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## Living under the radar – conclusion

~ *Illegal immigration in St. Maarten* ~

**By Judy H. Fitzpatrick**

PHILIPSBURG--As St. Maarten tries to manage immigration and its many associated challenges, one thing is clear: there are no quick fixes and the answers are not straightforward. However, there are some suggestions on the table.

All officials interviewed for this series agreed that the problems had ballooned out of control and wouldn't be rectified overnight. They also agreed that more effective measures were needed to manage migration.

St. Maarten Nation Building Foundation President Leopold James believes strongly that solutions should not be hammered out without the input of locals – the people he describes as the “only moral binding force in St. Maarten.”

He proposed that the native, naturalised and immigrant communities work together to develop an acceptable plan that would establish a “balanced equation” that would guarantee that natives wouldn't be “wiped out,” but would be placed on equal footing, while at the same time guaranteeing the rights of other residents.

One of Leader of Government Sarah Wescot-Williams' concerns is that some policies contradict each other. She pointed out, for example, that while the rules are clear as they pertain to illegal immigration, the Social Insurance Bank's policy provides for insuring workers irrespective of their legal status.

She said there should be a synchronisation of policies among the Immigration, Education and Labour Departments so that everyone would be on the same page. “On the one side you have the strong arm in raids, but then you are being encouraged to come in and register your workers. All noses need to be pointed in the same direction,” she explained.

She said that although St. Maarten had implemented a more stringent employment permit policy, there was little the Island Government could do while Immigration remained the responsibility of the Central Government.

She said that while the laws on admittance and expulsion were clear, there hadn't been adequate or effective controls to ensure compliance.

She said the situation “cannot continue in this fashion,” but St. Maarten also needed to acknowledge and be realistic about the situation as it exists.

In this regard, she noted that among the immigrant population were people who had been residing here for many years, in some cases for decades, but who had never had their status legalised, sometimes through no fault of their own. She also noted that there were cases in which people had lost their jobs and eventually their legal status after having resided and worked here legally for many years.

She said some strides could be made by implementing the Island Government's revised employment permit policy, which she said put locals first in the job market while giving others a chance to regularise their status.

She emphasised that control mechanisms must be put into effect and loopholes would have to be plugged. "This is important because unless we have a grip on the situation, planning is impossible."

"We need to acknowledge the situation that we have on our hands today. I think we should look at the situation as to who currently make up our society, their status, their contribution to our island, and take it from there. ...

"The control mechanisms that needed to be in place were not there and are still not there. The Minister (of Justice David Dick) has finally come up with plans for Immigration: separating Immigration from police. ...

"It is important that we are apprised and consulted on the Minister's plans so that they fit our vision for the future (of Country St. Maarten) ... That's why the government of St. Maarten has appointed a Quartermaster: someone to look at the setting up of that particular service, looking towards the future."

Educator Josianne Fleming-Artsen welcomed the revised employment permit policy: "I personally look forward to seeing it executed, as more respect and understanding need to be given to St. Maarten."

SVB Head Windward Islands Reginald Willemsberg suggested that all stakeholders should "come together" and map out a way to resolve these issues. Like James and Fleming-Artsen, Willemsberg lauded the recently implemented employment permit policy, though he had some reservations about some of the articles.

"We have to address it from the direction of people who are gainfully employed. Their working situation should be regulated so that they can get their work permits, but we should also put up some barriers," said Willemsberg.

Doing their utmost

Windward Islands Police Acting Chief Commissioner Ademar Doran said that while the Police Force was severely understaffed, operating with about 63 per cent staffing capacity, his officers were doing their utmost to tackle all of the issues under their responsibility. He was high in praise for the officers who "under difficult circumstances still stand their ground to ensure safety and security on the three Windward Islands."

He believes the establishment of the new Admittance Organisation NTO will make it possible for the police to focus more on border controls and maintenance of law and order, among other things, including ensuring that the laws of admittance and expulsion are adhered to. He said the size of the Police Force had not kept pace with the growth of the population and this had impaired the force's ability to respond effectively to the challenges it faced.

For example, only seven officers, including three Dutch military police, Marechaussees, are currently assigned to border control on land. "Right now we cannot control sufficiently to ensure that people leave. It's through the random checks that you find people who overstay their time."

For Doran and his officers, a light can now be seen at the end of the tunnel. Just recently the Police Force of the Windward Islands

KPSSS launched a major recruitment drive.

However, for the thousands of undocumented immigrants living under the radar, the revised employment permit policy is being viewed with much scepticism. For them, no light is yet discernible at the end of what they see as a very dark tunnel.

“St. Maarten is nice and has nice people, but if I had any idea I would have always had to look over my shoulder, I would have never come,” said Shirley, the Guyanese national whose story was highlighted extensively in Part I of this series.

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