

Mr. Chairman, Madam President Elect, Members of the Chamber Executive, Chairman of the Immigration Review Team, fellow Members of the Legislative Assembly, Deputy Chairman of the Immigration Board, Ladies and Gentlemen.

I welcome the opportunity to speak to your membership today to provide details of the substantial progress that has been made by the UDP in tackling the issue of Immigration in our country.

You only have to read the newspapers of any other country to realize that Immigration is a major issue in any developing or developed country.

In the Cayman Islands successive governments have in turn attempted to resolve or more often than not have totally ignored the growing problem of immigration in our country.

The last major amendments to our Immigration Law were done in 1992 and since then a Select Committee of the Whole House and Vision 2008 have produced recommendations **none** of which had been implemented at the time the UDP became your Government.

Since November of 2001 we the UDP and the Cabinet have made certain amendments to the Law including the creation of the Immigration Appeals Tribunal as recommended in Vision 2008.

We have also received and carefully considered over 100 pages of detailed reports from the Immigration Review Team since December 2001. This team consists of the former Chairman of the Immigration Board Mrs. Sherri Booden-Cowan, the Chairman of Immigration for Vision 2008 Mr. Patrick Schmidt, the Chief Immigration Officer Mr. Orrett Connor, Crown Counsel from the Government Legal Dept., Mrs Sheena Frederick Westerborg and three backbench MLA,S Mr. Rolston Anglin, Mr.Gilbert Mclean who was replaced by Mr. Lyndon Martin and Mr. Alden Mclaughlin of the PPM.

The First Interim Report dealing with an overall structure for Immigration and work permits was received in mid December 2001 and the Second Interim Report dealing with Caymanian Status and Permanent Residency was received by Cabinet in September 2002. This year the Cabinet has instructed the Attorney General to refer both the First and Second Interim reports to the legal draftsman for drafting and the Third and Final Report on Administration, Entry and Landing is now being worked on. We have been criticized for dragging our feet in bringing new legislation to the House. This is an accusation which is totally without merit. In less than two years we have done more to ensure that the present situation is resolved and a new law brought into force than any other Government.

In addition to the reports of the IRT we have sought the views and advice of our constituents and the people of these islands as a whole. We have also been urged by the United Kingdom to be mindful of generally acceptable international standards of Human Rights concerning Immigration and the rights of abode of non citizens.

In fact the United Kingdom took such close interest in this matter that the previous Governor, Mr. Peter Smith had taken over responsibility for the granting of citizenship personally and was making grants to a certain chosen few residents without opposition from anyone.

Having reviewed the situation we came to the conclusion that we must first recognise the fact that there were many persons residing in our islands who were not Caymanian but have been long term residents, many of whom have made outstanding contributions to our islands growth and success over the last three decades.

The current situation of expatriats feeling disenfranchised and Caymanians feeling threatened could not be allowed to continue if the peace and harmony previously enjoyed by our community was going to be maintained.

Prior to presenting a new law our first objective was therefore to address these long terms residents.

It is true that according to Immigration Statistics there are approximately 6,000 persons ordinarily resident here on work permits for over ten years. It is totally false and misleading to say that we the Govt. and the UDP committed to granting 6,000 persons Caymanian status in one fell swoop.

Through the Cabinet and with the clear and unequivocal authority of the current Immigration Law, we the Government in Cabinet have identified and granted Caymanian status to approximately 1,890 long term residents.

These residents are from every walk of life and every cultural and educational background. They have made their contributions in many ways. They have taught our children, ministered to our souls, helped to build our financial industry, tended to our community, invested in our lands, our businesses and our infrastructure.

To those with their newly acquired Caymanian status I say congratulations. You should be proud of your accomplishments and the fact you are now part of us. You have a Government that unlike those in many other countries recognizes and appreciates your contributions to this small territory. We welcome you and trust that you will continue to contribute in your own unique way to the future progress of our country. Please bear in mind that we are a small territory and decisions taken by you in the future, whether in

business or in the workplace will affect your fellow Caymanians. The only way to ensure that the country continues to progress is for us to maintain unity and harmony amongst our citizens.

There has been so much talk of the lists compiled by the Government in consultation with the Dept. of Immigration. I firmly believe that the Opposition has done its utmost best to draw your minds away from what was truly taking place here. Their message has been a very divisive one. They have focused on singling out certain persons who they assume have obtained a grant of status, to examine the merits of them obtaining it and to drag their private life through the public domain for derision. Persons who should and would be proud to be Caymanian are now afraid to even admit that they are to some people.

I ask you today, if any of you were Members of the Immigration Board or the Cabinet would any of us be able to agree on the exact same names selected in this process? I hardly think so. I do not wish to comment on any individual names and I certainly do not intend to take questions if any individual is being singled out by anyone here for victimization but I would say that we are comfortable that we had a special cause, a just cause for making the grants that we made and we will be standing by them.

In developing a new strategy for immigration we were also forced to acknowledge the need for legislation which would provide for the controlled growth in our local population for the future and for the protection of Caymanians.

We are also on target as usual to ensure that our second objective is accomplished. A draft bill on Immigration will be published for discussion purposes only which will be brought back to the Legislative Assembly for debate in November.

The initial stages of both our objectives have now been accomplished. Those two objectives were from the very outset were as recommended, to:

- a) settle long term residents employed on work permits in the Island prior to the provisions of the new law coming into effect and
- b) to bring in force a new law which would create a new and progressive systems of rights for Caymanians and work permit holders for the future.

This Bill contains new provisions for the grant of Caymanian status, permanent residency and work permits.

Supporting provisions relating to Administration and Entry and Landing are also being addressed and will be in the final draft to be debated in the Legislative Assembly. These provisions are unlikely to invoke much public debate. They relate to the creation of new Boards to be called the Work Permit Board, the Caymanian Status and Permanent Residency Board and the Business Staffing Plan Board. And additional provisions for administering the new law and the expansion of certain provisions relating to Entry and Landing which will assist the Chief Immigration Officer in the carrying out of his duties. Some of the highlights of the new bill are as follows:

1. All Caymanians will be identified as Caymanians. The words Caymanian Status will not be used in relation to those who have the right to be called Caymanian. However there will continue to be a number of legal distinctions between Caymanians of right and Caymanians by grant of the Board.
2. The children, grandchildren and spouses of Caymanians who are not Caymanian as of right will be given the right to apply for a grant from the Board so long as they are ordinarily resident in the Islands. This will encourage the return of our relatives their children and spouses who have lived abroad and encourage them to return to their heritage and to become a part of our community.

3. Applications for the grant of Caymanian status on the grounds of ten years residence will be done away with in favour of a new system of graduated rights where permanent residents will apply for naturalization and then the right to be Caymanian based on the fact that they have become naturalized as British Overseas Territory Citizens as a result of their connections with the Cayman Islands.. In other words you will have to become a citizen of these Islands if you want to be eligible to apply for a grant.

4. The law will ensure that for persons obtaining a right to be Caymanian such right cannot be passed on to minor children not resident in this jurisdiction. The law will also make it clear that if you are granted the right to be Caymanian and you breach our trust by committing criminal offences. Your rights to be Caymanian will be revoked.

5. **The quota system will be abolished.** There will in the future be no limitations on the number of grants that can be made by the Board. However each application will in future be judged on its own merits and in accordance with the criteria set out in the new law.

There will be a **final quota** issued for the year 2004 as part of the savings provisions and as a transition from the rights that exist under the current law to the

the rights included in the new law. All persons who are eligible for a grant of Caymanian status as a result of ten years residency or more will be invited to apply to the Board for a grant of Caymanian status.

The deadline issued by the Board for the consideration of status applications under the 2003 quota was September 1, 2003. This 2004 quota will allow the Immigration Board to consider applications from anyone wishing to apply and will include any applications received from persons restricted by Law from applying since 2001 for a period of two years.

Now ladies and gentlemen, by Cabinet granting some long term residents, Caymanian status the number of applicants that are forced to compete against each other for the quota issued in 2003 and the quota to be issued in 2004 has been significantly decreased. I am advised by the Department of Immigration that of the 500 applications received under the 2003 quota approximately 150 have already been granted Caymanian status by Cabinet. That means that the chances of the remaining 350 will dramatically increase. The Opposition have charged that some long term residents are being left out. This is simply not true. Every resident of over 10 years has had an opportunity to apply to the Board in 2003 and once again can exercise that right prior to the new law coming into effect in 2004. **No one is being left out.** Everyone has been and will be given an opportunity to apply.

6. There will be **FOUR** new categories of permanent residency:

- a) **Long term residents** of over 8 years residency who will apply and be considered under a new point system to be published in the Regulations;
- b) **Spouses of Caymanians** who will be given the right to reside and work by grant of a Residency and Employment Rights Certificate;
- c) **Wealthy retirees** over the age of 55 years who will be eligible to apply for a right to reside without a right to work to be issued by the Chief Immigration Officer for a period of up to 25 years in accordance with the criteria laid down in the law and the regulations.
- d) A totally new category of permanent residency for **wealthy entrepreneurs and investors** who will be eligible to apply to the Chief Immigration Officer for a 25 year certificate if they comply with the criteria in the law which will require very substantial investments in a local business employing Caymanians.
- e) For work permit holders **work permits of up to three years** will be issued. For domestics, teachers, doctors and nurses and companies with Business Staffing

Plans work permits of up to five years can be issued by the Board. This will alleviate much administrative red tape by ensuring that less applications for the renewal of work permits have to be filed by businesses and processed by the Department of Immigration.

- f) **For work permit holders arriving on the island after the new law has come into effect and** who wish to remain long term , assessments for the right to permanently reside will be made prior to year ten of their residency. Each person will be assessed on their experience, qualifications, the needs of the country and as to whether or not they are key employees or employees to whom special circumstances apply. Ten years is the ceiling under the European Convention of Nationality after which residents should be offered an opportunity for citizenship.
- g) **Key people** will be clearly defined in the Law and will include persons from every profession but who are likely to be found in the major industries such as the financial community, the hospitality industry and commerce. These will be people whose contacts are critical to the continued success of the business, persons responsible for the genuine training of Caymanians and whose expertise is crucial to the continuation of the training programme, persons whose particular skills are hard to procure worldwide or who has rare specialized expertise that cannot easily be found worldwide.

h) A revised and improved Business Staffing Plan system will be made available for all companies. This will enable long term planning for all employers who will not only be able to identify key personnel in advance but who will be able to meet with the Business Staffing Plan Board to present proposals for their staffing needs over the next three to five years. This will ensure that all employers provide adequate training and succession planning for Caymanians. Special provisions relating to professionals and persons applying for partnerships are also included in the new law.

In conclusion the many far reaching changes found in this new piece of legislation would be too many to name. We believe that this legislation will encourage inward investment through a clear and transparent permanent residency system not bogged down in uncertainty and red tape. It will encourage Caymanians from abroad to return to make their own contributions to our islands and it will welcome the new spouses of Caymanians and key employees and encourage them to become a part of our community.

On the other hand it will closely scrutinize and evaluate the many work permit holders who would chose to remain here for the longer term. Statistics show that over 81% of our current work permit force have been resident in the islands for longer than five years. Ask

yourselves what we can or will be obliged to offer these workers when they reach year ten.

This law will ensure a system of upward mobility and training for Caymanians.

Through requiring succession planning and business staffing plans for larger businesses employers will have to consider their human resource needs for the immediate future and will be given every opportunity and encouragement to train and promote Caymanians. At the same time all Employers will be permitted to retain for the long term the expertise of any non Caymanian employees who are key to their business.

We encourage you all to obtain a copy of the First Draft when it becomes available and through your Chamber or individually to offer constructive suggestions which can be properly considered by us prior to a new bill coming before the House in November.

Thank you and I will be taking your questions. Together with the Chairperson of the IRT,

Mrs. Sherri Bodden- Cowan.

W. MCKEEVA BUSH September 23rd 2003.