

LAWS OF TRINIDAD AND TOBAGO

58

Chap. 18:01

*Immigration*

[Subsidiary]

*Immigration Regulations*

Form 50.

Form 37.

- (7) (a) Subject to this regulation, where a person seeking to enter Trinidad and Tobago falls within a category described in section 9(1)(e) of the Act, the immigration officer shall not allow such person to enter Trinidad and Tobago for the purpose of carrying out his religious duties unless he is in possession of a valid Overseas Missionaries' permit in the form set out as Form 50. The holder of an Overseas Missionaries' permit shall comply with the terms and conditions specified in such permit.
- (b) Application for a person seeking to enter and remain in Trinidad and Tobago for the purpose of preaching or teaching in a religious institution or establishment shall be made in triplicate to the Minister for an Overseas Missionaries' permit in the form set out as Form 37 by a religious institution or establishment.
- (c) The Minister may issue an Overseas Missionaries' permit if he is satisfied that—
- (i) the person seeking to enter and remain in Trinidad and Tobago has been accepted as a religious worker by a religious institution or establishment recognised as such by the Government of Trinidad and Tobago;
  - (ii) the person seeking to enter Trinidad and Tobago for the purpose of speaking at any religious gathering proves to the satisfaction of the Minister that there is in existence a specific written invitation from a religious institution or establishment recognised as such by the Government of Trinidad and Tobago or other recognised body or authority.
- (d) The Minister may cancel an Overseas Missionaries' permit if the person to whom such permit is issued fails within a reasonable time to commence his work in the religious institution or establishment designated in any such permit or having entered such religious institution or

establishment fails to remain or ceases to be retained as a worker or fails to comply with any condition or conditions endorsed in the permit.

- (e) A person to whom an Overseas Missionaries' permit is issued shall keep it in his possession, and the person in possession of the permit shall produce it to any immigration officer or public officer on demand or at such place as such immigration officer or public officer may designate.
- (f) A person having in his possession an Overseas Missionaries' permit appearing to have been issued under this regulation shall answer all questions put to him by an immigration officer, or a public officer.
- (g) the fees set out in the Eighth Schedule shall be payable to the Comptroller of Accounts in respect of an Overseas Missionaries' permit granted to any person applying under paragraph 7(b);
- (h) This regulation shall not apply to persons entering Trinidad and Tobago for the purpose of carrying out religious duties for a period not exceeding thirty days;
- (i) A person is guilty of an offence who—
  - (i) without reasonable excuse fails or refuses to produce an Overseas Missionaries' permit as required by this regulation; or
  - (ii) refuses to answer any questions put to him.

**10.** (1) Subject to subregulation (14) and to regulation 11, no person other than—

Work permit.  
[56/1993,  
70/1993,  
132/1996].

- (a) a citizen of Trinidad and Tobago;
- (b) a resident of Trinidad and Tobago; or
- (c) a person entering Trinidad and Tobago to engage in gainful occupation for a period not exceeding thirty days in every twelve consecutive months,

LAWS OF TRINIDAD AND TOBAGO

60

Chap. 18:01

*Immigration*

[Subsidiary]

*Immigration Regulations*

Form 36.

shall engage in any profession, trade or occupation whether for gain or not in Trinidad and Tobago or be employed in Trinidad and Tobago unless there is in force in relation to him a valid work permit in the form set out as Form 36 and every person so engaged or so employed shall be employed in accordance with the terms and conditions specified in the permit.

(2) No person other than those described in paragraphs (a), (b) and (c) of subregulation (1) shall be employed by any person in Trinidad and Tobago, unless there is in force a valid work permit in relation to that employment, and any person who engages in any occupation or employment in Trinidad and Tobago in contravention of the provisions of these Regulations, or any person who has in his employment in Trinidad and Tobago any person other than those described in paragraphs (a), (b) and (c) of subregulation (1) without a valid work permit issued by the Minister, is guilty of an offence.

Form 3.

(3) Where an employer desires to employ a person who falls outside of paragraphs (a), (b) and (c) of subregulation (1), he shall apply in twelve copies to the Permanent Secretary in the form set out as Form 3.

(4) On receipt of the application referred to in subregulation (3) the Minister may if he considers it fit, direct that a work permit be issued to the applicant in respect of the person on whose behalf he had made the application.

(5) Where the Minister directs that a work permit be issued under subregulation (4), a copy thereof shall be transmitted to the Chief Immigration Officer for the purpose of his records.

(6) Where an employer has been granted a work permit he may be required to furnish security to the Chief Immigration Officer in an amount to cover all the expenses of the repatriation of the employee, and any dependants he may bring with him.

(7) Every work permit shall be kept by the person in respect of whom it is issued, and such person shall produce the work permit to an immigration officer or a public officer on demand or within three days of such demand at such place as the immigration officer or public officer may direct.

(8) A person having in his possession a work permit appearing to have been issued under these Regulations shall answer any questions put to him by an immigration officer or a public officer relating to the possession of such permit.

(9) A person is guilty of an offence who—

- (a) without reasonable excuse fails or refuses to produce a work permit as required in subregulation (7); or
- (b) fails without reasonable excuse to answer any questions put to him in connection with the possession thereof.

(10) The Minister may, in any case where he is satisfied that the terms and conditions of a work permit have not been complied with or that the person in respect of whom such work permit has been issued has become a person described in section 8(1)(q) of the Act, vary or cancel such work permit; and on any such variation or cancellation, the Permanent Secretary shall transmit to the holder of such work permit a notice in the form set out as Form 39.

Form 39.

(11) Where an employment is terminated, or upon the expiration of the work permit, an employer shall immediately inform the Permanent Secretary of the termination of the employment.

(12) The employer shall—

- (a) not less than seven days before the arrival or expected arrival in Trinidad and Tobago of any person in respect of whom a work permit applies, notify the Chief Immigration Officer in writing of the expected arrival of such person;
- (b) not less than fourteen days before the date of expiration of the work permit or on termination of the contract of employment, of any person, whichever is the earlier, notify the Chief Immigration Officer of the arrangements made for the repatriation of such person;
- (c) where an employee fails to leave Trinidad and Tobago in accordance with the arrangements made for his repatriation, notify the Chief Immigration Officer of the fact within seven days of such failure to leave Trinidad and Tobago.

LAWS OF TRINIDAD AND TOBAGO

62

Chap. 18:01

Immigration

[Subsidiary]

Immigration Regulations

(13) For the purposes of this regulation and of regulation 11, in the case of a self-employed person or a person whose employer is not carrying on business in Trinidad and Tobago, the application for a work permit may be made on his behalf by counsel or solicitor practising in Trinidad and Tobago.

Exemption.

(14) The Minister may by Order exempt from the provisions of this regulation, with or without conditions, persons engaging in any category of profession, trade or occupation.

Travelling  
Salesmen—  
licences.  
[112/1978].

11. (1) Without prejudice to any other provision of these Regulations, the provisions of this regulation shall have effect in relation to the engagement by travelling salesmen in legitimate trade or occupation.

Form 48.

(2) A travelling salesman shall not enter Trinidad and Tobago unless he is in possession of a work permit issued under regulation 10, and a licence in the form set out as Form 48.

Fifth Schedule.

(3) The fees set out in the Fifth Schedule shall be payable to the Comptroller of Accounts in respect of a licence granted to any travelling salesman allowed to enter Trinidad and Tobago to engage in legitimate trade or occupation under section 9(1)(i) of the Act.

(4) A person who—

- (a) buys from, or agrees or attempts to buy from a travelling salesman any goods or services in respect of which the travelling salesman takes or receives or solicits orders in Trinidad and Tobago;
- (b) places or agrees or attempts to place any order with a travelling salesman in respect of any such goods and services as mentioned above,

without proof of the existence of a valid licence under this regulation, is guilty of an offence, save that it shall be a defence to any proceedings against any person in respect of an offence against this regulation to prove that the default occurred without his connivance and was not facilitated by any neglect on his part.

(5) In this regulation “travelling salesman” means a person other than a citizen of Trinidad and Tobago or a resident, entering the country for the purpose of taking or receiving or soliciting orders for goods or services for any business undertaking not carrying on business in Trinidad and Tobago.

(6) The Minister may by Order, conditionally or otherwise, exempt any travelling salesman from the provisions of this regulation.

12. (1) Where any person who is not a citizen of Trinidad and Tobago or a resident, enters Trinidad and Tobago and at the time of his entry is under a work permit to serve an employer (such person being in this regulation referred to as the “employee” and the person or company whom he has contracted to serve under the work permit being in this regulation referred to as the “employer”), then—

Liability of  
employer for  
employee.  
[112/1978,  
56/1993,  
70/1993].

- (a) where during the currency of a work permit or on the normal expiry of any such work permit or its earlier determination by the employer, the employee becomes liable to be treated as a member of the prohibited class under section 8(1)(b) of the Act the employer shall be liable to pay to the Government all expenses incurred by the Government in connection with the maintenance and transport of the employee and his dependants from Trinidad and Tobago (in this regulation referred to as the expenses of the deportation of the employee);
- (b) where the employee determines the contract and thereafter becomes liable to be treated as a member of the prohibited class, the following provisions shall have effect:
  - (i) subject to the provisions of subparagraph (ii) the employer shall, during the period from the time of such determination to the time when such contract is normally due to expire or [subject to the provisions of

paragraph (c) during a period of two months from the date on which he gives notice in writing to the Chief Immigration Officer of the determination of the contract by the employee, whichever period first expires, be liable to pay to the Government the expenses of the deportation of the employee, and his dependants, if any,

(ii) the liability of the employer shall cease and determine if the employee gives new security either—

(A) by a bond of a subsequent employer, to the satisfaction of the Chief Immigration Officer, but only if this is done with the consent of the employer, conditioned for the payment of the expenses of the deportation of the employee in any case in which the employer would, but for the determination of the contract have been liable under this regulation; or

(B) by complying to the satisfaction of the Chief Immigration Officer, with the requirements of any provision of the regulations made under the Act relating to security to be furnished by persons entering Trinidad and Tobago;

(c) if, during the said period of two months from the date on which the employer gives notice in writing to the Chief Immigration Officer of the determination of the contract by the employee or where such determination takes place less than two months before the contract is due to expire, during the remaining period of the contract, the employee has not given new security in the manner provided by paragraph (b), then at any time during the last seven days of the said period

the Chief Immigration Officer may declare the employee to be a member of the prohibited class and the employee shall forthwith be deported from Trinidad and Tobago; and, if notice that the employee has been so declared a member of the prohibited class has been given by the Chief Immigration Officer to the employer within the period during which the employer is liable under paragraph (a), the employer shall pay to the Government all the expenses of the deportation of the employee;

- (d) where a subsequent employer has entered into a bond as provided in paragraph (b), he shall be deemed to have assumed all the rights and liabilities of the employer under this regulation, and any reference in this regulation to the employer shall be deemed to apply to such subsequent employer.

(2) The expenses of the deportation of the employee shall be recoverable as a civil debt at the suit of the Chief Immigration Officer.

(3) For the purposes of this regulation and regulation 11 “company” means a body corporate and an unincorporated association including a partnership and a firm.

(4) In respect of persons falling into the category described in regulation 10(1)(c), the provisions of this regulation shall apply.

13. (1) Subject to subregulation (2), every person seeking to enter Trinidad and Tobago shall be in possession of a passport issued by the country of which such person is a subject or citizen.

Passports and  
other travel  
documents.  
Visas.  
[112/1978  
18/1988].

(2) A person under the age of sixteen years who is included in the passport of some other person may be exempted from the requirements of subregulation (1).

(3) A person who is on a temporary visit shall be in possession of a passport or other travel document, the validity of which extends at least to the duration of his stay in Trinidad and Tobago.