



Office of the Leader
of the Opposition
Cayman Islands Government

Hon. Wayne Panton
Premier of the Cayman Islands
Government Administration Building
George Town, Grand Cayman

October 3, 2021

Dear Premier Panton,

Re: Customs & Border Control Amendment Bill, and The Immigration Transition Amendment Bill

On behalf of the members of the Opposition, I write to advise that we have serious concerns with the above bills. As such, we ask that the Government urgently consider withdrawing the Bills when Parliament meets tomorrow morning.

We have had concerns regarding these Bills since they were published, and it became apparent how far-reaching they were - far beyond the scope of only work permit holders. Our concerns include, but are not limited, to the following:

- Bills this far-reaching deserve proper public consultation - these Bills have received scant if any public consultation, and indeed the ten days is insufficient time.
- Aspects of the Bills impinge on the rights and freedoms of spouses, civil partners, children and dependents of Caymanians.
- Aspects of the Bills appear to be discriminatory; indeed, they are also divisive and will, in the end, provide no absolute meaningful protection from the virus since the vaccinated can also contract it and pass it on.
- The Bills negatively, and we believe unfairly, impact a broad cross-section of persons who we have invited here to work, invest, do business and live. Passage of these Bills will have a negative impact economically and reputationally on our Islands.
- We agree with the position highlighted in the letter from Law firm KSG that the Government's proposed vaccination mandates threaten rights protected under our constitution: Including section 2 (right to life); section 3 (prohibition of inhumane treatment); section 9 (right to private life); section 10 (right to freedom of conscience and religion); and section 16 (freedom from discrimination).

Roy M. McTaggart JP MP
Leader of the Opposition
D. +1 (345) 916-2330
E. roy.mctaggart@parliament.ky

294 Crewe Road
PO Box 10526
Grand Cayman KY1-1005



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- Our present law requires non-nationals who wish to apply to work and reside here to prove that they are not suffering from a communicable disease that would make "the persons entry into the Islands dangerous to the community". In the case of the SARS COVID 2 virus, being vaccinated is no indication that one does not suffer from the communicable disease. Only a suitable test for the presence of the virus before arriving and again after an appropriate quarantine period provides sufficient satisfaction that the person is not infected with the virus and able to transmit it.

In summary, the extent of the Bills, especially the application to non-nationals only, appears to be unprecedented anywhere and breach a number of the fundamental rights protected by both the Bill of Rights and Responsibilities, set out in the Cayman Islands constitution, as well as the European Convention on Human Rights by which the Cayman Islands is also bound. They have the potential to harm our Islands economically and reputationally and are divisive.

As such, our view is that if the legislation is passed in its current form, it is likely to be declared incompatible with our constitution when, inevitably, it is challenged in the courts. What's more, mandating vaccinations will have no appreciable impact on the trajectory of the current community spread of the virus. The Country would be well served by these Bills being withdrawn when Parliament convenes on Monday.

I look forward to receiving your response.

Yours sincerely,

Hon Roy McTaggart
Leader of the Opposition

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