

CAYMAN ISLANDS



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**THE IMMIGRATION (AMENDMENT) (IMMIGRATION APPEALS
TRIBUNAL) LAW, 2002
(LAW 2 OF 2002)**

(Price \$1.60 Cents)

ARRANGEMENT OF SECTIONS

- 1. Short title.
- 2. Amendment of section 2 of the Immigration Law (2001 Revision) - definitions and interpretation.
- 3. Insertion of new sections –Immigration Appeals Tribunal.
- 4. Repeal of section 12 and substitution - appeal from decision of the Board.
- 5. Amendment of section 13 - conduct of appeal.
- 6. Insertion of new section - decisions of the Immigration Appeals Tribunal.
- 7. Amendment of section 14 - decisions to be administrative.
- 8. Insertion of new section - rules relating to appeals.
- 9. Amendment of section 17 - acquisition of Caymanian status by grant.
- 10. Amendment of section 20 - loss of Caymanian status.
- 11. Amendment of section 33 - grant etc., of work permit.
- 12. Amendment of section 37 - offence to engage in gainful occupation or to employ persons in contravention of this Part.
- 13. Amendment of section 76 - directions to Board and Chief Immigration Officer.
- 14. Amendment of section 77 - power to put questions and require production of documents.

8. The principal Law is amended by inserting after section 14 the following new section-

"Rules relating to appeals

14A. The Chief Justice may make rules relating to the procedure and forms to be used for the notice of appeal to the court and the admission of evidence in any appeal heard by the Immigration Appeals Tribunal."

Insertion of new section - rules relating to appeals
9. The principal Law is amended in section 17(13) by repealing the word "Governor" and substituting the words "Immigration Appeals Tribunal".

Amendment of section 17- acquisition of Caymanian status by grant
10. The principal Law is amended in section 20 (4) (a) and (b) by repealing the word "Governor" and substituting the words "Immigration Appeals Tribunal".

Amendment of section 20 - loss of Caymanian status
11. The principal Law is amended in section 33 (6) by repealing the word "Governor" and substituting the words "Immigration Appeals Tribunal".

Amendment of section 33- grant etc., of work permit
12. The principal Law is amended in section 37 (1) (a) by repealing the word "Governor" and substituting the words "Immigration Appeals Tribunal".

Amendment of section 37- offence to engage in gainful occupation or to employ persons in contravention of this Part
13. The principal Law is amended in section 76 by inserting after the word "Board" wherever it appears the words " and the Immigration Appeals Tribunal".

Amendment of section 76- directions to Board and Chief Immigration Officer
14. The principal Law is amended in section 77 (1) by inserting after the word "Board" the words " and the Immigration Appeals Tribunal".

Amendment of section 77- power to put questions and require production of documents

Passed by the Legislative Assembly the 18th day of March, 2002.

JULIANNA O' CONNOR- CONNOLLY

Speaker.

WENDY LAUER EBANKS

Clerk of the Legislative Assembly.

- (a) shall set forth -
 - (i) the decision against which the appeal is made;
 - (ii) in the case of an appeal to the Immigration Appeals Tribunal, the Board's reasons for its decision;
 - (iii) the grounds of the appeal; and
 - (iv) whether or not the appellant wishes to be heard personally or by a representative; and
- (b) shall be accompanied by a copy of the original application and, in the case of an appeal to the Immigration Appeals Tribunal, by a non-refundable processing fee of two hundred and fifty dollars.”;
- (b) by repealing subsection (2) and substituting the following -
 - “ (2) On receipt of the notice of appeal the Appellate Tribunal shall -
 - (a) notify the immigration officer or the Board, as the case may be, of the decision against which the appeal is made and the grounds of the appeal and give the immigration officer or the Board twenty-eight days or such longer period as the chairman of the Appellate Tribunal may, for good cause shown, allow, to provide a written defence to the appeal; and
 - (b) if the appellant has applied to be heard personally or by a representative, fix a time and a date for such hearing and notify the appellant and, as the case may be, the immigration officer or the Board thereof.”; and
 - (c) in subsection (3), by repealing the words “if called upon by the Appellate Tribunal in that behalf”.

Insertion of new section - decisions of the Immigration Appeals Tribunal

6. The principal Law is amended by inserting after section 13 the following new section-

“Decisions of the Immigration Appeals Tribunal

13A.(1) On an appeal the Immigration Appeals Tribunal may make such order (including any order for costs) as it thinks just.

(2) An appeal may be made to the court from a decision of the Immigration Appeals Tribunal on a point of law only.”.

Amendment of section 14 - decisions to be administrative

7. The principal Law is amended in section 14 (1) by repealing the words “and such decision shall not be questioned in any court of law”.

CAYMAN ISLANDS

Law 2 of 2002.

I Assent

P.J. Smith

Governor.

Date: 23 April, 2002

A LAW TO AMEND THE IMMIGRATION LAW (2001 REVISION) IN ORDER TO PROVIDE FOR THE ESTABLISHMENT OF AN IMMIGRATION APPEALS TRIBUNAL; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Immigration (Amendment) (Immigration Appeals Tribunal) Law, 2002. Short title

2. The Immigration Law, in this Law referred to as “the principal Law”, is amended - Amendment of section 2 of the Immigration Law (2001 Revision) - definitions and interpretation

- (a) in the definition of “Appellate Tribunal” by repealing the word “Governor” and by substituting the words “Immigration Appeals Tribunal”; and
- (b) by inserting the following definition in its appropriate alphabetical order -

“the Immigration Appeals Tribunal” means the Immigration Appeals Tribunal established under section 10A;”.

3. The principal Law is amended by inserting after section 10 the following new sections- Insertion of new sections - Immigration Appeals Tribunal

“Immigration Appeals Tribunal

10A.(1) For the purposes of this Law there is established an Immigration Appeals Tribunal which

consists of the following members-

- (a) a chairman;
- (b) a deputy chairman; and
- (c) six other members,

all of whom shall be appointed by and hold office at the pleasure of the Governor.

(2) The chairman and the deputy chairman shall both be attorneys-at-law of at least seven and five years call to the bar respectively.

(3) The Governor may appoint a secretary to the Immigration Appeals Tribunal who shall record and keep all minutes of the meetings, proceedings and decisions of the Immigration Appeals Tribunal and such secretary shall have no right to vote.

Meetings of the
Immigration Appeals
Tribunal

10B.(1) The Immigration Appeals Tribunal shall meet at least once in every calendar month and upon such other occasions as, in the opinion of the chairman, is necessary or desirable in the public interest.

(2) Any member of the Immigration Appeals Tribunal who, without obtaining the prior written permission of the chairman, is absent for more than two out of five consecutive meetings of the Immigration Appeals Tribunal shall cease to be a member of the Immigration Appeals Tribunal.

(3) The deputy chairman, in the temporary absence or inability to act of the chairman, shall act as chairman and exercise all the powers and functions of the chairman.

(4) The Immigration Appeals Tribunal shall reach its decisions by a majority of the votes of members present and voting at any meeting.

(5) The chairman or presiding member shall have no original but only a casting vote.

(6) Five members of the Immigration Appeals

Tribunal present at any meeting shall form a quorum.

(7) If a member of the Immigration Appeals Tribunal has any personal or pecuniary interest, direct or indirect, in any matter which is to be determined by the Immigration Appeals Tribunal, he shall, if present at the meeting of the Immigration Appeals Tribunal at which such matter is to be determined, as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of such matter or vote on any question with respect thereto.

(8) Subject to subsections (1) to (7) and to section 14A the Immigration Appeals Tribunal shall have power to regulate its own procedure.

Duty of confidentiality
and remuneration of
members of the
Immigration Appeals
Tribunal

10C. Sections 9 and 10 shall apply to the Immigration Appeals Tribunal as if references in those sections to the "Board" were references to the "Immigration Appeals Tribunal."

4. The principal Law is amended by repealing section 12 and substituting the following -

Repeal of section 12 and
substitution- appeal from
decision of the Board

"12. (1) Any person aggrieved by, or dissatisfied with any decision of the Board other than a decision under section 11 may, within twenty-eight days of the communication of the decision to him or such longer period as the chairman of the Immigration Appeals Tribunal may, for good cause shown, allow, appeal therefrom to the Immigration Appeals Tribunal.

(2) A decision of the Immigration Appeals Tribunal if notice is sent to the appellant by post, shall be deemed to have been communicated to the appellant at the time which it should have been received in the ordinary course of post."

5. The principal Law is amended in section 13 as follows -

Amendment of section
13 - conduct of appeal

(a) by repealing subsection (1) and substituting the following -

"(1) Appeals under sections 11 and 12 shall be by notice in writing addressed to the secretary of the Board or the Immigration Appeals Tribunal, as the case may be, and such notice -