

October 3, 2011

Ministry of Justice
PHILIPSBURG
Present

STATEN VAN ST. MAARTEN				
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Att.: the Honorable Mr. R. Duncan – Minister of Justice

Ref. addressing BTA rejections / illegalities in country St. Maarten

Honorable Minister,

By means of this correspondence, I the undersigned, wish to bring the following considerations to your office.

During your appearance in Parliament last Friday (and in the report released by the BTA advisory committee) we learnt that of the 2141 applicants, you were advised to reject 1610. This would mean that a whopping 75% of BTA applicants are to be rejected if you were to follow the advice of your own committee!

During said parliamentary session, you stated that you are reluctant to proceed with large scale deportations, at this time. In elaborating, you mentioned several reasons for this:

- There is no cell capacity to house illegals prior to deportation,
- The cost of housing a deportee to the tune of Nafls. 300 per day, and most importantly,
- The economic dislocation large scale deportations would cause, according to the Chamber of Commerce, whom you addressed about this issue.

It was also reported in the media that you estimate the number of illegals on the island to be at 5,000.

What is certain is that 1610 who applied for BTA permits were recommended to be rejected. My deep concern is what to do about these 1610 individuals.

Upholding the law is a fundamental responsibility of the Minister of Justice. With this in mind, it is rather alarming to the Minister of Justice openly indicating that he will not do so, however justifiable the reasons may be. This refusal to uphold the law comes on the heel of the statement to Parliament last Monday by the St. Maarten Chief of Police, that if another murder were to occur, the police would not be able to investigate, since the local police force is momentarily stretched to its maximum capacity.

One can readily comprehend that refusal to uphold the law, in certain areas, contributes to the general impression of lawlessness on the island of St. Maarten. Small transgressions -- once unchecked -- invariably lead to more serious offenses. I submit to you that St. Maarten is suffering the consequences of this refusal to uphold the law, under all circumstances and in all cases. One example is the way gypsy drivers can

flout the law with complete impunity. Nothing seems to be able to stop them. On French St. Maarten, they dare not engage in such practices. The authorities on the north side of the island will simply not tolerate it. In other words, there is no impunity where that is concerned.

The same applies to illegal immigration. Allowing the island to be overrun by illegal immigrants contributes to the atmosphere of lawlessness. If we refuse to enforce our immigration laws, why bother even having an immigration and naturalization department -- or for that matter, a Ministry of Justice supposedly in charge of the admittance and expulsion of foreigners?

One cannot on the one hand refuse to deport non-registered persons illegally residing and working here, and on the other hand refuse to legalize their status. That is sheer anarchy. In other words, if you do intend, or are not able to deport these individuals, the only other alternative would be to legalize their status on the island. Not doing so, would credence to the premise that St. Maarten is allowing a free for all attitude towards illegal immigration.

From the recent BTA exercises, we know of at least two ways not to do things.

Representing an independent Parliamentary Faction in the Parliament of country St. Maarten, I therefore propose that we:

1. Find an appropriate model for legalizing, first of all, the 1610 BTA applicants who were rejected (and who probably have no intention of leaving the island as well as all other non-registered aliens – and (once and for all).
2. Find the means and courage to end this massive and unacceptable flouting of our laws.

Failure to comply with especially the latter would send a message that we have thrown up our hands in the air and declare the island open to all and sundry without restrictions; this in fact very nearly resembles the present situation on the island.

As always in the general interest of St. Maarten, I stand remain available to assist your office in its efforts to address this most pressing issue.

Sincerely,


Frans Richardson MP