

CAYMAN ISLANDS



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THE IMMIGRATION (AMENDMENT) LAW, 2006

(LAW 3 OF 2006)

THE IMMIGRATION (AMENDMENT) LAW, 2006

ARRANGEMENT OF SECTIONS

1. Short title.
2. Amendment of section 4 of the Immigration Law 2003 – Immigration Boards.
3. Repeal and substitution of section 6 – Appointment and functions of committees.
4. Amendment of section 50 – Term limits.
5. Amendment of section 53 – Work permit fees.

CAYMAN ISLANDS

Law 3 of 2006.

I Assent

Stuart Jack

Governor.

Date: 21 March, 2006

**A LAW TO AMEND THE IMMIGRATION LAW, 2003; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Immigration (Amendment) Law, 2006. Short title
2. The Immigration Law 2003, in this Law referred to as “the principal Law” is amended in section 4 as follows: Amendment of section 4
-Immigration Boards
 - (a) in subsection (2) by renumbering paragraphs (d) to (h) as paragraphs (e) to (i) and inserting a new paragraph (d) as follows:
“(d) not more than three other persons legally and ordinarily resident in the Islands;”
 - (b) in subsection (3) by renumbering paragraphs (d) to (g) as paragraphs (e) to (h) and inserting a new paragraph (d) as follows:
“(d) not more than three other persons legally and ordinarily resident in the Islands;”
 - (c) in subsection (4) by renumbering paragraphs (d) to (i) as paragraphs (e) to (j) and inserting a new paragraph (d) as follows:
“(d) not more than three other persons legally and ordinarily resident in the Islands;” and
 - (d) by repealing subsection (5) and substituting the following:
“(5) Subject to this Law, the members of the Board referred to in subsection (2)(e) to (i); subsection (3)(e) to (h); and

subsection (4)(e) to (j) shall have such powers, privileges and responsibilities as the other members of the Board but shall not have the right to vote at Board meetings.”.

Repeal and substitution of section 6— Appointment and functions of committees

3. The principal Law is amended by repealing section 6 and substituting the following:

“Appointment and functions of committees

6. (1) The Chairman of a Board may appoint committees comprising no fewer than three members of his Board including himself or his deputy and may delegate to such committees any of the functions of his Board, save that-

- (a) he shall, as soon as practicable, notify the Governor of the appointment of any such committee; and
- (b) either he or his deputy shall be the Chairman of each committee so appointed.”.

(2) Notwithstanding subsection (1), no committee shall be empowered to-

- (a) grant the right to be Caymanian;
- (b) grant permanent residence;
- (c) grant Residency and Employment Rights Certificates;
- (d) issue Business Staffing Plans Authorities;
- (e) adjudicate appeals from the decisions of immigration officers; or
- (f) designate a worker as an exempted employee.

(3) The Secretary or the Assistant Secretary of the Board shall be the Secretary of each committee so appointed.”.

Amendment of section 50-Term limits

4. The principal Law is amended in section 50 by inserting after subsection (2) the following subsections:

“(2A) Where a person appeals against the decision of the Board or the Cayman Brac and Little Cayman Immigration Board in respect of this section, the relevant Board having determined that by virtue of the expiry of the relevant maximum prescribed period for which he may hold a work permit, it had no power to grant or renew his work permit, any period that he spends in the Islands thereafter while awaiting the outcome of his appeal shall not be taken into account by the Caymanian Status and Permanent Residency Board in determining the length of time for which he is considered to have been legally and ordinarily resident in the Islands for the

purposes of an application under section 29 for permission to reside permanently in the Islands save and except to the extent that his appeal is wholly or partially successful.

(2B) Where a worker has been granted a final work permit under this section other than under subsection (4) which work permit has expired, his employer may apply to the Chief Immigration Officer for a special permit (in this section referred to as a “fixed-term work permit”) and the Chief Immigration Officer acting in person and in his absolute discretion may grant such a permit for a maximum period of nine months.

(2C) A fixed-term work permit-

- (a) shall be non-renewable and non-extendable;
- (b) shall confer upon the worker the right to have reside with him in the Islands for the duration thereof such of his dependants as were previously approved under the last work permit held by him; and
- (c) shall not confer upon the worker or his dependants any right to apply under section 29 for the right to reside permanently in the Islands save that nothing contained herein shall affect any right acquired prior to the grant of such permit.

(2D) The Chief Immigration Officer’s decision in relation to the grant or refusal of the application for, or the revocation of, a fixed-term work permit is final and binding.

(2E) Section 54(2) shall not apply to a grantee of a fixed-term work permit.

(2F) No worker who has applied for a grant of permanent residence upon or prior to the expiration of a work permit granted pursuant to subsection (2) shall be entitled to apply for or obtain a fixed-term work permit.

(2G) Subsection (2B) shall remain in force until 31 December, 2006.”

5. The principal Law is amended in section 53 by repealing subsection (1) and substituting the following:

Amendment of section
53 – Work permit fees

“(1) An application for a work permit or a fixed-term work permit shall be accompanied by the work permit fee or the fixed-term work permit fee and the application fee, which fees shall be paid into General Revenue; but where the application is unsuccessful the notification of refusal shall be accompanied by an authorisation for a refund of the work permit fee or the fixed-term work permit fee to the applicant.”.

The Immigration (Amendment) Law, 2006

Passed by the Legislative Assembly the 6th day of March, 2006.

EDNA MOYLE

Speaker.

WENDY LAUER EBANKS

Clerk of the Legislative Assembly.