigration while simultaneously providing a humanitarian facility as a moral good. All of this happened in the foreground while high level, multilateral energy talks were being had

between the US, Venezuela and T&T in furtherance of the economic interests and energy security of those involved. The delicate act of balancing its moral obligations to Venezuelan refugees, its political obligations to its own citizens with the nation's economic agenda currently experienced by T&T and perhaps other SIDMS exemplifies the central characteristics of the liberal paradox aided by path dependent, colonial laws. The Westminster model is undoubtedly a robust and efficient system of government in many respects (Lijphart, 1999). Its use as a template for other democratic systems suggests these qualities.

However, in the SIDS of the Anglophone West Indies, the near weaponization of the model by British colonial interest facilitated the creation of a hyper powerful executive branch. The Independence Pact between the British and the colonial governments of the day saw those nations' constitutions and foundational laws imbued with ideological and political influence from the negotiating parties that set the newly independent countries on a pre-prescribed developmental path. The Cabinet's dominance over policymaking, as enabled by extant legislation, the political agenda of the incumbent party and the state's position in the global marketplace together determine the policy responses that are likely to be made in SIDS when faced with unprecedented shocks to its legal framework.

For T&T, the VMC represented a sudden, exogenous shock to the legislative infrastructure surrounding immigration. When faced with such brusque scenarios that expose legislative deficiencies, the overpowered legal nature of the Cabinet allowed for an inordinate degree of unchecked discretion in the hands of the incumbent cabinet to unilaterally manage immigration. However, even in deferring to laws that are already in place to develop policies, T&T finds itself at the behest of outside forces at the moment of ideating and creating same. As economically and geographically small states, SIDMS command limited influence on the international market. In

addition to their reduced leverage, their relative weakness leaves their policymaking agency susceptible to strong arming from foreign interests. While this study does not intend to present an exhaustive list of reasons why every unique SIDMS would manage immigration in the myriad ways that they do, I hope that the key reasons broached by the T&T case can serve as a starting point for further scholarship into the limits of sovereignty and what that entails for SIDMS in a global context.

CHAPTER 5

CONCLUSION

KEY TAKEAWAYS AND POLICY RECOMMENDATIONS

To date and amidst widespread economic woes and social discontent, millions of Venezuelans have been displaced. In Venezuela, the exodus of millions of its citizens has underscored a longstanding situation of economic mismanagement, diminished state capacity and wounded politics. At the same time, despite the unprecedented scale of today's migrant crisis, migration corridors between northern South America and the islands of the West Indies are no new development. They have historically existed as we have gleaned from the T&T case. This knowledge is important because it provides an important opportunity for scholars and policymakers alike to go back and critically assess the how the colonial states benefitted from such migration corridors in the past and apply that knowledge to formalizing the development of contemporary and future economic immigration streams. Notwithstanding what the VMC has revealed about pre-existing migration corridors, we find that in the adjacent countries of the Caribbean, Venezuelans fleeing their home and seeking refuge among the islands have inadvertently exposed functional and structural fissures in small island immigration policy – cracks that have conventionally gone unactualized since European decolonization was levied on the region mid-twentieth century. Below, I reflect on the key takeaways of this yearlong study and offer some recommendations on future migration control policies for SIDMS.

Key Takeaways

Certain assumptions embedded in the literature vis-à-vis the liberal paradox and how liberal democracies confront the issues that arise are corroborated in this study. For example, Hollifield's tells us that as worldwide levels of immigration and transnationalism on the rise, liberal democracies are pressured by forces external to government that provoke the state to ideate novel

and often unpredictable ways to cooperate and manage inflows (2004). This study finds this to be the case in both the conventional agglomeration of migration states as well as in SIDMS like T&T. Analysis of that country's policy responses to irregular Venezuelan migration the T&T government cooperating with its Venezuelan counterpart in efforts to manage migration in the most efficient manner it could envision at the time. Another corroborating finding of this study is found in migration states tend to resort to "the old guest worker models in hopes of bringing in just enough temporary workers to fill the labor shortfalls in the domestic market, but with strict contracts and prohibit settlement or family reunification," (ibid.; p. 902).

In modern T&T, the "old guest worker model" manifested itself as the anachronistic immigration controls engineered by Imperial Britain and built into the Immigration Act of 1969. Empowered by the Act, T&T's use of the MRP facilitated this approach. The 16 and a half thousand migrants out of an estimated 40,000 would be more than enough to fill any labor shortage in T&T while paving the way from ‘deportation with prejudice’ for any migrant opting out of the amnesty program. The short duration of the minister’s permit and its corresponding mandatory renewal represent a metaphorical spoke in the plans of any migrant hoping to resettle on the island or to bring their families to them. During the zenith of the VMC, the government of T&T offered no pathway to citizenship, and I am not hopeful that it would ever be likely to do so. In a country where the term ‘refugee’ has no legal definition, it would be shortsighted to expect such liberal policies in the near future.

On the other hand, this study does challenge our prevailing model of the migration state and what it might look like for a migration state to legislate its way out of the paradox. First, we find that migration in the Caribbean has evolved beyond the conventional characteristics of unidirectional movements between the economic poles of poor South to wealthy North. Instead,

there exists another category of liberal democracy in which the state's capacity to exercise sovereignty and create immigration controls is diminished by its reliance on global markets and therefore leaves the country susceptible to exogenous pressure factors. Because these states are affected by the ebbs and flows of external forces like global forces of supply and demand, and international trade agreements, at far greater intensity than larger liberal migration states, they are less likely to benefit from the standard tactics usually employed by the quintessential migration state of Hollifield's corpus. For this reason, the policy responses of SIDMS like T&T become more difficult to forecast when presented with novel occurrences with which they have little to no experience. That is to say, the policies that these states devise to treat with irregular immigration is not based on the prevailing tides of the international refugee regime but rather on the extant law that those countries inherit from its colonial masters. When pressed on all sides to deliver different outcomes to multiple stakeholders, SIDMS will default to whatever law they have on the books at the time of the event. Extant law is a compulsory part of their immigration repertoire.

The Immigration Act of 1969 is problematic in many ways. However, more problematic to the issue of legislating immigration in SIDMS is the faulty political system that enables and reinforces "saved law". The T&T case shows that the continued use of the Westminster system in the West Indies has locked those SIDMS into a path dependent relationship with Imperial Britain. That relationship advances two primary outcomes today. First, the negotiated independence pact that preceded Trinidadian decolonization, constitutionally empowered the executive branch and provided it the legislative tools necessary to restrict immigration unilaterally. This is not surprising as part of the abiding economic logic of British colonialism as restrictedness. Yet, as the T&T case has taught us, embedded in the prime ministerial office of the Anglophone SIDMS is an extraordinary level of discretionary power that allowed for the country's admittedly ad hoc policies

toward the VMC. The government ability to legally and constitutionally repel unwanted, irregular immigration from Venezuela was developed decades before by British and handed to T&T upon decolonization. However, throughout this study, the economic viability of SIDMS' markets and their reliance on global markets is a recurring theme. In the T&T case, reliance presents itself as a high level of suggestibility. T&T's immigration policy vis-a-vis Venezuela appears ambivalent because its government is challenged on various fronts simultaneously and is thus suggestible to create policy that allows it to achieve the highest possible level of efficiency - efficiency in line with the administration's political agenda and the motives of the individual politicians/policymakers - based off of the sources of the strongest pressure forces.

T&T adopted a policy of ambivalence early in its response to the current wave of undesired immigration from Venezuela. The initial thrust to round up and repatriate as many 'illegals' as possible in hand with the Venezuelan government, illustrates Hollifield's interpretation of Sen's paradox: the liberal democracy cannot simultaneously satisfy the conditions of non-restrictedness, minimal liberalism standards and sustain high Pareto efficiency. In its attempt at escaping the liberal paradox, the T&T government's policy of unreserved legal deportation [technical refoulements] forewent satisfying the non-restrictedness condition in favor of restriction. Its collaboration with the Venezuelan government for air transport during that deportation phase showed both a material lack of capacity to deal with a migratory event on this scale as well as points to an underlying economic need on the part of the SIDMS to maintain open economic channels with the Maduro administration. Pursuant to its policies of restriction, the T&T government opted to prioritize satisfying the other two conditions of the paradox as its primary chance for economic self-preservation. This takes us into the legislative implications of the liberal paradox for SIDMS.

Implications for Small Island Decolonized Migration States and the Liberal Paradox

The T&T case suggests that there is a historic dearth of both legislation and jurisprudence for controlling immigration in the SIDMS of the West Indies. That lack of robust legal infrastructure, if left unresolved by the legislative authorities will result in the creation of further ad hoc policies since the extant law currently provides the executive with near dictatorial powers. However, herein lies the other side of what the VMC has to reveal about SIDMS. Legislative reform is required in T&T and other SIDMS where such conditions persists but, the very nature of the Westminster puts it in the hands of the government the task of what would essentially be a weaken of executive powers. This is seen throughout the government's response in the T&T case.

A major feature of the Rowley administration's approach was fashioning policy from extant law. By now having to recur to the parliament, the executive is further able to ignore the desires of opposing views [as represented by opposition MPs] and thereby reject the liberal paradox' minimal liberalism principle and prioritizing the highest possible Pareto efficiency. Because these contemporary conditions are in constant flux, intuitively so should the policy response be standardized to deal with a wide range of outcomes. However, in its current iteration, the Westminster system in SIDMS establishes a temporally fixed solution to a shifting problem. The legislation grants an unfettered pass to the government of the day to whimsically create policy without the need for consultation outside of the executive. Additionally, this study has found that in order for the necessary legislative reform to become part of the legal framework in SIDMS concerning immigration, changes to the current framework must come first. I refer here to constitutional reform. Below, I detail what I consider some of the more pressing issues to be addressed to approve the immigration policies of the SIDMS.

Policy Recommendations

Ultimately necessary to create policy with as far-reaching scope as to impact migrants themselves, their host societies and the wider international community is first to embed the relevant principles into the legal infrastructure that enables them. We saw in the second chapter of this thesis the significant role that colonial legislation played in turning T&T into a modern cosmopolitan society, in setting the parameters for the regional integration efforts of the wider SIDMS of the Caribbean and of T&T particularly, and in preparing the still young country to establish the foundations of law of its future economic and social development. Therefore, from the analysis discussed in this work, I conclude that it is legislative reform and legislation tailored to the specific conditions of the contemporary, world migration regime that will provide tangible and pointed outcomes from future policies.

I begin with the issue of the discretionary power of the executive branch of government and its implications on policy. As it currently stands, and as I have discussed in previous pages, the cabinet can create policy independent of the legislator to control immigration. Although such executive powers may be the operational norm amongst liberal democracies, the lack of jurisprudence and the current constitutional provisions for executive powers together render the judicial arm of state powerless to satisfy its subsidiary function as a check on political power. As such, I propose the following three reforms to the existing legislative structure. First, the Immigration Act of 1969 should be further amended to provide for mandatory consultation with the opposition party by way of a revised parliamentary majority before the implementation of restrictive policies that involve deportation, the provision of public services to refugees and other inward-facing policies regarding the host society's interactions with the refugee community.

With such a condition embedded in law, I am of the opinion that the SIDMS' chances of besting the liberal paradox increase. The active participation of opposing views in the creation of policy is important from a pluralistic perspective and boasts inherent value. However, if not enshrined in law, we are left with conditions ripe for a future repeat of issues brought out by the VMC and further problematic policies borne from the 'discretion' of the cabinet of the day. My second and third policy recommendations would require greater legislative changes to the existing structure but are aimed at improving the overall effectiveness of SIDMS immigration control in general and that of T&T in particular. My second recommendation involves a colonial instrument updated for use today – the Service Commissions.

Immigration Service Commission

T&T boasts a set of four executive agencies known as the Service Commissions. These constitutionally sanctioned, autonomous entities include the Police Service Commission, the Judicial and Legal Service Commission, Teaching Service Commission and the Public Service Commission. Each commission is led by a commission comprising persons of good character and high social standing, with one commission member being designated chair. The Service Commissions of Trinidad and Tobago were first established in their colonial iteration as the Civil Service Staff Board in 1936. I give pause here to acknowledge that it could be argued that much like the Immigration Act of 1969, the aforementioned Civil Service Staff Board was equally founded by outdated legislation and similarly would require actualization to be congruent with the needs of a modern T&T. I would be inclined to agree with such an argument and retort with, several updates have been made to the Service Commissions since decolonization however, decades later, the foundational principle behind the Service Commissions not only endures, but perhaps has grown even more poignant.

First devised as a check on political power, the Service Commissions were designed to "insulate the various services from malfeasance and political influence exerted directly upon them by the government [both executive and legislature] of the day," (Service Commissions, n.d.). According to the government of T&T, the service commissions are fully autonomous organs of the executive branch with the powers to hire, reprimand and fire appointees to the relevant services established under law. However, the authoritarian powers of the Westminster cabinet place the control of immigration squarely under the remit of the minister of national security and the prime minister in the form of the Immigration Division.

This study of the VMC and its role in pinpointing structural deficiencies in SIDMS immigration management have shown that T&T's Immigration Division might be operationally overwhelmed by its newfound responsibilities. This being the case, I recommend that a service commission, similar to the Police Service Commission, be constitutionally enshrined and set up to handle the increasingly important role played by immigration in SIDMS. This fifth autonomous Immigration Service Commission would lighten the operational load of the rest of the country's national security apparatus while bringing renewed focus to the faulty state of migration management in T&T. Notwithstanding, more importantly still is that such a commission, as was intended with the constitutional commissions would, be expected to "insulate" immigration from the whims of an incumbent cabinet and instead, place some separation between the legislation of immigration law and its enforcement. Much like the legislature is charged with the creation of law and the executive with its enforcement, the current setup of the T&T Immigration control kit places both the policymaking and enforcement under the direction of the cabinet. Following liberal democratic ideals, the optics of the contemporary setup lend for allegations of non-transparency, unilateral policymaking, authoritarianism and other allegations of political impropriety on the part

of the government. A dedicated Immigration Service Commission could portend various benefits to immigration control and the wider state of national security in T&T. The last in my set of recommendations involves the establishment of an autonomous immigration court system.

Autonomous Immigration Court

Immigration and the challenges surrounding its management are only expected to grow in relevance and impact as globalization drives markets towards greater and greater interconnectedness. SIDMS are uniquely positioned to feel the impacts of globalization. Consequently, the T&T case shows that there is a need for comprehensive legislation, legal institutions and jurisprudence to manage expanding immigration-related matters. I therefore recommend the establishment of an immigration court system in T&T that would relieve the cabinet of its current power to unilaterally adjudicate immigrations issues under the *Special Inquiry*[40] provisions of the Immigration Act of 1969. Several migration states have established immigration courts that today play integral roles in their national response to irregular immigration (Bolter, 2020; Lee, 2013; Eek, 1971).

In the US for example, a complex immigration court system, overseen by the Department of Justice, works as the executive's judicial enforcement arm. It oversees the US government's application of federal law to immigration policies against the backdrop of humanitarian and moral duty. Yet beyond its powers to effectuate deportations, hear asylum applications and decide cases of other immigration offenses, the US immigration court system establishes a semi-autonomous system of regulations, enabled by autochthonous, indigenous legislation, that mitigates the

[40] The 1969 Act establishes a type of pseudo-tribunal referred to as the Special Inquiry. A cursory reading of the Act quickly reveals that the power wielded by immigrations officers as wholly discretionary. Many of the decisions concerning the migrant being considered for entry are left up to the mood and disposition of said officer at the time of interaction. Notwithstanding, wielding even more discretionary power than the foot-soldiering immigration officer is the special inquiry officer. if the migrant were to be among the fortuitous few to have access to legal representation while undergoing special inquiry, they can appeal the decision made by an immigration officer to a special inquiry officer with certain caveats.

discretionary powers of executive branch policymaking. Comprehensive immigration court systems have been shown to be beneficial to the polities that have established them (Christi & Gelatt, 2022). At the same time, they carry out the supplementary function of providing a transparent process for irregular migrants to have their proverbial day in court. Concurrently, it allows for a degree of separation between political and economic interests of the incumbent government and the day-to-day, case-specific operations of immigration management.

This thesis has broached interesting answers to the principal questions posed at the beginning of this study as well as advances three recommendations to be considered for incorporation into the T&T immigration management kit. At the same time, it is my hope that this contribution to the wider conversation on how small island states deal with immigration and the existing corpus Caribbean Studies/Latin American Studies literature might serve as a catalyst for deeper discourse while also engaging policymaker and those whose decisions directly impact the lives of refugees in the West Indies region.

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APPENDICES

APPENDIX A

Full transcript of semi-structured interview with Devvon Williams, Esq., Attorney-at-law in Trinidad & Tobago specializing in immigration law.

Interviewee: **Devvon Williams**
Date/Time: **August 6, 2022 / 10:00am EST**
Venue: **ZOOM Pro / Port of Spain, TT**

Additional Notes: _____
_____
_____

0' 00" – Time Stamp **What is…? – Interviewer**

Questions
Transcript:

Shane	**0'00"** Alright, good morning. This morning I have with Mr Devvon Williams, and before I decide to change the goodly gentleman's professions or experiences, I'll allow him to tell us who he is and what he does, please.
Devvon	Good morning. I am Devvon Williams, attorney-at-law. I've been an attorney since 2013; Trinidad and Tobago jurisdiction. Prior to being an attorney-at-law, I was an immigration officer from 2001 to 2015,
Shane	Right.
Devvon	In the Trinidad and Tobago Immigration Division.
Shane	Excellent. Thank you. Thanks for that sir. That was… impressive; for the purposes of what we're doing today. Sir. First question to you; are you involved in humanitarian work in any way? And how did you get involved?
Devvon	Well, I have been involved in humanitarian work for as long as I have been a lawyer, 2013 to now, for the simple reason that persons have come to the office seeking assistance and they don't have the means to have that assistance that they need so we try to assist them in every way possible,
Shane	Alright.
Devvon	Including doing matters for them with regards to issues that they may have that need to be solved using law and by giving back to these communities trying to assist in getting them meals and places to stay and so on.
Shane	Alright, thanks so much for that. Mr Williams, what kind of work do you usually do? So what does a typical case as an attorney involved in humanitarian work, working with displaced persons… What does a typical case look like?

Devvon	**2'13"** Alright, so we would have, typically, most cases that you will have, it's where persons have been detained by the Immigration Division and/or have some difficulty with the Immigration Division who want assistance or what laws they've breached and how they've breached those las and what they can do to avoid being detained or being continually deported.
Shane	Ok, Alright. Interesting stuff. Um, we all know that we're functioning in a new global landscape. Things that were not happening five years ago are happening today and those things are becoming normative. It is how life is going to continue to be. In your line of work, what changes, if any, have you seen with how displaced persons' cases would have been handled prior to the onset of the global pandemic versus how things are being handled today in 2022?
Devvon	Alright so, I can even go a little bit further and…
Shane	Thank you.
Devvon	When I first entered the Immigration Division of Trinidad and Tobago, the goal of the department itself was not detention oriented in that the persons were not detained for minor offenses. They were released. Even if they were found, for example, in the jurisdiction having their entry certificate and having stayed beyond their entry certificate, most likely they would not be detained, and they'd be asked to bring in a ticket and to leave the jurisdiction. From there, the government built what we call the IDC or Immigration Detention Centre. After that was introduced, we saw an increase in the detention of migrants in the country. With that increase in detentions, you had an increase in litigation…
Shane	Right.
Devvon	In the jurisdiction and from there, with the increase in litigation, we now have a burgeoning jurisprudence with regard to the detention of migrants so law itself has developed significantly in the last two years.
Shane	Alright.
Devvon	Since the pandemic, because with more people being detained, so therefore you had more persons going to court and because you had more persons going to court, you had more judgments coming out from the courts trying to settle that area on what the Immigration Division can do and what they cannot do with regards to the detention of migrants.
Shane	Right, wow!
Devvon	So, the law has been, is being refined,
Shane	As we go along.
Devvon	Over the last two (2) years.
Shane	**5' 46"** Right. Um, how are these laws made? In terms of, are these executive orders coming out of the cabinet? Are these going through the legal process through the parliament? How are these policies created?
Devvon	So, policies are a bit different.
Shane	Yeah.

Devvon	The policies with regards to the Immigration Division, as far as I can tell, would be handed down from the minister of national security who is the minister responsible for immigration, and the chief immigration officer. These are the persons who are responsible for policies. With regards to law, the Immigration Act has not been amended significantly in the last few years. And this is a pretty old piece of legislation. It predates our constitution. It's what we would have considered; the terminology is 'saved law'. Even if the Immigration Act is found to be unconstitutional, it is saved law,
Shane	Wow!
Devvon	So, it cannot be struck down.
Shane	Wow!
Devvon	**7' 00"** Um, so it's a pretty old piece of legislation that they continue to use. The thing is what has happened over the last few years is the courts have been redefined or stating what the law ought to be and for example, the Immigration Act gives the Immigration Division the power of detention with regards to migrants, but the court has now interpreted those sections to, and I'm just putting it in a nutshell…
Shane	Of course.
Devvon	Trying to be as succinct as possible.
Shane	Be as detailed as you need to be.
Devvon	The immigration officer or the Immigration Division cannot detain a migrant if it is not for the purpose of deportation. So, and, that detention, in itself, must also be for a reasonable period of time so if they cannot remove the migrant from the jurisdiction within a reasonable period of time, the immigration department should not detain them. So that is not… if you go read the legislation, that is not what the legislation says.
Shane	Correct.
Devvon	But the courts have now interpreted the legislation to give it that meaning. So, when I say that the law has changed, it is the interpretation of the legislation by the court has led to the law being this. This is what… so the court has interpreted the Act, and this is what this means when you interpret it from the Act. That is what we've had happen over the last few years. We've also had the courts interpreting our constitution and giving the Immigration Division direction in whether or not to deport persons; what they should consider when making a deportation order and so on.
Shane	Ok, alright. Thanks for that.
Devvon	It is not necessarily the – because in Trinidad and Tobago, Parliament is who makes laws.
Shane	Correct
Devvon	So, it's not necessarily the ministers going to parliament, and they are now coming with new laws – it's not that – it's the court interpreting existing legislation to give it effect.
Shane	Right. Alright. And coming out of that, I have two questions. Um, question number one would be, are there dedicated courts for immigration issues in Trinidad and Tobago? And I'm making the comparison with countries like the United States where

	immigration courts and the immigration court system is not even part of the judiciary of the United States – that is completely part of the Department of Justice.
Devvon	Correct. Um, so, Trinidad and Tobago … in Trinidad and Tobago, there is no dedicated immigration court system per se. So, the Immigration Act sets out provisions where the Immigration Division has a quasi-judicial function. And what that is called, it's called a *special inquiry*. So, if you breach the Immigration Act, and Immigration, they feel that it is an offense that they should deal with at that level, you'd be brought before an inquiry officer who is an immigration officer of a certain rank. That officer sits as a magistrate would sit.
Shane	Mmhmm.
Devvon	So, he is judge and jury. The only issue that I have with the system is that he is not only judge and jury, but he is prosecutor as well.
Shane	Exactly.
Devvon	He prosecutes the matter, and in that system; if you are aggrieved by the decision of the special inquiry officer, the next step is, if it's a decision that can be appealed, the appeal is to the minister of national security.
Shane	Wow!
Devvon:	Right? So that is the appeal process. The thing is, in Trinidad and Tobago, we have legislation for a process called judicial review, and judicial review in a nutshell is the way in which the courts supervise public officials. So, if you have an issue with the decision of the Immigration Division or the minister of national security, your redress – you'd need to go to the High Court of Trinidad and Tobago for a judicial review action, if the decision is reviewable. And that is how most matters are resolved, in that persons would need to go to the High Court, who reviews the decisions of the Immigration Division or the minister of national security. Now there are some offenses in the Immigration Act that are summary offenses, which means that you are taken before a magistrate's court.
Shane	Right.
Devvon	Which is the court system where a magistrate would rule on whether or not you are innocent or guilty of the offense and so, that is how the court system interacts with the immigration system. So, it's either you're in the magistrate's court for an offense under the Act, or Immigration [Division] deals with it in-house through their special inquiry system, and if you are aggrieved by a decision of the immigration department, because they are a public body…
Shane	**13' 22"** Right.
Devvon	Or the minister of national security, you judicially review. Oh! And there is also, you can also go to the High Court for what you call a *habeus corpus*[41], where persons are detained, and you want the reason for the detention. If you are challenging the detention of a person, you have to go to the High Court…

[41] An action or writ of habeas corpus, within the Trinidad and Tobago jurisdiction and in the context of the Immigration Act, directs the detaining authority (albeit the Immigration Division of Trinidad and Tobago or the Police Service of Trinidad and Tobago to

Shane	Right.
Devvon	To have an action of habeas corpus.
Shane	Alright, ok. Thank you so much. Um, and I guess the second question that would have come out of what you were saying is, do you currently represent anyone who is being held in immigration detention? Have you ever represented anyone who was held in immigration detention?
Devvon	**14' 07"** I have represented several… quite a few/a number of persons who have been detained.
Shane	Mmhmm.
Devvon	I have represented several persons at special inquiries, I've represented several persons at the Magistrate's Court, I've represented several persons at habeas corpus, and we do a number of judicial review matters that involve the Immigration Division.
Shane	Ok. What are the conditions under which these people are detained like? Are they comparable to conditions at the remand yard or the Golden grove prisons? Is it based on international convention as opposed to Trinidad and Tobago domestic policy?
Devvon	So, where migrants are detained, most times, is at… so, I have to go back, I have to go back in time.
Shane	Sure, yeah.
Devvon	Prior to the detention center being built in Trinidad and Tobago, the Immigration Act provides that the minister of national security or the chief immigration officer can direct [inaudible] re: place of detention. So, prior to the Immigration Detention Center being built, persons would have been detained at jail, they could've been detained at the remand yard prison, um, and so on. After the detention center was built, most people who run afoul of immigration: they are detained at the (Immigration Detention Center). So, if the person, for example, someone is detained by police officers, they would most likely be detained at a jail; at whichever police station that is. After, they would contact the immigration authorities. If there is, one moment, eh?
Shane	Sure. No problem.
	16' 34" **Devvon momentarily exits** **16' 37"** **Devvon returns and resumes response**
Devvon	My apologies.
Shane	No worries. Thank you so much.
Devvon	Um, if the immigration authority, when they are contacted, they go to the police station and they believe that the person should be further detained,
Shane	Right.
Devvon	They then take them from the police station to the IDC, to the Immigration Detention Center, and then they take it from there.
Shane	Mmhmm.

Devvon	The IDC - it is comparable to a remand yard and in its early stages, they were trying to make it not such a place, but it's now to that effect. It is now comparable to a remand yard.
Shane	Right. That is unfortunate but thank you. Because I've also seen some reporting from years ago, way prior to the Venezuelan migrant crisis; I think at that time the stock of detained migrants would have been Cubans and…
Devvon	**17' 40"** Um, actually, in my humble view…
Shane	Mmhmm.
Devvon	The persons who are normally detained, before we had this Venezuelan influx would have been CARICOM nationals.
Shane	CARICOM nationals? Ok. Look at that. So, that would be an excellent segway into the crux of our discussion this morning: Trinidad and Tobago immigration law. In Trinidad and Tobago, under the law, under the government, who is a refugee?
Devvon	No one is a refugee in Trinidad and Tobago. No one. In Trinidad and Tobago, at some point we signed onto the convention.
Shane	Mmhmm.
Devvon	At some point we did. The government signed the convention. But, as we know, to have any force in Trinidad and Tobago, it must be brought into local laws…
Shane	Yes.
Devvon	By parliament enacting legislation. No such legislation has been enacted. There was a policy, a while ago, there was a policy with regard to how do we treat migrants.
Shane	Mmhmm.
Devvon	However, that policy is no longer in effect. The latest position adopted by the Immigration Division is that there is no local law so, the Immigration Act is what we are going to go by, and we are going to be hard and fast with what the Immigration Act says. So, for example, and this is the greatest example that I can give; we know that with regards to persons/refugees fleeing their home country, they are not supposed to be prosecuted if they enter your country or they enter your borders illegally to seek asylum…
Shane	Right.
Devvon	Because they are fleeing their home country.
Shane	Yeah.
Devvon	Now, the Immigration Act of Trinidad and Tobago says that it is an offence to enter Trinidad and Tobago illegally. And so, we have persons coming and they say they're seeking asylum, but once they have entered the country illegally, Immigration is prosecuting them at their special inquiries or even taking them before the Magistrate's Court because it is a summary offence as well…
Shane	Mmhmm.

Devvon:	And they can be fined and given jail for entering illegally, which some of them have, and they are also being deported back to their home country for simply entering illegally to seek asylum.
Shane	Mmhmm.
Devvon	So, that is the situation in Trinidad at present.
Shane	Ok. Well, that situation you just described, is in direct contravention to the mandate of organizations like UNHCR?
Devvon	Correct.
Shane	How therefore, would you evaluate the interaction between the UNHCR, in their trying to carry out their mandate, and Trinidad and Tobago's government by way of the Immigration Division in trying to carry out its mandate?
Devvon	**21' 08"** The Immigration Division; as I've said, they've taken the stance that we are not bound by the convention, we are bound by our laws and we are going to fulfil the mandate given to us by the government because the government has not changed the law, so, that is the law and we're going to just follow it to a 'T'. So, that is the stance that the Immigration Division has. And well, I will have to say the ministry of national security; because they fall under that ministry, that is the position they've taken.
Shane	… that the government has taken. Ok. So, if this is the position that the government has officially taken, how, and I understand, you know, policy changes like the imposition of an entry visa to Venezuelan nationals…
Devvon	Right. Correct, so, what they have done for Venezuela is that they have included them in what you call the second schedule to the Immigration Act.
Shane	Mmhmm.
Devvon	I think there are only three countries… there were only three countries on the second schedule before and now Venezuela makes four if I remember correctly.
Shane	Mmhmm.
Devvon	The second schedule; basically, when you're on the second schedule, what that means is that you have to have a visa before entering; nationals from that country must have a visa before entering Trinidad and Tobago.
Shane	Mmhmm.
Devvon	If you don't have a visa, you'll be refused entry in the country. You **must** have a visa.
Shane	Mmhmm.
Devvon	So, there is something called a visa waiver that you can pay at the airport if you don't have the visa when, upon entry. If you're on the second schedule, that doesn't apply to you. You must, as I said, you must have that visa, and it's a way to control entrance from those countries, and obviously now, those persons have to apply for a visa.
Shane	Mmhmm.
Devvon	Trinidad and Tobago used to have well I don't want to say "used to have an embassy" but they used to have immigration personnel at the embassy in Venezuela.

Shane	Mmhmm.
Devvon	From my knowledge of it, and I don't know if this is officially, but from what I know, from inside sources, there are no immigration personnel there and because there are no immigration personnel there, it makes it doubly hard to get the visa.
Shane	Well, yeah.
Devvon	Because now you have to apply directly to Trinidad and Tobago. And to get documents to Trinidad and Tobago and back from Venezuela, you know, it's not the easiest thig to do.
Shane	**24' 00"** It is not easy at all, at all. Ok. So, migrants need a visa to enter Trinidad. They now, for a lot of them, especially the ones, uh, venturing to Trinidad from eastern Venezuela, it, economically it is a problem, because Caracas is further away from where they are that Trinidad is.
Devvon	Correct.
Shane	So, they make their way over to Trinidad. They enter irregularly and for that reason, you know, they are wanted by the law. The government decides to grant an amnesty through the Venezuelan registration program. I'm not au courant on the actual [technical] term.
Devvon	So, it's called the *Migrant Registration Programme* and…
Shane	Right.
Devvon	That program was run, I think in 2019 and if I'm not mistaken, that program; what that was, for those who were not in the know – everybody thought/ everybody says it's a migrant registration program – what that was… the, under the Immigration Act, section 10 of the Immigration Act of Trinidad and Tobago, the minister of national security can issue a permit to anyone who is , if they're in Trinidad, to remain in Trinidad for a period of one year.
Shane	Right.
Devvon	It doesn't matter if you were illegally in the country. So, any person who is out of the jurisdiction, the minister can give them permission to come into the jurisdiction…
Shane	Mmhmm.
Devvon	And any person who is in the jurisdiction; he can allow them to stay in the jurisdiction for up to one year.
Shane	Right.
Devvon	The minister, so, what they did, I don't know at the urging of who, the government decided that they would grant minister's permits to those Venezuelan migrants in the jurisdiction at the time.
Shane	Mmhmm.
Devvon	They registered, I guess they made sure that the persons they were granting it to were of good character and so on.

Shane	Mmhmm.
Devvon	And it is the only time that they have amended the immigration laws really in the last few years because they amended it to grant - to make the form that the persons were filling out, an official form within the Act, and to make the card an official document.
Shane	Mmhmm.
Devvon	Because what they would have had to do was print a number of minister's permits, and they decided instead of printing the permits, which were paper and could be damaged easily…
Shane	Right,
Devvon	That they would issue them with cards. So, the card is now the permit.
Shane	The permit.
Devvon	So, that is what they did. The other thing with the minister's permit is if you are issued with a minister's permit, the minister can waive the work permit requirement.
Shane	Right.
Devvon	Persons who have a minister's permit, the work permit requirement can be waived for them, and he also did that for those persons who got those minister's permits. He waived the work permit requirement allowing them to work. That is the… that was the whole thrust behind that registration.
Shane	Yeah.
Devvon	**27' 34"** They have done it. They issued the first wave of the permits. He, they publicly said that they would extend those permits.
Shane	Mmhmm.
Devvon	I haven't seen the permits themselves actually being extended. I know that persons have signed for the extension, and they have signed up for a second extension…
Shane	Alright.
Devvon	But they haven't really removed those persons who were issued with the original permits from the jurisdiction.
Shane	Ok. Thanks a lot.
Devvon	That's what the registration program did.
Shane	Yes, that's what it did, right. I did not know that. Um, you mentioned the name of the program, right? The *Migrant Registration Programme*. So, there's nothing there that alludes to Venezuela or the Venezuelan migrant crisis. Was this program, was the issuance of these minister's permits…
Devvon	It was exclusively to Venezuelans.
Shane	Alright. [Chuckles] That's what I thought.

Devvon	You had persons from other countries, other nationalities seeking to enter into the program, and they were debarred.
Shane	And they were debarred?
Devvon	It was exclusively to the Venezuelans.
Shane	**28' 48"** That is literally what I though. Um, alright. So, under this minister's permit, you mentioned that the work could be waived. Is that automatic or is that a subsequent application?
Devvon	No. So, in the case of the *Migrant Registration Programme*, the minister; they said that they would waive those work permit requirements with regard to that program.
Shane	Correct.
Devvon	But if you normally apply for a minister's permit, in your application you would have to ask for the work permit requirement to be waived – so it's not an automatic thing. You can get a minister's permit and be allowed to stay in the jurisdiction.
Shane	Mmhmm.
Devvon	You cannot work if you don't. So, regulation 10 of our immigration act is what governs 'work' in the jurisdiction. So, if you are not a citizen or a resident of Trinidad and Tobago, there's a one-month facility; if you're now entering the jurisdiction, you'd be given that to work, but if you're not in those three classes, and you are doing a trade occupation or profession…
Shane	Mmhmm.
Devvon	In the jurisdiction, whether you are being paid or you're not being paid, you are guilty of an offence.
Shane	Ok, ok. Wow.
Devvon	So, you cannot work. Whether it's free or you're getting paid…
Shane	[Chuckles] Yuh cyah work, yeah [In Trinidad English Creole].
Devvon	Unless you have the requisite permissions.
Shane	Unless you have the requisite permissions. Alright, um, that is interesting. So, moving to my next question; what protections does your involvement or participation in this migrant registration program…
Devvon	Offer?
Shane	Provide you?
Devon	Once, if they've had the minister's permit; as I said, the minister has broadcasted, several times, that it has been extended.
Shane	Correct.

Devvon	Once you are in possession of this MRP card as they call it; the *Migrant Registration Porgramme* card,
Shane	Mmhmm.
Devvon	Once you're in possession of that, it is as, well 1. It is as if you have a work permit so, you can go apply for a job…
Shane	Right.
Devvon	Get a job; employers would hire you.
Shane	Right.
Devvon	2. The Immigration Division will not seek to remove you from the jurisdiction. It is as if you have legitimate stay in the country.
Shane	Mmhmm.
Devvon	And this is for people who have entered illegally as well.
Shane	Right.
Devvon	Once they are part of the program, they can stay. Well, they would be able to stay as long as… until the minister says that the program has ended.
Shane	They are at the minister's courtesy.
Devvon	Yes.
Shane	But, but, so, what we're talking about here is mainly the economic and labor interplay of the program.
Devvon	Right.
Shane	What about access to medical care? What about access to education?
Devvon	Right. So, to… Again, just like with work, to be able to go to school in Trinidad and Tobago…
Shane	Right.
Devvon	The institution could be penalized for taking in somebody who is not in possession of what you call a *student permit*.
Shane	Right.
Devvon	You must have a student permit if you are a non-national or non-resident to go with to a school in Trinidad and Tobago.
Shane	Understood.
Devvon	So you and the institution could be penalized for going to school without the requisite permission. The minister's permit does not give any consideration towards schooling. So, if the migrant has children, here with them, with those children, they would have to go and apply to the Immigration Division for a student to be able to go to school.

Shane	**32' 36"** Mmhmm.
Devvon	So…
Shane	What about healthcare?
Devvon	It's the same thing with healthcare. In Trinidad and Tobago, healthcare is normally free.
Shane	Correct.
Devvon	If you are accepting healthcare in Trinidad and Tobago, as a non-national, at one of our public institutions, what that then does is, that makes you a charge on public funds.
Shane	Right.
Devvon	And if you are a charge on public funds; section 8 of the Immigration Act is the prohibited class, and that puts you in the prohibited class. And if you are in the prohibited class, you can be deported from Trinidad and Tobago.
Shane	Wow.
Devvon	So, if the migrant needs to access healthcare; now the public institutions won't turn them away…
Shane	Yes.
Devvon	But by accessing public healthcare in Trinidad and Tobago, you are putting yourself in the prohibited class and you can be deported for that. And I believe that it is one of the conditions that the minister has imposed on the MRP policy is that you cannot be a person in the prohibited classes.
Shane	Right.
Devvon	So, if you now fall within those classes, they can revoke your status.
Shane	Ok. Understood.
Devvon	They would have to go to a private institution if they need healthcare.
Shane	Thank you. Now my understanding is obviously a layman's understanding of the Immigration Act. And my understanding is that children cannot be refouled; children cannot be deported.
Devvon	Well, that is not true.
Shane	Good. Thank you.
Devvon	There is nothing in the Act that says a child cannot be deported.
Shane	Ok.
Devvon	**34' 20"** The thing is, if a child is to be deported, then, for example, if you are going through the special inquiry process to deport someone and the child is before the special inquiry officer, then none of these decisions, you can say, is attributable to the child.
Shane	Mmhmm.

Devvon	So, the child has done nothing wrong. Nothing that can be deemed deportable. That is, that is my understanding of why they weren't deporting children.
Shane	Ok.
Devvon	However, there is a recent case where a mother was being detained at the heliport, which is one of the detention facilities. And her child was being detained. I can't remember the circumstances – not my case.
Shane	Mmhmm.
Devvon	This case reached the Privy Council, and the government/immigration department were found to be in the wrong by the Privy Council.
Shane	Hmm.
Devvon	And in that case, they had not ordered the child deported prior to the matters being filed, but the child was subsequently ordered deported by the minister of national security.
Shane	After the Privy Council ruling?
Devvon	No. Prior to the - So, the hierarchy of courts here in Trinidad and Tobago would be the high court, the court of appeal, Privy Council. So, at the high court, when the matter was in the high court, and I think the court of appeal, the child was not ordered deported. But subsequent to the court of appeal… if I remember clearly, subsequent to the court of appeal's decision, the child was ordered deported. Before the Privy Council heard the matter. So, to say that a child cannot be deported, - there is precedent there to show that the child was deported, and nobody took the point, no lawyer took the point that the child should not have been deported. So, the child was deported, and it was deemed to be valid.
Shane	So, it is it an understanding under law that children *can* be deported?
Devvon	They *can* be deported.
Shane	Alright, um, How, based on your knowledge, many people in Trinidad and Tobago are registered or are confirmed with the ministry of national security as being Venezuelan, in Trinidad and Tobago, whether it be that they entered regularly or irregularly versus your sense of unofficial numbers?
Devvon	I, I cannot even begin to call numbers because I have no stats.
Shane	Ok
Devvon	I know that the government had put out some stats, close in time to the registration program – the initial registration.
Shane	Mmhmm.
Devvon	I really can't remember the stats off of the top of my head.
Shane	Alright.
Devvon	But what I do know is that whatever those numbers were; let's say the numbers were 20,000 or something…

Shane	Right?
Devvon	Whatever those numbers were, there are a lot more Venezuelans in the jurisdiction than those numbers. There are a lot more.
Shane	**37' 19"** There are a lot more in the jurisdiction. And my last question for you, um, Mr Williams, concerns refoulement – concerns deportation. Um, Trinidad and Tobago, based on what I've been seeing in the news, fairly regularly removes people from its jurisdiction and repatriates them back to their countries of origin. How does Trinidad and Tobago effectuate those deportations? – Is it that, and I don't mean to ask a leading question here but, my sense is that it's a collaborative effort between Trinidad and Tobago and the government of Venezuela.
Devvon	**37' 56"** So, there were some large deportations that were collaborative efforts but, in the mean, what happens is – the migrants themselves pay their way back home. That is how it's done. So, what happens is when these persons are ordered deported, and, what we have now is a new phenomenon – as I keep saying – Things have changed. So, previously, the Immigration Act gives the minister of national security the power to deport persons without a special inquiry hearing. So, prior to the influx of Venezuelans, the minister rarely, if ever, utilized that power – to deport without a special inquiry hearing. Since the influx, and since COVID, what we've had is the minister doing deportations without a special inquiry hearing. What that does is – you can be ordered deported without even knowing it
Shane	Wow.
Devvon	With that mechanism, you can be ordered deported without knowing that you're ordered deported. You have no representation. At least at aa special inquiry, you can make representation. When the minister is ordering you deported, you don't have to chance to enter/ to make any plea or do anything before the minister. And that is the mechanism that they've been using now more regularly.
Shane	Ok.
Devvon	So, the minister is signing these deportation orders regularly, everyday dozens.
Shane	Mmmm, ok.
Devvon	And what you have happening again is, as I said, the power of detention by the Immigration Division is to effect deportation.
Shane	Mmhmm.
Devvon	**40' 00"** So, what you have happening is persons, when they are ordered deported, there's the threat of detention. So, if you tell the person, "We are going to detain you, to deport you." They then have to (the Immigration Division)… so, there is a government vote – vote as in monies put aside for the deportation court. But you have to access it, and there is bureaucracy to access it. And if the Immigration Dividion tells you as a migrant, "Well, we're going to detain you to deport you, we can do it. We have a deportation order…"
Shane	Mmhmm.
Devvon	"It's going to take us 'x' amount [number] of weeks to get the money from the vote. But if **you** want, you can provide us with a ticket to depart. The quicker you get the ticket it the quicker you leave. We get you out of detention." What choice is the migrant going

to make? I am going to try and see if I could get somebody to buy me my ticket; I don't want to be detained.

Mmhmm.

Because if you tell me I can leave tomorrow if I get a ticket today, I'm going to get a ticket today! Instead of waiting eight weeks, ten weeks in detention, if I could get a ticket today, I [am] gone.

Mmhmm.

So that is the way in which, as I said, the migrants pay their way out. If they provide their ticket, they can leave. Right? And they normally provide their own ticket.

Well, ah, Mr Williams, I thank you so much for your time this morning. You've shared some amazing insights that, I mean… on the record or off the record, I think you just wrote a chapter of my thesis. So, thanks a lot for that. I'll end our interview here.

APPENDIX B

Map showing area in Port of Spain, Trinidad and Tobago where Venezuelan migrants – Luis and Alberto Siegert – founded their sugar factory and the modern streets now bearing the names of members of Siegert's immediate family.

Source: https://www.google.com/maps/@10.664475,-61.5274509,17z?authuser=0
Google Maps. Accessed 04/30/2023