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HRC Statement on the matter of Asylum Grantees Alleged Breach of Human Rights

The Human Rights Commission is aware of the general concern and public interest in relation to the matter of the Cuban refugees who have been actively and peacefully protesting on the steps in front of the Government Administration Building over the past week. By way of background, a number of Cuban political refugees who have been granted asylum in the Cayman Islands are seeking rights for their spouses to obtain similar residency and employment rights in the Cayman Islands. The Customs and Border Control Act, 2018 (the "**Act**") does not permit such rights.

The Commission has therefore determined that there to be a prima facie conflict between the Act and s.9 of the Constitution – Right to Private and Family Life, as well as the United Nations Convention relating to the Status of Refugees, to which the Cayman Islands is a signatory. In addition, asylum grantees are required to be treated equally to nationals, and therefore spouses should be eligible for residency and employment rights.

The Commission has been in correspondence with the Ministry of Employment and Border Control (the "**Ministry**") since 2019 requesting the matter be addressed through an appropriate amendment to the Act. Since that time, the Ministry has indicated on numerous occasions that a request for such an amendment was being made to Parliament. In December 2020, the Ministry informed the Commission that Cabinet had authorised the Ministry to issue drafting instructions with a goal to submitting a Bill to Parliament in the first quarter of 2021.

Given that Parliament has now been dissolved, it does not appear that this conflict will be addressed within the Ministry's timeframe. It however remains a concern for the Commission and as such the Commission recommends the remedying of this matter remain a top priority for the Ministry such that the incoming Government addresses it as a matter of urgency following the general elections.

The referenced correspondence can be found on the Commission's website <http://www.humanrightscommission.ky/legislation>

Ends.