

CAYMAN ISLANDS



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THE IMMIGRATION (AMENDMENT) LAW, 2013

(LAW 12 OF 2013)

THE IMMIGRATION (AMENDMENT) LAW, 2013

ARRANGEMENT OF SECTIONS

1. Short title
2. Amendment of section 2 of the Immigration Law (2012 Revision) - definitions
3. Amendment of section 41 - who may be gainfully occupied
4. Amendment of section 43 - application of certain sections to Cayman Brac and Little Cayman Immigration Board
5. Insertion of section 46A - restricted areas of employment

CAYMAN ISLANDS

Law 12 of 2013.

I Assent

Duncan Taylor

Governor.

29th April, 2013

**A LAW TO AMEND THE IMMIGRATION LAW (2012 REVISION) TO
RESTRICT THE EMPLOYMENT OF NON-CAYMANIANS, IN
CERTAIN JOBS; AND TO MAKE PROVISION FOR INCIDENTAL AND
CONNECTED MATTERS**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Immigration (Amendment) Law, 2013. Short title

2. The Immigration Law (2012 Revision), in this Law referred to as the “principal Law”, is amended in section 2 by inserting, after the definition of the words “replica immigration stamp”, the following definition - Amendment of section 2 of the Immigration Law (2012 Revision) - definitions

“ “restricted area of employment” means any profession, trade, business, occupation, vocation or type of employment, designated by the Governor under section 46A;”.

3. The principal Law is amended in section 41 as follows - Amendment of section 41 - who may be gainfully occupied
 - (a) by renumbering section 41 as section 41(1);
 - (b) in section 41(1) as renumbered by deleting the words “No person shall” and substituting the words “Subject to subsection (2), no person shall”; and
 - (c) by inserting after section 41(1) as renumbered the following subsection -

“ (2) No person shall carry on gainful occupation in the Islands, in respect of any restricted area of employment, unless -

- (a) he is Caymanian;
- (b) at the date of commencement of the Immigration (Amendment) Law, 2013, he is a key employee in a restricted area of employment;
- (c) he has acquired permanent residence with a right to work under this or any earlier Law;
- (d) he has acquired the right to remain and to work in the Islands as a result of the issue of a Residency and Employment Rights Certificate;
- (e) he is the parent of a Caymanian under the age of eighteen;
- (f) he is the holder of a work permit issued under section 31(7) or issued in accordance with a quota fixed by the Governor under section 46A(2);
- (g) he is a person whose employment under a temporary work permit is, in the opinion of the Chief Immigration Officer, justified due to exceptional circumstances; or
- (h) he is a person whose employment (otherwise than under a temporary work permit) is, in the opinion of the Work Permit Board, the Business Staffing Plan Board or the Cayman Brac and Little Cayman Immigration Board, justified due to exceptional circumstances;

but where, at the date of commencement of the Immigration (Amendment) Law, 2013, in respect of such person -

- (i) a work permit is in force, he may continue to work under the terms and conditions of the permit until its expiration; or
- (ii) an application for a work permit was received but did not come before the Work Permit Board, the Business Staffing Plan Board, the Cayman Brac and Little Cayman Immigration Board or the Chief Immigration Officer until after that date, then the relevant Board or the Chief Immigration Officer, as the case may be, shall give consideration to such application

using the law that was in effect immediately before that date.”.

4. The principal Law is amended in section 43 by deleting the words “permits, sections 44, 48,” and substituting the words “permits, sections 44, 46A, 48,”.

Amendment of section 43 - application of certain sections to Cayman Brac and Little Cayman Immigration Board

5. The principal Law is amended by inserting after section 46 the following section -

Insertion of section 46A - restricted areas of employment

“Restricted areas of employment

46A.(1) The Governor may, by Order, designate certain professions, trades, businesses, occupations, vocations and types of employment, as restricted areas of employment for the purposes of section 41(2) but an Order made under this subsection has no effect unless it is subsequently ratified by the Legislative Assembly.

(2) The Work Permit Board, the Business Staffing Plan Board or the Cayman Brac and Little Cayman Immigration Board, as the case may be, shall in respect of restricted areas of employment, grant or renew work permits in accordance with a quota to be fixed by the Governor, which quota shall be gazetted.”.

Passed by the Legislative Assembly the 25th day of March, 2013.

Mary J. Lawrence

Speaker.

Zena Merren-Chin

Clerk of the Legislative Assembly.