



Cayman Islands Human Rights Commission

promoting, protecting and preserving human rights

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Mr. Wesley Howell
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CAYMAN ISLANDS

Via email: tristaca.ebanks@gov.ky

31 May 2019

Dear Mr. Howell,

The Commission is in receipt of complaints from three different asylum grantees alleging a breach of their human rights on the same issue. They complain that the inability of the Customs and Border Control (CBC) to guarantee that their spouses can remain on island is a breach of their rights to private and family life.

The Commission has reviewed an initial response to this concern, which was raised by the Secretariat directly with CBC Assistant Director, Mr. Joey Scott. Mr. Scott indicated that the inability to add spouses to asylum approvals is in accordance with s. 111(3) of the Customs and Border Control Law (2018) (the "Law"). In these circumstances the Commission considers there to be a prima facie conflict between the Law 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, of which Cayman is a signatory.

Asylum grantees are required to be treated equally to nationals, and therefore spouses should be able to apply for a Residency and Employment Rights Certificate. As it stands, the Commission considers that should the Law be challenged in court on the basis that it is unconstitutional, such a challenge would be successful.

It is understood that a request has been made for the Law to go before the House for amendment – the Commission therefore would be grateful to receive a copy of the proposed amendment.

Yours sincerely,



James Austin-Smith
Chairman

cc: Assistant Director, Customs and Border Control