

CAYMAN ISLANDS

LAW 23 of 1971

I assent,

K.R. Crook.

Governor

27th March, 1972

A LAW TO CONSOLIDATE THE LAW AFFECTING PERSONS WHO DO NOT BELONG TO THE CAYMAN ISLANDS, WHEREBY CONTROL IS EXERCISED OVER THE ENTRY, RESIDENCE, ENGAGEMENT IN GAINFUL OCCUPATION, REMOVAL AND DEPORTATION OF SUCH PERSONS, AND TO MAKE PROVISION WITH RESPECT TO THE ACQUISITION AND ENJOYMENT BY PERSONS WHO BELONG TO THESE ISLANDS, OF CAYMANIAN STATUS.

~~ENACTED by the Legislature of the Cayman Islands.~~

PART I

PRELIMINARY

Short title,
and com-
mencement.

1. This Law may be cited as the Caymanian Protection Law, 1971, and shall come into operation on a day to be appointed by the Governor by Government Notice pub-
(Revised)

~~lished in the Cayman Islands after the signification of
Her Majesty's pleasure has been obtained.~~

2. In this Law, unless the context otherwise requires -

Interpretation

"Appellate Tribunal" means the Board or the Governor, as the case may be, acting in an appellate capacity;

"Board" means the Caymanian Protection Board established by this Law;

"British Subject" means a person who is a British subject by virtue of any provision of the Acts of Parliament of the United Kingdom entitled the British Nationality Acts, 1948 to 1965, or any amending or replacing Act, and for the purpose of this Law shall include a citizen of the Republic of Ireland;

1 & 12 Geo. 6 c. 5
6 & 7 Eliz. 2 c.
2 & 13 Eliz. 2 c.
2 & 13 Eliz. 2 c.
3 & 14 Eliz. 2 c.

"Caymanian status" has the meaning assigned to it in section 14;

"Caymanian status as of right" has the meaning assigned to it in section 15;

"Caymanian status by grant" has the meaning assigned to it in section 17;

"Chairman" means the Chairman of the Board;

"Convicted and deportable person" means a person in respect of whom any court certifies to the Governor that he has been convicted by that court or by an inferior court from which his case has been brought by way of appeal, of any offence punishable with imprisonment, otherwise than only in default of payment of a fine, and recommends that a deportation order should be made in his case, either in addition to or in lieu of sentence;

"Crew" means persons employed in working or service of a vessel;

The Caymanian Protection Law, 1971

"dependant" in relation to any person means the wife or, as the case may be, the husband of that person, and any of the following relations of that person, that is to say, a child, step-child, adopted child, grandchild, parent, step-parent, grandparent brother, sister, half-brother or half-sister, being in each case wholly or substantially dependent upon that person;

"deportation order" means an order made or in force under Part VI requiring the person in respect of whom it is made to leave and remain out of the Islands;

"destitute person" means a person who is, or is likely to be, a charge on public funds by reason of mental or bodily ill-health or insufficiency of means to support himself and his dependants (if any);

"domicil" and its derivatives has the meaning ordinarily applied to that expression at Common Law;

"gainful occupation" and "gainfully occupied" means the carrying on of or employment in any profession, trade, business, or other avocation, for gain or reward, in, or with relation to the Cayman Islands, unless expressly excepted by some provision of this Law;

"Governor" means the Governor in Council;

"Health Officer" means any Government Medical Officer in the Islands or any registered medical practitioner appointed by the Governor to be a Health Officer for the purposes of this Law;

"household" includes such members of the family and such domestic and other servants of a person exempted under section 23 or holding a licence under section 28 (2) as may be specifically permitted by the Governor or the Board, as the case may be, to reside with such person in the Cayman Islands during the currency of such person's exemption or licence;

"keeper", where used in relation to premises

where accommodation is provided for reward, includes any person who for reward, receives any other person to lodge in the premises whether on his own behalf or as a manager or otherwise on behalf of any other person;

"**Lands**" includes arrival or entry by any form of conveyance, and references to landing, unless the context otherwise implies include reference to attempting to land;

"**local agent**", in relation to a vessel means -

(i) the owner of the vessel if the owner is in the Cayman Islands; or

(ii) any corporate body owning or operating (whether under charter or otherwise) the vessel for the time being, where such corporate body maintains an office in the Cayman Islands; or

(iii) the agent in the Cayman Islands for the person or corporate body for the time being owning or operating the vessel;

"**non-Caymanian status**", with regard to any person means a person who is not of and who has not acquired Caymanian status;

"**passenger**" means any person, other than a member of the crew, travelling on board a vessel;

"**passport**" means a current valid passport furnished with a photograph and duly issued in favour of the person named therein;

"**prescribed**" in relation to any matter means prescribed by any regulation made under this Law;

"**prohibited immigrant**" has the meaning assigned to it in section 37;

"**regulation**" means any regulation, rule or order made pursuant to this Law;

"**Secretary**" means the Secretary of the Board appointed under sub-section (5) of section 8;

"**stop list**" has the meaning ascribed to it in section 38;

"undesirable person" means a person who in the opinion of the Governor is or has been so conducting himself (whether within or outside the Cayman Islands) that his presence in these Islands is or is likely to be prejudicial to the maintenance of peace, order and good government or public morals in the Islands;

"vessel" includes aircraft or hovercraft, and "master of a vessel" includes the pilot of an aircraft or hovercraft.

Conflict
with other
laws.

3. Except as otherwise expressly provided, wherever any provision of this Law or of a regulation is in conflict with any other law or regulation, the provision of this Law, or regulation, as the case may be, shall prevail.

Savings
of other
laws.

Law 21 of 1974
~~Cap. 38~~

Cap. 38

4. Nothing in this Law shall be construed so as to derogate from or abridge any provision of -

- (a) the ~~Quarantine~~ ^{Public Health} Law;
- (b) the Diplomatic Immunities (Commonwealth Countries and the Republic of Ireland) Law;
- (c) The Diplomatic Privileges (Extension) Law; or
- (d) The Caribbean Development Bank Law, 1970.

Cap. 33

Law 6 of 1970

PART II

ADMINISTRATION

Establish-
ment of
the Board.

5. There is hereby established a Board called the Caymanian Protection Board consisting of a Chairman, Deputy Chairman and seven other members who shall be appointed by and hold office at the pleasure of the Governor.

Functions
of the
Board.

6. Subject to the provisions of Section 16, the Board shall have the following functions and powers -

- (a) the determination of Caymanian status in cases of doubt;
- (b) the grant of Caymanian status;
- (c) the determination of immigration appeals;
- (d) the grant of gainful occupation permits to certain persons of non-Caymanian status;
- (e) the determination of any ancillary matter

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- connected with the above;
- (f) such other functions and powers within the scope of this Law as the Governor may from time to time assign to it by regulation; and
 - (g) such other functions and powers as may be assigned to it under any other Law.

7. The Governor shall appoint a Chief Immigration Officer and may appoint such other immigration officers as from time to time he may deem fit, for the purpose of carrying out the provisions of this Law. Such officers shall have all the rights, powers, privileges and immunities of a constable when discharging their duties under this Law and may, for that purpose, board and search any vessel.

Appoint-
ment of
immigra-
tion
officers.

8. (1) The Board shall meet at least once in every calendar month and upon such other occasions as, in the opinion of the Chairman, shall be necessary or desirable in the public interest.

Meetings
of the
Board.

(2) Any member of the Board who, without obtaining the prior written permission of the Chairman shall be absent from any two out of five consecutive meetings of the Board shall ipso facto cease to be a member of the Board.

(3) In the absence of the Chairman and the Deputy Chairman at any meeting, the members present at such meeting may elect one of their number to preside as Chairman at that meeting.

(4) The Board shall reach its decisions by a majority of the votes of the members present and voting at any meeting and, in the event of the votes being equal, the Chairman or presiding member shall have a second or casting vote. Five members of the Board present at any meeting shall form a quorum.

(5) If a member of the Board has any personal or pecuniary interest, direct or indirect, in any matter which is to be determined by the Board, he shall, if present at the meeting of the Board at which such matter is to be determined, as soon as practicable after the commence-

ment thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect thereto.

(5) The Governor shall appoint a Secretary of the Board who shall record and keep all minutes of the meetings, proceedings and decisions of the Board.

(7) Subject to the foregoing provisions, the Board shall have power to regulate its own procedure.

Remuneration of the Board.

9. Those members of the Board who are not public officers, shall receive such remuneration in respect of each meeting attended, and the Chairman and Deputy Chairman shall receive such additional annual remuneration, as may be determined from time to time by the Governor.

Appeal from decisions of an immigration officer.

10. Any person aggrieved or dissatisfied with any decision of an immigration officer may within seven days of the communication of the decision to him appeal therefrom to the Board whose decision shall be final and binding upon the appellant.

Appeals from decisions of the Board.

11. Any person aggrieved or dissatisfied with any decision of the Board other than a decision under section 10 may, within twenty one days of the communication of the decision to him, appeal therefrom to the Governor whose decision shall be final and binding upon the appellant.

Conduct of appeals.

12. (1) Appeals under sections 10 and 11 shall be by notice in writing addressed, in the case of appeals under section 10, to the Secretary, and in the case of appeals under section 11, to the Clerk of the Executive Council, and shall set forth -

- (a) the original application;
- (b) the decision against which the appeal is made;
- (c) the grounds of the appeal, and
- (d) whether or not the appellant wishes to be heard personally or by a representative.

(2) On receipt of the Notice of Appeal the Appellate Tribunal shall, if the appellant has applied to be heard personally or by a representative, decide whether he shall be so heard and, if it is so decided, fix a time and a date

for such hearing and notify the appellant and, as the case may be, the immigration officer or the Board thereof.

(3) At every hearing of an appeal where the appellant or his representative is present, the appellant or his representative shall be given an opportunity to address the Appellate Tribunal, and the immigration officer or his representative or the representative of the Board, as the case may be, shall be heard in answer if called upon by the tribunal in that behalf. The Appellate Tribunal may in its absolute discretion, call upon either party further to address it.

(4) Representatives appearing on behalf of either party need not necessarily be persons having legal qualifications.

(5) The decision of the Appellate Tribunal shall be notified to the appellant with the least possible delay.

13. Decisions made under or by virtue of sections 6, 10, and 11 shall be deemed to be administrative and not judicial decisions, and no person shall be required to give any reason for such decision, and such decision shall not be questioned in any Court of Law.

Decisions
to be adminis-
trative.

PART III CAYMANIAN STATUS

14. Every British subject who -

- (a) is qualified as of right for Caymanian status under section 15; or
- (b) has been granted Caymanian status under section 17, and has not in either case lost such status,

is a person of Caymanian status.

Definition
of Cayman-
ian status.

15. Every British subject who -

- (a) was born in the Cayman Islands or of parents at least one of whom at the time of his birth was domiciled or ordinarily resident in the Cayman Islands; or
- (b) was domiciled in the Cayman Islands at the time of the coming into effect of this Law and has been declared to be so domiciled under subsection (1) of Section 16; or
- (c) has been ordinarily resident in the Cayman

Caymanian
status as
of right.

[Handwritten signature]

Islands for a total period of five years out of the seven years immediately prior to the coming into effect of this Law; or

(d) has been and remained a grantee of Caymanian status under section 17 for a period of five years and upwards; or

(e) is the child, or a step-child or an adopted child under the age of eighteen years, of a person to whom any of the foregoing paragraphs of this section apply, provided that in the case of an adopted child such adoption has been in a manner recognised by the law of the domicile of such person at the time of such adoption; or

(f) is a citizen of the United Kingdom and Colonies by reason of the grant by the Governor of a certificate of Naturalisation under the British Nationality and Status of Aliens Acts 1914-1943, or a certificate of Naturalisation or of registration under the British Nationality Acts 1948-1965 or any Act amending or replacing those Acts,

is a person of Caymanian status as of right.

16. (1) Any British subject claiming to be of Caymanian Status by virtue of paragraphs (a) or (e) of section 15 or claiming to be ordinarily resident or domiciled in the Cayman Islands for any purposes of this Law may at any time apply to the Grand Court for a declaration to that effect and the declaration of the Grand Court in that behalf shall be final and binding for all purposes of this Law.

(2) In determining whether a person is entitled to such a declaration, the said Court shall not take into account any period of residence in the Cayman Islands prior to seven years before the application, nor any period of absence from the Cayman Islands -

(a) for the purpose of acquiring education, or

(b) rendered necessary for reasons of health or force majeure.

17. (1) Any British subject who has attained the age of eighteen years may at any time make application to the Board for the grant of Caymanian status, and if the Board is satisfied -

4 & 5 Geo. 5 c. 17
8 & 9 Geo. 5 c. 38
12 & 13 Geo. 5 c. 44
23 & 24 Geo. 5 c. 49
6 & 7 Geo. 6 c. 14
11 & 12 Geo. 6 c. 56
6 & 7 Eliz. 2 c. 10
12 & 13 Eliz. 2 c. 22
12 & 13 Eliz. 2 c. 54
13 & 14 Eliz. 2 c. 34.

Determin-
ation of
ordinary
residence
and
domicil.

Grant of
Caymanian
status.

- (a) that the applicant has been ordinarily resident in the Cayman Islands for a period of five years and upwards immediately prior to the making of the application or has been declared to be so resident under subsection (1) of section 16,
- (b) that the applicant is, or would upon the grant to him of Caymanian status become domiciled in the Cayman Islands,
- (c) that the applicant is of good character, and
- (d) that the grant of the application is not contrary to the public interest,

the Board may make a grant of Caymanian status in favour of the applicant:

Provided that, in the case of a married female applicant living apart from her husband whose domicile is, by reason of her marital status, beyond her own control, condition (b) shall not apply as a bar to the grant to her of Caymanian status.

(2) The wife of every person having Caymanian status as of right who is not living apart from such person under a decree of a competent court or deed of separation shall, if not of Caymanian status at the time of the marriage, be deemed, if a British subject, to have Caymanian status by grant for all purposes of this Law with effect from the date of such marriage or the date when such person acquired such status, whichever is the later.

(3) Notwithstanding that the conditions of subsection (1) may not have been satisfied, the Governor may on the advice of the Board make a grant of Caymanian status to any person being a British Subject if, in his opinion, special circumstances warrant his so doing.

18. (1) Applications under section 17 shall be in the prescribed form and shall be made to the Chairman through the Secretary and shall be accompanied by the prescribed fee. The application shall be made in duplicate and shall state whether or not the applicant wishes to be heard in person.

(2) A copy of every application shall be forwarded by

Procedure
of the
Board in
consider-
ing appli-
cations for
a grant.

The Caymanian Protection Law, 1971-

the Secretary to the Commissioner of Police who may make such representations to the Board as he may deem proper.

(3) Where the applicant has requested to be heard in person, the Board, at its discretion, may or may not accede to such request.

(4) In granting or rejecting an application under section 17 the Board shall be deemed to act administratively and not judicially and shall not be bound to give reasons for its decision, but shall inform the applicant of his right of appeal under section 11.

(5) Where an application has been rejected, the applicant shall not be permitted to make any further application until after the lapse of one year, or, if the Board so orders, the lapse of two years from the date of that application.

Evidence
of Cayman-
ian status
by grant.

19. (1) The Secretary shall keep a record of every application for a grant of Caymanian status and the result thereof. A grant of Caymanian status shall be evidenced by a certificate under the hand of the Chairman or by the Governor as the case may be which shall be in the following form -

THE CAYMANIAN PROTECTION LAW

(Section 19)

THIS IS TO CERTIFY THAT. of.
has with effect from this day been granted Caymanian status for
all purposes of the above Law.

Dated this. day of. 19

Chairman of the Caymanian Protection Board/Governor.

(2) A copy of the certificate shall be sent by the Secretary to the Government Statistician and to the Chief Immigration Officer and shall be published in the Gazette. The Secretary shall also retain a copy in the grantee's record.

(3) Until the certificate is forfeited or revoked under the provisions of this Law, the certificate shall be prima facie evidence that the grantee is a person of Caymanian

status.

(4) In the event of the grantee's certificate becoming lost or destroyed, it shall be lawful for the Secretary to issue a duplicate thereof on payment by the grantee of the prescribed fee.

20. (1) Every person having Caymanian status who -

(a) ceases to be a British Subject; or

(b) being a person having Caymanian status by grant, acquires a domicile of choice other than a Cayman Islands domicile,

shall ipso facto cease to be a person of Caymanian status.

(2) The Board may by order deprive of his Caymanian status any person who has been granted Caymanian status by virtue of section 17 if the Board is satisfied that the grant of Caymanian status was obtained by means of fraud, false representation or the concealment of any material fact, and any person who has been so deprived of Caymanian status shall for the purposes of this Law be treated as if he had never acquired, possessed or enjoyed Caymanian status.

21. (1) Every grantee of Caymanian status by virtue of section 17 who is the subject of an order, made in that behalf by the Board, under subsection (2) of section 22, shall forfeit Caymanian status and shall forthwith return to the Secretary his certificate of Caymanian status.

(2) The Secretary, on becoming aware that any person has forfeited or been deprived of Caymanian status shall notify the Government Statistician and the Chief Immigration Officer thereof, and shall cause notice of such forfeiture or deprivation to be published in the Gazette.

22. (1) Where any grantee of Caymanian status under section 17 is, within five years of such grant, convicted by any Court of an offence which in the opinion of the Court -

(a) is a matter of gravity, or

(b) was made possible by or was facilitated by or was connected with the offender's Caymanian

Loss of
Caymanian
status

Forfeiture of
Caymanian sta

Powers
Courts.

status,

the Court may, in addition to any other punishment inflicted, make a recommendation that the offender shall forfeit his Caymanian status, and in such case shall direct the Clerk of the Court to give notice of the recommendation to the Secretary.

(2) The Board may on receipt of such notice make an order revoking the offender's grant of Caymanian status.

PART IV

GAINFUL OCCUPATION OF PERSONS OF NON-CAYMANIAN STATUS.

Persons
exempted.

23. This Part shall have no application to -

(1) persons certified by the Governor to the Board to be -

- (a) persons employed by the Government of the Cayman Islands;
- (b) persons employed in the Cayman Islands by the Government of the United Kingdom;
- (c) Consular officers and their staffs;
- (d) accredited representatives or agents of a government of any part of the Commonwealth;
- (e) Members of Her Majesty's armed forces;
- (f) members of the households of any of the above mentioned persons named by the Governor;

(2) such persons as may from time to time be declared by the Governor to be exempt for any purpose either unconditionally or subject to such conditions as may be prescribed;

(3) members of the crew of any vessel engaged in their duties as such;

(4) such other class or classes of persons as may from time to time be prescribed.

Licence
required
for gain-
ful employ-
ment of per-
sons of non-
Caymanian
status.

24. Save as otherwise provided by this Law, no person of non-Caymanian status, other than persons already lawfully in gainful occupation in the Islands at the time of the coming into effect of this Law, shall be gainfully occupied

in the Islands unless licensed in that behalf by the Board.

25. An application for a gainful occupation licence may be made to the Chairman, through the Secretary, by the person seeking the licence, or by the prospective employer, of such person.

Applicatio
for licence

26. Such application shall be in the prescribed form and shall be accompanied by the prescribed fee and such other documentary evidence as may be prescribed.

The form
of the
applicatio

27. The Board, in considering any application under section 25 shall, subject to any general directions which the Governor may from time to time give in respect of the consideration of such applications, take particularly into account -

Considera-
tion of the
application
by the Boar

- (a) the character, reputation and health of the applicant, and, where relevant, of any member of his household;
- (b) the professional or technical qualifications of the applicant;
- (c) the availability of the services of persons already resident in the Islands;
- (d) the protection of local interest;
- (e) the economic and social benefit which the applicant may bring to the Islands or enhance by his presence;
- (f) the sufficiency of the applicant's resources or proposed salary; and
- (g) generally, the requirements of the community as a whole, and such other matters as may arise from the application.

28. (1) The Board may in any case either refuse or grant the application subject to any condition or limitation, without assigning any reason for that decision, but shall inform the applicant of his right of appeal under Section 11.

Board m
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grant ap-
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(2) On the grant of an application, a licence shall be issued to the applicant in the prescribed form for such period, not exceeding two years and subject to such conditions or limitations, as the Board may determine.

(3) Such licence shall confer upon the licensee upon payment by him of the fee prescribed by the Licences on

Law 21
of 1966

was of 1971

Trades and Business Law, 1965, or any other law replacing the same, the right to be granted a licence under that law in accordance with the tenor of the licence granted hereunder.

(4) The licence shall contain the names of such members of the household of the licensee in respect of whom permission has been granted by the Board to reside with the licensee during the currency of the licence.

(5) The Board may from time to time, extend, revoke, vary or modify the terms of any licence, provided that no licence shall be extended for any period exceeding two years at a time.

Licence fees. 29. There shall be paid into the Treasury in respect of every licence granted under this Part, such fees as may be prescribed.

Transitional provisions.
New 30
of 1965.

30. Any work permit granted under the Work Permit Law, 1965, and in force immediately before the coming into effect of this Law shall be treated for the purposes of this Law, and with necessary modifications, as if it were a licence granted under this Part. (exhausted)

Offence to engage in gainful occupation or to employ persons in contravention of Part IV.

31. (1) Whoever engages in any gainful occupation in contravention of any of the foregoing provisions of this Part or fails to comply with any condition or limitation contained in any licence shall be guilty of an offence against this Law.

(2) Whoever employs another person in such circumstances that the employment of such person is in contravention of any of the foregoing provisions of this Part or of any condition or limitation contained in any licence shall be guilty of an offence against this Law: Provided that it shall be a good defence for a person charged with an offence under this sub-section to prove that he had made reasonable enquiries to determine whether such employment was in contravention of any of the foregoing provisions of this Part, and had no reasonable grounds for believing, and did not in fact believe, that such employment was in contravention of such provisions.

(3) For the purpose of this section a person carrying on or employed in any profession, trade, business or other avocation in or with relation to the Cayman Islands shall be deemed to do so for gain or reward until the contrary is proved.

PART V

IMMIGRATION

32. Nothing in this Part shall affect the duty of any person to comply with the laws affecting Customs, Quarantine, Public Health and Statistics, or with any order of the Governor or of any Court of Law or of a Constable in the execution of his duty.

Applica-
tion of
other Laws

33. Without prejudice to any of the succeeding provisions of this Part, or to any provision of any other Part, it is hereby declared that it is an offence for any person other than a person -

General
prohibi-
tion from
entry into
the Islands
without
specific
permission
of immigra-
tion office

- (a) who possesses Caymanian Status; or
- (b) who is in possession of and produces to an immigration officer a certificate in the prescribed form showing him to be:
 - (i) licensed to carry on a gainful occupation under section 28; or
 - (ii) a person named in a gainful occupation licence as a member of the household of the licensee; or
 - (iii) exempted under section 23; or
 - (iv) a person who has been granted permission to remain permanently in the Islands under section 43,

to land in, or having landed, to remain or reside in, these Islands, without in each case specific permission (with or without the imposition of conditions or limitations) being given by an immigration officer.

34. The crew and passengers in transit in any vessel who do not leave the vessel or who disembark on to and do not leave any place reserved for such crew and passengers in transit at any dock or airport, as the case may be, are deemed not to be persons landing in the Islands: Provided that a person who is not, bona fide, a passenger in transit in a ship shall be deemed to remain and reside in these Islands if he resides in any vessel (including a yacht or houseboat) within the territorial waters of these Islands.

Certain
persons
not deemed
to have
entered the
Islands;

35. (1) Every person on landing in and when leaving the

Duty to
produce
passpor
etc.

Islands shall, if required to do so by an immigration officer, produce for inspection a relevant passport or some other valid document establishing the identity and nationality of such person to the satisfaction of an immigration officer, and, in such cases as may be prescribed, a relevant visa.

(2) Any person who fails to comply with any such requirement is guilty of an offence against this Law.

Prohibited
immigrants
not allowed
to enter.

36. Notwithstanding the provisions of paragraph (b) of section 33 a prohibited immigrant shall not be allowed to enter the Islands.

Prohibited
immigrants.

37. The following persons, not being persons of Caymanian status, are prohibited immigrants -

- (a) any destitute person;
- (b) any person who is insane or of unsound mind, or is an idiot, epileptic or imbecile, or is feeble-minded or is a mental defective, unless in any such case he or a person accompanying him or some other person gives security to the satisfaction of the Chief Immigration Officer for his permanent support in the Islands or for his removal therefrom whenever required by the Chief Immigration Officer;
- (c) any person certified by a Health Officer to be suffering from a communicable disease which makes his entry into the Islands dangerous to the community;
- (d) any person who is reasonably believed to be a prostitute or to have come to the Islands for the purpose of prostitution, or who is reasonably believed to be living on or receiving or to have lived on or received the proceeds of prostitution;
- (e) any person who has previously been deported, removed or repatriated from the Islands;
- (f) any member of a class of persons deemed by the Governor on economic grounds or on account of standard or habit of life to be undesirable immigrants and so declared by order published in the Gazette;
- (g) any person who, from information or advice which

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in the opinion of the Governor is reliable information or advice, is deemed by the Governor to be an undesirable inhabitant or visitor to the Islands;

- (h) any person who, not having received a free pardon, has been convicted in any country of an offence for which a sentence of imprisonment exceeding twelve months has been passed otherwise than for non-payment of a fine.

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38. (1) There shall be established by the Board a list, in this Law referred to as "the stop list", in which shall be recorded the name of any person known to come within any category in section 37.

Establishment of stop list.

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(2) It shall be lawful for the Board to cause copies of the stop list, or notification of the entry in or removal therefrom of any name to be given to the local agent of vessels arriving in the Islands and to bona fide travel agencies.

39. Notwithstanding any of the provisions of this Part the Governor may in writing under his hand issue a permit for the entry of any person to the Islands and such person shall be admitted accordingly upon such terms as may be specified in the said permit.

Governor may issue entry permit.

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40. (1) Persons other than those referred to in paragraphs (a) and (b) of section 33 and who are not prohibited immigrants, may be granted permission to land and to remain or reside in the Cayman Islands as visitors for a period up to six months, subject to extension from time to time for further periods not exceeding six months on each occasion upon application made to the Chief Immigration Officer in the prescribed manner.

Entry by persons other than persons of Caymanian status or exempted persons.

(2) Any permission granted under subsection (1) or any extension thereof may at any time be revoked by the Governor or by the Chief Immigration Officer acting on the direction of the Governor.

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(3) The Chief Immigration Officer shall cause to be served upon the person concerned notice of any revocation under sub-section (2) in which shall be specified a time, not being less than two weeks, within which such person

shall be required to leave the Islands.

Require-
ments to
be satis-
fied by
visitors.

41. (1) Before granting permission to any person under section 40 an immigration officer may require such person to satisfy him that he is in possession of a paid up return ticket or ticket entitling such person and his dependants, if any, to travel to such person's next destination outside the Islands or is in possession of sufficient funds to maintain himself and his dependants, if any, during the period of his stay in the Islands.

(2) An immigration officer, in accordance with general or special directions of the Governor, may attach such conditions or restrictions as he may think fit to any permission granted to any person under section 40 and the Governor or the Chief Immigration Officer acting under the directions of the Governor may at any time vary such conditions or restrictions in such manner as he thinks fit.

(3) Notwithstanding anything in subsection (1) of this section an immigration officer may, as a condition of granting permission to any person under section 40, require such person to give the prescribed security; and the Chief Immigration Officer, as a condition of granting a variation of any condition or restriction attached to any such permission, may require such person to give the prescribed security.

(4) Whoever fails to comply with any condition or restriction imposed as aforesaid shall be guilty of an offence against this Law.

Safeguards
regarding
permission
to land etc.

42. Without prejudice to any other provisions of this Part, an immigration officer may, for the purpose of deciding whether to grant permission to any person under section 40 require such person -

- (a) to provide evidence of his good character;
- (b) to undergo a medical examination or furnish a medical certificate with respect to himself and his dependants, if any, acceptable to the immigration officer and with such particulars as the immigration officer may consider necessary;

(c) to furnish such other particulars as may, in the opinion of the immigration officer, be relevant to the application.

43. (1) A visitor to whom permission has been granted under section 40 may at any time after the expiration of twelve months from the date of such permission and before the expiration of any period granted in extension thereof, apply to the Chief Immigration Officer in the prescribed manner for permission to remain permanently in the Islands. Any such application shall be referred by the Chief Immigration Officer to the Governor who may refuse it or grant it either unconditionally or subject to such conditions or restrictions as he may think fit.

Grant of permission to remain permanently in the Islands and temporary licences for gainful occupation.

(2) (i) The Chief Immigration Officer may on application made by or on behalf of a visitor who desires to enter the Islands temporarily for the purposes of any gainful occupation grant to such visitor a temporary licence in the prescribed form on payment of the prescribed fee.

(ii) A temporary licence granted under the preceding paragraph shall be for such period not exceeding 30 days as the Chief Immigration Officer may think fit but may be extended by the Board on application made in the prescribed manner and on payment of the prescribed fee for such further period not exceeding 60 days as the Board may think fit.

44. Where permission to land is refused to any person or where such permission is deferred in pursuance of section 42, such person may, with the leave of an immigration officer be detained temporarily at some place approved by the Governor and whilst so detained shall be deemed to be in legal custody and not to have landed.

Detention of persons who have been refused permission to land.

45. (1) It shall be the duty of the local agent of every vessel arriving in these Islands to give adequate and timely notification of the arrival of the vessel to the Chief Immigration Officer or to any immigration officer designated by the Chief Immigration Officer in that behalf, and if required, to furnish such particulars as he may then have in his possession regarding the passengers or crew on board such vessel.

Duty of local agent of vessel to give notice of arrival.

(2) ~~Any person who~~ ^{Whoever} fails to comply with any of the foregoing provisions of this section, or with any requirement duly given thereunder, ~~shall be~~ ^{is} guilty of an offence against this Law.

Control of
landing
from
vessels.

46. It is an offence for the master of any vessel to cause or allow any passenger or member of the crew or other person on board the vessel to land in the Islands before permission generally to land has been given by an immigration officer:

Provided that it shall be a good defence to a person charged with an offence under this section to prove that any such landing took place in an emergency, and was, at the earliest time practicable, notified to an immigration officer.

Inward
passenger
and crew
manifests.

47. (1) It ~~shall be~~ ^{is} the duty of the master and the local agent of every vessel arriving in the Islands, prior to the arrival of such vessel or as soon as practicable thereafter, to deliver to an immigration officer lists showing separately -

- (a) the names and particulars of the passengers on board the vessel;
- (b) the names of the passengers whose intention it is to disembark at the Islands;
- (c) the names and particulars of the crew of the vessel;
- (d) the names and particulars of any other persons on board the vessel.

(2) Whoever fails to comply with the provisions of subsection (1) ~~shall be~~ ^{is} guilty of an offence against this Law.

Outward
passenger
and crew
manifests.

48. (1) It ~~shall be~~ ^{is} the duty of the master and local agent of every vessel leaving the Islands, unless excused from so doing by the Chief Immigration Officer, to deliver to an immigration officer prior to the departure of such vessel, lists showing separately -

- (a) the names and particulars of the passengers on board the vessel;
- (b) the names and particulars of the crew of the vessel;
- (c) the names and particulars of any other person on board the vessel.

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(2) Whoever fails to comply with the provisions of subsection (1) is guilty of an offence against this Law.

49. Sections 45, 46, 47 and 48 shall not apply to any Government controlled vessel, provided however that the master thereof shall furnish the Chief Immigration Officer with such particulars as he may require.

Government
vessels.

50. It shall be the duty of the Chief Immigration Officer to ensure that every vessel arriving in the Islands shall be met by an immigration officer and it shall be the duty of every passenger disembarking from such vessel to report to an immigration officer upon arrival.

Duties of
the Chief Immi-
gration Officer
and of arriving
passengers.

51. (1) Whoever landing in or leaving the Islands fails to complete and hand to an immigration officer immediately on arrival or departure a disembarkation card or embarkation card as the case may be, in the prescribed form is guilty of an offence.

Disembark-
ation and
embarka-
tion cards.

(2) It shall be the duty of the Chief Immigration Officer to cause records to be kept and maintained of the entry of all persons into these Islands, and of the departure of all persons from the Islands.

(3) Without prejudice to anything in the Evidence Law, any such record shall be received in evidence in any court or in any tribunal whatsoever in the Islands as evidence, prima facie, of any entry or particular entered therein.

Cap. 49.

52. (1) In any case where -

(a) a person lands in the Islands in contravention of or without complying with any of the provisions of this Law; or

(b) a person is refused permission to land,

it shall be the duty of the master of the vessel in which such person arrived to receive him on board the same vessel and take him away from the Islands, or, if the vessel has already left or is delayed then it shall be the duty of the master of any subsequent vessel, owned or operated by the same company as owned or operated the vessel by which such person arrived in these Islands, departing from the Islands, to receive him on board that vessel and take him away from the Islands.

Duty with
respect to
removal of
persons
landing
unlawfully
or in respect
of whom
permission
to land is
refused.

(2) Any master of a vessel who refuses to receive any

such person and take him away from the Islands as required by subsection (1) is guilty of an offence ~~against this Law.~~

(3) Any such person may be detained by an immigration officer or constable in such manner and in such place as may be directed by the Governor until he can be received on board a vessel and whilst so detained shall be deemed to be in lawful custody.

(4) The owner, operator, master and local agent of any vessel from which any such person landed as aforesaid shall be jointly and severally liable to the Governor for any public charges incurred in respect of the maintenance of such person while remaining in the Islands or of his subsequent repatriation, removal or deportation from the Islands.

(5) The foregoing provisions of this section ~~shall~~ apply not only to a person referred to in subsection (1) but to the dependants of such person as well.

Register
to be kept
and partic-
ulars furn-
ished by
hotel keepers
and others.

53. (1) It ~~shall~~ be the duty of the keeper of any premises to which this section applies to keep a register in the prescribed form and containing the prescribed particulars of all persons staying at the premises who are not persons of Caymanian status.

(2) The keeper of any such premises shall, if directions for the purpose are issued by the Governor, make to the Chief Immigration Officer such returns concerning the persons staying at the premises, at such times and in such form as may be specified in such directions.

(3) It ~~shall~~ be the duty -

- (a) of every person (whether of Caymanian status or not) staying at any such premises to sign, when so required, a statement as to his nationality and, if of non-Caymanian status, to furnish and sign a statement of the particulars required under this section;
- (b) of the keeper of any such premises to require any person who stays at the premises to sign the statement and furnish the particulars required from him under this section and to preserve such statements (including any state-

The Caymanian Protection Law, 1971

ments supplied under this section to any previous keeper of the premises) for a period of two years from the date when the statements were signed.

(4) Every register kept, and all particulars furnished, under this section shall at all reasonable hours be open for inspection by any constable or by any immigration officer or by any person authorised by the Governor.

(5) This section applies to any premises, whether furnished or unfurnished, where lodging or sleeping accommodation is provided for reward.

(6) Any breach of any duty imposed by this section is an offence ~~against this Law~~.

54. (1) There shall be provided and maintained by the Chief Immigration Officer under the direction of the Governor a central register of persons of non-Caymanian status in which there shall be registered such particulars and in such form as may be prescribed.

Register
of persons
of non-
Caymanian
status.

(2) (a) For the purposes of this Law the Chief Immigration Officer shall be the registration officer for the Islands and such other officer as may be appointed by the Governor shall be district registration officers for any district or other parts of the Islands.

(b) A district registration officer shall -

(i) keep for his registration district a register of persons of non-Caymanian status resident therein and required to be registered under this Law, and enter in the register such particulars and in such form as may be prescribed;

(ii) furnish to the Chief Immigration Officer for the purposes of the central register at such times and in such manner as may be prescribed, copies of all entries in the register or such of them as may be prescribed.

55. (1) Whoever -

- (a) lands or attempts to land in these Islands; or
- (b) does any act preparatory to landing in these Islands; or
- (c) remains or resides in these Islands,

Offences
relating
to illegal
landing and
powers of
arrest.

where such landing remaining or residing is, or would be in contravention of any provision of this Part, ~~shall be~~ guilty of an offence ~~against this Law~~.

(2) Whoever -

- (a) knowingly assists any person to land in these Islands; or
- (b) connives in the landing in these Islands of any person; or
- (c) wilfully does any act preparatory to the landing in these Islands of any person,

where such landing is, or would be, in contravention of any provision of this Part, ~~shall be~~ guilty of an offence ~~against this Law~~.

(3) An immigration officer or constable may arrest without warrant any person who has committed or whom he reasonably suspects to have committed an offence under this Part.

*Re-entry
permits*

56. (1) Whoever is, for the time being, entitled by any provision of this Law, or permitted by reason of the exercise of any power thereunder, to enter or re-enter the Islands may apply to the Chief Immigration Officer for the issue of a re-entry permit.

(2) The Chief Immigration Officer shall, in respect of a person entitled in pursuance of the provisions of subsection (1) issue an entry or re-entry permit in the prescribed form and on payment of the prescribed fees, valid for such period as the applicant is, at the time of issue, entitled to enter and re-enter these Islands:

Provided that nothing in the foregoing provisions of this section shall have effect so as to authorize any person to land in the Islands, notwithstanding his possession of a valid re-entry permit, if he has, since the issue of the permit, become a person who may be refused permission to land in the Islands.

PART VI

DEPORTATION

57. Nothing in this Part shall apply or have effect so as to authorise or empower the making of a deportation order in respect of any person having Caymanian status.

58. (1) No deportation order shall be made under this Law, otherwise than in the case of a convicted and deportable person, unless a magistrate shall have reported on the case and the Governor, having had regard to the findings of fact,

Non-appli-
cation of
Part VI as
respects
persons pos-
sessing Cay-
manian status.
Report pre-
liminary to
deportation
order.

any conclusions of law and any recommendation contained in such report, is satisfied that such order may fitly be made.

(2) Where it is intended to take proceedings against any person for the purpose of obtaining a report under subsection (1) a notice shall be served upon such person, giving him reasonable information as to the nature of the facts alleged against him and the grounds upon which it is alleged that a deportation order should be made and requiring him to show cause why such order should not be made and naming the time and place for his appearance before a ~~magistrate~~ ^{summary court} in that behalf. If such person should fail to appear at the time and place so named the ~~magistrate~~ ^{court} may issue a warrant for his arrest.

(3) In every proceeding under subsection (2) the ~~magistrate~~ ^{Court} shall take such evidence on oath of the parties, (who may be represented by counsel), and their witnesses as may be tendered in chief and upon cross-examination and re-examination and, after considering the evidence adduced before him and making any further investigations which he may consider to be desirable, shall report to the Governor setting out his findings of fact, conclusions of law, if any, and making such recommendation as he thinks fit. During the proceedings and pending the decision of the Governor, the ~~magistrate~~ ^{Court} may order the person subject of the report to be detained in legal custody or released on bail at his discretion.

59. (1) Subject to sections 57 and 58, the Governor may, if he thinks fit, make a deportation order in respect of any person who is -

- (a) a convicted and deportable person; or
- (b) an undesirable person; or
- (c) a destitute person; or
- (d) a prohibited immigrant who has entered the Islands contrary to the provisions of this Law; or
- (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 in respect of whom the Governor considers it conducive to the public good to make a deportation order.

(2) The Governor shall report any deportation order made by him to the Secretary of State for Foreign and Commonwealth Affairs.

60. (1) A deportation order shall be in such form as the Governor may approve.

Power of Governor to make deportatic order.

Form of deportation order: power of revocation, variation etc.

Service of
deportation
order and
power to
detain
deportees.

Duty to
comply with
deportation
order.

Duty to
afford trans-
portation of
deportee to
place outside
the Islands.

(2) The Governor may at any time revoke a deportation order or vary or modify its terms so as to permit the person in respect of whom it is made to enter the Islands for such purpose and subject to such conditions as may be specified.

61. (1) A deportation order shall be served upon the person to whom it is directed by any immigration officer or constable.

(2) A person in respect of whom a deportation order is made or a certificate is given by a court with a view to the making of a deportation order may be detained in such manner and in such place as may be directed by the Governor and may be placed on board a vessel about to leave the Islands, and shall be deemed to be in lawful custody whilst so detained and until the vessel finally leaves these Islands.

62. (1) A person in respect of whom a deportation order is made shall leave the Islands in accordance with the terms of the order, and shall thereafter so long as the order is in force remain out of the Islands.

(2) ~~Whoever contravenes or fails to comply with the provisions of this section shall be guilty of an offence.~~

(3) Whoever returns to these Islands in contravention of a deportation order is guilty of an offence and may again be deported under the original order, and the provisions of subsection (2) of section 61 shall apply accordingly in respect of such person.

63. (1) The master of a vessel about to call at any place outside these Islands shall, if so required by the Governor or by an immigration officer, receive a person against whom a deportation order has been made and his dependants (if any) on board the vessel, and shall afford him and them a passage to that place and proper accommodation and maintenance during the journey.

(2) ~~Whoever fails to comply with any requirements duly given under subsection (1) is guilty of an offence against this Law.~~

(3) The Governor may apply any money or property of a person against whom a deportation order has been made, in payment of the whole or any part of the expenses of or incidental to the journey from the Islands and of the maintenance until departure, of such person and his dependants (if any).

The Caymanian Protection Law, 1971

(4) Except so far as they are defrayed under sub-section (3) any such expenses shall be payable out of public funds.

64. Whoever without lawful excuse knowingly harbours or conceals any person who is in the Islands in contravention of a deportation order is guilty of an offence against this Law.

Harbouring
deportees.

65. Whoever acts in contravention of any of the provisions of this Part, or is reasonably suspected of having so acted, or being about so to act, may be taken into custody without warrant by an immigration officer or constable.

Arrest of
person
contravening
etc. Part VI.

66. In any proceedings taken under, or in connection with, any of the provisions of this Part -

Evidence
in proceed-
ings taken
under Part VI.

- (a) the burden of proof that a person charged is exempted from the application of this Part by virtue of the provisions of section 57, shall be upon such person;
- (b) any document purporting to be a deportation order shall, until the contrary is proved, be presumed to be such an order; and
- (c) any deportation order shall be presumed until the contrary is proved, to have been validly made and to have been made on the date upon which it purports to have been made.

67. Any deportation order made under the Aliens Law or the Deportation (British Subjects) Law and in force immediately before the coming into operation of this Law, shall for the purposes of this Law be treated as if it had been made under this Part, and shall continue to have effect accordingly.

Transitional
provisions.
Cap. 3
Cap. 37

68. No proceedings shall be instituted under this Part except by the Attorney General or with his previous sanction in writing.

Proceedings
to be
sanctioned
by Attorney
General.

PART VII

GENERAL

69. (1) The Governor may make regulations generally for administering the provisions of this Law and for giving effect to its objects, purposes and intentions. or

Regulations.

The Caymanian Protection Law, 1971

with respect to any matter or thing which by or under this Law may be or is to be prescribed by regulations.

(2) Without prejudice to the generality of the power conferred by subsection (1), regulations may be made under this section -

- (a) authorizing the taking, in relation to any person who is in custody, of all such steps as may be necessary for photographing, measuring, taking the fingerprints of, or otherwise identifying, that person in such manner as may be provided by the regulations;
- (b) prescribing the forms, notices, certificates, licences, permits, warrants, books, registers or other documents to be used and the particulars to be given in connection with this Law;
- (c) prescribing the fees to be payable in respect of any application, licence or permit granted or any certificate or other document issued under this Law;
- (d) prescribing the amount and nature of any security to be furnished for the due carrying out of any condition which may be attached to the grant of any licence or permit, or to the issue of any certificate or other document under this Law;
- (e) prescribing the countries a national of which on landing in the Islands shall produce a visa.

Power to put questions and require production of documents.

70. (1) It shall be lawful for the Board, or for any immigration officer or constable or for any other person lawfully acting in the execution of any of the provisions of this Law -

- (a) to put any question to any person, being a question reasonably required in connection with the proper discharge of their or his functions under this Law; and
- (b) to require any person to produce for inspection any licence, certificate, permit or other document which he may have in his possession or under his control, being a document of which the inspection is reasonably required in connection with the proper discharge of such functions as aforesaid.

(2) Whoever fails without lawful excuse (the proof of which shall be upon him), to answer fully and truthfully to the best of his knowledge and belief any such question, or to produce for inspection any such document, ~~shall, is~~ without prejudice to anything in section 72, ~~be~~ guilty of an offence, ~~against this Law.~~

(3) Any power to require the production of a document for inspection shall be construed as including a power to take copies of such document, and to retain such document for a reasonable time for such purpose.

71. Whoever wilfully obstructs or impedes any immigration officer, constable or other person acting in the execution of his duty under this Law or any regulations thereunder, is guilty of an offence, ~~against this Law.~~

Obstruction of persons acting in execution of Law.

72. Whoever -

- (a) in connection with the carrying into effect of any of the purposes of this Law, makes or causes or allows to be made any return, statement or representation, which is false in a material particular and which he knows to be false or which he does not believe to be true; or
- (b) without lawful excuse (the proof of which shall be upon him) alters or causes or allows to be altered any certificate, licence, permit or other document issued under this Law, or any entry in any document lawfully made under or in accordance with this Law; or
- (c) without lawful excuse (the proof of which shall be upon him) uses or possesses, or causes or allows to be used or possessed, any forged, altered or irregular passport, visa, certificate or other connected document or any endorsement on any of such documents which has been altered or forged,

Offences relating to false statements, use of false documents etc.

is guilty of an offence, ~~against this Law.~~

73. A person guilty of an offence against this Law ~~shall be~~ liable on summary conviction ~~before the Stipendiary Magistrate~~, in respect of a first offence, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or ~~to~~ both, or, in respect

Punishment for offences against Law.

of a second or subsequent offence, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or ~~for~~ both; and where any such offence as aforesaid is a continuing offence, the person guilty of the offence shall, in addition to any punishment provided by the foregoing provisions of this section be liable, in respect of each day during which the offence continues, to a fine not exceeding one hundred dollars.

Offences
against Law
by Corpora-
tions; lia-
bility of
officers etc.

74. Where a person convicted of an offence against this Law is a body corporate, then every person who, at the time of the commission of the offence, was a managing director, or manager, or secretary or other officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all reasonable diligence, having regard to his office, to prevent the commission of the offence.

Evidence
in proceed-
ings taken
under or in
connection
with Law

75. (1) In any proceedings taken under, or in connection with any of the provisions of this Law,

- (a) the burden of proof that any person has had, at any material time -
 - (i) a particular status for the purposes of this Law; or
 - (ii) a particular nationality; or
 - (iii) a particular occupation, or, as the case may be, no occupation, shall be upon that person;
- (b) any document purporting to set forth any order or direction given under this Law shall be presumed, until the contrary is proved, to constitute any such order or direction as aforesaid; and
- (c) any order or direction given under this Law shall be presumed until the contrary is proved, to have been validly given and to have been given on the date on which it purports to have been given.

(2) In this section any reference to the giving of an order shall be construed as including a reference to the making of an order, and to the giving of a direction or a decision, and to the imposing of a requirement.

Gap-119
amended.

76. ~~The Passport Law is hereby amended in the following~~

respects -

- (i) by deleting the word "Any" in the first line of section 3(1) and substituting therefor the words: "Subject to the provisions of the Caymanian Protection Law, 1971, any";
- (ii) by deleting the word "Any" in the first line of section 4 and substituting therefor the words "Subject to the provisions of the Caymanian Protection Law, 1971, any".

77. As from the day appointed for the coming into operation of this Law, the following Laws shall be repealed, save that anything done under any provision of any of the said Laws hereby repealed shall be deemed to have been done under this Law -

The Aliens Law.
The Deportation (British Subjects) Law.
The Immigration Restriction (British Subjects) Law.
The Work Permit Law, 1965.

Repeals
with
savings.

Cap. 3

Cap. 37

Cap. 67

Law 36 of
1965.

~~Passed the Legislative Assembly this 13th day of December 1971.~~

K.R. Crook.
President

Sybil McLaughlin
Clerk of the Legislative Assembly

GOVERNMENT NOTICE NO. 52 OF 1972

DATE OF OPERATION: 27TH MARCH, 1972.

Revised

1976