

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE IMMIGRATION LAW (2010  
REVISION) TO ESTABLISH THE CONDITIONS UNDER WHICH RE-  
ENTRY INTO THE ISLANDS MAY BE GRANTED TO A PERSON WHO  
HAS BEEN EITHER THE SUBJECT OF A DEPORTATION ORDER OR  
DECLARED A PROHIBITED IMMIGRANT AND WHO NO LONGER  
RESIDES IN THE ISLANDS; AND FOR INCIDENTAL AND CONNECTED  
PURPOSES**

**THE IMMIGRATION (AMENDMENT) BILL, 2011**

**MEMORANDUM OF OBJECTS AND REASONS**

The Bill seeks to amend the Immigration Law (2010 Revision) to establish the circumstances under which a deportee, or a prohibited immigrant who no longer resides in the Islands, may be permitted temporarily to re-enter the Islands or to apply for the permanent revocation of the deportation order.

Clause 1 provides the short title.

Clause 2 makes provision for the revocation of a deportation order and sets out the requirements for re-entry into the Islands of a deportee or a prohibited immigrant who no longer resides in the Islands.

CAYMAN ISLANDS

**A BILL FOR A LAW TO AMEND THE IMMIGRATION LAW (2010 REVISION) TO ESTABLISH THE CONDITIONS UNDER WHICH RE-ENTRY INTO THE ISLANDS MAY BE GRANTED TO A PERSON WHO HAS BEEN EITHER THE SUBJECT OF A DEPORTATION ORDER OR DECLARED A PROHIBITED IMMIGRANT AND WHO NO LONGER RESIDES IN THE ISLANDS; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Immigration (Amendment) Law, 2011.
2. The Immigration Law (2010 Revision) is amended by repealing section 89 and substituting the following section-

"Power of Governor to make, revoke, vary or modify a deportation order, to set conditions for re-entry and to report to Secretary of State

89. (1) Subject to sections 87 and 88, the Governor may, if he thinks fit, make a deportation order in respect of any person who is-

- (a) a convicted and deportable person;
- (b) a destitute person;
- (c) a prohibited immigrant residing in the Islands;
- (d) a prohibited immigrant who has

Short title

Repeal and substitution of section 89 of the Immigration Law (2010 Revision) - power of Governor to make, revoke, vary or modify a deportation order and duty to report to Secretary of State

entered the Islands contrary to this or any earlier law;

- (e) a person whose permission to land and to remain or reside in the Islands or any extension thereof has expired or has been revoked and who fails to leave the Islands; or
- (f) a person whose application for asylum has been refused under section 84.

(2) Where the Governor considers that a person is an undesirable person, or that his presence in the Islands is not conducive to the public good, he may make a deportation order in respect of such person.

(3) The Governor-

- (a) may, upon application and subject to subsection (4), revoke a deportation order and may vary or modify its terms so as to permit the person in respect of whom it is made, to enter and land in the Islands for such purpose and subject to such conditions as may be specified; and
- (b) shall report any deportation order made, varied or modified by him, to the Secretary of State for Commonwealth Affairs.

(4) Where a person is subject to a deportation order made under subsection (1)(a) or (2), or where he is declared a prohibited immigrant, he shall not be permitted to apply for the revocation of the order or for permission to return to the Islands until he has resided away from the Islands for the minimum prescribed period.

(5) For the purposes of considering an application made under subsection (3) the Governor shall take into account the recommendations of the Cabinet Advisory Committee on Prohibited

Immigrants (in this Part called “the Committee”) which shall consist of the following members-

- (a) the Deputy Governor or his designate, who shall be the Chairman;
- (b) the Chief Immigration Officer or his designate;
- (c) the Commissioner of Police or his designate;
- (d) a psychiatrist, psychologist or other mental health professional licensed to practise in the Islands; and
- (e) a Secretary.

(6) The Committee in making its recommendations shall take into account, among other things-

- (a) the applicant’s criminal history;
- (b) the applicant’s country or countries of residence since being deported;
- (c) the applicant’s health;
- (d) the applicant’s written reasons for wishing to return to the Islands; and
- (e) where it deems necessary, a written statement of any victim of the applicant’s actions.

(7) The Committee shall meet at least once in every six months and upon such other occasions as, in the opinion of the Chairman, may be necessary or desirable in the public interest.

(8) At every meeting of the Committee-

- (a) there shall be a quorum of three members, excluding the Secretary who shall have no voting rights;
- (b) it shall reach its decisions by a majority of the votes of members present and voting; and
- (c) a record of the minutes shall be kept by the Secretary.

(9) Where an application made under subsection (3) is refused, the Governor shall cause

to be given to the applicant-

- (a) brief reasons for the decision ; and
- (b) advice as to when he may re-apply under subsection (3).

(10) Where an application made under subsection (3) is approved, the effect of the revocation of the order is to allow the applicant to re-enter the Islands for a period of up to twelve months initially.

(11) If at any point during the period of twelve months referred to in subsection (10) or after a deportation order is permanently revoked the person re-offends, the provisions of this Part shall apply.

(12) At the end of the period of twelve months referred to in subsection (10) application may be made to the Governor for the permanent revocation of the deportation order and on reaching its decision the Governor shall take into account the recommendation of the Committee.

(13) Where a person has been deported, or declared a prohibited immigrant for a second time, the Governor may order that he be debarred for an indefinite period from applying for permission to return to the Islands.”.

Passed by the Legislative Assembly the        day of                    2011.

Speaker.

Clerk of the Legislative Assembly.