



MINISTRY OF  
HUMAN RESOURCES  
& IMMIGRATION  
CAYMAN ISLANDS GOVERNMENT

James Austin-Smith  
Chairman, Cayman Islands Human Rights Commission  
2nd Floor Artemis House  
67 Fort Street, George Town  
Grand Cayman KY1-1106

11 September, 2018

Dear Mr. Austin-Smith,

Thank you for your letter dated 3 August 2018 expressing concerns about the appeals process for political asylum seekers to the Immigration Appeals Tribunal (IAT), and requested the following:

- a. Update on the formation of the Refugee Protection Appeals Tribunal (RPAT);
- b. Any policies/regulations that may guide the RPAT in its activities; if none exist, an indication of the timeline for their development.

As is known to the HRC, the IAT is appointed by Cabinet with administrative support provided for through the Cabinet Office. Hence, this Ministry does not have responsibility for the day-to-day operations of that entity. However, in past discussions the Cabinet Secretary has given his commitment that asylum appeals would be given priority and dealt with swiftly given the time sensitivity in dealing with these matters.

Additionally, as you have noted the recent passage of the Immigration (Amendment) Law, 2018 (see attached) requires the establishment of a RPAT to ensure that such appeals are disposed of in a timely manner and by persons who have experience and training in refugee matters. The Ministry is collaborating with the Office of the Premier to confirm recommendation of appointments. Additionally, the Ministry will liaise with the United Nations High Commissioner for Refugees (UNHRC) to explore the possibility of specialized training, guidance notes, and policies for tribunal members.

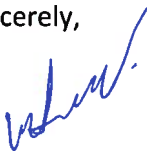
Moreover, the Ministry will continue to liaise with the Cabinet Office to further develop synergies while ensuring consistency in processes and systems where applicable.

It should also be noted that UNHRC views the establishment of a separate appellant tribunal to deal specifically with appeals relating to the refusal of asylum as a good example of best practice in the region, in line with the Brazil Declaration and Plan of Action. The Ministry and the Department of Immigration ("the Department") continue to strive for transparency and fairness when managing asylum matters and commits to reviewing legislation, policies, systems and processes.

Finally, I have attached for your information the Department's internal procedures which guide the management of asylum matters, including the management of the Immigration Detention Center (IDC). It should be noted that these procedures are monitored to ensure consistency in operations and also assist as a tool for training opportunities for other departmental staff. However, with the creation of Cayman Islands Customs and Border Control Department, all existing procedures will undergo a comprehensive review in the upcoming months to ensure compliance with best practice and legislation. Additionally, cross training of staff within the new department will be a priority in order to further build capacity.

We trust that this information provides greater clarity to your concerns surrounding asylum matters and welcome your continued feedback and collaboration as we endeavor to improve the Department's capacity and capability when managing such matters.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Wesley Howell', is written over the typed name.

Wesley Howell, JP  
Chief Officer

Cc'd: Bruce Smith, Acting Chief Immigration Officer  
Charles Clifford, Collector of Customs Department