



Caribbean Migration Consultations

**Cayman Islands Government Presentation to the CMC Webinar: World
Refugee Day, 20 June 2019**



MINISTRY OF
EMPLOYMENT &
BORDER CONTROL
CAYMAN ISLANDS GOVERNMENT

New approach to border control and migration management

- Core functions of border control and migration management that historically have been the responsibility of the Department of Immigration have now been separated:
 - Border control responsibilities of the Department of Immigration have been merged with the Customs Department to create a Customs and Border Control agency
 - Workforce management function of Department of Immigration has become a new agency called Workforce Opportunities Residency Cayman
 - Both new agencies fall under the Ministry of Employment and Border Control (previously the Ministry of Human Resources and Immigration).

Refugee protection now falls under Customs and Border Control Department

- New laws brought into force in February 2019 continue to provide the ability to apply for asylum in the Cayman Islands.
- This legislation also created the Refugee Protection Appeals Tribunal

Asylum framework

- The new legislation that governs the Customs and Border Control Department also re-established the framework for asylum previously provided for in immigration legislation.
 - Any person over 18 or an unaccompanied minor who is in the Islands may apply.
 - Person granted refugee status may apply for asylum for his accompanying children
 - Asylum applications decided by Director of CBC

Integration

- A person granted refugee status is free to work without restriction.
- Continued assistance with accommodation for a short period if necessary
- May be given access to English language courses and vocational training.
- Assistance with schooling for children

Refugee Protection Appeals Tribunal

- New appellate authority to deal solely with appeals against refusal of asylum in the Cayman Islands
- Aim is to ensure faster determination of appeals by members who have specialist knowledge of Refugee Convention requirements
- Policy and procedure manual being prepared

Appeal process

- Appeal within fourteen days from refusal notification
- Appellant cannot be removed from the Territory during appeal process
- Parties to the appeal may appear before the Tribunal in person or be represented.
- No fee for lodging an appeal

Alternatives to detention - update

- Asylum seekers now released into community
- New procedure:
 - All irregular migrants will be detained initially. Those who apply for asylum will be released after 15 days after preliminary assessment of their claim and background checks
 - Release is subject to conditions:
 - Curfew, undertaking to comply with the laws of the Islands

Accommodation

- CBC will source and pay for suitable accommodation
- Vouchers from supermarkets for food and supplies
- Continued access to legal resources
- Access to medical, dental services

Has it worked?

- For the most part it is working well
- But some challenges
 - Logistics of finding and arranging accommodation is posing a burden on already stretched CBC resources
 - Issues with breach of conditions can lead to re-detention

Looking ahead

- Consideration been given to creating provisions in legislation for family reunification
 - Currently facilitated through use of discretionary permission to remain
 - Future provisions may waive certain work permit requirements, e.g. proficiency in English.

Training

- Questions relating to cessation of refugee protection
 - Where refugee leaves the Cayman Islands to take up residence in another country. Should refugee status lapse or be revoked after a certain period?
 - Or where he acquires a national passport for his country of origin and travels back and forth. Does this indicate that he no longer fears persecution?

Creation of Standard Operating Procedures

- CBC working on a range of formal policies in relation to:
 - Procedures for processing of irregular landers
 - Refugee status determination process (including processing time targets)
 - Integration of refugees into community

Thank you for your participation!

Questions?



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