

CAYMAN ISLANDS



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**THE IMMIGRATION (AMENDMENT AND VALIDATION) LAW, 2002  
(LAW 24 OF 2002)**

(Price \$1.60 Cents)

**ARRANGEMENT OF SECTIONS**

1. Short title.
2. Amendment of the Immigration Law (2001 Revision) - definitions and interpretation.
3. Amendment of the Immigration Law (2001 Revision) – insertion of Part VIA.
4. Amendment of section 64- power of Governor to make deportation order.
5. Validation.

Passed by the Legislative Assembly the 5<sup>th</sup> day of December, 2002.

JULIANNA O’CONNOR - CONNOLLY

Speaker.

WENDY LAUER EBANKS

Clerk of the Legislative Assembly.

CAYMAN ISLANDS

Law 24 of 2002.

I Assent

B.H. Dinwiddy

Governor.

Date: 29 January, 2003

**A LAW TO AMEND THE IMMIGRATION LAW (2001 REVISION) IN ORDER TO PROVIDE FOR THE HEARING OF ASYLUM APPLICATIONS; TO VALIDATE CERTAIN DECISIONS, ACTS AND PROCEEDINGS OF THE GOVERNOR UNDER THE IMMIGRATION LAW (2001 REVISION) FROM 6 MAY, 2002 TO 17 SEPTEMBER, 2002; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Immigration (Amendment and Validation) Law, 2002.

Short title
2. The Immigration Law (2001 Revision), in this Law referred to as “the principal Law”, is amended in section 2 by inserting the following definition in its appropriate alphabetical order-

Amendment of the Immigration Law (2001 Revision)- definitions and interpretation
- "the Refugee Convention" means the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and the Protocol to the Convention;”.
3. The principal Law is amended by inserting after Part VI the following Part-

Amendment of the Immigration Law (2001 Revision) –insertion of Part VIA
- “PART VIA-Asylum

Application for asylum

61A. (1) A person who is in legal custody under section 52 (1) or a person to whom permission to

remain in the Islands has been granted under section 48(1) or section 52 (2) may apply to the Chief Immigration Officer for asylum; and in considering such application the Chief Immigration Officer shall have regard to the Refugee Convention and any directions given by the Governor relating to asylum applications.

(2) Notwithstanding section 11, a person who is refused asylum under subsection (1) may appeal against the refusal by the Chief Immigration Officer to the Immigration Appeals Tribunal on the ground that his removal in consequence of the refusal would be contrary to the Refugee Convention.

(3) A person who-

- (a) has been refused leave to remain in the Islands on the basis of an application for asylum made by him; but
- (b) has been granted (whether before or after the decision to refuse leave) limited leave to remain,

may, if that limited leave will not expire within 28 days of his being notified of the decision, appeal to the Immigration Appeals Tribunal against the refusal on the ground that requiring him to leave the Islands after the time limited by that leave would be contrary to the Refugee Convention.

(4) For the purposes of this Part a person is eligible to apply for asylum if-

- (a) he is at least 18 years old;
- (b) he is in the Islands; and
- (c) the application for asylum has been made by him at a place designated by the Governor.

(5) A person specified under subsection (4) may also apply for asylum for his dependant children under 18 who are with him in the Islands.

(6) For the purposes of this Part the Governor may give directions to the Chief Immigration Officer in respect of the consideration of applications for asylum and promulgate rules for the hearing of appeals under subsection (2) and such directions and rules shall be published in the Gazette.

Limitations on rights of appeal under section 61A

61B. Section 61(A) does not entitle a person to appeal against a refusal of an application if-

- (a) the Governor has certified that the appellant's departure and exclusion from the Islands would be in the interests of national security; or
- (b) the reason for the refusal was that he was a person to whom the Refugee Convention did not apply by reason of Article 1(F) of that Convention; and
- (c) the Governor has certified that the disclosure of material on which the refusal was based is not in the interests of national security.”.

4. The principal Law is amended in section 64 (1) by inserting after paragraph (e) the following-

“(ea) a person whose application for asylum has been refused under section 61A;”.

Amendment of section 64- power of Governor to make deportation order

5. Every decision, act or proceedings of the Governor from 6 May, 2002 to 17 September, 2002 relating to any matter under the Immigration Law (2001 Revision) over which the Immigration Appeals Tribunal has jurisdiction is declared to be and always to have been as valid as if the Governor had the lawful power to make such decisions, carry out such acts and to conduct such proceedings under the Immigration Law (2001 Revision) during such period of time.

Validation