



Government of the Republic of Trinidad and Tobago

Ministry of Foreign and CARICOM Affairs

(MFCA) ADM: 1/2/39 Vol. III

5th September, 2022

Mrs. Jacqui Sampson-Meiguel
Clerk of the House
Parliamentary Complex
Cabildo Building
St. Vincent Street
Port of Spain

Dear Clerk of the House,

**The Second Report of the Joint Select Committee on Foreign Affairs on a n
Inquiry Into the Status of the CSME in Trinidad and Tobago**

I refer to your letter of 19th July, 2022 on the subject at caption and the request therein to present a written response to the recommendations contained in the Report.

In this regard, I forward the enclosed response of the Ministry of Foreign and CARICOM Affairs to the recommendations of the Committee, as contained in the Report.

Yours faithfully,

Reita G. Toussaint
Permanent Secretary

**Response to the Recommendations contained in the Second Report of the
Joint Select Committee on Foreign Affairs on an Inquiry into the
Status of the CSME in Trinidad and Tobago**

1. Recommendation

The Committee recommends that the Ministry of Foreign and CARICOM Affairs (MFCA) continue to advance policies and legislation which:

- incorporate the Protocol on Contingent rights, specifically the definition of dependants;
- establish a register which will record information on CSME applicants, their spouses and dependants; and
- expand the categories of skills for applicants of Skills Certificates.

Response

The Immigration (Caribbean Community Skilled Nationals) (Amendment) Bill 2022, which was passed in the Senate and the House of Representatives on 15 March 2022 and 3 June 2022 respectively, includes, *inter alia*:

- an amendment to Section 2 of the Act, which expands the current definition of dependants to reflect the definition of dependants as stated in the Protocol of Contingent Rights;
- an amendment to Section 7 of the Act, which establishes a Caribbean Community Skilled Nationals Register (CSME Register) to collect data on CARICOM nationals and their dependents. Further, this amendment also establishes a CSME Registrar, a senior official assigned responsibility for the maintenance of the CSME Register; and
- an amendment to Section 9A of the Act, which allows for the expansion of categories of skilled workers to include non-graduate Nurses, non-graduate Teachers, Artisans with a Caribbean Vocational Qualification (CVQ), Holders of Associate Degrees or a comparable qualification, Domestic Workers with a Caribbean Vocational Qualification (CVQ) or an equivalent qualification and Barbers and Beauty Service Practitioners under the category of Artiste.

The MFCA will continue to advance policies and legislation on the aforementioned amendments. The MFCA will seek the approval of the Cabinet regarding the proclamation of the Immigration (Caribbean Community Skilled Nationals) (Amendment) Bill 2022. Additionally, in compliance with the decision of CARICOM Heads of Government taken at the Forty-Third Regular Meeting of the Conference (3-5 July 2022) on the definitions and

mechanism for movements for Agricultural Workers and Security Officers, the MFCA will take the necessary steps to ensure those categories of skilled workers can move freely.

2. Recommendation

The Committee recommends that the MFCA, establish and maintain a database with information on CARICOM nationals who have been denied entry into Trinidad and Tobago including the reasons for being denied, and whether they were holders or dependants of holders of Skills Certificates.

Response

The MFCA will establish a database for the above-mentioned recommendation, which will be maintained by the CSME Registrar.

3. Recommendation

The Committee recommends that the MFCA, establish a formal data sharing arrangement with the Ministry of National Security, Immigration Division to access information on CARICOM nationals, with CSME Skills Certificates, who have been denied entry into Trinidad and Tobago including the respective reasons for being denied.

Response

A formal data sharing arrangement is already established between the Ministry of Foreign and CARICOM Affairs and the Ministry of National Security through the CARICOM complaints procedure. This will be expanded to include all persons who have been denied entry into Trinidad and Tobago. The MFCA will request monthly updates from the Ministry of National Security, Immigration Division, on CARICOM nationals with a Skills Certificate who have been denied at the port of entry. This data and information will be recorded in the abovementioned database.

4. Recommendation

The Committee recommends that the MFCA, implement a follow-up mechanism to:

- examine whether holders of Skills Certificate are finding success with attaining jobs; and
- to record their challenges or complaints.

Response

In an effort to obtain data on the success and/or challenges that holders of Skills Certificate have with attaining jobs, the MFCA will implement the following:

- establish a database to record how many nationals who have applied for a Skills Certificate already have a job offer, the name of their employer and the intended place of work (this information is captured on the current application form);
- issue a letter to the CARICOM national upon collection of their Skills Certificate that would inform the CARICOM national of the subsequent steps that must be taken after receiving their Skills Certificate, which would include, *inter alia*, informing the CSME Unit of the MFCA, within one month of entry into a Member State, on the success and/or challenges with obtaining a job. This information will be recorded in the aforementioned database; and
- contact CARICOM nationals to update the database with the relevant information.

5. Recommendation

The Committee recommends that the MFCA, collaborate with the business sector on a study to determine the major benefits and challenges associated with full implementation of CSME in Trinidad and Tobago.

Response

The MFCA will collaborate with the business sector to conduct a study to determine the major benefits and challenges associated with full implementation of CSME in Trinidad and Tobago as recommended.

6. Recommendation

The Committee recommends that the MFCA, provide continuous training to keep Immigration Officers updated with advancements with regard to the CSME.

Response

The CARICOM Secretariat provides technical assistance and training to Immigration Officers across all Member States on advancements regarding the CSME. On 24-26 May 2022, the CARICOM Secretariat provided training to officers in the Ministry of National Security, Immigration Division, at the 'Regional Train the Trainer Workshop for Immigration Officers.' The training included, *inter alia*, the role of Immigration Divisions in facilitating the free movement of people within the framework of the Revised Treaty of Chaguaramas and a presentation on the procedures for entry and the CARICOM complaints procedure. Additionally, the Immigration Officers were required to formulate a Work Plan to submit to the CARICOM Secretariat, which must include, *inter alia*, training sessions for relevant stakeholders in Trinidad and Tobago on the Free Movement Regime. The Work Plan was submitted to the CARICOM Secretariat on 16 August 2022. The MFCA will

continue to facilitate communication between the CARICOM Secretariat and the Ministry of National Security for the provision of technical assistance and training on matters involving the CSME.

7. Recommendation

The Committee recommends that the MFCA, follow up with Trinidad and Tobago nationals, who are holders of Skills Certificate and have been denied entry into another CARICOM Member State, and establish a database to record same.

Response

The CARICOM Secretariat receives from the Competent Authority in each Member State, data on CARICOM nationals in possession of a Skills Certificate who have been denied at the port of entry in another Member State. The MFCA will request, on a monthly basis, a report from the CARICOM Secretariat on nationals of Trinidad and Tobago who have been denied entry into another Member State and reasons for the denial. The MFCA will also establish a database to record same.

8. Recommendation

The Committee recommends that the MFCA, establish a complaints desk at the main ports of entry to assist CARICOM Nationals with CSME Skills Certificates who have been denied entry into Trinidad and Tobago.

Response

The MFCA notes that the complaints procedure established by the CARICOM Secretariat is a robust mechanism that offers redress to a CARICOM national who has been denied entry into countries that are participating in the CSME, including those in possession of a Skills Certificate. This allows CARICOM nationals to lodge a complaint for reasons including ill-treatment from an Immigration Officer and reasons for denial at the port of entry. At this time, the complaints form is accessible to all CARICOM nationals at the main ports of entry. However, appropriate action will be taken towards implementing this recommendation. Nevertheless, the MFCA will work with the Immigration Division to ensure that Immigration Officers provide forms to persons who have been denied entry into Trinidad and Tobago. Further, the Ministry will liaise with the Immigration Division with a view to having those Immigration Officers who have received training from the CARICOM Secretariat on CSME matters assigned to the main ports of entry to assist CARICOM nationals through the complaints procedure.

9. Recommendation

The Committee recommends that the MFCA, utilise the complaints desk at recommendation (8) to record information on the number of CARICOM nationals with CSME Skills Certificates who have been denied entry into Trinidad and Tobago and the respective reasons for being denied entry.

Response

The MFCA notes that the complaints procedure, especially the complaints form, requires CARICOM nationals to select their reason for entry in the following categories: general travel, free movement of skills, free movement of capital, free movement of services, the Right of Establishment and others. The Ministry of Foreign and CARICOM Affairs will expand the questions on the complaints form to ensure that a wider range of information is captured.

10. Recommendation

The Committee recommends that the MFCA, implement a register of holders of CSME Skills Certificates including any changes to their category of work.

Response

Clause 10 of the Immigration (Caribbean Community Skilled Nationals) (Amendment) Bill 2022 amends Section 7 of the Act to establish a Caribbean Community Skilled Nationals Register (CSME Register) to record information on holders of Skills Certificates. Additionally Clause 6 of the Immigration (Caribbean Community Skilled Nationals) (Amendment) Bill 2022 amends Section 4 of the Act to regulate changes to the category of work of a CARICOM national. This information will be recorded in the CSME Register.

11. Recommendation

The Committee recommends that the MFCA, liaise with the Ministry of Works and Transport regarding the status of the Single Transport Space for Community Nationals.

Response

On 10 June, 2022, the Ministry of Works and Transport (MoWT) provided comments on the status of effective implementation of the CARICOM Multilateral Air Services Agreement (MASA) to the CSME Unit of the MFCA for onward transmission to the CARICOM Secretariat. The MFCA will continue to liaise with the MoWT on the status of the Single Transport Space for Community Nationals.

12. Recommendation

The Committee recommends that the MFCA, monitor the progress of the implementation of the national procurement regime.

Response

The MFCA notes the recommendation and will continue to monitor the progress of the implementation of the national procurement regime.

13. Recommendation

The Committee recommends that the MFCA, collaborate with the Ministry of Trade and Industry to discuss formalising representation from the Ministry of Foreign and CARICOM Affairs on the Technical Coordination Committee and its sub-committees.

Response

The MFCA recognises the importance of keeping abreast of all matters of the CSME and will communicate with the Ministry of Trade and Industry to establish formal representation of the MFCA on the Technical Coordination Committee and its sub-committees.

14. Recommendation

The Committee recommends that the MFCA, strategise with the Ministry of Trade and Industry to promote the benefits of the free movement of capital to citizens.

Response

The recommendation is duly noted. The MFCA will collaborate with the Ministry of Trade and Industry regarding public awareness to nationals on the free movement of capital.

15. Recommendation

The Committee recommends that the MFCA, monitor the release of CARICOM's Model legislation for mutual recognition of companies.

Response

The British Institute of International and Comparative Law (BIICL), which was engaged by the CARICOM Secretariat under the Eleventh Development Fund Strengthening Framework for CARICOM Integration and Cooperation Process (SFCICP), hosted virtual stakeholder engagement meetings on 16 August 2022 with stakeholders of the public and private sectors regarding the harmonisation of companies and insolvency laws and instruments for the Mutual Recognition of Companies. The BIICL has committed to transmitting a report on the compiled findings and recommendations from the regional consultation process in the coming months. Additionally, in-person consultations between the BIICL and national stakeholders are scheduled for the first quarter of 2023. In this regard, the MFCA will continue to liaise and coordinate with the relevant stakeholders and monitor the progression and release of CARICOM's Model legislation for mutual recognition of companies.

16. Recommendation

The Committee recommends that the MFCA collaborate with the Ministry of Trade and Industry to conduct an assessment to evaluate the Right of Establishment in Trinidad and Tobago and Member States.

Response

The Committee's recommendation is noted. The MFCA will collaborate with the Ministry of Trade and Industry and will take the appropriate steps in this regard.

17. Recommendation

The Committee recommends that the MFCA, collaborate with the Ministry of Trade and Industry and the CARICOM Secretariat to establish a database to record Trinidad and Tobago nationals seeking to establish businesses in CARICOM Member States.

Response

The CARICOM Secretariat receives information and data from Member States on CARICOM nationals seeking to establish businesses. The MFCA will collaborate with the CARICOM Secretariat and with the Ministry of Trade and Industry in order to establish and maintain such a database.

18. Recommendation

The Committee recommends that the MFCA, resume engagement activities with communities, secondary and tertiary level institutions and make good use of the opportunities to present information on the importance of the CSME at public service week, job fairs and other expositions via online platforms.

Response

The MFCA will resume engagement activities to present information on the importance of the CSME with educational institutions, communities and at public service week, job fairs and other expositions via online platforms.

19. Recommendation

The Committee recommends that the MFCA, utilise its website and social media platforms such as Facebook and Twitter to provide information on the importance of the CSME.

Response

The CSME Unit of the MFCA commenced its Public Awareness Campaign on the CSME in 2021 and has placed advertisements in the newspaper, radio, the MFCA's website and social media platforms. Representatives from the MFCA have also been interviewed by the Trinidad and Tobago Television Limited and the Caribbean Jobs Limited on the benefits of the CSME and the rights and responsibilities of CARICOM nationals under the Free Movement Regime. The MFCA will continue to provide information to the public on the CSME.

20. Recommendation

The Committee recommends that the MFCA record information on participants involved in its engagement activities.

Response

The MFCA will record information on participants involved in all engagement activities.