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IMMIGRATION LAW

(2001 Revision)

Law 13 of 1992 consolidated with Laws 12 of 1993, 4 of 1994, 11 of 1998 and 9 of 2000.

Revised under the authority of the Law Revision Law (1999 Revision).

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Law 13 of 1992-13th July, 1992
Law 12 of 1993-28th June, 1993
Law 4 of 1994-9th March, 1994
Law 11 of 1998-17th June, 1998
Law 9 of 2000-20th July, 2000.

Consolidated and revised this 23rd day of January, 2001.

Note (not forming part of the Law): This revision replaces the 2000 Revision which should now be discarded.

IMMIGRATION LAW

(2001 Revision)

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IMMIGRATION LAW

(2001 Revision)

PART I -Introductory

1. This Law may be cited as the Immigration Law (2001 Revision).

Short title

2. (1) In this Law -

Definitions and
interpretation

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

“Board” means the Board established under section 4;

“business visitors permit” means a permit granted under section 35;

“Cayman Brac and Little Cayman Immigration Board” means the Immigration Board appointed under section 5;

“Caymanian status” has the meaning assigned to it in section 15;

“Chairman” means the Chairman of the Board;

“convicted and deportable” 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 the working or service of a vessel;

“dependant” in relation to any person, means the wife or husband of that person, and any of the following relations of that person, namely 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 VII 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;

“disembark” includes alight from;

“domicile” and its derivatives have, subject to subsection (2), the meaning ordinarily applied to those expressions at common law:

Provided that wheresoever the word “domicile” or its derivatives appear in paragraphs (a) and (b) of section 15 of the previously repealed law, then section 15(3) of the previously repealed law shall apply for the purpose of construing and interpreting the word “domicile” and its derivatives;

2000 Revision

“electoral district” bears the meaning ascribed to that phrase in section 2 of the Elections Law (2000 Revision);

“gainful occupation” and “gainfully occupied” mean the carrying on of or employment in any profession, trade, business or other avocation, for gain or reward, in, or with relation to, the Islands;

“Governor” means the Governor in Council;

“Health Officer” means 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 28, holding a work permit under section 33 or entitled permanently to residence in the Islands under Part IV as may be specifically permitted by the Governor or the Board, as the case may be, to reside with such person in the Islands during the currency of such person’s exemption, work permit or permission to reside;

“immigration officer” means the Chief Immigration Officer and any other immigration officer holding office under section 3(1);

“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;

“land” means to go to or to be (including remain or reside) in any place in the Islands other than -

- (a) on board any vessel; or
- (b) in any place under the control of an immigration officer in his official capacity;

“local agent”, in relation to a vessel, means -

- (a) the owner of the vessel, if the owner is in the Islands;
- (b) 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 Islands; or
- (c) the agent in the Islands for the person or corporate body for the time being owning or operating the vessel;

“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;

“permanent resident” means a person who has been granted permission to remain permanently in the Islands under section 22, or to any equivalent provisions in the repealed, previously repealed or earlier laws, or any person who has a right to remain permanently in the Islands under section 23 or 24, provided that the grant or right is still current and has not been revoked or lost in any way;

“prescribed” in relation to any matter, means prescribed by any regulation made under this Law;

“previously repealed law” means the repealed Caymanian Protection Law, 1971 (Law 23 of 1971) as revised;

“prohibited immigrant”, has the meaning assigned to it in section 60;

“regulation” means any regulation, rule or order made pursuant to this Law;

“repealed law” means the repealed Caymanian Protection Law, 1984 (Law 24 of 1984);

“Secretary” means the Secretary of the Board appointed under section 8(6);

“step-child” means a child of one of the parties to a marriage born in wedlock to a previous marriage of such party;

“stop list” has the meaning ascribed to it in section 59;

“undesirable person” means a person who in the opinion of the Governor is, or has been, so conducting himself, whether within or outside the Islands, that his presence in the 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;

“work permit” means a work permit granted under section 33, and, subject to section 37, includes a temporary work permit granted under section 34.

(2) The domicile of a married woman as at any time after the 15th October, 1992 shall, instead of being the same as her husband’s by virtue only of marriage, be ascertained by reference to the same factors as in the case of any other individual capable of having an independent domicile, save that where immediately before 15th October, 1992, a woman was married and then had her husband’s domicile by dependence, she is to be treated as retaining that domicile, as a domicile of choice, if it is not also her domicile of origin, unless and until it is changed by acquisition or revival of another domicile on or after the 15th October, 1992.

PART II - Administration

Appointment of
immigration officers

3. (1) There shall be a Chief Immigration Officer and such other immigration officers as are necessary for the purposes of carrying out this Law, who shall be public officers.

(2) Immigration 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.

Immigration Board

4. (1) There is established a Board called the Immigration Board consisting of-

- (a) the following persons appointed by, and holding office at the pleasure of, the Governor -
 - (i) a Chairman;
 - (ii) a Deputy Chairman;
 - (iii) for each electoral district, one member selected from among persons ordinarily resident in the district; and
 - (iv) three other members; and
- (b) the following additional persons-

1999 Revision

- (i) a member of the Central Planning Authority established under section 3 of the Development and Planning Law (1999 Revision) chosen by the members referred to in paragraph (a);

2001 Revision

- (ii) the Director of Labour appointed under section 71(1) of the Labour Law (2001 Revision) or, if he does not wish to be a member of the Board, a person nominated by him;

1976 Revision

- (iii) a member of the Public Service Commission established under section 5(1) of the Public Service Commission Law (Revised) chosen by the members referred to in paragraph (a); and
- (iv) such other members as the members referred to in paragraph (a) may, from time to time, appoint by notice in the Gazette.

(2) Subject to this Law, the members of the Board referred to in paragraph (b) of subsection (1) have such powers and privileges as members of the Board as the members referred to in paragraph (a) of subsection (1) determine, but have no right to vote at meetings of the Board.

Cayman Brac and Little
Cayman Immigration
Board

5. (1) There is established a Board called the Cayman Brac and Little Cayman Immigration Board which consists of -

- (a) a Chairman;
- (b) a Deputy Chairman; and
- (c) three other members appointed by the Governor.

(2) The members of the Board shall be appointed by and hold office during the pleasure of the Governor.

(3) The Governor may appoint committees of members of the Cayman Brac and Little Cayman Immigration Board and may delegate to any such committee such function of the Cayman Brac and Little Cayman Immigration Board as it considers necessary.

(4) The Governor may appoint a secretary to a committee appointed under subsection (3) and such secretary shall have no right to vote.

(5) A delegation under subsection (3)-

- (a) shall be in writing;
- (b) may be made subject to such limitations and conditions as are specified in the instrument of delegation;
- (c) may be determined at any time; and
- (d) does not affect the exercise of the delegated function of the Cayman Brac and Little Cayman Immigration Board.

(6) The Cayman Brac and Little Cayman Immigration Board shall have the following functions and powers-

- (a) the grant of work permits to persons who are not of Caymanian status and who are seeking occupation in Cayman Brac or Little Cayman;
- (b) the determination of any ancillary matter connected with the grant of permits under paragraph (a); and
- (c) such other functions and powers within the scope of this Law as the Governor may, from time to time, assign to it by regulation.

(7) Subject to subsection (8), sections 8, 9, 10, 11, 12, 13 and 14 with all necessary amendments shall be construed as applying also to the Cayman Brac and Little Cayman Immigration Board.

(8) Three members of the Cayman Brac and Little Cayman Immigration Board present at any meeting shall form a quorum.

6. (1) The Governor may appoint committees of members of the Board and may delegate to any such committee any function of the Board other than a function under Part III or IV.

Committees may
perform certain
functions

(2) The Governor may appoint a secretary (who shall not have a right to vote) to a committee appointed under subsection (1).

(3) A delegation under subsection(1)-

- (a) shall be in writing;
- (b) may be made subject to such limitations and conditions as are specified in the instrument of delegation;
- (c) may be determined at any time; and
- (d) does not effect the exercise of the delegated function of the Board.

Functions of Board

7. 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 work permits to certain persons who are not of Caymanian status;
- (e) the grant of rights to permanent residence to certain persons who are not of Caymanian status;
- (f) the determination of any ancillary matter connected with the above;
- (g) 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
- (h) such other functions and powers as may be assigned to it under this or any other law.

Meetings of Board

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, is necessary or desirable in the public interest.

(2) Any member of the Board who, without obtaining the prior written permission of the Chairman, is absent from more than two out of five consecutive meetings of the Board shall 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 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 members present and voting at any meeting. The Chairman or presiding member shall have no original but only a 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 commencement thereof, disclose the fact, and shall

not take part in the consideration or discussion of such matter or vote on any question with respect thereto.

(6) 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 subsections (1) to (6), the Board shall have power to regulate its own procedure.

9. (1) The fact and any particulars of, or relating to, any matter falling for consideration by, or the decision of, the Board shall be treated as confidential by each member of the Board and he shall not disclose any such fact or particular otherwise than in the proper performance of his duties under this Law or in compliance with the order of a court of competent jurisdiction.

Duty of confidentiality

(2) The failure of any member to comply with subsection (1) of itself constitutes a sufficient ground for the termination of his appointment.

10. 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 remuneration as may be determined, from time to time, by the Governor.

Remuneration of Board

11. Any person aggrieved by, 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:

Appeal from decision of immigration officer

Provided that the decision shall, if notice thereof is sent to him by post, be deemed to have been communicated to him at the time at which it would have been received in the ordinary course of post.

12. Any person aggrieved by, or dissatisfied with, any decision of the Board other than a decision under section 11 may, within twenty-one days of the communication of the decision to him, or such longer period as the Governor may, for good cause shown, allow, appeal therefrom to the Governor whose decision shall be final and binding upon the appellant:

Appeal from decision of Board

Provided that the decision shall, if notice thereof is sent to him by post, be deemed to have been communicated to him at the time at which it would have been received in the ordinary course of post.

13. (1) Appeals under sections 11 and 12 shall be by notice in writing addressed, in the case of appeals under section 11, to the Secretary and, in the

Conduct of appeals

case of appeals under section 12, 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,

and in the case of appeals made under section 12 shall be accompanied by a non-refundable processing fee of one hundred dollars.

(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 Appellate 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 be persons having legal qualifications.

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

Decisions to be
administrative

14. (1) Decisions made under or by virtue of sections 7, 11 and 12 shall be deemed to be administrative and not judicial decisions and, subject to subsection (2), no person shall be required to, but at his absolute discretion may, give any reason for such decision, and such decision shall not be questioned in any court of law.

(2) When the Board rejects an application under section 17, 22 or 33, either in whole or in part, it shall give the applicant brief reasons for that rejection and inform him of his right of appeal under section 12.

(3) Failure to inform an applicant of the right of appeal referred to in subsection (2) shall not of itself give rise to a right of appeal under section 12. Failure to give reasons as required by subsection (2) when first promulgating its decision to reject an application shall not give rise to such a right of appeal if the Board gives them to the applicant subsequently.

PART III-Caymanian Status

15. A person shall, for purposes of this Law, possess Caymanian status if-

General provisions
regarding possession of
Caymanian status

- (a) immediately prior to the 15th October, 1992, he possessed such status under the repealed law;
- (b) on or after the 15th October, 1992, he acquires such status under section 16;
- (c) after the 15th October, 1992, he is granted Caymanian status by the Board under section 17; or
- (d) the Governor, in his opinion finding special reason for so doing, grants such status to him,

and he shall continue to possess and enjoy Caymanian status unless and until he loses it under section 20.

16. (1) After the 15th October, 1992, any person under the age of eighteen years who is the legitimate child, step-child or adopted child of a person who possesses Caymanian status shall, for the purposes of this Law, himself possess Caymanian status and shall continue to possess such status unless and until he loses it under any other provision of this Law.

Acquisition of
Caymanian status by
children of persons
possessing such status

(2) Any person born on or after the 15th October, 1992, whether born in or outside the Islands, shall possess Caymanian status if-

- (a) at least one of his parents, at the time of his birth, possesses Caymanian status; and
- (b) one of his parents, at the time of his birth, is domiciled in the Islands.

(3) Notwithstanding anything in the foregoing, subsection (2) shall, in relation to an illegitimate child, have effect subject to the following modifications-

- (a) subject to paragraphs (b) and (c), the status or domicile of the putative father, or of any person holding himself out as the father of the child, shall not be taken into account, and the status or domicile of the mother shall alone be regarded;
- (b) where the child is subsequently legitimated by reason of the operation of the Legitimation Law (1997 Revision), and has not already acquired Caymanian status under subsection (1) or (2), then the date of the subsequent legitimation shall, for the purposes of the said foregoing provisions, be treated as if it were the date of the birth of the child, and the status and domicile of the father of the child may then be taken into account in determining whether or not the child has acquired or, as the case may be, may acquire Caymanian status; and

1997 Revision

- (c) where any person claiming to be the father of the child is able to prove to the satisfaction of the Board that he is in fact the father, and undertakes responsibility for the maintenance of the child, the Board may make a declaration that, for the purposes of the application of this Law, that person shall be regarded as the father of the child, and the status and domicile of that person may then be taken into account in determining whether or not the child has acquired or, as the case may be, may acquire Caymanian status.

(4) Any reference in subsections (1) to (3) to the nationality, status or domicile of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the nationality, status or domicile of the father at the time of the father's death.

(5) In this section-

“adopted” means adopted in such manner as is recognised by the law of the domicile of the person adopted at the time of the adoption.

Acquisition of
Caymanian Status by
grant

17. (1) Any person of not less than eighteen years of age who has been ordinarily resident in the Islands for a period of ten years immediately preceding his application may apply to the Board for a grant of Caymanian status.

(2) Any person possessing Caymanian status who has adopted a child in any place outside the Islands, may, if such child -

- (a) is under the age of eighteen years;
- (b) possesses such status under section 15 but is likely to lose it under section 20 on attaining such age; and
- (c) has been ordinarily resident in the Islands for a period of three years immediately preceding the application,

apply to the Board for the grant of Caymanian status to such child to take effect immediately upon such loss occurring.

(3) Any person who has attained the age of eighteen years, one of whose parents was born in the Islands, and who has been ordinarily resident in the Islands for the period of three years immediately preceding his application may apply to the Board for the grant of Caymanian status.

UK Act

(4) Any person who is a British Dependent Territories Citizen by reason of a grant by the Governor of a certificate of naturalisation or registration issued under the British Nationality Act, 1981, or any Act preceding, amending or replacing that Act may apply to the Board for the grant of Caymanian status.

(5) Any person who -

- (a) is the spouse of a person who possesses Caymanian status;
- (b) is not living apart from their spouse under a decree of a competent court or under a deed of separation;
- (c) has not lived apart from his spouse for an aggregate period of twelve months out of the five years immediately preceding the application;
- (d) has been ordinarily resident in the Islands for a period of three years immediately preceding his application; and
- (e) has not in any country been convicted of an offence for which a sentence of imprisonment of or exceeding twelve months has been passed other than for non-payment of a fine unless -
 - (i) such conviction has been quashed on appeal or has been the subject of a free pardon;
 - (ii) the act or omission giving rise to such conviction would not be an offence if done or omitted in the Islands in similar circumstances; or
 - (iii) the conviction is one which, in the interest of justice, the Board directs to be ignored for the purposes of this section,

may apply to the Board for the grant of Caymanian status.

(6) Any person who-

- (a) is the widow or widower of a person who immediately before his or her death -
 - (i) was his or her spouse;
 - (ii) possessed Caymanian status; and
 - (iii) was not living apart from his or her spouse under a decree of a competent court or under a deed of separation; and
- (b) has not in any country been convicted of an offence for which a sentence of imprisonment of or exceeding twelve months has been passed other than for non-payment of a fine unless -
 - (i) such conviction has been quashed on appeal or has been the subject of a free pardon;
 - (ii) the act or omission giving rise to such conviction would not be an offence if done or omitted in the Islands in similar circumstances; or
 - (iii) the conviction is one which, in the interest of justice, the Board directs to be ignored for the purposes of this section,

may apply to the Board for the grant of Caymanian status.

(7) Any person under the age of eighteen years who -

- (a) is an illegitimate child of a person who possesses Caymanian status; and

- (b) has been ordinarily resident in the Islands for a period of three years immediately preceding the application,

may apply to the Board for the grant of Caymanian status.

(8) Any person who has attained the age of eighteen years may apply to the Board for a grant of Caymanian status if, at the time of his birth, he is or was the legitimate child of a person of Caymanian status by birth or descent. For the purposes of this provision a person shall be deemed to be a person of Caymanian status by descent if he possesses Caymanian status and was born of parents at least one of whom was born in the Islands.

(9) Any person who -

- (a) has attained the age of seventeen years; and
- (b) has Caymanian status which status would otherwise expire upon his attaining the age of eighteen years,

may apply to the Board for the grant of Caymanian status to take effect upon his attaining the age of eighteen years and, in dealing with such application, the Board may grant such status to the applicant to take effect or to be deemed to have taken effect at the date of the applicant attaining the age of eighteen years, and if such person has been resident in the Islands for at least five years out of the seven years immediately preceding the date of application, and for the purpose of such periods any periods spent abroad solely for the purpose of attending a recognised educational establishment shall not be considered as absence from the Islands for the purposes of this subsection, such application shall be granted by the Board unless the Board considers there are exceptional circumstances why it should not be granted.

(10) In relation to the qualification of ordinary residence as set out in subsections (1) to (9) and in paragraph (d)(iii) of section 19(1)-

- (a) where any question arises as to whether an applicant was or was not, during any material period, ordinarily resident in these Islands, such question shall be decided by the Board;
- (b) where an applicant has been ordinarily resident in these Islands and has then been absent from these Islands for any period for the purpose of his education outside these Islands, the Board may count any such period of absence as a period of ordinary residence in these Islands if the Board is satisfied that, but for such period of absence, the applicant would have in fact continued to be ordinarily resident in these Islands; and
- (c) nothing in the foregoing provisions of this subsection shall have effect so as to preclude any applicant from appealing to the Governor, under section 12, on grounds that the Board came to a

wrong decision on the question of whether during any material period he was or was not ordinarily resident in these Islands.

(11) The Board shall, in deciding whether or not to grant Caymanian status, have regard to the following -

- (a) the economic situation of these Islands and the due protection of persons engaged or likely to be engaged in gainful occupation;
- (b) the health, character and previous conduct of the applicant and, where applicable, of any member of his family;
- (c) any advantage which the continued residence of the applicant or his family may afford to these Islands;
- (d) that the applicant is or would upon the grant to him of Caymanian status become domiciled in the Islands;
- (e) the hardship that may be caused to a spouse and his dependants; and
- (f) that the grant of the application is not contrary and is conducive to the public interest,

and may, if satisfied with respect to the foregoing considerations, make a grant of Caymanian status in favour of the applicant:

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

(12) The Board may require or allow any applicant to attend before it or any committee of the Board in support of his application, but subject as aforesaid, no applicant shall be entitled to appear before the Board.

(13) Any applicant who is aggrieved by a refusal of the Board to grant him Caymanian status may, subject to section 12, appeal to the Governor against such refusal.

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

Procedure of Board in considering applications for grant

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

(5) The Board shall grant Caymanian status in accordance with a quota to be fixed by the Governor, which quota shall be gazetted.

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

Evidence of Caymanian
status by grant

19. 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, in the form in the Schedule.

Loss of Caymanian
status

20. (1) Any person who possesses Caymanian status shall cease to possess or enjoy that status where-

- (a) having acquired Caymanian status by grant as mentioned in section 17 by reason of the grant of a certificate of Caymanian status by the Board or by reason of such a grant under section 18 of the repealed law or the previously repealed law, he has subsequently been ordinarily resident outside the Islands continuously for a period of five years or acquires a domicile other than a domicile in the Islands;
- (b) being a person having acquired Caymanian status as mentioned in section 17(5) by virtue of being married to a spouse who possesses Caymanian status or by reason of section 14(2) or (3) of the previously repealed law or section 18(5) of the repealed law-
 - (i) the spouse ceases to possess Caymanian status; or
 - (ii) within ten years from the date that he is deemed to possess Caymanian status -
 - (A) he commences to live apart from the spouse under a decree of a competent court or under a deed of separation;
 - (B) he is living apart from the spouse in circumstances where, in the opinion of the Board, the marriage has irretrievably broken down; or
 - (C) he ceases to be married to the spouse by reason of the dissolution or annulment of the marriage;

Provided that within three months of the date upon which this paragraph first applies to any person, he may, if more than five years have elapsed since he

began to possess Caymanian status by virtue of the marriage in question, apply to the Board for an order that his Caymanian status shall continue and, unless and until the Board denies his application, he shall continue to be a person of Caymanian status as if this paragraph did not apply to him;

- (c) being a person having acquired Caymanian status as mentioned in section 17(6) by virtue of being the widower or widow of a person who possessed Caymanian status or by reason of section 14 (2) or (3) of the previously repealed law or section 18(6) of the repealed law, he has subsequent to the death of the spouse been ordinarily resident outside the Islands continuously for a period of five years or acquires a domicile other than a domicile in the Islands; or
- (d) being deemed to possess and enjoy Caymanian status as mentioned in section 16(1) (or section 14 (2) of the repealed law) by virtue only of being the legitimate child, step-child or adopted child of a person who possesses Caymanian status -
 - (i) his parent, step-parent or adopted parent ceases to possess Caymanian status;
 - (ii) he is adopted in such circumstances that he has no parent who possesses Caymanian status; or
 - (iii) he had not been ordinarily resident in the Islands for a period of seven years immediately before he reaches the age of eighteen years.

(2) A person shall not cease to possess Caymanian status only by reason of the operation of any of the paragraphs of subsection (1) if he possesses, by virtue of any circumstances other than the circumstances mentioned in that paragraph, Caymanian status, and in any such case such person shall continue to possess and enjoy Caymanian status accordingly.

(3) Any person to whom paragraph (b) of subsection (1) applies shall notify the Board of the relevant circumstances forthwith, and wilful failure to do so shall be an offence.

(4) Without prejudice to subsections (1) to (3), the Board may, by order, deprive any person who has been granted Caymanian status under section 17, or section 18 of the repealed or the previously repealed law, of his Caymanian status 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 with respect to any such order-

- (a) the Board shall, by notice, inform the person affected of the order and of his right of appeal to the Governor as hereinafter provided;
- (b) if the person affected is aggrieved by the order he may, subject to section 12, appeal to the Governor against the order; and

- (c) in the event of there being no appeal or if an appeal is disallowed the Board shall notify the Chief Statistician and the Chief Immigration Officer of the order and shall cause notice thereof to be published in the Gazette.

(5) Any person who, having possessed Caymanian status, ceases by virtue of subsections (1) to (4) to possess or to be deemed to possess Caymanian status, shall, for the purposes of this Law, be treated as if he had never acquired, possessed or enjoyed Caymanian status, and the provisions of this Law shall thenceforward apply and have effect accordingly.

(6) Nothing in subsections (1) to (5) shall have effect so as to preclude a person who has, by virtue of such subsections, ceased to possess Caymanian status from applying to the Board for the grant of Caymanian status under section 17.

Revocation on
conviction

21. Where any grantee of Caymanian status under section 17, or section 18 of the repealed or the previously repealed law, is convicted by any Court of an offence -

- (a) for which he is sentenced to an immediate term of imprisonment of twelve months or more, other than for non-payment of a fine; or
- (b) which, in the opinion of the Board, was made possible by, facilitated by or connected with the Caymanian status of the offender,

the Board may revoke his status on its own motion.

PART IV-Permanent Residence

Permanent residence

22. (1) A person to whom permission to land, remain or reside has been granted may, at any time during the currency of that permission and not less than six months after the date of such grant, apply in the prescribed form and manner to the Board for permission to remain permanently in the Islands. The Board may refuse, defer, or grant any such application either unconditionally or subject to such conditions and limitations as it may think fit.

(2) Where an application has been refused under subsection (1), the applicant shall not be permitted to make any further application until after the lapse of one year from the date of the communication of the decision or, if the Board so orders, the lapse of two years from the date of such communication.

(3) Upon the death of a person of Caymanian status leaving a surviving spouse who does not possess Caymanian status but who has been ordinarily resident in the Islands during the period of six months immediately preceding

such death, such spouse, upon application in that behalf to the Chief Immigration Officer, shall be granted permission to reside permanently in the Islands:

Provided that if, after the grant of permission under this subsection, such spouse marries a person who does not possess Caymanian status such permission may be terminated by the Board.

23. (1) Any person who is a British Dependent Territories Citizen, by virtue of a connection with the Islands, by registration by entitlement under the British Nationality Act 1981, or any Act preceding, amending or replacing that Act, shall have the right to remain permanently in the Islands and shall cease to have such right where-

Right of permanent residence of certain British Dependent Territory Citizens U.K. Act

- (i) he ceases to be a British Dependent Territories Citizen;
- (ii) he has, subsequent to the grant of the certificate, been ordinarily resident outside the Islands continuously for a period of five years or acquires a domicile other than a domicile in the Islands, unless the Governor rules otherwise;
- (iii) the Governor is satisfied that the grant of the certificate was obtained by means of fraud, false representation or the concealment of any material fact; or
- (iv) he engages in gainful occupation or any trade or business without the permission of the Board.

24. Any person who immediately prior to 15th October, 1992, was possessed of a right to remain permanently in the Islands -

Persons entitled to permanent residence prior to 15th October, 1992

- (a) granted under section 43 of the repealed Law; or
- (b) preserved by section 42(3) of the repealed Law by reason of the application to him of paragraph (a) of that subsection,

shall have the right to remain permanently in the Islands.

25. A permanent resident shall not, unless exempted under section 28 or permitted under section 26, and subject to the preservation of any right existing immediately prior to the 15th October, 1992, be entitled to engage in any trade, business or gainful occupation without the issue of an appropriate work permit.

Permanent resident not to engage in gainful employment

26. (1) Where a permanent resident has been residing in the Islands for a continuous period of two years, the grant of such residence may be endorsed or entitlement varied by the Board so as to permit the permanent resident, on payment of the prescribed fee, if any, to engage in gainful occupation of such type, at such place, for such period and under such other conditions as may be specified by the Board.

Permanent resident may be permitted to be gainfully employed

(2) In granting such permission, the Board shall give consideration to the provisions of section 32(1).

(3) Any person to whom permission to engage in gainful occupation has been given under subsection (1) who engages in any other gainful occupation or in a manner, place or contrary to the conditions specified is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months, and the permission under subsection (1) to engage in gainful occupation shall forthwith be revoked by the Board.

Loss of permanent residence

27. The Board may declare that any person who has been granted permission to remain permanently in the Islands has ceased to enjoy such permission -

- (a) if he has been ordinarily resident outside the Islands continuously for a period of one year;
- (b) where the Board is satisfied that the information given in his application for permission to remain permanently in the Islands has been false in any material particular or has concealed any material fact;
- (c) if he has been convicted of an offence under section 26 or 37;
- (d) if he is convicted within the Islands of an offence -
 - (i) in respect of which a term of imprisonment of, or exceeding, one year (otherwise than in default of the payment of a fine) is imposed; or
 - (ii) which is triable upon indictment and not otherwise, if the time for lodging an appeal has elapsed and no appeal is pending;
- (e) he is repeatedly convicted of lesser offences to those referred to in paragraph (d) so that in total he is sentenced to imprisonment for a period exceeding twelve months;
- (f) he has become destitute;
- (g) he engages in any subversive activity or performs any act contrary to the peace and good government of the Islands; or
- (h) a deportation order is made in respect of him under Part VII,

and any such declaration by the Board shall take effect according to its tenor with effect from the date of its publication in the Gazette.

PART V-Gainful Occupation of Persons of Non-Caymanian Status

Persons exempted

28. (1) This Part does not apply to -

- (a) (i) persons employed by the Government of the Islands, in respect of their employment;
- (ii) persons employed in the Islands by the Government of the United Kingdom;
- (iii) consular officers and their staff;

- (iv) accredited representatives or agents of a government of any part of the Commonwealth; or
- (v) members of Her Majesty's armed forces;
- (b) 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;
- (c) members of the crew of any vessel that does not operate full-time in the Islands, whilst engaged in their duties as such;
- (d) a person to whom permission to engage in gainful occupation is granted under section 26; or
- (e) such other class or classes of persons as may, from time to time, be prescribed.

(2) A certificate issued by the Governor, acting in his discretion, shall be final in determining whether or not a person falls within one of the categories (i) to (v) referred to in paragraph (a) of subsection (1).

29. Except as otherwise provided by this Law, a person who does not possess Caymanian status shall not carry on any gainful occupation in the Islands unless authorised to do so by a work permit.

When work permit required

30. (1) A person or his prospective employer may apply for a work permit-
- (a) to the Board, where he seeks to have gainful occupation in Grand Cayman; or
 - (b) to the Cayman Brac and Little Cayman Immigration Board, where he seeks to have gainful occupation in Cayman Brac or Little Cayman.

Application for work permit

(2) An application for a work permit shall be in the prescribed form, accompanied by the prescribed fee and such documentary evidence as may be prescribed.

31. In performing its function of granting work permits sections 32, 33, 34, 36, and 37 with necessary amendments shall be construed as applying also to the Cayman Brac and Little Cayman Immigration Board.

Application of provisions to the grant of work permits by the Cayman Brac and Little Cayman Immigration Board

32. (1) The Board, in considering any application under section 30, shall, subject to any general directions which the Governor may, from time to time, give in respect of the consideration of such application, take particularly into account -

Board
Consideration of application for work permit by Board

- (a) the character, reputation and health of the person whose gainful occupation is sought to be authorised (hereinafter in this section referred to as "the worker") and, where relevant, of any member of his household;
- (b) the professional or technical qualifications of the worker;

- (c) the availability of the services of persons already resident in the Islands;
- (d) the protection of local interests and in particular those of persons of Caymanian status;
- (e) the economic and social benefit which the worker may bring to the Islands or enhance by his presence;
- (f) the sufficiency of the resources or proposed salary of the worker and his ability adequately to maintain his dependants;
- (g) as to whether the worker has a sufficient knowledge of the English language;
- (h) the hardship that may be caused to the spouse and dependants of the worker;
- (i) the location, type, adequacy and suitability of the accommodation available for the worker and his dependants, if any, throughout the term of the work permit sought;
- (j) in the case of professional, managerial or skilled occupations, whether the prospective employer has established an adequate training programme to ensure that a Caymanian is being trained to fill the position; and
- (k) generally, the requirements of the community as a whole, and such other matters as may arise from the application.

(2) Any general directions given under subsection (1) may be published in the Gazette.

Grant, etc., of work permit

33. (1) The Board may -

- (a) refuse an application for a work permit under section 30; or
- (b) grant such an application with or without any limitation or condition.

(2) On the grant of an application under subsection (1), the work permit applied for shall be issued in the prescribed form for such period, not exceeding three years, as the Board may determine and the work permit shall be endorsed with particulars of the conditions and limitations, if any, imposed by the Board on the grant.

2001 Revision

1999 Revision

(3) The granting under this section of a work permit shall confer on the applicant therefor the right to be granted, on the payment of the prescribed fee under the Trade and Business Licensing Law (2001 Revision), any licence required under that Law for the carrying on of the gainful occupation authorised by the work permit, but such grant shall not of itself confer any right to a licence under the Local Companies (Control) Law (1999 Revision).

(4) The work permit shall contain the names of the members of the household of the employee in respect of whom permission to reside with him during the currency of the work permit has been granted by the Board.

(5) The Board may, from time to time, extend, revoke, vary or modify the terms of any work permit.

(6) Where a work permit is granted in respect of the gainful occupation of a person, the earlier gainful occupation of whom had been authorised by a previous work permit, or where a work permit is extended under subsection (5), such grant or extension shall not give rise to any right to, or any expectation of a right to, any further new work permit or extension of an existing work permit thereafter and the Board may, in any case, refuse an application for such further new work permit or extension without any right arising to the applicant concerned to appeal against such refusal either to the Governor or the Grand Court on the grounds that the previous grant or extension gave rise to any right or expectation of any right to a further work permit or the extension of an existing one.

(7) Where a person has been continuously authorised by a gainful occupation licence or a temporary gainful occupation licence granted under the repealed law, or a work permit, to be gainfully employed and by virtue of such authorisations he or any other person has been lawfully ordinarily resident in the Islands for any period which is one of the qualifications for application for a grant of Caymanian status or the right permanently to reside in the Islands, such residence shall not of itself give rise to any right or expectation of a right to such a grant.

34. (1) The Chief Immigration Officer and the Chairman of the Immigration Board (or in the absence of the Chairman, the Deputy Chairman) may, on application in the prescribed form accompanied by such documentary or other evidence as may be prescribed by or on behalf of a visitor who desires to enter or remain in the Islands temporarily for the purposes of any gainful occupation, grant to such visitor a temporary work permit in the prescribed form upon the payment of the prescribed fee.

Temporary work permit

(2) A temporary work permit granted under subsection (1) shall be for such period not exceeding ninety days as the Chief Immigration Officer or person granting the permit shall think fit.

(3) Before granting an application under subsection (1), the Chief Immigration Officer or person granting the permit shall satisfy himself that suitable living accommodation in the Islands will be available for the visitor concerned throughout his proposed stay therein.

(4) The Chief Immigration Officer or the Chairman of the Immigration Board (or, in the absence of the Chairman, the Deputy Chairman) may, from time to time, extend the period of validity of or revoke, vary or modify the terms of any temporary work permit, but may not extend the total period of time granted under such permit beyond ninety days.

Business visitors permits
2001 Revision

35. (1) Local companies registered under the Companies Law (2001 Revision) and partnerships and firms working in the Islands who regularly throughout each year employ persons not ordinarily resident in the Islands on a temporary basis, may make a single application in each calendar year to the Chief Immigration Officer for the issue, in each calendar year, of one or more business visitors permits and for more than one visit.

(2) An application for business visitors permits shall be in respect of such number of persons and visits as the company, partnership or firm wishes to have granted and shall contain, in respect of each such person, such information as may be prescribed by regulations.

(3) An application shall state the maximum number of times it is desired that each business visitor be admitted to the Islands in such year and the maximum stay of each such business visitor during each visit.

(4) No business visitors permit shall be issued for more than fourteen days on any one visit.

(5) The Chief Immigration Officer, in considering an application under this section, shall take into account such of the matters set out in section 32(1) as he considers relevant and may agree such business plan with the company, partnership or firm submitting it, and, when agreeing it or when granting business visitors permits, may impose such conditions and limitations as he thinks fit.

(6) The annual fee, in respect of such business visitors permits, shall be such as may be laid down by regulations and shall be determined by the number of persons in respect of whom application is made and the number of visits per person in the relevant calendar year.

Work permit fees

36. (1) There shall be paid into General Revenue, in respect of every work permit granted under this Part, such fees as may be prescribed.

(2) Subsection (1) notwithstanding, no fee shall be charged in respect of a work permit authorising the gainful occupation of -

- (a) the spouse of a person possessing Caymanian status;
- (b) children and young persons under the school leaving age;

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

(3) Where a work permit authorises the gainful occupation of a person (in this subsection referred to as a “worker”) whilst he is in the service of any other person (in this subsection referred to as an “employer”) any fees payable under subsection (1) in respect of such work permit, or any prescribed security in respect of the entry of that worker into the Islands, shall be paid by the employer and it shall be an offence for an employer -

- (a) to seek or receive from any such worker any moneys or other compensation or benefit as reimbursement of, or contribution towards; or
- (b) to make any deduction from any remuneration due by him to any worker on account of, or in respect of,

those fees or that security.

- (4) Whoever contravenes subsection (3) is guilty of an offence.

37. (1) Whoever engages in any gainful occupation in contravention this Part or fails to comply with any condition or limitation contained in any licence is guilty of an offence:

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

Provided that where the holder of a work permit, other than a temporary work permit granted under section 34, has, during the time when such work permit is in force, applied to the Board for a new work permit on the same terms and conditions as the existing work permit and for a period to commence immediately upon its expiration, or for an extension of the existing work permit then, if such application has-

- (a) been refused by the Board and an appeal has been made under section 12 to the Governor against such refusal, or
- (b) not yet been determined by the Board,

the applicant shall not be guilty of an offence by engaging in such gainful occupation as he has heretofore been allowed to do, notwithstanding that the original work permit has expired, from the time when such original licence expires until the determination of the application or the appeal has been notified to him.

(2) Whoever employs another person, in such circumstances that the employment of such person is in contravention of this Part or of any condition or limitation contained in any work permit, is guilty of an offence:

Provided that it is a good defence for a person charged with an offence under this subsection to prove that he had made reasonable enquiries to determine

whether such employment was in contravention of this Part, and had no reasonable ground for believing, and did not in fact believe, that such employment was in contravention.

(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 Islands shall be deemed to do so for gain or reward until the contrary is proved.

(4) Whoever acts in contravention of this section, or is reasonably suspected of having so acted, may be taken into custody without warrant by an immigration officer or constable.

PART VI - Entry, Landing in the Islands, Etc.

Duties of Chief
Immigration Officer and
persons arriving in the
Islands

38. It is the duty of the Chief Immigration Officer to ensure that every vessel arriving in the Islands is met by an immigration officer, and it is the duty of every person in or on such vessel to report to an immigration officer -

- (a) if, before such person disembarks, an immigration officer boards the vessel, to that officer; or
- (b) upon disembarking.

Duty of local agent of
vessel to give notice of
arrival

39. (1) It is the duty of the local agent of every vessel arriving in the 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.

(2) Whoever fails to comply with subsection (1), or with any requirement duly given thereunder, is guilty of an offence.

Inward passenger and
crew manifests

40. (1) It 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; and
- (d) the names and particulars of any other persons on board the vessel.

(2) Whoever fails to comply with subsection (1) is guilty of an offence.

41. 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 disembark in the Islands before permission generally to disembark has been given by an immigration officer:

Control of landing from vessels

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

42. (1) It 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 -

Outward passenger and crew manifests

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

(2) Whoever fails to comply with subsection (1) is guilty of an offence.

43. Sections 39, 40, 41 and 42 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

44. Notwithstanding this Part, the Governor may, in writing under his hand, issue a permit for the landing 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

45. (1) Every person on entering and when leaving the 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 or place of permanent residence of such person to the satisfaction of an immigration officer, and, in such cases as may be prescribed, a relevant visa.

Duty to produce passport, etc.

(2) Whoever fails to comply with such requirement is guilty of an offence.

46. The crew and passengers in transit in any vessel who do not leave the vessel or who disembark onto 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:

Certain persons deemed not to have landed in the Islands

Provided that a person who is not, bona fide, a passenger in transit in a vessel or a member of the crew thereof shall be deemed to have landed in these

Islands if he resides in any vessel, including a yacht or houseboat, within the territorial waters of the Islands.

General prohibition from landing in the Islands without specific permission of immigration officer

47. Without prejudice to any of the succeeding provisions of this Law, it is an offence for any person other than a person -

- (a) who possesses Caymanian status; or
- (b) who satisfies an immigration officer that he is -
 - (i) authorised to carry on a gainful occupation under section 30 or 32;
 - (ii) a person named in a work permit as a member of the household of the licensee;
 - (iii) a person who is exempted under section 28 or a member of the household of such a person; or
 - (iv) a person who has permission to remain permanently in the Islands under section 22 or who has such a right under section 23 or 24,

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

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

48. (1) Persons other than those referred to in paragraphs (a) and (b) of section 47, and who are not prohibited immigrants, may be granted permission to land in the 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:

Provided that where the effect of such extension is that the person to whom permission is granted will be permitted to remain for a period in excess of twelve months in total and upon such permission being granted the Chief Immigration Officer shall forthwith notify the Board of such extension.

(2) Any permission granted under subsection (1) or any extension thereof may, at any time, be revoked either by the Governor, or by the Chief Immigration Officer acting in person.

(3) The Governor or the Chief Immigration Officer, so revoking under subsection (2), shall cause to be served upon the person concerned notice of any such revocation in which shall be specified a time, not being more than fourteen days, within which such person shall be required to leave the Islands.

(4) In the case of any child born in the Islands in such circumstances that it does not acquire Caymanian status at birth, such child shall be reported to the Chief Immigration Officer as soon as practicable and shall thereafter be subject to immigration control in a manner appropriate in all the circumstances and having

regard to the immigration status of the parents or, in the case of an illegitimate child, of the mother.

49. (1) Before granting permission to any person under section 48, 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, and is in possession of sufficient funds to maintain himself and his dependants, if any, during the period of his stay in the Islands.

Requirements to be
satisfied by visitors

(2) An immigration officer, in accordance with general or special directions of the Governor or the Chief Immigration Officer, may attach such conditions or restrictions as he may think fit to any permission granted to any person under section 48 and the Governor, in respect of his own directions or those of the Chief Immigration Officer, or the Chief Immigration Officer in respect of his own directions may, at any time, vary such conditions or restrictions in such manner as he thinks fit.

(3) Notwithstanding anything in subsection (1), an immigration officer may, as a condition of granting permission to any person under section 48, require such person to pay such non-refundable repatriation fee as may be prescribed by regulations; 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 pay such non-refundable repatriation fee as may be prescribed by regulations.

(4) Whoever fails to comply with any condition or restriction imposed as aforesaid is guilty of an offence.

50. (1) Without prejudice to this Part, an immigration officer may examine any person who has arrived in the Islands, including any transit passenger, member of the crew of any vessel or other person not seeking to land in the Islands, for the purpose of determining -

Safeguards regarding
permission to land, etc.

- (a) whether he is or is not, such a transit passenger, crew member or other person;
- (b) if he is not a person of Caymanian status, whether he may, or may not, enter the Islands under section 47; and
- (c) whether, if he may not, he should be given permission to land in the Islands and for what period and under what conditions, or should be refused permission.

(2) If any person to whom subsection (1) refers, other than a person to whom paragraph (a) or (b) of section 47 applies, is seeking to land in the Islands, an immigration officer may require him to-

- (a) provide evidence of the good character of himself and his dependants;
- (b) 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; and
- (c) furnish such other particulars as may, in the opinion of the immigration officer, be relevant to the application.

Disembarkation and
embarkation cards

51. (1) Subject to subsection (4), whoever, disembarking 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.

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

1995 Revision

(3) Without prejudice to anything in the Evidence Law (1995 Revision), 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.

(4) Subsection (1) does not apply to any person or category of persons specified in regulations as being exempt from the requirements of that paragraph; and the duty of the Chief Immigration Officer under subsection (2) shall not apply in respect of any person or category of persons so exempted.

Detention of persons
who have been refused
permission to land, etc.

52. (1) Under the authority of an immigration officer -

- (a) a person who may be required to submit to examination under section 50(1), pending his examination and pending a decision to give or refuse him permission to land;
- (b) a person to whom permission to land has been refused; or
- (c) a prohibited immigrant on any vessel not intending or seeking permission to land,

may be temporarily detained at some place approved by the Governor for such purpose, and whilst so detained, shall be deemed to be in legal custody and not to have landed. A person on board a vessel may, under the authority of an immigration officer, be removed for detention under this subsection.

(2) A person liable to detention or detained under subsection (1) may, with the leave of an immigration officer, be temporarily granted permission to land without being detained or, if detained under that subsection, may be released from

detention, pending a decision whether to grant him permission under section 47 but this shall not prejudice a later exercise of the power to detain him.

(3) For so long as a person has been temporarily granted permission to land under subsection (2), he shall be deemed not to have landed and shall be subject to such conditions as an immigration officer may determine.

53. (1) In any case where -

- (a) a person lands in the Islands in contravention of or without complying with this Law; or
- (b) a person is refused permission to land,

Duty with respect to removal of person landing unlawfully in respect of whom permission to land is refused

it is 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 is 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 the Islands, departing from the Islands, to receive him on board that vessel and take him away from the Islands or, with the approval of the Chief Immigration Officer, make other suitable arrangements for his departure from the Islands.

(2) A 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.

(3) Any such person may be detained by an immigration officer or constable in such manner and place as may be directed by the Governor until such person can be received on board a vessel, and whilst so detained he shall be deemed to be in lawful custody and, in the case of a person refused permission to land, shall also be deemed not to have landed.

(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 all 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 whether in the vessel from which the person was landed or by some other carrier.

(5) Subsections (1) to (4) apply not only to a person referred to in subsection (1) but to the dependants of such person as well.

54. (1) It is 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.

Register to be kept and particulars furnished by hotel keepers and others

(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 is the duty -

- (a) of every person whether of Caymanian status or not staying at any premises to sign, when so required, a statement as to his nationality, and, if 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 statements 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, immigration officer or 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.

Re-entry permit

55. (1) Whoever is, for the time being, entitled by this Law, or permitted by reason of the exercise of any power thereunder, to land in 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 subsection (1), issue a re-entry permit in the prescribed form and on payment of the prescribed fees, valid for such periods as the applicant is, at the time of issue, entitled to land in the Islands:

Provided that nothing in subsections (1) and (2) shall have effect so as to authorise 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.

Offences relating to
illegal landing and
powers of arrest

56. (1) Whoever -

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

where such landing, remaining or residing is or would be in contravention of this Part, is guilty of an offence.

(2) Whoever-

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

where such landing is, or would be, in contravention of this Part, is guilty of an offence.

(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.

(4) A person who has been convicted of an offence contrary to paragraph (c) of subsection (1) may be detained in such place, in such manner and for such period not exceeding seven days as the Chief Immigration Officer may direct if it is the intention of the Chief Immigration Officer to recommend the making of a deportation order in respect of such person.

57. There shall be provided and maintained by the Chief Immigration Officer, under the direction of the Governor, a central register of persons who are not of Caymanian status, in which there shall be registered such particulars and in such form as may be prescribed.

Register of persons not of Caymanian status

58. 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.

Application of other laws

59. (1) There shall be established by the Chief Immigration Officer 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 60.

Establishment of stop list

(2) The Chief Immigration Officer may 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.

60. The following, not being of Caymanian status or permanent residents, are prohibited immigrants -

Prohibited immigrants

- (a) any destitute person;

1997 Revision

- (b) any person who is mentally disordered or mentally defective as defined in the Mental Health Law (1997 Revision), or suffers from epilepsy, not controlled by medication, unless in any such case he, 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, to have come to the Islands for the purpose of prostitution or 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, in the opinion of the Governor, is reliable information or advice, is deemed by the Governor to be an undesirable inhabitant of or visitor to the Islands; or
- (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 of or exceeding twelve months has been passed otherwise than for non-payment of fine.

Prohibited immigrants
not allowed to enter

61. Notwithstanding paragraph (b) of section 47, a prohibited immigrant shall not be allowed to land in the Islands.

PART VII - Deportation

Non-application of this
Part as respects persons
possessing Caymanian
status

62. 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 or a person entitled to remain permanently in the Cayman Islands by virtue of section 24.

Report preliminary to
deportation order

63. (1) No deportation order shall be made under this Law, otherwise than in the case of a convicted and deportable person, of a person who has been convicted of an offence contrary to paragraph (c) of section 56(1) or of a person who has been sentenced in the Islands to imprisonment for a term of not less than six months, unless a magistrate shall have reported on the case and the Governor,

having had regard to the findings of fact and 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, requiring him to show cause why such order should not be made and naming the time and place for his appearance before a summary court in that behalf. If such person should fail to appear at the time and place so named the court may issue a warrant for his arrest.

(3) In every proceeding under subsection (2), the 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 it and making any further investigations which it may consider to be desirable, shall report to the Governor setting out its 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 court, at its discretion, may order the person, the subject of the report, to be detained in legal custody or released on bail.

64. (1) Subject to sections 62 and 63, the Governor may, if he thinks fit, make a deportation order in respect of any person who is-

Power of Governor to make deportation order

- (a) a convicted and deportable person;
- (b) an undesirable person;
- (c) a destitute person;
- (d) a prohibited immigrant who has entered the Islands contrary to this Law;
- (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.

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

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

(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

and land in the Islands for such purpose and subject to such conditions as may be specified.

Service of deportation order and power to detain deportees

66. (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 the Islands.

Duty to comply with deportation order

67. (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 subsection (1) is guilty of an offence.

(3) Whoever returns to the Islands in contravention of a deportation order is guilty of an offence and may again be deported under the original order, and section 66(2) shall apply accordingly in respect of such person.

Duty to afford transportation of deportee to place outside the Islands

68. (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 contravenes subsection (1) is guilty of an offence.

(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.

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

Harbouring deportee

69. 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.

70. Whoever acts in contravention 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., this Part
71. In any proceedings taken under, or in connection with, this Part- Evidence in proceedings taken under this Part
- (a) the burden of proof that a person charged is exempted from the application of this Part by virtue of section 62 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.
72. Any deportation order made under any other law and in force immediately before the 15th October, 1992 shall, for the purpose of this Law, be treated as if it had been made under this Part and shall continue to have effect accordingly. Transitional provisions
73. 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 VIII - General

74. (1) Any person- Identification cards
- (a) to whom a work permit has been issued under section 33; or
 - (b) who has been permitted to engage in a gainful occupation under section 26,
- shall, at the time of the granting of such work permit or permission to engage in a gainful occupation, as the case may be, have issued to him an identification card.
- (2) Any person to whom an identification card has been issued under subsection (1) shall produce such card for inspection upon demand being made in such regard by any police constable, immigration officer or officer appointed under the Labour Law (2001 Revision), or, if at the time of the making of such demand the identification card is not in the possession of the holder, he shall produce the same for inspection within forty-eight hours at such place as the person lawfully making the demand shall specify. 2001 Revision
- (3) Whoever contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

Regulations	<p>75. (1) The Governor may make regulations generally for administering this Law and for giving effect to its objects, purposes and intentions, or with respect to any matter or thing by or under this Law which may be or is to be prescribed by regulations.</p> <p>(2) Without prejudice to the generality of the power conferred by subsection (1), regulations may be made under this section -</p> <ul style="list-style-type: none">(a) authorising 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 and the circumstances under which such fees may be abated or waived;(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) providing for the submission by a company to the Board of business staffing plans, prescribing the contents of and procedures concerning such plans and the method of granting work permits following approval of such plans;(f) prescribing the countries a national of which on landing in the Islands shall produce a visa; and(g) prescribing the persons or categories of persons who are exempt from the requirements of section 51(1).
Directions to Board and Chief Immigration Officer	<p>76. The Governor may, from time to time, issue policy directions to the Board and to the Chief Immigration Officer for their guidance in the exercise of their respective powers, duties and functions under this Law and it shall be the duty of the Board and the Chief Immigration Officer to put into effect and to carry out such directions.</p>
Power to put questions and require production of documents	<p>77. (1) The Board, or any immigration officer, constable or other person lawfully acting in the execution of this Law may-</p> <ul style="list-style-type: none">(a) put any question to any person, being a question reasonably required in connection with the proper discharge of its or his functions under this Law; and(b) require any person to produce for inspection any licence, certificate, permit, gainful occupation identification card 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 function 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, is, without prejudice to anything in section 79, guilty of an offence.

(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.

78. (1) 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 is guilty of an offence.

Obstruction of persons
acting in execution of
Law

(2) Whoever acts in contravention of this section, 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.

79. (1) Whoever -

Offences relating to
false documents, etc.

- (a) in connection with the carrying into effect of any of the purposes of this Law, makes, 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;
- (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 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,

is guilty of an offence.

(2) Whoever acts in contravention of subsection (1), 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.

Punishment for offences against Law	<p>80. A person guilty of an offence against this Law is liable on summary conviction, in respect of a first offence, to a fine of two thousand dollars and to imprisonment for six months or, in respect of a second or subsequent offence, to a fine of four thousand dollars and to imprisonment for twelve months and, where any such offence is a continuing offence, the person guilty of the offence shall, in addition to any punishment provided by this section, be liable in respect of each day during which the offence continues to a fine of one hundred dollars.</p>
Marriages of convenience	<p>81. (1) It is an offence wilfully to enter into a fraudulent marriage with the primary intention of avoiding any of the provisions of this Law or with the intention of obtaining any benefit under this Law.</p> <p>(2) Whoever contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and to imprisonment for one year.</p>
Offences against Law by corporations, liability of officers, etc.	<p>82. 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, manager, 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.</p>
Evidence in proceedings taken under, or in connection with, Law	<p>83. (1) In any proceedings taken under, or in connection with, this Law-</p> <ul style="list-style-type: none">(a) the burden of proof that any person has had, at any material time-<ul style="list-style-type: none">(i) a particular status for the purpose of this Law;(ii) a particular nationality; or(iii) a particular occupation, or, as the case may be, no occupation, <p>shall be upon that person;</p> <ul style="list-style-type: none">(b) any document purporting to set forth any order or discretion given under this Law shall be presumed, until the contrary is proven, 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 proven, to have been validly given and to have been given on the date on which it purports to have been given. <p>(2) In subsection (1), any reference to the giving of an order shall be construed as including a reference to the making of an order, to the giving of a direction or a decision and to the imposing of a requirement.</p>

84. (1) Nothing in section 15 or in the definition of “domicile” confers any right or privilege upon any person which such person would not have possessed on the 15th October, 1992. Savings
- (2) Nothing in this Law affects the rights of any person with respect to Caymanian status or permanent residence existing prior to the 15th October, 1992.
85. A gainful occupational licence, or a temporary gainful occupational licence, granted under the repealed law and in force immediately prior to the 15th October, 1992 shall continue to remain in force for the rest of the term of such licence as if it were a work permit or temporary work permit, as the case may be, granted under this Law and such permit shall continue to be subject to each and every one of the terms and conditions attaching to the gainful occupation licence as if those terms and conditions had been imposed under this Law. Transitional provisions relating to gainful occupation licences
86. In performing its functions and powers generally under this Law, sections 76 and 77 with all necessary amendments, shall be construed as applying also to the Cayman Brac and Little Cayman Immigration Board. Application of general provisions to Cayman Brac and Little Cayman Immigration Board
87. 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. Conflict with other laws
88. Nothing in this Law shall be construed so as to derogate from or abridge any provision of - Savings of other laws
- (a) the Caribbean Development Bank Law (1997 Revision); or
- (b) the Diplomatic Privileges and Immunities Law (1997 Revision), 1997 Revisions
- or any law amending or replacing such laws.

SCHEDULE

IMMIGRATION LAW

(2001 Revision)

(section 19)

CERTIFICATE OF CAYMANIAN STATUS

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....., 20.....

Chairman of the Immigration Board /Governor.

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

(2) 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.

(3) 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.

Publication in consolidated and revised form authorised by the Governor in Council this 23rd day of January, 2001.

Carmena Watler

Clerk of Executive Council