

Baseline Assessment Summary (January 2017)



TECHNICAL EXPERTISE REQUEST:
Baseline Assessment in the field of
Capacity Building and National policy to combat Migrant Smuggling

Trinidad and Tobago is a high income developing country¹ that has formalized its intention to combat migrant smuggling at the international level by signing onto the UN Convention against Transnational Organized Crime and its associated Protocol against the Smuggling of Migrants by Land, Sea and Air. Nevertheless domestically, the country has not yet instituted requisite legislation to criminalize migrant smuggling or developed a national policy to guide the work of counter-smuggling of migrants (SOM) stakeholders.

Moreover, the absence of legislation prevents key stakeholders from capturing data specifically on migrant smuggling and although there is general acknowledgement of its existence, the true nature and extent of this phenomenon remains unknown.

Reasons of the request:

The Government of Trinidad and Tobago, cognizant of this reality, is therefore determined to effectively attend to this issue. Accordingly, it has requested technical assistance from the ACP-EU Migration Action particularly in the areas of capacity building and the development of a National Policy on SOM in Trinidad and Tobago.

More pointedly, the Technical Assistance (TA) intervention would support the training of stakeholder agencies on the subject of migrant smuggling, facilitate the identification of synergies and gaps within existing policies and legislation in Trinidad and Tobago that are associated with migration and assist in the development of a Draft National Policy on Migrant Smuggling through consultations with stakeholders.

¹Drilling Down Development in Trinidad and Tobago, UN: 2013

Learning from the Baseline Assessment (BA):

- It would be useful for the TA to commence with some instruction on the definition of SOM.
- All key stakeholders should also be provided with specific exposure to the SOM Protocol to enable familiarization with its content and apprise them of their associated responsibilities.
- It is strongly recommended that in advance of SOM trainings and consultations, there should be sensitization sessions with multi-sectoral agencies, inclusive of senior policy-making officials, legislative drafters, politicians and law enforcement and border control authorities.
- Train the trainer sessions should be included to build local expertise and facilitate a degree of transferability and sustainability in national SOM awareness and training initiatives.
- Workshops/trainings on the drafting SOM national policy should be geared towards equipping and empowering stakeholders with the requisite tools to undertake this exercise independently in the event that, due to unforeseeable circumstances, a draft document is not developed at the end of the TA.
- SOM policy, where possible, should be developed within the framework of a national migration policy and harmonized with regional efforts (i.e. in close cooperation with CARICOM and CARICOM IMPACS).
- Training sessions, particularly with legal practitioners and law enforcement and border control authorities, should be geared towards transforming the conventional procedures for dealing with smuggled migrants from a prosecutions approach to a human rights-based approach.
- Key stakeholders with access to SOM-related data and information should be trained in data collection, analysis and dissemination and database management techniques to support an evidence-based approach to counter-SOM initiatives.
- Serious consideration should be given to the IOM's Assisted Voluntary Return and Reintegration (AVRs) as avenue for assisting smuggled migrants.
- Careful management and monitoring of the asylum seeker facility is needed prevent systemic abuse and manipulation.
- Work plan activities articulated in the TAF could be scheduled over a longer period of time to facilitate indigenization of training materials, assimilation of content, information exchange, dialogue and indigenization of draft SOM policy, as the maximum number of days under the TA facility is sixty (60) days, which need not be continuous but could be intervallic.