



# Legislative Assembly of the Cayman Islands

## PRIVATE MEMBER'S MOTION NO. 3/2014-2015

### Inequity in the Immigration Law

WHEREAS the Immigration (Amendment) (No. 2) Law, 2013 provides for the grant of Permanent Residency thereby allowing foreign residents to reside permanently and without restrictions in the Cayman Islands after being resident for a period of nine (9) years;

AND WHEREAS the spouse of a Permanent Resident may be added as a dependant and allowed to reside permanently and without restrictions in the Cayman Islands provided that the marriage is subsisting;

AND WHEREAS the Immigration (Amendment) (No. 2) Law, 2013 provides for the grant of a Residency and Employment Rights Certificate to the foreign spouse of a Caymanian;

AND WHEREAS a Permanent Resident and their spouse become eligible to apply for naturalization as British Overseas Territories Citizens of the Cayman Islands following one (1) year of such grant, pursuant to paragraph 7 of Schedule 1 of the British Nationality Act 1981:

*“Subject to paragraph 8, the requirements for naturalization as a British Dependent Territories citizen under section 18 (2) are, in the case of any person who applies for it-*

- (a) that he was in the relevant territory at the beginning of the period of three years ending with the date of the application, and that the number of days on which he was absent from the territory in that period does not exceed 270; and*
- (b) that the number of days on which he was absent from the territory in the period of twelve months so ending does not exceed 90; and*
- (c) that on the date of application he was not subject under the immigration laws to any restriction on the period for which he might remain in that territory; and*
- (d) that he was not at any time in the period of three years ending with the date of the application in that territory in breach of the immigration laws; and.....”;*

AND WHEREAS the foreign spouse of a Caymanian is not eligible to apply for naturalization as a British Overseas Territories Citizen of the Cayman Islands until after seven (7) years of the marriage subsisting and following the successful grant of Caymanian Status;

AND WHEREAS a disparity in rights conferred by the British Nationality Act 1981 and the Immigration Law on the spouses of Permanent Residents versus the foreign spouses of Caymanians has existed for many years;

AND WHEREAS the apparent anomaly that has been created by the restrictions imposed on foreign spouses of Caymanians by the Immigration Law is causing tensions within the Caymanian community and is viewed by Caymanians as unfair treatment;

BE IT THEREFORE RESOLVED THAT the Government consider amending the Immigration Law with immediate effect to have this anomaly corrected with the desired objective of ensuring that Caymanians and their foreign spouses be afforded equal, if not greater, rights than Permanent Residents and their dependent spouses.

Moved by:

---

Mr. Anthony S Eden, OBE, JP, MLA  
Deputy Speaker  
First Elected Member for Bodden Town

Seconded by:

---

Mr. Alva H Suckoo, MLA  
Fourth Elected Member for Bodden Town

Tabled in the Office of the Clerk this 15<sup>th</sup> day of May, 2014.

Passed by the Cayman Islands Legislative Assembly this 12<sup>th</sup> day of September, 2014.

Clerk of the Legislative Assembly