

TRINIDAD AND TOBAGO

The diaspora of Trinidad and Tobago is concentrated in four countries: the United States (65,9%), Canada (18,1%), the United Kingdom (8,4%), and Jamaica (1.3%).¹ When compared to other Caribbean nations, Trinidad and Tobago has invested very little in emigrant policies: external voting is not allowed and there is neither a consultative body for emigrant representation nor an official administration for emigrant issues. The state promotes no cultural programs and offers emigrants little incentive to return nor has it implemented any symbolic policies. Trinidad and Tobago has, however, signed agreements with states of reception, such as Canada, to guarantee the access of non-residents to a pension system, in the state of reception or of origin. It also allows dual nationality for nationals by birth, and has clear protocols to recognize skills and degrees obtained in other Caribbean states.

CITIZENSHIP/NATIONALITY

DUAL OR MULTIPLE NATIONALITY REGULATION

According to the 1976 Constitution, citizens of Trinidad and Tobago must either be born in Trinidad and Tobago or born abroad to citizens of Trinidad and Tobago.² Additionally, Commonwealth citizens, citizens of the Republic of Ireland and British protected persons are entitled to citizenship by registration if they reside in Trinidad and Tobago for five years and fulfill certain prerequisites; the same prerequisites apply for foreigners from other countries, who are entitled to citizenship by naturalization, though only after seven years.³

Between August 31, 1962 (independence) and July 29, 1988, citizens of Trinidad and Tobago had to renounce their citizenship whenever they acquired “the citizenship of another country by voluntary act other than marriage.”⁴ However, the Citizenship Act was amended in 1988, and now dual citizenship is permitted in certain cases.⁵ Likewise, former citizens by birth who renounced their citizenship between 1962 and 1988 can now apply to re-acquire it.⁶ Again, this is only valid for citizens by birth; citizens

1 Anatol, Kirton, and Nanan, *Becoming an Immigration Magnet: Migrants' Profiles and the Impact of Migration on Human Development in Trinidad and Tobago*, 44f.

2 Ministry of Legal Affairs, *Constitution of the Republic of Trinidad and Tobago*, Art. 17.

3 Ministry of Legal Affairs, *Citizenship of the Republic of Trinidad and Tobago Act*, Art. 7, 12.

4 *Ibid.* Art. 11 (1).

5 *Ibid.* Art. 11 (2C).

6 *Ibid.* Art. 11 (2A).

by registration or naturalization still lose their citizenship if they acquire the citizenship of another country.

As stated above, national citizens must either be born within national territory or born abroad to national citizens.⁷ Nevertheless, a child born outside Trinidad and Tobago to a citizen *by descent* may apply for a certificate of citizenship. In practice, then, there is no limit to obtaining citizenship, as long as the authorities grant the abovementioned certificate.⁸

LOSS OF CITIZENSHIP/NATIONALITY

The Citizenship Act does not envision the loss of citizenship under any circumstances for citizens by birth.⁹ Citizens by registration or naturalization or individuals whose citizenship was restored after 1988, may have their citizenship revoked if authorities deem that the citizenship was obtained under false pretenses.¹⁰

DIFFERENT RIGHTS FOR EXTERNAL CITIZENS

When it comes to the rights and duties of citizenship, no differentiation is made between internal and external citizens.

SUFFRAGE

VOTING RIGHTS OF NON-RESIDENT CITIZENS

Non-resident citizens have no voting rights. According to the Elections and Boundaries Commission,¹¹ voters must be aged 18 or older and live within an electoral district or constituency for at least two months. If these criteria are fulfilled, the following individuals have voting rights: a) citizens of Trinidad and Tobago; b) citizens of the Commonwealth, provided they reside legally in Trinidad and Tobago for at least one year; c) non-Commonwealth citizens, provided they reside legally in Trinidad and Tobago for at least five years.

CANDIDACY RIGHTS OF NON-RESIDENT CITIZENS

A person who cannot register as an elector in Parliamentary elections cannot be elected President or to the House of Representatives.¹² Accordingly, non-residents, who cannot register as electors, have no candidacy rights.

7 Ministry of Legal Affairs, *Constitution of the Republic of Trinidad and Tobago*, Art. 17.

8 Ministry of Legal Affairs, *Citizenship of the Republic of Trinidad and Tobago Act*, Art. 5 (1).

9 *Ibid.* Part. II.

10 *Ibid.* Art. 14 (2).

11 Elections and Boundaries Commission, "FAQ."

12 Ministry of Legal Affairs, *Constitution of the Republic of Trinidad and Tobago*, Art. 48 (1).

REGULATION OF POLITICAL COMPETITION

PARTY OFFICES IN HOST COUNTRIES

The Representation of the People Act makes no reference to external political parties, suggesting that they are allowed.¹³

Trinidad and Tobago is de facto a two-party system and neither the ruling party, *United National Congress* (part of the *People's Partnership* coalition), nor the opposition *People's National Movement*, make any reference to foreign offices in their statutes or websites.¹⁴

Nevertheless, public funding does not exist in Trinidad and Tobago,¹⁵ though party leaders have been known to undertake fundraising abroad in places with high numbers of Trinidadian and Tobagonian emigrants, though these initiatives are rarely accounted for.¹⁶ External actors, such as the Commonwealth Observer Group, have criticized the lack of transparency in matters of funding.¹⁷

POLITICAL CAMPAIGNS

The Representation of the People Act makes no reference to external political campaigns and there is no record of any campaign conducted abroad.¹⁸

MEMBERSHIP

The Representation of the People Act makes no reference to party membership,¹⁹ nor do the web pages of the two main parties – *People's National Movement* and *United National Congress*.²⁰

ADMINISTRATION

CONSULATES

As of 2015, Trinidad and Tobago's diplomatic network comprises eight embassies (Belgium, Brazil, China, Costa Rica, Cuba, Panama, the United States,

13 Ministry of Legal Affairs, *Representation of the People Act*.

14 See <http://unctt.org/> and <http://www.pnm.org.tt/>, respectively.

15 Ryan, "Political Party and Campaign Financing in Trinidad & Tobago," 31.

16 Ibid. 30.

17 Commonwealth Observer Group, "The Trinidad and Tobago General Election 11 December 2000," 16.

18 Ministry of Legal Affairs, *Representation of the People Act*.

19 Ibid.

20 See note 14.

and Venezuela), seven High Commissions²¹ (Canada, India, Jamaica, Nigeria, South Africa, Uganda, and United Kingdom) and three consulates (New York, Miami, and Toronto).²² These diplomatic missions offer neither legal consultancy nor financial or psychological assistance.²³

ECONOMIC POLICIES

REMITTANCES

There is no government strategy to attract remittances.

INVESTMENT

No investment program targets emigrants in particular.

BRAIN-CIRCULATION NETWORKS AND BRAIN-GAIN PROGRAMS

Trinidad and Tobago has not adopted an active brain-gain or brain-circulation policy, as opposed to other members of the Caribbean Community (CARICOM), such as Jamaica. The national strategic plan *Vision 2020* identified the need to address brain-drain and reduce the emigration of skilled labor,²⁴ but proposed no concrete measure to do so. The plan was ultimately replaced in 2011.²⁵

In 2003, the Health Ministers of the Commonwealth countries adopted a code of practice discouraging the international recruitment of health workers from countries experiencing shortages.²⁶ The code also safeguards the rights of recruited health workers and establishes standards for their working conditions. While this code does not promote return or circulation, it aims at reducing the number of highly qualified emigrants.

21 High Commissions are diplomatic missions sent to fellow Commonwealth members. For more information, see <http://www.politics.co.uk/reference/embassies-high-commissions-and-consulates>.

22 Trinidad & Tobago Ministry of Foreign Affairs, "Trinidad and Tobago Diplomatic Missions."

23 Consular Affairs Division of Trinidad and Tobago, "Ensuring Respect for the Rights of Nationals"; Trinidad & Tobago Ministry of Foreign Affairs, "About the Ministry of Foreign Affairs."

24 Reis, "Vision 2020: The Role of Migration In Trinidad and Tobago's Plan for Overall Development," 6; Ministry of Planning, Housing and the Environment, "Vision 2020 Operational Plan 2007-2010. 2008-2009 Progress Report," 203.

25 Shah, "T&T PM Replaces Vision 2020."

26 Commonwealth Secretariat, "Commonwealth Code of Practice for the International Recruitment of Health Workers."

RETURN POLICIES

Trinidad and Tobago issues a Skill Certificate to recognize professional and academic qualifications obtained abroad to skilled migrants nationals of another CARICOM Single Market and Economy (CSME) member state. There are no fees for the application or issue of the Certificate. Applications are reviewed on a monthly basis and the government assures that, if the application is successful, the Certificate will be issued in six to eight weeks.²⁷

There appears to be no communication campaigns aiming to convince emigrants to return to Trinidad and Tobago, nor any program to facilitate the reintegration of returnees.

OBLIGATIONS

MILITARY SERVICE, SOCIAL SERVICE, TAXES

There is no compulsory military or social service in Trinidad and Tobago.²⁸

With regard to income taxes, nationals of Trinidad and Tobago living abroad for more than 183 days per year who do not have any economic activity within the country are not subject to income taxes. However, nationals that have resided less than 183 days in Trinidad and Tobago, and have a source of income in the country, are subject to income taxes unless they qualify for a specific legal exemption. Nationals in this situation must visit the International Tax Unit of the Inland Revenue Division (IRD) to determine their tax liability in Trinidad and Tobago.²⁹

EXIT AND TRANSIT POLICIES

There are no mobility restrictions for citizens who want to go abroad. While the now defunct program *Vision 2020* aimed to reduce the emigration of skilled labor,³⁰ it did not say exactly how this goal should be accomplished and ultimately failed to meet any of the established targets related to emigration.³¹

While undocumented migration, people smuggling, and human trafficking are problems faced by Trinidad and Tobago, they generally affect immi-

27 Trinidad & Tobago Ministry of Foreign Affairs, "CSME Overview."

28 Government of the Republic of Trinidad and Tobago, "Recruitment Process for Trinidad and Tobago Regiment."

29 Ministry of Finance and the Economy, "Tax Evaluation of Non-Residents."

30 Reis, "Vision 2020: The Role of Migration in Trinidad and Tobago's Plan for Overall Development," 5.

31 Ministry of Planning, Housing and the Environment, "Vision 2020 Operational Plan 2007-2010. 2008-2009 Progress Report."

grants from Guyana, Grenada, Jamaica, and China, rather than emigrants.³² This could explain why Trinidad and Tobago has no information campaign to promote safe transit of its own citizens to other countries.

SOCIAL POLICIES

There exists a regional regulation on this issue, namely the CARICOM Agreement on Social Security of April 1997.³³ The Agreement is in effect in Trinidad and Tobago. It allows CARICOM countries to coordinate their social security programs and refers to payments of pensions for invalidity, disablement, old age or retirement, survivors' benefits, and death benefits.

Furthermore, Trinidad and Tobago signed a bilateral agreement on social security with Canada,³⁴ one of the main host countries for emigrants from Trinidad and Tobago. The agreement came into force on July 1, 1999. The agreement allows Trinidadian and Tobagonian emigrants to combine and export pension benefits accumulated in Trinidad and Tobago and Canada. .

No information was found on the possibility of maintaining healthcare benefits after emigration. No educational programs were found, either. A significant number of returned emigrants – 51.3% in Trinidad and 43.8% in Tobago – obtained educational or work qualifications while living abroad,³⁵ yet none of these qualifications seem to have been sponsored or administered by the Trinidadian government.

SYMBOLIC POLICIES

Trinidad and Tobago does not have any symbolic policies.

32 Waldropt-Bonair et al., "Invisible Immigrants. A Profile of Irregular Migration, Smuggling of Migrants and Trafficking in Persons in Trinidad and Tobago," 13, 18.

33 Caribbean Community Secretariat, "Social Security in CARICOM."

34 Service Canada, "Agreement on Social Security between Canada and Trinidad and Tobago."

35 Anatol, Kirton, and Nanan, *Becoming an Immigration Magnet: Migrants' Profiles and the Impact of Migration on Human Development in Trinidad and Tobago*, 67.

REFERENCES

PRIMARY LEGAL SOURCES

- Ministry of Legal Affairs. *Citizenship of the Republic of Trinidad and Tobago Act*, 1976. <http://www.immigration.gov.tt/Portals/0/Documents/Citizenship%20Act%201.50.pdf>.
- . *Constitution of the Republic of Trinidad and Tobago*, 1976. http://www.oas.org/juridico/english/mesicic3_tto_constitution.pdf.
- . *Representation of the People Act*. Vol. Act 41 of 1967. Accessed May 20, 2015. http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/2.01.pdf.

OTHER SOURCES

- Anatol, Marlon, Raymond Mark Kirton, and Nia Nanan. “Becoming an Immigration Magnet: Migrants’ Profiles and the Impact of Migration on Human Development in Trinidad and Tobago.” ACP Observatory on Migration, 2013. <http://www.acpmigration-obs.org/sites/default/files/TnT%20Impact%20Study.pdf>.
- Caribbean Community Secretariat. “Social Security in CARICOM,” 2010. <http://www.ilo.org/dyn/migpractice/docs/93/Info.pdf>.
- Commonwealth Observer Group. “The Trinidad and Tobago General Election 11 December 2000.” Accessed May 20, 2015. http://www.caribbeanelections.com/eDocs/election_reports/tt/TT_COG_2000.pdf.
- Commonwealth Secretariat. “Commonwealth Code of Practice for the International Recruitment of Health Workers.” Commonwealth Secretariat, 2003. http://www.aspeninstitute.org/sites/default/files/content/images/%7B7BDD970B-53AE-441D-81DB-1B64C37E992A%7D_CommonwealthCodeofPractice.pdf.
- Consular Affairs Division of Trinidad and Tobago. “Ensuring Respect for the Rights of Nationals.” Accessed May 20, 2015. http://www.foreign.gov.tt/site_media/media/docs/foreign_and_you/ensuring_respect_for_the_rights_of_nationals.pdf.
- Elections and Boundaries Commission. “FAQ.” Accessed May 20, 2015. <http://www.ebctt.com/faq.php>.
- Government of the Republic of Trinidad and Tobago. “Recruitment Process for Trinidad and Tobago Regiment.” Accessed May 20, 2015. <http://www.ttdf.mil.tt/ttr/enlist.html>.
- Ministry of Finance and the Economy. “Tax Evaluation of Non-Residents.” Accessed June 8, 2015. <http://finance.gov.tt/services/income-tax/tax-evaluation-of-non-residents/>.

- Ministry of Planning, Housing and the Environment. "Vision 2020 Operational Plan 2007-2010. 2008-2009 Progress Report." Port of Spain, 2009. <http://finance.gov.tt/wp-content/uploads/2013/11/pubFAFC0C.pdf>.
- Reis, Michele. "Vision 2020: The Role of Migration In Trinidad and Tobago's Plan for Overall Development." Institute of International Relations The University of the West Indies, 2007. <https://sta.uwi.edu/conferences/salises/documents/Reis%20%20M.pdf>.
- Ryan, Selwyn. "Political Party and Campaign Financing in Trinidad & Tobago." OAS Unit for the Promotion of Democracy - International IDEA. Accessed May 20, 2015. <http://biblio.juridicas.unam.mx/libros/4/1593/56.pdf>.
- Service Canada. "Agreement on Social Security between Canada and Trinidad and Tobago," January 7, 1999. <http://www.servicecanada.gc.ca/eng/services/pensions/international/countries/trinidad-tobago.shtml>.
- Shah, Raffique. "T&T PM Replaces Vision 2020." Jamaica Observer, October 14, 2011. http://www.jamaicaobserver.com/business/TnT-PM-replaces-Vision-2020_9894080.
- Trinidad & Tobago Ministry of Foreign Affairs. "About the Ministry of Foreign Affairs." Accessed May 20, 2015. http://www.foreign.gov.tt/about_us/.
- . "CSME Overview." Accessed May 20, 2015. <http://www.foreign.gov.tt/csme/>.
- . "Trinidad and Tobago Diplomatic Missions." Accessed May 20, 2015. http://www.foreign.gov.tt/representatives/tt/diplomatic_missions/?page=2.
- Waldropt-Bonair, Leigh-Ann, Juliana Sherma Foster, Gerard Gray, Susan Alfonso, and Torshia Seales. "Invisible Immigrants. A Profile of Irregular Migration, Smuggling of Migrants and Trafficking in Persons in Trinidad and Tobago." ACP Observatory on Migration, 2013. <http://www.acpmigration-obs.org/sites/default/files/TnT%20Irregular%20migration%20report.pdf>.