



Cayman Islands Human Rights Commission

promoting, protecting and preserving human rights

24 April, 2012

Mrs. Linda Evans and Mr. Bruce Smith
Chief and Deputy Chief Immigration Officers
P.O. Box 1048
Grand Cayman KY1-1102
CAYMAN ISLANDS

Via E-Mail: linda.evans@gov.ky; bruce.smith@gov.ky

Dear Mrs. Evans and Mr. Smith,

Re: Review of policies for dealing with irregular migration

As you are aware, the Human Rights Commission is conducting a review of the current policies applying to the treatment of irregular migrants arriving by sea. We look forward to meeting with you next week to discuss this review. In advance of our meeting, we thought it would be helpful to outline the scope of our review and the topics we wish to discuss at the meeting.

In the first place, the review will seek to determine whether the existing policy for the treatment of irregular migrants found at sea or arriving by sea is up to date and compliant with applicable human rights obligations. This would include the policy on the provision of assistance to migrants encountered at sea, and in relation to forced disembarkation. In that regard, we should be grateful if you would provide us with any information which would enable us to ensure that we are reviewing the latest versions of any documents which provide information about these policies.

Secondly, we would also like to be sure that we have complete information about the procedures for screening migrants after disembarkation, in particular any relevant procedures for ensuring that legitimate claims for asylum are brought forward and how they are dealt with.


Thirdly, we will also be reviewing the terms of the Memorandum of Understanding between the Government of the Cayman Islands and the Government of the Republic of Cuba ("MOU"). We recognize that Cuba may not be the only source country for irregular migration to, or through, the Cayman Islands. However, we believe it is the most significant source of this type of migration and that it is the only country with whom we have entered into an MOU. We wonder whether it is clear that the terms of the existing MOU should apply only to those migrants who are not deemed to be refugees, or granted asylum, after proper screening. On its face, this does not seem to be made clear in the document itself.

Lastly, it would be most helpful to obtain some general information from you to determine the scope of the problem of irregular migration - i.e. statistics about the numbers of people arriving by sea, from which countries, how many claims for asylum have been presented and how they have been disposed of, as well as any other information which you believe may be useful in assisting our inquiry.

We look forward to discussing this with you.

Kind regards,



 Richard Coles
Chairman
Human Rights Commission

Cayman Islands Human Rights Commission

1st Floor Cayman Corporate Centre, George Town, Grand Cayman
P.O. Box 391 | Grand Cayman KY1-1106 | CAYMAN ISLANDS
Telephone: 1.345.244.3685 Facsimile: 1.345.945.8649
Website: www.humanrightscommission.ky