



**Ministry of
Border Control,
Labour & Culture**

Cayman Islands Government

Reference Number: FOI/111678

Alric Lindsay

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26 -NOV-2024

Good morning Applicant Lindsay,

Thank you for your application dated 07-OCT-2024, and received by us on 11-OCT-2024.

Please accept my apologies for the lateness of this letter.

In response to your request and in conjunction with the information to items #s 1 and 6, supplied by the Cabinet Office's Information Manager, please be advised of my decision notated in red:-

The records requested are:

1. Total Number of Approvals of Prohibited Immigrants – Records reflecting annual number of prohibited immigrants approved for entry into the Cayman Islands by the Cabinet from 2017 to present. – answered by Cabinet Office's Information Manager's FOI #111570

2. Types of Prohibited Immigrants - Records showing types of prohibited immigrants Cabinet approved for entry (e.g. those with criminal records, overstayers, previously deported etc.) – records are exempt under FOI Sections 19(1)(a), 23(1) & 17(1)(c)

3. Reasons for Approval - Cabinet's reasons for approving the entry of prohibited immigrants in 1 above. - records are exempt under FOI Sections 19(1)(a), 23(1) & 17(1)(c)

4. Impact on Local Community - Records showing Cabinet's assessment of the potential impact of these approvals on the local community and public safety. - records are exempt under FOI Sections 19(1)(a), 23(1) & 17(1)(c)

5. Policy Changes - Records showing any changes to the policies or criteria for approving prohibited immigrants since 2017. – There was no previous policy for prohibited immigrants. Requests were dealt with case by case. Section 90 of the Customs and Border Control Act (2022 Revision) ("the Act") empowers Cabinet to issue a permit for the landing of any person to the Islands (including a person who is a prohibited immigrant), on such terms as may be specified in the permit. The Act makes no provision with respect to the period of time for which an individual who has acquired PI status is

prohibited from re-entering the Islands. While there is no established framework for Cabinet to follow in determining when re-admission to the jurisdiction might be appropriate, it must exercise its discretion to issue an entry permit rationally and reasonably taking account of all material information before it. Cabinet's decision must also be compatible with Part 1 of Schedule 2 to the Cayman Islands Constitution Order (the Bill of Rights ("the BoR")) However, a policy was prepared and is under consideration. - record exempt under FOI Section 19(1)(a).

6. Total Number of Waivers (for the sections identified in your email of 8th October 2024) under the Immigration Transition Act – Records reflecting the annual number of waivers by Cabinet of requirements under the Immigration Act or Immigration Transition Act from 2017 to present. - answered by Cabinet Office's Information Manager- #111570

7. Types of Immigration Waivers (for the sections identified in your email of 8th October 2024) - Records showing types of requirements waived in 6 above (eg no need to obtain a work permit) - records are exempt under FOI Sections 19(1)(a), 23(1) & 17(1)(c)

8. Reasons for Waiver (for the sections identified in your email of 8th October 2024) Approval - Cabinet's reasons for approving the entry of prohibited immigrants in 6 above. records are exempt under FOI Sections 19(1)(a), 23(1) & 17(1)(c)

The reasons for this public decision are:

All required documents involve persons' personal data and advice for presentation to Cabinet for consideration.

It would be unreasonable to disclose this level of detail relating to Prohibited Immigrants. Further, the personal data are all sensitive personal data and the Ministry has no legal basis under the Data Protection Act to disclose the personal data. Therefore, it is conclusive that the personal data are exempt under section 23(1) of the FOI Act and that no public interest test is required to be conducted.

The legal advice provided within these Cabinet Papers on behalf of the Attorney General is also exempt under section 17(1)(c) of the FOI Act.

The relevant records all contain opinions, advice or recommendations prepared for, or a record of consultations or deliberations of, the Cabinet, which are exempt under section 19(1)(a) of the FOI Act.

The exemptions set out in sections 17(1)(c) and 19(1)(a) of the FOI Act are absolute, class-based exemptions.

Under section 33 of the FOI Act, you may ask for an Internal Review of this decision to grant access to only some of the information you requested. You have 30 calendar days after receiving this notice to request an Internal Review of this decision. Any request for Internal Review must be in writing, including email, and can be sent using the contact details below. While you may include the basis on which you are requesting an Internal Review, this is not required.

If, upon Internal Review, this public authority's decision is still not favourable to you, you

have the right under section 42 of the FOI Act to appeal to the Ombudsman within 30 days of:

- the date of notification of the decision taken at Internal Review; or
- the date on which you should have been notified of the decision taken at Internal Review if you receive no notification.

You can find information on how to appeal to the Ombudsman at ombudsman.ky/foi. To contact the Ombudsman, please email info@ombudsman.ky or call +1 345 946 6283.



Regards,
Allyson Minus-Phillips
Freedom of Information Manager



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