



MINISTRY OF
HUMAN RESOURCES
& IMMIGRATION
CAYMAN ISLANDS GOVERNMENT

Deborah Bodden
Manager, Commissions Secretariat
2nd Floor Artemis House
67 Fort Street, George Town
Grand Cayman

2 May, 2018

Dear Ms. Bodden,

On behalf of the Department of Immigration (DOI), the Ministry of Human Resources & Immigration ("the Ministry") apologies for the undue delay in our response, however, respectfully takes this opportunity to provide feedback to the Human Rights Commission (HRC) in response to correspondence directed to the DOI and the Ministry.

As noted in correspondence from the HRC entitled "*Letter to CIO re Handling of Cuban Migrants...*" the HRC asked whether:

- a. the policy detailed in that correspondence had been given effect;
- b. if so, why was it not followed on 08th October 2015;
- c. if not, why not?

The Department's Standard Operating Procedure (SOP) in relation to *Trafficking and Smuggling of Persons* was given effect as of 14th September 2015 and was last reviewed on 19th October 2015. (*The SOP - "Trafficking in Persons SOP" – is provided for the Commission's reference*). As informed by the Acting Chief Immigration Officer, procedures undertaken on 8th October 2015, while not in keeping with the policy, were necessary given that the migrants in question, whom were at sea, were deemed to be hostile. On that occasion, the Commander of the Joint Marine Unit (JMU), who was onboard the intercepting vessel, advised immigration officials that the migrants would likely pose hazards to both

themselves and the crew of the JMU if attempts were made to forcibly remove those persons from their vessel.

As noted in separate correspondence entitled "*Letter to Chief Officer Ministry of Home Affairs on Concerns about Cuban...*" the HRC highlighted various concerns, which promoted the DOI to conduct a series of enquiries, and ultimately revise various operational practices, build staff capability, and strengthen collaboration with internal and external partners. The points immediately below describe some of the outcomes that followed the Commission's intervention –

- allegations of sexual assault against migrants at civic centers could not be substantiated based on information received from migrants and the staff of the security firm;
- allegations of an intimate relationship between a migrant and a staff member of the security firm could not be substantiated based on information received from migrants and staff of the security firm;
- fire exits at civic centers were cleared of obstructions, and fire safety inspections were conducted by the Fire Service;
- both male and female shower/bathroom facilities were hygienically maintained;
- enhanced measures were implemented to counter safety and security risks relative to possession of weapons, drugs, solicitation of goods and favours, and exploitation;
- HMCIPS developed a draft advisory brochure (English and Spanish) which is intended to provide key information to migrants upon arrival to the IDC; (See attached draft English version. Translation version is pending completion).
- communication and reporting structures were clarified among internal stakeholders and contracted service providers;
- refurbishments at the IDC were completed to mitigate capacity constraints and improve accommodation conditions;
- training packages were developed and implemented to build capability –
 - a. asylum and refugee case management – *training delivered by UK Visas & Immigration to officials of the DOI and the Immigration Appeals Tribunal covering;*
 - b. refugee assessment and asylum processing – *training delivered by United States Citizenship and Immigration Services to senior DOI official;*
 - c. human trafficking counter measures – *training delivered by UK International Centre for Parliamentary Studies to officials of the DOI and the Ministry;*

- d. strategic migration management and policy – *training delivered by UK International Centre for Parliamentary Studies to officials of the DOI and the Commissions Secretariat;*

As is known to the HRC, various stakeholders contribute to the process of – (1) monitoring and identifying risks or special needs with respect to migrants, and (2) delivering mitigation measures in the interests of welfare, safety, and security. In this regard, the DOI maintains close working relationships with partners within the public sector and private sector. Underpinning the management of irregular migration, therefore, is an interconnected system of strategic partnerships, operational service providers, and instruments of governance. In turn, given that an overarching goal is to maintain a proper balance with respect to protection of civil liberties and assurance of external and internal security, we welcome future opportunities to engage with the Commission and ultimately improve processes, capacity, and capability.

Sincerely,



Wesley Howell, JP
Chief Officer

Cc'd: Bruce Smith, Acting Chief Immigration Officer

Encl: Department of Immigration SOP - Trafficking and Smuggling of Persons
Department of Immigration Internal Guidelines – Cuban Migrants
Draft - IDC Induction booklet English

