

Cuban Migrant Policy

<http://www.gov.ky/portal/page/portal/cighome/pressroom/archive/200703/cubanmigrantpolicy>

—Chief Immigration Officer Franz Manderson

In light of increasing media attention being given to the issue of Cuban migrants passing through local waters, Chief Immigration Officer Franz Manderson earlier this month explained the Government's policy.

"Whether to offer assistance at all, or the extent to which any assistance should be given in the circumstances, has been a difficult and sensitive issue," Mr. Manderson said, adding: "Whilst I understand those who feel that assistance should be given purely on humanitarian grounds, especially given our long seafaring history, we must not overlook the fact that in doing so we are effectively supporting, and perhaps even encouraging, illegal migration. This dilemma has existed and troubled the minds of many of us for many years."

Mr. Manderson exemplified this concern by reflecting on the effects of a partial relaxation of the policy regarding assistance between 2002 and 2005. During this period, where limited assistance was given to those who requested it, the number of arriving vessels increased dramatically. Further, while at first the requests were for water and food, they soon extended to navigational equipment, engines and repairs to vessels.

So it is not just a question of putting a strain on local resources, Mr. Manderson said. "It is far more serious than that. This amounts to the territory showing visible support for illegal migration -- and this is something that the Government cannot do."

But at the same time, Mr. Manderson clarified that the current policy should not be interpreted as any lack of regard for the human rights of persons who come to our shores - either legally or illegally.

The current immigration policy provides for immigration officials to meet vessels carrying Cuban migrants to determine the nature and purpose of the visit. The Chief Immigration Officer noted that often it is difficult to be sure of the occupants' nationalities because proper documentation is seldom or never shown. The occupants of the vessel are then advised that if they choose to land they will be screened and cared for in accordance with international conventions. They are also told that they will be repatriated if they do not qualify for refugee status. Otherwise they can choose to continue their journey without assistance.

Commenting on the Memorandum of Understanding (MOU) with the Cuban Government, Mr Manderson confirmed that the MOU simply allows the Cayman Islands to return Cubans to their country of origin. It does not dictate Cayman Islands policy relating to the processing of Cuban migrants when they arrive in our waters.

Mr. Manderson emphasised that the Cayman Government is very careful to apply United Nation conventions and guidelines in determining whether a person is a 'refugee' or an 'economic migrant.' He explained: "A migrant is someone who moves from country to country for economic reasons," while, according to the 1951 Convention relating to the Status of Refugees, "a refugee is a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country."

The Immigration Department as part of its screening process is careful to identify genuine cases of Cubans fleeing because they are being persecuted, Chief Manderson said, as opposed to merely providing them with supplies and advising them to seek the protection of another country. Currently there are about 20 Cuban migrants who have been granted refugee status in the Cayman Islands.

Any change in this policy would have serious international ramifications, the Chief Immigration Officer said. "For instance, if we assist people to enter other countries illegally we run the risk of those countries branding us as

supporters of illegal migration or perhaps even accusing us of assisting in the smuggling of migrants," said Mr. Manderson.

A further, serious potential impact, he said, could arise from assisting unknown persons: "For example, terrorists could travel under the guise of illegal Cubans and, with our assistance, enter nearby countries and eventually enter the U.S."

For these and other reasons, including the very real potential impact on internal security, the Cayman Islands Government has a responsibility to do everything possible to prevent illegal migration, he said, whether it is in relation to economic migrants, the smuggling of people, the threat of terrorism, or the sad story of human trafficking that affects many countries today.

Commenting on Cayman's efforts in restricting the potential for these sorts of activities in our waters, Mr. Manderson was pleased to note that the Cayman Islands were not named in the U.S. State Department 2006 Trafficking in Persons Report as a country that was not meeting minimum standards to fight trafficking in persons.

And part of this responsibility, he reiterated, comes down to simply being a good neighbour and acting in the same manner to those neighbours as "we would wish to be treated. How would we as a country react if a large number of migrants arrived in a neighbouring country and the Government of that country simply supplied them with food and water and advised them to proceed to Cayman?" Mr. Manderson questioned.

"For these and many other critical reasons, the Cayman Islands should not be regarded as an established route for use by illegal migrants and other illegal elements such as drug-traffickers and terrorists," he said.

He reminded as well that Cayman is very vulnerable: with the migrants seeking to reach Honduras the Islands are a natural crossing point on the way. "Although it is dangerous for Cuban migrants to travel through Honduras to the U.S., they do so for various reasons. For example, once in Honduras the Cubans can travel to the USA by land and take advantage of their 'wet foot - dry foot policy'."

"Basically, the Cayman Islands must be a responsible territory and not allow undocumented or improperly documented persons to transit our borders en route to other countries," he said. "And, as we witnessed in 2004, should there be mass migration from Cuba, illegal migrants will resort to established routes to leave Cuba."

Aside from that responsibility and its implications, "we must ultimately come back to considering the very serious implications of accommodating large numbers of Cubans here," Mr. Manderson said.

And the latter is bound to be impacted by our policies here, he said. "Given human nature, supporting illegal migration can be expected to encourage other persons to opt to travel on unsafe vessels or use violent methods to acquire vessels to leave their country."

In a related concern, he noted that there is speculation that the conditions currently prevailing in Cuba offer some potential to result in a mass migration in the not-too-distant future.

According to Mr. Manderson, when all these factors are weighed up there is very little room to manoeuvre outside of the current policy. One of the few options, he said, is to promote legal migration -- which is already being done. "Currently there are about 200 Cubans here on work permits, clearly an indicator that our policies permit legal migration from Cuba as from any other country."