

CAYMAN ISLANDS



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THE IMMIGRATION (AMENDMENT) LAW, 2007

(LAW 3 OF 2007)

THE IMMIGRATION (AMENDMENT) LAW, 2007

ARRANGEMENT OF SECTIONS

1. Short title.
2. Amendment of section 6 of the Immigration Law (2006 Revision) – appointment and functions of committees.
3. Amendment to section 11 – Immigration Appeals Tribunal.
4. Amendment of section 14 – appeals from decisions of immigration officers.
5. Amendment to section 22 – acquisition of right to be Caymanian by grant of the Board.
6. Amendment of section 29 – persons legally and ordinarily resident in the Islands for at least eight years.
7. Amendment of section 30 – Residency and Employment Rights Certificate for spouse of a Caymanian.
8. Amendment of section 34 – spouse and dependents of the holder of a Residency Certificate for Persons of Independent Means.
9. Amendment of section 36 – revocation of Residency Certificate for Persons of Independent Means.
10. Amendment of section 43 – Business Staffing Plan.
11. Amendment of section 46 – grant or refusal of work permit.
12. Amendment of section 50 – term limits.
13. Amendment of section 51 – work permit fees.
14. Amendment of section 52 – business visitors’ permit.

The Immigration (Amendment) Law, 2007

CAYMAN ISLANDS

Law 3 of 2007.

I Assent

George McCarthy

Acting Governor.

Date: 11th April, 2007

**A LAW TO AMEND THE IMMIGRATION LAW (2006 REVISION) TO
EXTEND CERTAIN POWERS OF THE BOARDS; TO EFFECT MINOR
MODIFICATIONS WITH RESPECT TO TERM LIMITS AND
PERMANENT RESIDENCE ; AND FOR INCIDENTAL AND
CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

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| 1. This Law may be cited as the Immigration (Amendment) Law, 2007. | Short title |
| 2. The Immigration Law (2006 Revision), in this Law referred to as the “principal Law”, is amended in section 6(2)(f) by deleting the words “an exempted employee” and substituting the words “a key employee”. | Amendment of section 6 of the Immigration Law (2006 Revision) – appointment and functions of committees |
| 3. The principal Law is amended in section 11(4)-
(a) by deleting the words “appoint a Secretary” and substituting the words “appoint as many Secretaries as he considers necessary”; and
(b) by deleting the words “such Secretary” and substituting the words “such Secretaries”. | Amendment of section 11 - Immigration Appeals Tribunal |
| 4. The principal Law is amended in section 14-
(a) in subsection (1) by deleting the words “subject to subsection (2)” and substituting the words “subject to subsections (2) and (5)”; and
(b) by repealing subsection (5) and substituting the following: | Amendment of section 14 - appeals from decisions of immigration officers |

The Immigration (Amendment) Law, 2007

“(5) For the purposes of this section “pertinent Board” means the Work Permit Board, the Business Staffing Plan Board or the Cayman Brac and Little Cayman Immigration Board where relevant, except that an appeal in respect of-

- (a) subsection (2)(f) shall be heard by the Caymanian Status and Permanent Residency Board; and
- (b) the decision of an immigration officer who at the relevant time was stationed in Cayman Brac or Little Cayman shall be heard by the Cayman Brac and Little Cayman Immigration Board.”.

Amendment of section 22 - acquisition of right to be Caymanian by grant of the Board

5. The principal Law is amended in section 22(6)(d) by deleting the words “has not, in any country, been convicted of an offence” and substituting the words “either has not in any country been convicted of an offence or has in any country been convicted of an offence”.

Amendment of section 29 – persons legally and ordinarily resident in the Islands for at least eight years

6. The principal Law is amended in section 29-
- (a) in subsection (10) by inserting after the words “work permit” the words “or as an employee of the Government of the Islands or of the Government of the United Kingdom in the Islands”; and
 - (b) by deleting subsection (11).

Amendment of section 30 – Residency and employment rights certificate for spouse of a Caymanian

7. The principal Law is amended in section 30-
- (a) in subsection (7)(a) by adding after the words “determined by the Board” the words “, or where he has appealed the Board’s decision, by the Immigration Appeals Tribunal”;
 - (b) in subsection (7)(b) by adding after the words “determined by the Board” the words “, or where he has appealed the Board’s decision, by the Immigration Appeals Tribunal”; and
 - (c) by adding after subsection (7) the following:

“(8) Where a person who is the spouse of a Caymanian and who has at any time been-

- (a) the holder of a work permit;
- (b) employed by the Government of the Islands; or
- (c) employed in the Islands by the Government of the United Kingdom,

applies for a Residency and Employment Rights Certificate under this section, then in the absence of exceptional circumstances the Board shall approve his application.”.

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8. The principal Law is amended in section 34(3) by deleting the words “such terms and conditions” and substituting the words “the same terms and conditions of the revoked Certificate”.
- Amendment of section 34 – spouse and dependents of the holder of a Residency Certificate for Persons of Independent Means
9. The principal Law is amended in section 36 by inserting after the words “Independent Means” the words “, or the holder of a Residential Certificate for Retirees acquired under the Immigration Law, 2003,”.
- Amendment of section 36 – revocation of Residency Certificate for Persons of Independent Means
10. The principal Law is amended in section 43-
- Amendment of section 43 – Business Staffing Plan
- (a) in subsection (5)-
 - (i) by inserting after the words “Neither the Work Permit Board” the words “, the Cayman Brac and Little Cayman Immigration Board”; and
 - (ii) by inserting after the words “in the case of the Work Permit Board” the words “or the Cayman Brac and Little Cayman Immigration Board”; and
 - (b) in subsection (7)-
 - (i) by inserting before the words “the Chief Immigration Officer” wherever they appear the words “, the Cayman Brac and Little Cayman Immigration Board”; and
 - (ii) by inserting after the words “in the case of the Work Permit Board” the words “and the Cayman Brac and Little Cayman Immigration Board”.
11. The principal Law is amended in section 46-
- Amendment of section 46 –grant or refusal of work permit
- (a) in subsection (6) by adding after the word “worker” the words “and in considering such application shall take into account the provisions of section 42(2) to (4)”.
 - (b) by repealing subsection (9)(i) and substituting the following:
 - “(i) for any of the matters referred to in section 42(2) to (4) that the Board in its discretion considers appropriate”.
12. The principal Law is amended in section 50-
- Amendment of section 50 – term limits
- (a) in subsection (11)(a) by deleting the words “and whose work permit by reason of subsection (1) or (4) will expire before that of his spouse” and substituting the words “and whose right to work in the Islands will expire before that of his spouse”; and
 - (b) by repealing subsection (21) and substituting the following:
 - “(21)For the avoidance of doubt subsection (1) does not apply to a person-

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- (a) who acquired permanent residence prior to the commencement of the Immigration (Amendment)(No. 2) Law, 2006 and at the date of such commencement had not obtained a Residency and Employment Rights Certificate; or
- (b) who, before the commencement of the Immigration (Amendment) (No.2) Law, 2006, had and continues to have his normal place of work and abode for the time being outside the Islands and who enters the Islands to work on a temporary work permit for a specific purpose or occasion only and leaves the Islands at the conclusion thereof or upon the expiration of the temporary work permit, whichever first occurs, including-
 - (i) legal counsel acting in any matter whether before a court in the Islands or otherwise;
 - (ii) visiting doctors or other specialists in the medical field;
 - (iii) skilled specialist tradesmen;
 - (iv) travelling salesmen; or
 - (v) other persons in similar circumstances.”.

Amendment of section
51 - work permit fees

13. The principal Law is amended in section 51(3) by inserting after the words “or refused” the words “or a temporary work permit revoked,”.

Amendment of section
52 – business visitors’
permit

14. The principal Law is amended in section 52(5) by deleting the words “in section 42(1)” and substituting the words “in section 42(2) to (4)”.

Passed by the Legislative Assembly the 23rd day of March, 2007.

EDNA MOYLE

Speaker.

WENDY LAUER EBANKS

Clerk of the Legislative Assembly.