
Special Audit of The Immigration Department

- 3.2** There has been considerable discussion with regard to the number of persons residing in Barbados without the necessary permission, and the management of this issue by the Immigration Department. In accordance with its mandate to review the efficiency and effectiveness of Government Ministries and Departments, the Office undertook a review of the Immigration Department with a view to assessing how efficiently and effectively this Department was handling migration into the country. Audit issues observed form the basis of the following Report.

Executive Summary

- 3.3** One of the most critical factors for decision making in managing the migration process is the availability of accurate information on visitors. It would be expected that the Immigration Department would have a system in place which would record all the relevant information on persons entering and leaving the country. The production of reports on persons remaining without permission should be evaluated; and effective action taken to better manage the process. However, there is no evidence that such reports were requested and analysed by management on a systematic basis, for the purpose of decision making.
- 3.4** The Immigration Department has invested in a computer system called the Immigration Management and Control System (IMCS) AS/400, for controlling and monitoring immigration. This computerised system is a valuable tool for improving officers' ability to manage arrivals, departures and enforcement cases that involve investigations, detentions and removals.
- 3.5** Information on persons entering the country is entered into a database at the Department. However, the Department informed that it was not possible to accurately state from this data the number of persons in the country without permission.
- 3.6** The lack of adequate monitoring of, and enforcement action against, persons who overstayed their visit, has led to a growing but unknown

number of persons who remain in Barbados without the permission of the Immigration Department. This includes non-nationals whose applications for work permits, extensions and visas were unsuccessful. In the 2006-2008 period, the number of persons who were refused work permits, extensions and visa applications was 3,916. These persons were expected to leave Barbados voluntarily. It is however unclear where they are, since there is inadequate keeping of records and follow-up action to ensure that they return to their homelands.

- 3.7** Over the last two years, the Department has issued 15,803 work permits. These were issued mostly in the two main sectors – the agricultural sector (2,600) and the construction sector (7,627). There was no clear evidence that the Department had established a basis for the issuance of work permits to the various sectors, for example, labour market information to show the labour shortages prior to work permits being issued. It is also unclear how the Immigration Department determines that applicants are bona fide artisans in the absence of certification.
- 3.8** There has been much discussion of the impact of the Caribbean Single Market and Economy (C.S.M.E) on migration. Investigations revealed that 328 persons applied for resident status in Barbados as a result of the freedom of movement provisions of the CSME as spelt out in the Revised Treaty of Chaguaramas (RTC) 2001. In addition, 33 businesses were established in Barbados under these provisions. Thus the C.S.M.E has not significantly impacted the movement of skilled CARICOM nationals into Barbados.
- 3.9** Under the Immigration Act “a person may not engage or employ another person who is not a citizen, permanent resident or immigrant unless there is a work permit in force.” It was however observed that:
- Employers were hiring persons who were in the island illegally and applying for work permits on their behalf;
 - Many of these applications were favorably considered and approved.
- 3.10** Furthermore, work permits were in some instances issued to individuals without the requisite documentation, and this included the submission of incomplete application forms.

- 3.11** In situations where applications for extensions or work permits were refused, applicants were simply told that the application had not been granted and they were required to leave the island. In general this information was not immediately communicated to the Investigation Section for enforcement.
- 3.12** This lack of timely information has hampered the Investigation Section in carrying out its mandate effectively. In addition, the number of officers attached to this unit is insufficient and should be increased.

Introduction

- 3.13** The Barbados Audit Office has a mandate to conduct performance audits under the Financial Management and Audit Act, 2007-11. A Performance Audit is an independent appraisal of an entity to determine the extent to which resources (financial, human and physical) are managed with due regard to economy, effectiveness and efficiency in conformity with applicable regulations, rules and procedures.
- 3.14** The Immigration Department, headquartered at Careenage House, The Wharf, Bridgetown, controls Barbados' ports of entry at the Grantley Adams International Airport (G.A.I.A.), which includes the International Aircraft Management (I.A.M.) facility and the Simpsons' Hangar Incorporated, the Bridgetown Port, and the Port St. Charles Marina in St. Peter.
- 3.15** This Department has responsibility for immigration matters in Barbados, in accordance with the Immigration Act, Cap.186 to Cap.190. The functions of the Department involve issuing work permits, visas, and passports, processing applications for immigrant status, and the processing of visitors to the island. There has been considerable debate on the number of persons staying in the Island illegally. As a result of this public discourse, the Barbados Audit Office conducted a Performance Audit on the Immigration Department.

Methodology and Scope

- 3.16** Interviews and discussions were held with the acting Permanent Secretary of Defence and Security, the Chief Immigration Officer (Ag.), members of the Enforcement Division and officers of the Data Processing Unit. In

addition, relevant records in the Department were reviewed, along with accounting information and the Department's operational manual. The audit covered the period 1st April 2006 to 31st March 2008.

Objectives and Scope

3.17 The audit evaluated the efficiency and effectiveness of the Immigration Department with respect to the management and control of immigrants for the period 1st April 2006 to 31st March 2008. The objectives of this review were to:

- Determine whether adequate systems are in place to record and monitor persons allowed entry into and exit from the country in accordance with the laws, regulations and policies (Immigration Act Cap.190);
- Determine whether the resources available to the Department are adequate and efficiently utilized to achieve the Department's mandate;
- Review and report on the extent to which persons are in Barbados illegally and the action the Immigration Department is taking to combat the problem;
- Provide management with practical recommendations to improve operations.

3.18 This audit was conducted in accordance with the Financial Management and Audit Act 2007-11, and INTOSAI Auditing Standards and other administrative directives.

Arrivals and Departures

3.19 Although arrival and departure information is entered into a computerized database at the Department, a common identifier for tracking each person entering and exiting the country is not assigned. This was one of the factors which made it challenging to provide relevant statistics on persons in the island without relevant permission.

- 3.20** The Data Processing Officer stated that some persons travel on multiple passports and different names, and could therefore enter the country using one passport, but exit using another. In such cases, the system would not match the departure information to the arrival information.
- 3.21** This situation regarding the absence of up-to-date information on persons staying in the Island illegally has developed over time, and shows a major deficiency in the operations of the Department. Management of the migration process requires timely and accurate information for decision making. There is an urgent need for corrective action to address this information deficiency.

Inadequate Monitoring of Arrivals

- 3.22** There are no facilities in place at the Bridgetown Port or Port St. Charles Marina for monitoring the arrival and departure of yachts. The onus is solely on the yacht's captain to bring the documentation for Immigration Officers to check, and then return to Carlisle Bay or Port St. Charles Marina, from whence the yacht departs. Thus, the checking on entry and departure of yachts is dependent on the captain's integrity to report the vessel's arrival and departure.
- 3.23** For instance, on 15th December 2006 it was realized that yacht "LeiJia" had arrived in Barbados and anchored in the area off Rockley Hotel. The three crew members on board proceeded to disembark without clearance from Immigration officials. After further investigations it was revealed that the yacht arrived in Barbados on the 14th December 2006, and one of the crew had been previously deported. Inadequate monitoring of the seaports is a security risk that should be urgently addressed.

Work Permits

- 3.24** In accordance with Section 17 (1-2) of the Immigration Act, Cap. 190, "a person may not engage or employ another person who is not a citizen, permanent resident or immigrant unless there is a work permit in force." In contravention of the Act, some employers were employing non-nationals and then applying to the Immigration Department for work permits. This is an offence, nevertheless such applications have been favorably considered by the Department and work permits have been granted.

Recommendation

- 3.25** Persons who engage or employ non-nationals are in violation of the Immigration Act and should be held accountable for their action.

Issuing of Work Permits without Appropriate Documentation

- 3.26** There are two categories of work permits, short-term and long-term. Short-term work permits are valid for six (6) months, while long-term work permits are generally approved for periods ranging from one to three years, but can be extended to five years in the case of University lecturers.

Audit Findings

- 3.27** A sample of 250 applications was examined to ensure compliance with the Department's policies in respect of the issuing of work permits. Overall, 30% of the population sampled were granted work permits without requirements such as:

- The application being signed by the employer;
- Cover letter being signed;
- Police certificate from the applicant's homeland;
- Application being approved by the Minister;
- Complete documentation (in case of a permit for one year).

Issuing of Work Permits

- 3.28** In the period 2006-2008, approximately 6,300 work permits and 9,500 work permit renewals were granted as follows:

Work Permits

Period	New Applications	Approvals	Refusals	Renewals Applications	Renewals Approvals	Refusals
2006–07	4,095	3,272	823	4,575	4,303	272
2007–08	3,801	2,995	806	5,436	5,233	203
Total	7,896	6,267	1,629	10,011	9,536	475

- 3.29** The system of granting work permits needs to be reviewed to ensure that permits are issued in accordance with the established criteria backed by data showing the shortage of local labour in the particular area.

Caricom Single Market and Economy and Migration

- 3.30** The CARICOM Single Market and Economy (CSME) (Article 45 of the Revised Treaty of Chaguaramas 2001) makes provision for the free movement of persons. This provision can be divided into two broad categories:

- (i) The Free Movement of Skills/Labour;
- (ii) The facilitation of Travel/ Hassel-Free Travel.

- 3.31** The Treaty accords to Community Skilled Nationals the right to free movement in search of career enrichment, and to conduct economic activities in all CARICOM Member States as either a wage-earner or non-wage earner, without the need to obtain a work permit.

- 3.32** This entitlement applies to several categories of CARICOM Nationals, including university graduates, artistes, musicians and artisans.

- 3.33** The processing of qualifying workers is done by either the Barbados Accreditation Council (BAC), or the Immigration Department, depending on the category. In the event that a CARICOM National does not fall into

one of the approved categories, then the National would require a work permit to work in Barbados.

Findings

- 3.34** Over the past two years the BAC granted Certificates of Recognition of CARICOM Skills Qualification to 328 non-nationals. In addition 33 businesses were established under CSME.

Auditor's Comments

- 3.35** The influx of CARICOM nationals into the country has not been greatly affected by Barbados' commitment under the Revised Treaty of Chaguaramas. This influx of CARICOM nationals was seen mostly in the agricultural and construction sectors, for which work permits are required.

Enforcement

- 3.36** In the 2006-2008 period 2,104 applications for work permits and renewals were not approved by the Department. It is not known whether the affected persons left the Island, since the Department does not have a systematic policy of carrying out follow-up activity on such persons.

Recommendation

- 3.37** Enforcement procedures should be integrated with the application process, and the information on newly failed applicants should be promptly passed to Investigation Section for necessary action.

Staffing

- 3.38** The Investigation Section has a staff complement of six Enforcement Immigration Officers with the mandate to track down illegal persons and ensure they are deported in accordance with Cap. 190. This manpower appears to be currently inadequate, given the challenges of this Section.

Recommendation

- 3.39** Management should maintain an up-to-date listing of overstays, thereby creating a database which can be sourced by the Investigation Section at any given time, in order to effectively carry out its duties.

Conclusions

- 3.40** One of the main challenges the Department faces, relates to the production of information to Management on the extent of illegal persons present in the country. The controls that should have been in place to manage this process have been absent or relaxed, and as a result the Department has the monumental task of determining the number of persons who are in the Island illegally.
- 3.41** The application and enforcement processes were operating largely as separate systems. For example, when persons were denied work permits and were therefore required to leave the country, the information was not immediately communicated to the Investigation Section, thereby hindering timely follow-up action.
- 3.42** Individuals seeking employment are not entitled to apply for their own work permits, yet in many instances such persons applied for work permits and were granted, including many who were in the country illegally.
- 3.43** In addition many work permits were granted without the provision of the necessary documentation, such as a Police Certificate of Character and application forms signed by the potential employer.
- 3.44** The Department has not been successful in ensuring that a large number of persons in the island without permission were promptly dealt with. The Department would have exacerbated the situation by approving permits for some of these persons who were in violation of the Immigration Act.
- 3.45** In order to ensure that the Immigration laws of the country are complied with, a major effort should be undertaken to halt the flow of illegal immigrants, and to account for those persons currently in the Island without permission.

3.46 **Department's Response**

The Department will ensure that in the future the Immigration laws and policies are strictly followed when processing applications. Also greater emphasis will be placed on the proper completion of all application forms. It is recognized that the overstayers are a problem but the Department will continue to improve the computer system currently being

used to meet the challenges highlighted in your report to arrive at an estimate.