

CAYMAN ISLANDS



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**IMMIGRATION LAW  
(2001 Revision)**

**IMMIGRATION APPEAL (ASYLUM) RULES, 2003**

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respondent or his representative by the secretary to the Tribunal not later than 60 days after the conclusion of the hearing.

(2) The Tribunal may make such order as it thinks fit including, but not limited to, affirming the decision of the respondent or quashing the decision of the respondent and substituting its decision in place thereof.

Promulgated by Executive Council this 3<sup>rd</sup> day of March, 2003.

Carmena Watler

Clerk of Executive Council.

- (g) requiring any party to a hearing to file statements which will be made at the hearing and a paginated and indexed bundle of all the documents which will be relied upon at the hearing.

The hearing

10. (1) A hearing may be conducted, evidence may be given and representations may be made by video link or by other electronic means.

(2) The Tribunal shall give such reasonable directions orally as are necessary to ensure that the hearing is conducted in a just, timely and effective manner.

(3) The Tribunal shall observe the principles of natural justice.

(4) The Tribunal shall administer oaths and examine any person upon oath, affirmation or otherwise.

Procedure at the hearing

11. (1) At every hearing of an appeal the appellant or his authorised advocate-

- (a) shall be given an opportunity to address the Tribunal;
- (b) shall adduce any fresh evidence in respect of which leave has been given; and
- (c) make any submissions of fact and law in support of the appeal.

(2) Under subrule (1) the appellant may not rely upon or make any submissions which were not included in documents sent in accordance with rule 5.

(3) The Tribunal shall allow the oral representations by the appellant or his authorised advocate for a period not exceeding 1 hour.

(4) The respondent or his representative shall be heard in answer and the provisions of subrules (1) to (3) shall apply to him and his representative in like manner.

(5) The Tribunal may, in its discretion receive oral, documentary or other evidence of any fact which appears to the Tribunal to be relevant notwithstanding that such evidence would be inadmissible in a court of law.

(6) The Tribunal shall permit both parties a right to reply to each other for a period not exceeding 15 minutes.

(7) The Tribunal shall reserve judgement.

12. (1) The written judgement and the reasons for the judgement of the Tribunal shall be notified to the appellant or his authorised advocate and the

Judgement of the Tribunal

## CAYMAN ISLANDS

### IMMIGRATION LAW

(2001 Revision)

#### IMMIGRATION APPEAL (ASYLUM) RULES, 2003

In accordance with the powers conferred by section 61A of the Immigration Law (2001 Revision) the Governor in Council promulgates the following rules-

1. These rules may be cited as the Immigration Appeal (Asylum) Rules, 2003. Citation

2. In these rules unless the context otherwise requires- Definitions

“appellant” means a person who appeals against a decision of the Chief Immigration Officer made under section 61A (1) of the Law;

“authorised advocate” means a person admitted to practise as an attorney-at-law under the Legal Practitioners Law (2002 Revision);

“hearing” means the hearing of an appeal by the Immigration Appeals Tribunal in accordance with these rules;

“notice of appeal” means a notice in writing by the appellant of his intention to appeal against a decision of the Chief Immigration Officer;

“the Law” means the Immigration Law (2001 Revision); and

“the Tribunal” means the Immigration Appeals Tribunal.

3. (1) An appellant shall serve a notice of appeal within 14 days of the communication to him of the decision of the Chief Immigration Officer under section 61A of the Law. Notice of appeal

(2) The decision of the Chief Immigration Officer, 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.

Record of appeal

(3) An notice of appeal shall be addressed to the secretary to the Tribunal, and such notice shall set forth the decision against which the appeal is made and whether or not the appellant wishes to be heard personally or by an authorised advocate.

4. (1) The secretary to the Tribunal, upon receiving the notice of appeal or as soon as reasonably practicable after such receipt, shall send to the appellant and his authorised advocate, if any, a record of appeal.

(2) The record of appeal shall contain-

- (a) all written documents which were taken into account by the Chief Immigration Officer in arriving at his decision which is the subject of appeal (“ the appealed decision”);
- (b) any written record or notes of any oral evidence taken by the Chief Immigration Officer on or before the date of the appealed decision and upon which the Chief Immigration Officer relied in arriving at the appealed decision;
- (c) a copy of the notice from the Chief Immigration Officer to the appellant informing him of the refusal to grant the application for asylum; and
- (d) a copy of these rules.

Grounds of appeal

5. (1) An appellant or his authorised advocate shall within 28 days after receiving the record of appeal send to the secretary to the Tribunal the following-

- (a) the grounds of the appeal;
- (b) a list setting out any legal precedents upon which the appellant will rely at the hearing of the appeal;
- (c) a written application for leave to adduce new evidence at the hearing of the appeal, if any such application is to be made, together with copies of the statements, documents or other fresh evidence which the appellant wishes to adduce at the hearing; and
- (d) written submission as to the facts and law in support of the appellant’s case of appeal.

(2) Subject to the leave of the Tribunal the appellant may amend the grounds of appeal no later than 28 days prior to the date of the hearing of the appeal and the Chief Immigration Officer shall be granted a period of 14 days after receiving the amended grounds of appeal within which to deliver an amended response to the amended grounds of appeal.

(3) The secretary to the Tribunal shall deliver copies of the documents specified under subrule (1) to the Chief Immigration Officer no later than 7 days receiving the same.

6. (1) The Chief Immigration Officer (“the respondent”) shall within 14 days after receiving the documents specified under rule 5(1) send to the secretary to the Tribunal the following-

Response to appeal by the Chief Immigration Officer

- (a) a written defence to the appellant’s appeal;
- (b) a list setting out any legal precedents upon which the respondent will rely at the hearing of the appeal;
- (c) a written application for leave to adduce new evidence at the hearing of the appeal, if any such application is to be made, together with copies of the statements, documents or other fresh evidence which the respondent wishes to adduce at the hearing; and
- (d) written submission as to the facts and law in opposition to the appellant’s case of appeal.

(2) The secretary to the Tribunal shall deliver copies of the documents specified under subrule (1) to the appellant or his authorised advocate no later than 7 days after receiving the same.

7. Within 14 days of receiving the documents specified in rule 6 (1), the secretary to the Tribunal shall fix a time, a date and a place for the hearing of the appeal and shall notify the appellant and the respondent accordingly as soon as practicable thereafter.

Date of hearing of the appeal, etc

8. No later than 14 days prior to the hearing of an appeal, the Tribunal shall deliver to the appellant or to his authorised advocate and to the respondent a written decision on an application made under rule 5 (c) or rule 6 (c).

Decision of the Tribunal on admissibility of fresh evidence

9. Prior to a hearing the Tribunal may give and serve on any appellant or to his authorised advocate and the respondent written directions-

Written directions

- (a) on any matter concerning the preparation of the hearing and the time within which or the date upon which the matter should be completed;
- (b) on any matter dealing with a preliminary issue;
- (c) on a pre-hearing review of the hearing by the Tribunal;
- (d) on the furnishing of any particular which appears to the Tribunal to be required for the determination of the appeal;
- (e) on any witnesses to be heard;
- (f) on the manner in which evidence may be given; and