

Concrete steps for the implementation Brooks Tower agreement

Possibilities for legalizing undocumented persons

Willemstad, 4th August 2009 – After a thorough analysis together with advisors, Minister of Justice David Dick concluded that information should be given out as to possible solutions for the problem concerning undocumented persons in the Antilles.

This decision was discussed with the future Minister of Justice this week. It was not possible to publish the information earlier seeing as the basic conditions for The Admissions organization had not as yet been met. The condition is that the regular service sector is guaranteed before the problem of undocumented persons can be solved. To realize this, a basic provision is needed, consisting of a sound infrastructure with adequate housing, sufficient qualified personnel and customized ICT.

On Bonaire the *Foreigner Management System* (FMS) is already operational. The employees are busy removing paediatric illnesses from the system. Following Bonaire and Curaçao, St. Maarten now also has an adequate furnished location on Illidge Road in order to be able to offer regular services, be it within a new organizational structure, the **New Admissions organization**.

In the meantime an interim-chief has been appointed on St. Maarten. The move to Illidge Road will take place at the end of August, after which the location at Sun Color Building will be furnished so that the project 'registration and handling undocumented aliens' can commence.

In order to also start the project on Curaçao, a suitable location is being looked for in consultation with the Department of Labour Affairs. The offices at the Waaigat will still be used to offer regular services. The negotiations for a new location are in full swing. It is expected that all infrastructural renovations on all islands will be implemented by mid September, after which the handling of undocumented persons on all of the islands will take place in phases and in an orderly manner. **The fact that an alien is considered undocumented as long as he has no legal status, is expressly pointed out.**

In the Brooks Tower agreement, which was signed on the 2nd of March 2007 on St. Maarten by the Minister of Justice and the deputies of the five islands, it is described how the problem of the undocumented persons will be dealt with. The aliens are divided into three categories according to the date of arrival. In due time, the Minister of Justice will implement the Brooks Tower agreement in phases. The categories are:

1. Persons who entered the Antilles before the 31st of December 2001;
2. Persons who entered the Antilles between the 1st of January 2002 and the 1st of January 2006.
3. Persons who entered the Antilles after 1st of January 2006.

Persons from group 1 can apply for a permit on their own merits, while the persons from group 2 need their employer to apply for them. Persons from group 3 will be treated humanely, but for them there is no possibility of legalizing their status and they are requested to leave the country. If necessary, they can apply from abroad and await the process of the application in their own country.

The conditions will be published in the media soon and will be available at various embassies and consuls, at the Admissions organizations and the Department of Labour Affairs. The implementation of the project registration and handling of undocumented aliens will be evaluated along the way. In practice situations will be revealed which were not held into consideration during the development of the policy. If such is the case, then the policy will be adapted. The new project will commence between the 15th and the 20th of September 2009.