

CAYMAN ISLANDS



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**THE CAYMANIAN PROTECTION LAW,
1984
(LAW 24 OF 1984)
(SECTION 27(1))**

**DIRECTIONS (No. 3) TO THE CAYMANIAN
PROTECTION BOARD**

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The Directions given to the Caymanian Protection Board on the 15th February 1985, and published in the Extraordinary Gazette dated 27th March, 1985, are amended by revoking direction 17, and substituting the following directions -

"17. For the purposes of this part of the Directions the following definitions shall apply:

(a) "Person with close family connections with the Islands" means a person who is the spouse, parent or child (whether legitimate, illegitimate or adopted) of a person who possesses Caymanian Status;

(b) "Person of independent means" means

(i) a person who satisfies the Board that he has adequate assets and a continuous source of income available to him without restriction, and without the need to engage in Gainful Employment in the Islands, sufficient for the needs of himself and his dependants; or

(ii) a person who is the spouse, parent or child (whether legitimate, illegitimate or adopted) of a person who complies with sub-paragraph (i) hereof, living with and supported by that person.

18. The grant of permission or the possession of a right to remain permanently in the Islands shall not imply any obligation on the Board to permit the entry on temporary or permanent terms of servants, dependants, relatives or other associates of the person so granted permission or possessing such a right.

19. Any person granted permission or possessing the right to remain permanently in the Islands may make investments in any company subject to the provisions of any other legislation from time to time in force, and may hold directorships in any company in which he has invested, without the need for a gainful occupation licence, provided that the directorship does not involve the day to day management of the Company's affairs.

20. In considering applications for permission to reside permanently in the Islands the Board should attach weight to the fact that an applicant has invested in or acquired property in the Islands as evidence of that person's good faith and of his intention to reside permanently in the Islands. *Also - need to make sure geographical*

21. In the case of persons of independent means or with close family connections with the Islands no period of residence in the Islands need be required as a precondition of a grant of permission to reside permanently in the Islands, provided that the timetable provided by section 42(1) of the Law is adhered to. *Also - see D.1.4.*

22. In the case of applications from persons with close family connections with the Islands the Board should be inclined to grant such applications, subject to the following considerations:

(1) They should be satisfied:

(a) in the case of a spouse, that the marriage is genuine and not entered into for the

purposes of settlement in the Islands. In determining this they may have regard to the lengths of the marriage and to all other relevant factors.

(b) that the economic position of the applicant and the applicant's family in the Islands is sufficient for the support of the applicant and his dependants (whether here or elsewhere).

(2) Where the applicant would need to engage in gainful employment in order to maintain himself or his dependants the Board should be satisfied as to the criteria set out in direction 23 hereof, in so far as they do not conflict with directions 21 and 22.

(3) The right to remain permanently should always be conditioned to terminate automatically in the following circumstances:

- (a) in the case of a spouse, on the dissolution of the marriage;
- (b) in the case of a parent, on the death of the child by virtue of whom the close family connection exists;
- (c) in the case of a child, on the attainment of the age of eighteen years;
- (d) in all cases on the loss of Caymanian Status by the person by virtue of whom the close family connection exists.
- (e) in all cases upon the person by virtue of whom the close family connection exists in ceasing to be ordinarily resident in the Islands.

Provided that in the case of such a termination the person concerned shall have the right to re-apply, and the fact of termination under these provisions shall not of itself be held against that person on the consideration of any subsequent application.

23. (1) In the case of applications from persons requiring to enter into or continue in gainful employment to maintain themselves and/or their dependants the Board shall have regard to the following criteria:

- (a) the length of residence in the Islands of the applicant. Save for exceptional circumstances the Board should only entertain an application where the applicant has resided in the Islands for a period of at least five years, save that this requirement shall not apply to persons with close family connections with the Islands;
- (b) the criteria established by section 27(1) of the Law, giving particular weight to section 27(1) (f);
- (c) the criteria established in direction 8;
- (d) the connections that the applicant may have with the Islands;
- (e) the applicant's standing in the community, and in particular to the contribution which the applicant has made, or may be capable of making, to the life of the community.

(2) In regard to such persons the Board should also observe the provisions of direction 15(i).

(3) Save in those cases where the applicant also falls within the definition of a person of independent means, any permission to remain permanently within the Islands granted with an endorsement under section 43(1) shall be conditioned to lapse automatically on the termination of the employment permitted by the endorsement, unless the Board considers for special reasons that it should not be so conditioned.

24. In respect of the revocation of permission to remain permanently in the Islands pursuant to section 44, directions 10 and 14 shall apply with such changes as are necessary.

25. An endorsement or variation of entitlement under section 43(1) should normally be restricted to a particular employer only, or in the case of a self-employed applicant, to a particular field of employment specified by him, although this may be varied by the Board to reflect changing circumstances should the Board, having had regard to all the circumstances of the case, consider it appropriate so to do.

26. In pursuance of sections 29 and 43(2) of the Law the Board should require the same fees to be paid on the grant of an endorsement or variation of an entitlement so as to permit engagement in gainful occupation as would have been required had the application and grant been for a Gainful Occupation Licence for the type of work concerned.

Made in Council this 10th day of December, 1985.

JENNY MANDERSON
Clerk of the Executive Council.

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