

CAYMAN ISLANDS



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**THE IMMIGRATION LAW
(LAW 13 OF 1992)**

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FIRST SCHEDULE

Law 13 of 1992

I Assent

ALAN SCOTT
Governor

30th August, 1992

**A LAW TO MAKE COMPREHENSIVE
PROVISION FOR THE IMMIGRATION OF PERSONS
INTO THE ISLANDS, FOR THE STATUS, RIGHTS,
OBLIGATIONS AND DISABILITIES OF IMMIGRANTS
AND OTHER PERSONS AND FOR MATTERS RELATED
OR INCIDENTAL THERETO**

ENACTED by the Legislature of the Cayman Islands.

PART I - PRELIMINARY

Short title and
commencement.

1. This Law may be cited as the Immigration Law and shall come into operation on such day as the Governor, by Proclamation published in the *Gazette*, shall appoint.

Interpretation.

2. (1) In this Law, unless the context otherwise requires –

"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;

"Caymanian status" has the meaning assigned to it in section 13;

"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, as the case may be, the husband of that person, and any of the following relations of that person, that is to say, 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 the meaning ordinarily applied to those expressions at common law, subject to the provisions of subsection (2);

PROVIDED that wheresoever the word "domicile" or its derivatives appear in paragraphs (a) and (b) of section 15 of the Caymanian Protection Law, 1971, or in paragraphs (a) and (b) of subsection (1) of section 15 of the Caymanian Protection Law (Revised), then the provision of subsection (3) of section 15 of the Caymanian Protection Law (Revised) shall apply for the purpose of construing and interpreting the word "domicile" and its derivatives;

"electoral district" bears the meaning ascribed to that word in section 2 of the Elections Law, 1983;

"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 Cayman 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 26, holding a work permit under section 30 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 for the time being 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 pursuant to section 20, or to any equivalent provisions in the repealed or earlier Laws, or any person who has a right to remain permanently in the Islands pursuant to sections 21 or 22,

provided that the grant or right, as the case may be, 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;

"prohibited" immigrant" has the meaning assigned to it in section 56;

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

"repealed law" means the Caymanian Protection Law, 1984, repealed by section 82;

"Secretary" means the Secretary of the Board appointed under section 6(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 55;

"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 30 and includes a temporary work permit granted under section 31.

(2) The domicile of a married woman as at any time after the coming into force of this Law 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 this section came into force 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 either on or after the coming into force of this Law.

PART II – ADMINISTRATION

Appointment of
immigration officers.

3. (1) There shall be a Chief Immigration Officer and such other immigration officers as from time to time are necessary for the purposes of carrying out the provisions of 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.

Establishment of the Board.

4. There is hereby established a Board called the Immigration Board consisting of the following members –

- (a) a Chairman;
- (b) a Deputy Chairman; and
- (c) for each electoral district, one member selected from among persons ordinarily resident therein,

who shall be appointed by, and hold office at the pleasure of, the Governor.

Functions of the Board.

5. 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 the Board.

6. (1) The Board shall meet at least once in every calendar month and upon such other occasions as, in the opinion of the Chairman, shall be necessary or desirable in the public interest.

(2) Any member of the Board who, without obtaining the prior written permission of the Chairman, shall be 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 at such meeting 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

the 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 the foregoing provisions, the Board shall have power to regulate its own procedure.

Duty of confidentiality.

7. (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.

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

Remuneration of the Board.

8. 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.

Appeal from decisions of an immigration officer.

9. 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:

PROVIDED that for the purposes of this section 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.

Appeals from the decisions of the Board.

10. Any person aggrieved by, or dissatisfied with, any decision of the Board other than a decision under section 9 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:

PROVIDED that for the purposes of this section 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.

Conduct of appeals.

11. (1) Appeals under section 9 and 10 shall be by notice in writing addressed, in the case of appeals under section 9, to the Secretary and, in the case of appeals under section 10, 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.

(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.

12. (1) Decisions made under or by virtue of sections 5, 9 and 10 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, such decision shall not be questioned in any court of law.

(2) When the Board rejects an application under section 15, 20, or 30 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 10.

(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 10. 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

General provisions regarding possession of Caymanian status.

13. A person shall, for purposes of this Law, possess Caymanian status if such person has any of the following qualifications –

- (a) if, immediately prior to the coming into operation of this Law, he possessed such status under the repealed law;
- (b) if, on or after the day on which this Law comes into operation, he acquires such status under section 14;
- (c) if, after the day on which this Law comes into operation, he is granted Caymanian status by the Board under section 15; or
- (d) if 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 18.

Acquisition of Caymanian status by children of persons possessing such status.

14. (1) After the day upon which the Law comes into operation, 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.

(2) Any person born on or after the day on which this Law comes into operation, whether born in or outside the Islands, shall possess Caymanian status if both the following conditions are fulfilled –

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

(3) Notwithstanding anything in the foregoing, the provisions of subsection (2) shall, in relation to an illegitimate child, have effect subject to the following modifications, that is to say –

- (a) subject to paragraphs (b) and (c) below, 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 said Legitimation Law (Revised), and has not already acquired Caymanian status by virtue of the foregoing provisions of this section, 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;

- (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 the provisions 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 the foregoing provisions of this section 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.

15. (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 13 but is likely to lose it under section 18 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.

(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 –

- (a) who is the spouse of a person who possesses Caymanian status;
- (b) who is not living apart from their spouse under a decree of a competent court or under a deed of separation;
- (c) who has not lived apart from his spouse for an aggregate period of twelve months out of the five years immediately preceding the application;
- (d) who has been ordinarily resident in the Islands for a period of three years immediately preceding his application; and
- (e) who 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 –

- (a) who 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) who 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 Cayman 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 the foregoing subsections and in section 18 (1)(d)(iii), the following provisions shall have effect, that is to say –

- (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;
- (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 10, 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 Cayman 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

them 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 the provisions of section 10 appeal to the Governor against such refusal.

Procedure of the Board
in considering
applications for a grant.

16. (1) Applications under section 15 shall be made to the Board through the Secretary, shall be in the prescribed form and shall be accompanied by the prescribed fee. The application shall be made in duplicate and shall state whether or not the applicant wishes to be heard in person.

(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 15 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.

17. 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, which shall be in the form set out in the First Schedule.

First Schedule

Loss of Caymanian
status.

18. (1) Any person who possesses Caymanian status shall cease to possess or enjoy that status in any of the following circumstances, that is to say –

(a) in any case where, having acquired Caymanian status by grant as mentioned in section 15 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 Caymanian Protection Law (Revised) or section 18 of the Caymanian Protection Law, 1984, he has subsequently been ordinarily resident outside these Islands continuously for a period of five years or acquires a domicile other than a domicile in the Cayman Islands;

(b) in any case where, being a person having acquired

Caymanian status as mentioned in section 15(5) by virtue of being married to a spouse who possesses Caymanian status or by reason of section 14 (2) or (3) of the Caymanian Protection Law (Revised) or section 18(5) of the Caymanian Protection Law, 1984 –

- (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) in any case where being a person having acquired Caymanian status as mentioned in section 15(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 Caymanian Protection Law (Revised) or section 18(6) of the Caymanian Protection Law, 1984, he has subsequently to the death of the spouse been ordinarily resident outside these Islands continuously for a period of five years or acquires a domicile other than a Cayman Islands domicile;
- (d) in any case where being deemed to possess and enjoy Caymanian status as mentioned in section 14 (1) (or section 14 (2) of the repealed Law) by virtue only of being the legitimate child or step-child or adopted child of a person who possesses Caymanian status –
 - (i) his parent or step-parent or adopted parent himself 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) For the avoidance of doubt it is hereby declared that 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 the provisions of paragraph (b) of subsection (1) apply shall notify the Board of the relevant circumstances forthwith, and wilful failure to do so shall be an offence.

(4) Without prejudice to anything in the foregoing provisions of this section, the Board may by order deprive any person who has been granted Caymanian status under the provisions of section 15 of this Law, or section 18 of the repealed Law or section 18 of the Caymanian Protection Law (Revised), 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.

With respect to any such order as aforesaid the following provisions shall have effect, that is to say –

- (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 the provisions of section 10 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 any of the foregoing provisions of this section 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 the foregoing provisions of this section shall have effect so as to preclude a person who has, by virtue of such provisions, ceased to possess Caymanian status from applying to the Board for the grant of Caymanian status under section 15.

Revocation on conviction.

19. Where any grantee of Caymanian status under section 15 of this Law, or of section 18 of the repealed Law or of the Caymanian Protection Law (Revised), is convicted by any Court of an offence –

- (a) for which he is sentenced to an immediate term of imprisonment of 12 months or more, other than for non-payment of a fine; or
- (b) which, in the opinion of the Board, was made possible by or was facilitated by or was connected with the Caymanian status of the offender,

the Board may revoke his Status on its own motion.

PART IV – PERMANENT RESIDENCE.

Permanent residence.

20. (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) Upon the death of a person of Caymanian status leaving a spouse him or her surviving 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 married a person who does not possess Caymanian status such permission may be terminated by the Board.

Right of permanent residence of certain British Dependent Territory Citizens.

21. (1) Any person who is a British Dependent Territories Citizen, by virtue of a connection with the Cayman 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 in any of the following circumstances that is to say –

- (i) in any case where he ceases to be a British Dependent Territories Citizen;
- (ii) in any case where he has subsequently to the grant of the certificate been ordinarily resident outside of the Islands continuously for a period of five years or acquires a domicile other than a domicile in the Cayman Islands, unless the Governor rules otherwise;
- (iii) in any case where 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;

- (iv) in any case where he engages in gainful occupation or any trade or business without the permission of the Board.

Persons entitled to permanent residence prior to coming into operation of this Law.

22. Any person who immediately prior to the coming into operation of this Law was possessed of a right to remain permanently in the Islands —

- (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.

Permanent resident not to engage in gainful employment.

23. A permanent resident shall not, unless exempted under section 26 or permitted under section 24, and subject to the preservation of any right existing immediately prior to the coming into operation of this Law, be entitled to engage in any trade, business or gainful occupation without the issue of an appropriate work permit.

Permanent resident may be permitted to be gainfully employed.

24. (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.

(2) In granting such permission, the Board shall give consideration to the provisions of section 29(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 shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, and the permission under section (1) to engage in gainful occupation shall forthwith be revoked by the Board.

Loss of permanent residence.

25. The Board may declare that any person who has been granted permission to remain permanently in the Islands has ceased to enjoy such permission in any of the following circumstances, that is to say —

- (a) 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) he has been convicted of an offence under sections 24 or 33

of this Law;

- (d) 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) above so that in total he is sentenced to imprisonment for a period exceeding 12 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 PERSON OF NON-CAYMANIAN STATUS

Persons exempted.

26. (1) This Part shall have no application to –
- (a)
 - (i) persons employed by the Government of the Cayman Islands, in respect of their employment;
 - (ii) persons employed in the Cayman 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 24;
- (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 subsection (1).

When work permit required.

27. Save as otherwise provided by this Law, no person who does not possess Caymanian status shall be gainfully employed in the Islands unless a permit (in this Law referred to as a "work permit") authorising him to be so employed has been granted by the Board and is currently valid.

Application for work permit.

28. An application for a work permit shall be made to the Board through the Secretary by the person seeking to have his gainful occupation in the Islands authorised by the work permit or by his prospective employer. Such an application shall be in the prescribed form and be accompanied by the prescribed fee and such documentary evidence as may be prescribed.

Consideration of application for work permit by the Board.

29. (1) The Board, in considering any application under section 28 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 –

- (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 who are 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 permits.

30. (1) The Board may either –

- (a) refuse an application for a work permit under section 28; or
- (b) grant such an application with or without any limitation or condition.

(2) On the grant of an application under this section, the work permit applied for shall be issued in the prescribed form for such a 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.

(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 (Revised), 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 (Revised).

(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 to 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 law repealed by this 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 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.

Temporary work permits.

31. (1) The Chief Immigration Officer 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.

(2) A temporary work permit granted under subsection (1) shall be for such period not exceeding ninety days as the Chief Immigration Officer shall think fit but may, subject to subsection (4), be extended by the Chief Immigration Officer on application made to him in the prescribed form and manner and upon payment of the prescribed fee for such further period not exceeding ninety days as he shall see fit.

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

(4) In respect of an application for an extension pursuant to subsection (2), the Chief Immigration Officer –

- (a) shall not grant it unless he is satisfied that the extension is required by reason of circumstances that were not foreseeable at the time of the original application; and
- (b) shall notify the Board of any extension granted at the next meeting of the Board.

(5) The Chief Immigration Officer may from time to time revoke, vary or modify the terms of any temporary work permit or extension thereof.

Work permit fees.

32. (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) The provisions of 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, or in respect of, those fees or that security.

(4) Any person who contravenes the provisions of subsection (3) is guilty of an offence.

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

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

PROVIDED, however, that where the holder of a work permit 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 10 to the Governor against such refusal, or
- (b) not yet been determined by the Board, the applicant shall not be guilty of an offence under this subsection 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 any of the foregoing provisions of this Part or of any condition or limitation contained in any work permit is guilty of an offence:

PROVIDED that it shall be 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 any of the foregoing provisions of this Part, and had no reasonable ground for believing, and did not in fact believe, that such employment was in contravention of such provision.

(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 Cayman 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.

34. 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 either –

- (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.

35. (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 any of the foregoing provisions of this section, or with any requirement duly given thereunder, is guilty of an offence.

Inward passenger and crew manifests.

36. (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 the provisions of subsection (1) is guilty of an offence.

Control of landing from vessels.

37. (1) 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:

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.

Outward passenger and crew manifests.

38. (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 –

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

Government vessels.

39. Sections 35, 36, 37 and 38 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.

Governor may issue entry permit.

40. Notwithstanding any of the provisions of 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.

Duty to produce passport, etc.

41. (1) Every person –

- (a) on entering; and
- (b) 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, relevant visa.

(2) Any person who fails to comply with such requirement is guilty of an offence.

Certain persons deemed not to have landed in the Islands.

42. 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:

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.

43. Without prejudice to any of the succeeding provisions of this Law, it is hereby declared that 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 28 or 29;
 - (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 26 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 20 or who has such a right under section 21 or 22,

to land in these 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.

44. (1) Persons other than those referred to in paragraphs (a) and (b) of section 43, 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.

Requirements to be satisfied by visitors.

45. (1) Before granting permission to any person under section 44 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.

(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 44 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 44 require such person to give the prescribed security; 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 to give the prescribed security.

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

Safeguards regarding permission to land, etc.

46. (1) Without prejudice to the other provisions of 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 –

- (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 any of the other provisions of section 43; 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 43 applies is seeking to land in the Islands, an immigration officer may require him –

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

Disembarkation and
embarkation cards.

47. (1) 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 these Islands and of the departure of all persons from the Islands.

(3) Without prejudice to anything in the Evidence Law, 1978, 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.

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

48. (1) Under authority of an immigration officer –

- (a) a person who may be required to submit to examination under section 46 (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 44 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.

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

49. (1) In any case where –

(a) a person lands in the Islands in contravention of or without complying with any of the provisions of this Law; or

(b) a person is refused permission to land,

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) The foregoing provisions of this section apply not only to a person referred to in subsection (1) but to the dependants of such person as well.

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

50. (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.

(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 permits.

51. (1) Whoever is, for the time being, entitled by any provision of 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 the provisions 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 the foregoing provisions of this section 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.

52. (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 any provision 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 any provision 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 subsection (1)(c) may be detained in such place and 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.

Register of persons not of Caymanian status.

53. 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.

Application of other Laws.

54. 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.

Establishment of stop list.

55. (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 56.

(2) It shall be lawful for the Chief Immigration Officer to 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.

Prohibited immigrants.

56. The following persons, not being persons of Caymanian status or permanent residents, are prohibited immigrants –

(a) any destitute person;

(b) any person who is mentally disordered or mentally defective

as defined in the Mental Health Law, 1979, or suffers from epilepsy, not controlled by medication, unless in any such case he or 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 be community;
- (d) any person who is reasonably believed to be a prostitute or to have come to the Islands for the purpose of prostitution, or who is reasonably believed 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;
- (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.

PART VII – DEPORTATION

Prohibited immigrants not allowed to enter.

57. Notwithstanding the provisions of section 43(b) a prohibited immigrant shall not be allowed to land in the Islands.

Non-application of Part VII as respects persons possessing Caymanian status.

58. Nothing in this Part shall apply or have effect so as to authorize 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 the provisions of section 22.

Report preliminary to deportation order.

59. (1) No deportation order shall be made under this Law, otherwise than in the case of a convicted and deportable person or of a person who has been convicted of an offence contrary to section 52(1)(c) 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 and 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 him and making any further investigations which he may consider to be desirable, shall report to the Governor setting out his 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.

Power of Governor to make deportation order.

60. (1) Subject to sections 58 and 59 the Governor may, if he thinks fit, make a deportation order in respect of any person who is —

- (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 the provisions of 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.

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

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

(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.

62. (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.

63. (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 this section 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 the provisions of section 62(2) shall apply accordingly in respect of such person.

Duty to afford
transportation of
deportee to place outside
the Islands.

64. (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 fails to comply with any requirement of 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.

65. 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.

Arrest of person
contravening, etc., this
Part.

66. Whoever acts in contravention of any of the provisions 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.

Evidence in proceedings taken under this Part.

67. In any proceedings taken under, or in connection with, any of the provisions of this Part –

- (a) the burden of proof that a person charged is exempted from the application of this Part by virtue of the provisions of section 58 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.

Transitional provisions.

68. Any deportation order made under any other law and in force immediately before the date of which this Law comes into operation, 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.

Proceedings to be sanctioned by Attorney General.

69. No proceedings shall be instituted under this Part except by the Attorney-General or with his previous sanction in writing.

PART VIII – GENERAL

Identification cards.

70. (1) Any person –

- (a) to whom a work permit has been issued under section 30; or
- (b) who has been permitted to engage in a gainful occupation under section 24;

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.

Law 30 of 1987.

(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, 1987, 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.

(3) Any person who contravenes the provisions of subsection (1) or (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a period of not exceeding six months or to both such fine and imprisonment.

Regulations.

71. (1) The Governor may make regulations generally for administering the provisions of 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.

(2) Without prejudice to the generality of the power conferred by subsection (1), regulations may be made under this section –

- (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; and
- (e) prescribing the countries a national of which on landing in the Islands shall produce a visa.

Directors to Board and
Chief Immigration
Officer.

72. 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.

Power to put questions
and require production
of documents.

73. (1) It shall be lawful for the Board, or for any immigration officer or constable or for any other person lawfully acting in the execution of any of the provisions of this Law –

- (a) to put any question to any person, being question reasonably required in connection with the proper discharge of their or his functions under this Law; and
- (b) to 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 75, 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.

Obstruction of persons acting in execution of Law.

74. (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 thereunder is guilty of an offence.

(2) Whoever acts in contravention to 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.

Offences relating to false documents, etc.

75. (1) Whoever –

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

Punishment for offences against Law.

76. A person guilty of an offence against this Law is liable on summary conviction, in respect of a first offence, to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or both, or, in respect of a second or subsequent offence, to a fine not exceeding four thousand dollars or to imprisonment for a term not exceeding twelve months or both; and where any such offence as aforesaid is a continuing offence, the person guilty of the offence shall, in addition to any punishment provided by the foregoing provisions of this section, be liable in respect of each day during which the offence continues to a fine not exceeding one hundred dollars.

Marriages of convenience.

77 (1) It shall be 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.

(2) An offence contrary to this section shall be punishable on summary conviction with a term of imprisonment not exceeding one year or with a fine not exceeding \$10,000 or both.

Offences against Law by corporations, liability of officers, etc.

78. 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, or manager, or 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.

Evidence in proceedings taken under or in connection with Law.

79. (1) In any proceedings taken under, or in connection with, any of the provisions of this Law,

(a) the burden of proof that any person has had, at any material time –

(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,

shall be upon that person;

(b) any document purporting to set forth any order or discretion given under this Law shall be presumed, until the contrary is provided, 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 provided, to have been validly given and to have been given on the date on which it purports to have been given.

(2) In this section 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.

Savings.

80. (1) Nothing in section 13 or in the definition of "domicile" contained in section 2 confers any right or privilege upon any person which such person would not have possessed on the coming into operation of this Law.

(2) Nothing in this Law affects the rights of any person with respect to Caymanian status or permanent residence existing prior to the date on which this Law comes into operation.

Consequential amendments.

81. (1) Section 2 of the Trade and Business Licensing Law (Revised) is amended by deleting the definition of "Board" and substituting the

following new definition –

""Board" bears the meaning ascribed to that term by section 2 of the Immigration Law;"

(2) Section 2 of the Local Companies (Control) Law (Revised) is amended –

(a) by deleting the definition of "Board" and substituting the following new definition –

""Board" bears the meaning ascribed to that term by section 2 of the Immigration Law ;";

(b) by deleting the definition of "Caymanian" and substituting the following new definition –

""Caymanian" means a person who has Caymanian status within the meaning of the Immigration Law;"

Repeal of Law 24 of 1984.

Transitional provisions relating to gainful occupation licences.

Conflict with other laws.

Savings of other laws.

82. The Caymanian Protection Law 1984 is repealed.

83. A gainful occupational licence, or a temporary gainful occupational licence, granted under the repealed Law and in force immediately prior to the coming into effect of this Law, 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.

84. 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.

85. Nothing in this Law shall be construed so as to derogate from or abridge any provision of –

- (a) the Diplomatic Immunities (Commonwealth Countries and the Republic of Ireland) Law;
- (b) the Diplomatic Privileges (Extension) Law; or
- (c) the Caribbean Development Bank Law (Revised);
- (d) the Diplomatic Privileges and Immunities Law (Revised)

or any Law amending or replacing such Laws.

THE IMMIGRATION LAW
(Section 17)

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 _____
Chairman of the Caymanian Protection 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.

Passed by the Legislative Assembly the 13th day of July, 1992.

SYBIL McLAUGHLIN
Speaker.

GEORGETTE MYRIE
Clerk of the Legislative Assembly.