



Cayman Islands Human Rights Commission

promoting, protecting and preserving human rights

Ref: HRC-RES-MIGRANTS

Mr. Wesley Howell
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P.O. Box 111
Grand Cayman, KY1-9000
CAYMAN ISLANDS

Via email: tristaca.ebanks@gov.ky

6 December 2018

Dear Mr. Howell,

I refer to your response dated 11 September 2018 regarding the establishment of the Refugee Protection Appeals Tribunal (“the RPAT”) which expresses many laudable aspirations. Thank you also for resending to us copies of the various Immigration policy documents from 2009 and 2012 regarding migrants.

I interpret your response as indicating the following:

1. The Ministry is liaising with the Cabinet Office and the Office of the Premier to obtain recommendations for appointments to the RPAT. However, no appointments have been made yet and there is no timeline for when they will be made.
2. The Ministry *intends* to liaise with the UNHCR about the *possibility* of training, guidance and policies for RPAT members. However, it has not done so yet and there is no timetable for when such training and guidance will be obtained, or even when contact with the UNHCR will take place.
3. The creation of a new Cayman Islands Customs and Border Control Department will require a review of all existing procedures and further training of staff. This will take place “in the coming months” and will be “a priority”.

To be explicit with regard to the concerns in the Commission’s original letter, and in light of our recommendation that the RPAT be established as a priority, can you please confirm:

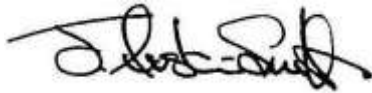
1. When appointments will be made to the RPAT.

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2. When the RPAT regulations and policies will be produced.
3. When the RPAT will be able to begin hearing appeals.
4. Whether the review of “all existing procedures” and the “cross training” of staff will take place in priority to ensuring the RPAT is functional.

Given that the situation involving the arrival of migrants is an ongoing one, and that the longest staying migrant has now been in Cayman for over one thousand days (the majority of these in detention) without the resolution of his case, the Commission would be grateful to receive definitive answers to these numbered questions, with proposed dates, at your earliest convenience.

Yours sincerely,



James Austin-Smith
Chairman