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22 March 2016

Mr Timothy O. Maynard
Permanent Secretary (Ag)
Defence and Security
Prime Minister's Office
Government Headquarters
Bay Street
ST MICHAEL

Dear Sir

Re: **Immigration (Biometrics) Regulations 2015**

Thank you for your letter dated 18th March 2016 in relation to the captioned matter.

I am pleased to learn that Prime Minister Freundel Stuart has taken careful note of the strenuous and fundamental objections that I have made to the **Immigration (Biometrics) Regulations 2015**, and that I conveyed to him in my letter dated 15th March 2016.

I am also pleased to note that the Prime Minister has responded to these objections by directing that no Citizens of Barbados will be subjected to fingerprinting at our Air and Sea ports when the 1st of April 2016 stipulated date for the commencement of this procedure comes around.

However, what does **not** please me is that your letter clearly indicates that the Prime Minister is still committed to this policy of having the Government of Barbados fingerprint its own Citizens when they leave or enter their native country, and is merely seeking time to correct any "irregularities" that are currently embedded in the **Immigration (Biometrics) Regulations 2015** or that are associated with the manner in which they were enacted.

Please permit me - for the record - to clearly indicate what my objections are to the **Immigration (Biometrics) Regulations 2015**. These are as follows:-

- (1) I consider it to be fundamentally wrong for the Government of Barbados to oblige **Citizens** of Barbados to be fingerprinted whenever they enter or leave their own native country!

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- (2) I also consider it to be fundamentally wrong for the Government of Barbados to pass any law or Regulation that prohibits a Citizen of Barbados from being able to leave or to return to their native country if they refuse to be fingerprinted. **Not only is this fundamentally wrong, but it is also in breach of the Constitutional rights of the Citizens and Permanent Resident of Barbados.**
- (3) I am appalled by the fact that Prime Minister Stuart and the other members of his Administration sought to foist such an egregious and unconstitutional imposition on the people of Barbados **without any discussion whatsoever with the people of Barbados!**
- (4) I am also appalled by the fact that the Prime Minister and the other members of his Administration did not even see it fit to have a discussion about the matter in the Parliament of Barbados.
- (5) **I am horrified that the Stuart Administration flouted and totally disregarded the clearly established legal procedure for enacting such Regulations.**

So let us be very clear about what we are dealing with here! The **Immigration (Biometrics) Regulations** were **NOT** lawfully enacted!

In addition to not being lawfully enacted, they are also **UN-CONSTITUTIONAL** to the extent that they infringe the rights of Citizens and Permanent Residents of Barbados to enter and leave their country.

And it was these **unlawful** and **unconstitutional** Regulations that the Stuart Administration was proposing to impose on the Citizens of Barbados!

As far as I am concerned, what is required here is not a mere postponement of the implementation of these Regulations. These Regulations need to be totally nullified, and their illegality and unconstitutional nature need to be confirmed by the Supreme Court of Barbados.

It is my intention therefore to place this matter before the Supreme Court of Barbados.

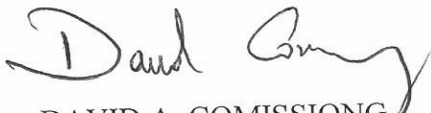
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Please also note that in light of the fact that this matter has serious implications for all of the people of Barbados, that I will be making this letter a public document.

Yours faithfully


DAVID A. COMISSIONG

DAC/pjm