



CARIBBEAN CENTRE
FOR HUMAN RIGHTS

TRINIDAD AND TOBAGO: CONCERNING ISSUES RELATED TO IMMIGRATION DETENTION

JOINT SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW

5th SESSION OF THE UPR WORKING GROUP (NOVEMBER 2026)

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ABOUT THE GLOBAL DETENTION PROJECT (GDP)

The Global Detention Project (GDP) is committed to ending arbitrary and harmful migration-related detention practices around the world, and to ensuring respect for the fundamental human rights of all migrants, refugees, and asylum seekers. To achieve this, we seek to:

- Increase public knowledge and awareness of immigration detention policies.
- Expand coverage of immigration detention by human rights monitoring bodies and other international agencies.
- Expand partnerships with local and international civil society organisations working to end arbitrary and harmful immigration detention practices.
- Strategically target research and advocacy so that it effectively challenges arbitrary and harmful detention laws and policies.

ABOUT THE CARIBBEAN CENTRE FOR HUMAN RIGHTS (CCHR)

The Caribbean Centre for Human Rights (CCHR) is an independent, non-governmental, non-profit organisation based in Trinidad and Tobago. Founded in 2006, CCHR's mission is to protect and promote human rights across the Caribbean through legal interventions, public education, and community engagement, ensuring justice, dignity, and equality for all. As a regional leader in human rights advocacy, with a team of experts driving impact in criminal justice reform, migrant and refugee protection, and constitutional law, CCHR has provided legal aid to thousands, built partnerships with international bodies and actively pushed for the revision of outdated laws.

TRINIDAD AND TOBAGO

JOINT SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW, 53RD SESSION OF THE UPR WORKING GROUP (NOVEMBER 2026)

CONCERNING ISSUES RELATED TO IMMIGRATION DETENTION

1. INTRODUCTION

- 1.1 This submission for the fourth cycle of the Universal Periodic Review (UPR) of Trinidad and Tobago has been prepared by the Global Detention Project (GDP) and the Caribbean Centre for Human Rights (CCHR).
- 1.2 The [Global Detention Project](#) is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. The [Caribbean Centre for Human Rights \(CCHR\)](#) is an independent, non-governmental, non-profit organisation based in Trinidad and Tobago dedicated to the promotion and protection of human rights across the Caribbean through advocacy, legal reform, education and strategic litigation.
- 1.3 This submission focuses on human rights concerns with respect to the treatment of migrants and asylum seekers—in particular, their vulnerability to arrest, detention, and deportation.

2. RECOMMENDATIONS FROM THE THIRD CYCLE

- 2.1 During the 3rd cycle of the Universal Periodic Review (39th session, November 2021), Trinidad and Tobago received several recommendations regarding the country's treatment of migrants, refugees, and asylum seekers—including in detention—which have remained unfulfilled or only partially addressed, as the evidence discussed below makes clear. Importantly, Trinidad and Tobago did not support any of these recommendations when they were issued during the 3rd cycle, instead opting to merely “note” them. These recommendations included:

109.66 Take all necessary steps to end instances of individuals being remanded in pretrial custody or immigration detention for extended periods;

109.90 Enact legislation for the protection of refugees and the granting of asylum under international refugee instruments;

109.94 Consider adopting additional legal and policy measures to comply with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, with a view to preventing cases of detention and/or refoulement of asylum seekers;

109.96 Develop an effective legal framework at the national level in compliance with international norms and standards to ensure protection and safeguards for asylum seekers, including by providing adequate reception conditions;

109.99 Adopt the necessary measures to guarantee the effective protection of migrants, asylum seekers or those who require international protection, ensuring that the principle of non-refoulement and their access to health and education services is observed.

3. RELEVANT UPR RECOMMENDATIONS ISSUED BY TRINIDAD AND TOBAGO TO OTHER STATES

3.1 It is important to highlight recommendations Trinidad and Tobago has supported for other countries during previous UPR cycles, in particular those relevant to the country's current immigration enforcement practices.

3.2 Concerning the issue of children in detention, Trinidad and Tobago has twice urged other countries to ensure that children are not detained with adults (see below). However, recent cases in the country reveal that Trinidad and Tobago has detained migrant children with unrelated adults for deportation purposes.ⁱ

May 2016, Recommendation to Suriname: "Ensure that juveniles in detention are housed in separate facilities from adults."

January 2016, Recommendation to Namibia: "Take measures to ensure that children are housed in separate facilities from adults in cases of detention."

3.3 Concerning the adoption of a human rights framework for the treatment of refugees, asylum seekers, and migrants, Trinidad and Tobago was urged during the third UPR cycle (see above) to do this but it has yet to fully comply, including for instance its failure to establish a national asylum procedure. Importantly, however, the country has repeatedly urged other countries to make similar legal reforms:

May 2014, Recommendation to Costa Rica: "Continue efforts to develop a comprehensive migration policy with a human rights perspective."

October 2014, Recommendation to Italy: "Develop policies that further enhance the protection of the rights of migrants and minority populations."

October 2013, Recommendation to Malta: "Noting the challenge presented to Malta's resources by irregular migration, the Government of Malta nonetheless should continue enhancing efforts to ensure that human rights of migrants are protected."

4. DETENTION-RELATED DEVELOPMENTS SINCE THE THIRD CYCLE

4.a Overview and Context

4.a.1 Since 2018 Trinidad and Tobago (T&T) has experienced unprecedented flows of migrants and asylum seekers from Venezuela, many of them entering via irregular channels. Whilst no official data exists regarding the number of Venezuelans currently in T&T—or, indeed, other nationalities—it is estimated by the R4V that there were 26,432 Venezuelans in T&T as of August 2025.ⁱⁱ Other reports suggest that there are more than 44,000,ⁱⁱⁱ while UNHCR—which has registered people from over 40 different

countries in T&T—reported that there were 26,509 refugees and asylum seekers in T&T as of December 2025, 85 percent of whom are Venezuelan nationals.^{iv} (As of April 2026, UNHCR does not operate a National Office in T&T, with oversight instead lying with UNHCR’s Multi-Country Office in Panama.)

- 4.a.2** Non-nationals continue to be arrested and detained at the country’s borders, and domestic legislation continues to treat irregular entry as a criminal offence. For years, the country has been criticised for its lack of national asylum system—and as of April 2026, there continues to be no specific asylum framework, despite an April 2025 change of government. This leaves asylum seekers, as well as irregular migrants, vulnerable to prosecution before the criminal justice system as a result of their migratory status. Furthermore, access to asylum remains a significant problem for detained individuals, since there are no formal procedures to register those seeking asylum.^v
- 4.a.3** Individuals with specific needs such as the elderly, those with medical conditions, and survivors of GBV also remain at risk of detention. Furthermore, although all persons—national or non-national—have the right to legal representation under the T&T Constitution, undocumented migrants remain at a disadvantage due to language barriers and challenges accessing timely representation.
- 4.a.4** Due to the absence of asylum-specific legislation and the continued treatment of asylum-seekers and refugees as undocumented migrants, they remain at risk of *refoulement*. In 2023, a local High Court issued a judgement in favour of the State regarding a refugee who was ordered to be deported, on the grounds that the absence of domestic incorporation of the 1951 Refugee Convention leaves the deportation of refugees a legitimate action.^{vi}
- 4.a.5** As a positive step forwards, however, in January 2026 the government initiated a new Migrant Registration Framework (MRF) building from the MRF process implemented in 2019, regularising the status of migrants in the country and granting them access to specific rights. This time, the process was expanded so that all nationalities of undocumented migrants, not just Venezuelans, could gain temporary legal stay and access to work rights. Reports estimate that the government received 29,276 applications from 60 different nationalities.^{vii}
- 4.a.6** It is important to note that for those who registered and were approved during the MRF, the risk of detention and deportation would be mitigated. However, the risk of detention remains for persons who did not register, those whose applications were rejected, and new arrivals. Asylum-seekers and refugees also remain in limbo without viable pathways to residency and eventual citizenship, especially those who have been in the country for several years due to the absence of asylum-specific legislation. Therefore, a longer term strategy is needed to address the continued inflows of undocumented migrants into T&T.

4.b Detention-Related Legislation

- 4.b.1** Trinidad and Tobago’s *Immigration Act Chapter 18:01* (the Act) provides the state broad powers to arrest, detain, and deport non-nationals.^{viii} This legislation defines a “Prohibited Class” of people who are not allowed entry into the country, with asylum seekers and refugees falling into this category. The Act also makes no provisions for asylum-seekers, refugees, or other categories of persons in need of international protection like people with specific needs such as the elderly, those with medical

conditions, and unaccompanied and separated minors.^{ix} This leaves them vulnerable to the same treatment as other non-nationals, exposing them to the risk of detention and deportation.^x

4.b.2 Article 40 of the Act also criminalises offences such as illegal entry ^{xi} and possession of a tampered passport, with those breaching this facing fines of up to 50,000TT dollars and imprisonment for up to three years for a first time offence.

4.b.3 This places the country at odds with international human rights standards, such as Article 31 of the Refugee Convention. More recently, the UN Committee on the Elimination of Racial Discrimination noted in its Joint General Recommendation no.39 (/no.8 with the UN Committee on Migrant Workers) that: “The Committees reaffirm the principle of non-criminalization of irregular migration. The irregular entry, transit or stay of migrants cannot be considered a crime. The criminalization of irregular migration will therefore always exceed the legitimate interests of States in governing human mobility. Such situations can solely be considered administrative infractions.”^{xii}

4.b.4 The Act does not provide a time limit for detention, and minimum standards for conditions are not legislated, including requirements for independent oversight. In recent years many legal claims have been filed before local courts challenging decisions by the authorities to detain and deport people, and issues regarding conditions of detention including the detention of minors have also been raised. The jurisprudence has therefore been quite helpful to guide proper detention practices in the future; however, a lot more is needed to ensure that standards are upheld and time limits for detention are established. For example, in 2024 the courts awarded Venezuelan minors damages against the State for unsuitable detention conditions, raising issues such as lack of provisions for the recreational and educational welfare of the children and the rights of minors. Earlier in 2023, more than two dozen Venezuelan migrants were awarded compensation by the courts for the inhumane and degrading conditions of which they were detained at two police stations. The media reported appalling detention conditions, including detention in very hot cells and women and children forced to stay in corridors without privacy or provisions for their hygiene. In the absence of legislation, case law emanating from the local courts have therefore been helpful in highlighting issues on conditions of detention.^{xiii}

4.b.5 Once detained, undocumented migrants may be released on an Order of Supervision (OS), a document issued by the Immigration Division with certain conditions such as the requirement to pay a security deposit and to provide proof of address. However, individuals who are unable to meet these conditions can be detained for prolonged periods until such conditions are satisfied. Once under OS, a Special Inquiry is opened to determine whether the individual should be granted voluntary departure or a deportation order. For asylum-seekers and refugees who wish to remain in T&T, these orders place them at risk of *refoulement*. Further compounding the situation, if orders are not complied with, they can be subject to detention and/or deportation.^{xiv}

4.c Immigration Detention Facilities

4.c.1 Trinidad and Tobago operates two official places of detention for undocumented migrants: the [Immigration Detention Centre \(IDC\)](#) and the [Chaguaramas Heliport](#). The latter facility was formally designated a detention centre in 2023 after a local High Court decided that the continued use of the facility after COVID-19 for detaining non-nationals under emergency health powers was unlawful.^{xv}

4.c.2 Aside from these two detention centres, non-nationals are also incarcerated in the State’s prisons for migration-related offences. Those who enter the country via irregular means, for example, are incarcerated at the Maximum Security Prison (MSP) and women are confined in the Women’s Prison. Non-nationals are also sometimes held on a temporary basis in cells at police stations^{xvi} and coast guard and immigration facilities until they are processed.

4.c.3 This similarly places Trinidad and Tobago at odds with international human rights standards. As the UN Committee on the Elimination of Racial Discrimination noted in its Joint General Recommendation no.39 (/no.8 with the UN Committee on Migrant Workers): “[States Parties] should take adequate measures to guarantee that the facilities and all conditions of migration-related detention are entirely different from those of the criminal system.”

Conditions in Detention

4.c.4 Conditions in detention facilities are also a matter of concern. In 2024, three Venezuelan children were awarded damages by a local court for a two-month detention at the Chaguaramas Heliport for harsh treatment between 2020 and 2021. The report mentioned the lack of availability of clean drinking water, poor ventilation, mixing of adults with children and lack of play areas.^{xvii}

4.c.5 Also in 2024, a court in Trinidad and Tobago ordered the state to pay a Venezuelan boy and his mother USD 2.4 million in damages for its “shocking and appalling conduct” in detaining the child at the Chaguaramas Heliport detention facility. The child and his mother were arrested and detained in November 2020—initially on the grounds of COVID-19 quarantine—and remained detained for 456 days.

4.c.6 In its judgement of the case, the court described the “[horrors](#)” that the child endured, including insufficient food and water causing him to regularly fall ill, overcrowding, detention alongside unrelated adults, and exposure to sexual acts. The judge [noted](#) that “the claimant’s life was put at risk on a daily basis” and that the state had “intentionally and deliberately” chosen to ignore recommendations to improve conditions for children in the centre, the effect of which was to “cause the most suffering and harm on the claimant as he was a migrant child.”^{xviii}

Monitoring and Transparency

4.c.7 As of April 2026, Trinidad and Tobago lacks an independent mechanism for monitoring conditions in detention, and formal data on the number of people detained is not publicly available. Legal and humanitarian representatives have also encountered difficulties in accessing detainees.

5. RELEVANT RECOMMENDATIONS FROM INTERNATIONAL RIGHTS MECHANISMS

5.1 In recent years, various international rights mechanisms have issued important recommendations related to Trinidad and Tobago’s treatment of migrants, refugees, and asylum seekers. In particular, the GDP and CCHR wish to highlight following recommendations issued by the UN Human Rights Committee in 2023:

“36(b) Develop procedures for identifying persons in need of international protection, namely asylum-seekers and refugees, including those who are at risk due to detention or who have received a

deportation order, in line with its obligations under the Covenant, the Convention relating to the Status of Refugees and the Protocol thereto;

(c) Strictly adhere to the principle of non-refoulement with respect to all asylum-seekers and refugees, refrain from criminalizing persons in need of international protection for irregular entry or stay and ensure that all persons applying for international protection are given access to an independent judicial appeals mechanism with suspensive effect;

(d) Ensure that the detention of migrants and asylum-seekers is justified as reasonable, necessary and proportionate, in accordance with the Committee 's general comment No. 35 (2014) on liberty and security of person, that living conditions and treatment in accommodation centres for asylum-seekers are in conformity with international standards and that alternatives to detention are used in practice, in particular for children, ensuring they are not deprived of their liberty except as a measure of last resort and for the shortest appropriate period of time.^{ix}

6. RECOMMENDATIONS FOR THE FOURTH CYCLE

6.1 In light of the above information, the GDP and CCHR encourage Trinidad and Tobago to:

- 6.1.1** Ensure that immigration detention is only used as a measure of last resort, when it is necessary and proportionate, and for the shortest period of time. Alternatives to detention must also be implemented
- 6.1.2** Take legislative measures to ensure that vulnerable individuals—including asylum seekers, refugees, children, and victims of trafficking—are not detained as a result of their migration status, taking into account the finding of the UN Committee on the Rights of the Child that any detention of a child for immigration purposes amounts to a child rights violation and must be prohibited in both law and practice.
- 6.1.3** Immediately amend the Immigration Law to decriminalise irregular entry and stay, in line with international guidance. Authorities should also cease the use of cells in police stations and other temporary holding facilities for immigration detention purposes.
- 6.1.4** Address, as a matter of urgent priority, conditions concerns in all immigration detention facilities, ensuring that detainees have adequate access to health care services and that conditions comply with international standards, including a complaints mechanism for prompt investigation of abuses. Until authorities cease detaining vulnerable individuals, special provisions must be immediately made for people with specific needs such as the elderly, those with serious medical conditions and survivors of GBV.

- 6.1.5** Ensure access to independent monitors and observers, and ensure that official disaggregated data on the number of migrants who are detained and the locations of all immigration detentions centres are made publicly available.
- 6.1.6** Ensure access to legal representatives, CSOs, international organisations, and access to interpretation services.
- 6.1.7** Ensure that all persons seeking asylum are guaranteed unhindered access to asylum procedures and appropriate reception systems. Authorities must also cease deportations to countries where individuals may face persecution, torture, or other serious human rights violations, in line with the principle of non-refoulement.
- 6.1.9** Adequate reception must be provided at borders to guarantee humane processing rather than immediate detention, and efficient screening procedures must be implemented for people with specific needs and for those who wish to access Refugee Status Determination (RSD) processes.
- 6.1.10** A national stakeholder working group is recommended to combat issues related to detention and asylum whilst the State implements mechanisms to meet international best practice.

ENDNOTES

ⁱ See, for instance, Trinidad and Tobago Newsday, “Lawsuit over horror conditions at heliport — \$M for 3 Venezuelan children,” 1 August 2024, <https://newsday.co.tt/2024/08/01/lawsuit-over-horror-conditions-at-heliport-m-for-3-venezuelan-children/>

ⁱⁱ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), “R4V Latin America and the Caribbean, Venezuelan Refugees and Migrants in the Region, November 2025,” November 2025, <https://www.r4v.info/en/document/r4v-latin-america-and-caribbean-venezuelan-refugees-and-migrants-region-november-2025>

ⁱⁱⁱ Trinidad and Tobago Newsday, “Door Open to All Immigrants, Government Expands Registration Framework,” 30 December 2025, <https://newsday.co.tt/2025/12/30/door-open-to-all-immigrants-government-expands-registration-framework/>

^{iv} UNHCR, “UNHCR Trinidad and Tobago Factsheet, October-December 2025,” 4 February 2026, <https://reliefweb.int/report/trinidad-and-tobago/unhcr-trinidad-and-tobago-factsheet-october-december-2025>

^v U.S State Department, “2023 Country Reports on Human Rights Practices: Trinidad and Tobago,” <https://2021-2025.state.gov/reports/2023-country-reports-on-human-rights-practices/trinidad-and-tobago/>

^{vi} Trinidad and Tobago Newsday, “High Court Rules: Refugee Seekers Can Be Deported,” 4 July 2023, <https://newsday.co.tt/2023/07/04/high-court-rules-refugee-seekers-can-be-deported/>

vii Trinidad and Tobago Guardian, “29,276 Apply Under Migrant Registration Framework,” 6 March 2026, <https://www.guardian.co.tt/news/29276-apply-under-migrant-registration-framework-6.2.2532009.775cf8a8e>

viii For victims of trafficking, there is the Trafficking in Persons Act, 2011.

ix There is a package of legislation in Trinidad and Tobago governing the treatment of children, however it is not immigration specific.

x Notably Section 1) of the Act provides the option of applying for a Minister’s Permit where undocumented migrants can access legal stay and work rights. However, in the past, the granting of these permits to asylum-seekers and refugees has been limited. The government has however implemented a similar system for the MRF process.

xi Trinidad and Tobago Newsday, “9 Venezuelans Charged with Illegal entry,” 15 October 2025, <https://newsday.co.tt/2025/10/15/9-venezuelans-charged-with-illegal-entry/>

xii UN Committee on the Elimination of Racial Discrimination Joint General Recommendation No. 39 (2025) of the Committee on the Elimination of Racial Discrimination and General Comment No. 8 (2025) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on Thematic Guidelines for Eradicating Xenophobia Towards Migrants and Others Perceived as Such, CERD/C/GC/39-CMW/C/GC/8, 3 February 2026, <https://docs.un.org/en/CMW/C/GC/8>

xiii See, for instance, Trinidad and Tobago Newsday, “\$2.4m payout to Venezuelan migrants for 'inhumane, degrading' detention,” 20 November 2023, <https://newsday.co.tt/2023/11/20/2-4m-payout-to-vzuelan-migrants-for-inhumane-and-degrading-detention/>

xiv A decrease in the Special Inquiry process has been observed in 2026, possibly due to the launching of the MRF process.

xv Trinidad and Tobago Newsday, “National Security Minister Designates Chaguaramas Heliport an Immigration Detention Centre,” 26 July 2023, <https://newsday.co.tt/2023/07/26/national-security-minister-designates-chaguaramas-heliport-an-immigration-detention-centre/>

xvi Daily Express, “Sixteen Venezuelans Held Running Toward Shore of South Trinidad Beach,” 25 June 2025, https://trinidadexpress.com/news/sixteen-venezuelans-held-running-toward-shore-of-south-trinidad-beach/article_32edfa3c-25d1-4f97-8faa-a3f4fb7ac17a.html

xvii Trinidad and Tobago Newsday, “Lawsuit Over Horror Conditions at Heliport - \$M for 3 Venezuelan Children,” 1 August 2024, <https://newsday.co.tt/2024/08/01/lawsuit-over-horror-conditions-at-heliport-m-for-3-venezuelan-children/>

xviii Trinidad and Tobago Newsday, “After \$2.4m judgment for Venezuelan boy, mother sues State: ‘Heliport unfit for migrants,’” 24 March 2024, <https://newsday.co.tt/2024/03/24/after-2-4m-judgment-for-venezuelan-boy-mother-sues-state-heliport-unfit-for-migrants/>

xix UN Human Rights Committee, “Concluding Observations on the Fifth Periodic Report of Trinidad and Tobago,” 1 December 2023, <https://docs.un.org/en/CCPR/C/TTO/CO/5>