

CAYMAN ISLANDS



Supplement No. 1 Published with Gazette No. 25 of 1992.

THE IMMIGRATION REGULATIONS

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In exercise of the powers conferred on the Governor by section 71 of the Immigration Law the following regulations have been made –

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| Citation. | 1. These Regulations may be cited as the Immigration Regulations. |
| Commencement. | 2. (1) Subject to subregulation (2), these Regulations shall be deemed to have had effect from 15 October 1992.

(2) Regulation 5 shall have effect 28 days after these Regulations are published in the Gazette. |
| Interpretation. | 3. In these regulations –

"temporary work permit" means a permit referred to in section 31 of the Law;

"work permit" does not include a temporary work permit. |
| Prescribed forms, etc. | 4. A form, notice, certificate, licence, permit, warrant, book, register or other document is in the prescribed form for the purpose of the Law or these regulations if it has been issued or approved for the purpose by the Chief Immigration Officer. |
| Applications for work permits. | 5. (1) Subject to subregulation (2), an employer or prospective employer must use his best endeavours to ascertain whether or not there is a person of Caymanian status (or a person lawfully resident in the Islands) ready, willing and able to undertake the job in question before making an application for the grant or renewal of a work permit in |

respect of a worker or prospective worker whose gainful occupation in the job is sought to be authorised by the work permit.

(2) The Board may, by prior arrangement, waive the requirement of subregulation (1) if the Board, having regard to the nature of a particular application, considers it to be in the interests of the community to do so.

(3) For the purpose of fulfilling the requirement of subregulation (1) the employer or prospective employer must cause advertisements to be published inviting persons of Caymanian status (or persons lawfully resident in the Islands) to apply for the job.

(4) The advertisements referred to in subregulation (3) must –

- (a) be published in a newspaper published and circulating in the Islands; and
- (b) be published in at least 2 issues of the newspaper with at least 7 but not more than 10 days between the issues.

(5) Subject to subregulation (2), an applicant for the grant or renewal of a work permit must be accompanied by –

- (a) a copy of each advertisement published in accordance with subregulation (3) with details of the newspaper in which it was published and the date on which it was published; and
- (b) a full and accurate description of the job to be filled; and
- (c) a full and accurate description of the qualifications the employer or prospective employer considers are necessary for carrying out the job and the reasons for requiring those and
- (d) details of any responses received in respect of the advertisements including the qualifications of those who responded; and
- (e) details of the employer's or prospective employer's reasons for not employing any person of Caymanian status (or person legally resident in the Islands) who responded to the advertisement.

(6) A person must not, in purported compliance with subregulation (5), lodge details that are incomplete, false or misleading.

Penalty: Fine not exceeding \$2,000.

(7) The Board has no power to consider an application for a work

permit or the renewal of a work permit unless and until the requirements of subregulation (5) have been complied with.

(8) Nothing in this regulation prohibits an employer or prospective employer from advertising a job in such other manner as he considers necessary.

Training & recruitment.

6. (1) The Board may require an applicant for the grant or renewal of a work permit to provide details of any programme that he has that is designed to ensure that persons of Caymanian status are provided with the instructions and practical experience necessary to make them fully qualified to carry out the job concerned satisfactorily and as expeditiously as possible.

(2) The absence of such a programme or the failure to implement such a programme without reasonable cause constitutes a ground for denying the grant or renewal of a work permit.

(3) If the Director of Labour is satisfied that there are insufficient people with Caymanian status (or people lawfully resident in the Islands) to meet an expected demand for people to fill jobs in any profession, trade or industry or in relation to a particular project or enterprise, he may, in consultation with the Board, establish arrangements with authorities outside the Islands for the selection there of persons ready, willing and able to fill those jobs for the purpose of recommending their recruitment to prospective employers within the Islands.

(4) An application for a work permit involving a person recommended in accordance with subregulation (3) must be given preference by the Board.

Employer to notify
cessation of
employment.

7. If a person whose employment in the Islands is authorised under a work permit conditional upon his remaining in the employment of a particular employer ceases to be employed by that employer –

- (a) the work permit ceases to be valid; and
- (b) the employer must forthwith give written notice of the termination of the employment to the Chief Immigration Officer.

Penalty: Fine not exceeding \$2,000.

Applicant for work
permit to provide
evidence, etc.

8. The Board may require an applicant for a work permit to do all or any of the following –

- (a) to provide evidence of the good character of himself and any member of his household accompanying him;
- (b) to provide proof of identity of himself and of any members of his household accompanying him;

- (c) to undergo a medical examination or furnish a medical certificate with respect to himself and any member of his household accompanying him in a form acceptable to the Board;
- (d) to furnish such other particulars as are, in the opinion of the Board, relevant to the consideration of the application and, in particular with regard to –
 - (i) his qualifications; and
 - (ii) the availability of suitable living accommodation for himself and any members of his household accompanying him.

Standards of accommodation.

9. Without prejudice to the Board's general ability to impose conditions on a work permit, it may impose conditions on a work permit –

- (a) that require the person whose gainful occupation is authorised by the permit and any member of his household accompanying him to reside in accommodation that complies with the Laws relating to residential accommodation; and
- (b) that require the holder of the permit to satisfy the Board, from time to time and in such manner as it may direct, that the condition referred to in paragraph (a) is being complied with.

Prescribed passport endorsement.

10. If permission is granted for a person to land, remain or reside in the Islands, an immigration officer must –

- (a) endorse on –
 - (i) the passport of the person; or
 - (ii) the document of identification in lieu of a passport of the person, the nature of the permission, and
- (b) impress below the endorsement –
 - (i) the date; and
 - (ii) his signature, initials or identifying stamp.

Prescribed fees.

11. The prescribed fees for the purposes of the Law are specified in Schedule 1 and, where indicated to be annual fees, are payable annually.

Particulars to be kept by keepers of premises.

12. The particulars to be kept by the keeper of premises to which section 50(1) of the Law applies are –

- (a) the date of arrival of each visitor; and

- (b) the name of each visitor; and
- (c) the nationality of each visitor; and
- (d) the names of any person accompanying each visitor; and
- (e) the permanent address of each visitor;
- (f) the signature of each visitor; and
- (g) the date of departure of each visitor.

Finger printing, etc., of persons in custody.

13. A person held in custody for any purpose of the Law may be finger printed, photographed and measured in the manner prescribed for the purposes of the Police Law.

Production of visas.

14. (1) A national of any of the following countries is not required to produce a visa on landing in the Islands –

- (a) a country within the British Commonwealth of nations;
- (b) any of the following countries –

Andorra	Italy
Argentina	Japan
Austria	Kuwait
Bahrain	Liechtenstein
Belgium	Luxemburg
Brazil	Mexico
Chile	Monaco
Costa Rica	Norway
Denmark	Oman
Dominican Republic	Panama
Ecuador	Peru
El Salvador	Portugal
Finland	San Marino
France	Saudi Arabia
Germany	South Africa
Greece	Spain
Guatemala	Sweden
Haiti	Switzerland
Iceland	United States of America
Irish Republic	Israel
Venezuela.	

(2) A person to whom section 43 (b) of the Law applies or who possesses a valid re-entry permit issued under section 51 of the Law is not required to produce a visa on entering the Islands.

(3) A person who is in transit is not required to produce a visa on entering the Islands.

15. (1) In this regulation –

"British Tourist" means a British citizen or a British Dependent Territories citizen who has arrived in the Islands on a tourist visit;

"Canadian tourist" means a citizen of Canada who has arrived in the Islands on a tourist visit;

"United States tourist" means a citizen of the United States who has arrived in the Islands on a tourist visit;

"tourist visit" means a visit to the Islands of not more than 6 months duration otherwise than for a professional, financial, trade or business purpose or for the purpose of seeking or engaging in employment.

(2) The requirements of section 41(1) of the Law may be waived by an immigration officer in the case of a British, Canadian or United States tourist –

- (a) who produces on arrival in the Islands a return, round trip or through ticket showing to the satisfaction of the immigration officer that, within 6 months, he is entitled to proceed or return to some place in a country or territory by virtue of his citizenship or residence; and
- (b) who accepts the prescribed form presented to him by the immigration officer on arrival and who complies with the conditions set out on the form.

(3) Notwithstanding section 41(1) of the Law a person resident in the United States of America –

- (a) who arrives directly from the United States of America; and
- (b) who on landing in the Islands produces a valid United States Alien Registration Card; and
- (c) who produces a return or round trip ticket to the United States of America,

may be permitted to enter and remain in the Islands for a period not exceeding 30 days.

(4) Notwithstanding section 41(1) of the Law a person resident in Canada –

- (a) who arrives directly from the United States of America or Canada; and

- (b) who on landing provides proof that he is a permanent resident or landed immigrant of Canada; and
- (c) who produces a return or round trip ticket to the United States of America or Canada,

may be permitted to enter and remain in the Islands for a period not exceeding 30 days.

(5) A tourist issued with a prescribed form in accordance with subregulation (2)(b) must –

- (a) retain it until his departure from the Islands; and
- (b) produce it to a constable or immigration officer if called upon to do so; and
- (c) surrender it to an immigration officer at the time of his departure.

Penalty: Fine not exceeding \$500.

Security required under section 45(3).

16. The prescribed securities for the purpose of section 45(3) of the Law are specified in Schedule 2.

Endorsements on passports.

17. The Chief Immigration Officer shall, if requested to do so by a person having Caymanian status, place the following endorsement on the passport or travel document of that person –

"The holder is a person having Caymanian status and may enter and remain in the Cayman Islands at will.

Chief Immigration Officer."

SCHEDULE 1

PRESCRIBED FEES (Regulation 11)

SECTION OF LAW	SUBJECT MATTER	FEE CI\$
15	Application for Caymanian status –	50
	Grant of Caymanian status –	500
28	Application for the grant or renewal of a work permit –	25
30	Grant or renewal of a work permit:	

(a)	minister of religion, nurse, teacher (including nursery school teacher) or person working for a non-profit cultural, educational or charitable entity –	NIL
(b)	domestic, manual or unskilled worker –	100 p.a.
(c)	worker in agriculture (other than manual and unskilled worker) –	300 p.a.
(d)	(i) secretary –	700 p.a.
	(ii) executive secretary –	1,000 p.a.
(e)	clerk (including sales clerk) –	400 p.a.
(f)	skilled tradesman –	1,000 p.a.
(g)	administrator (including non-professional supervisor and person occupying position for which a technical qualification as opposed to a professional qualification is required, including real estate salesperson) –	1,500 p.a.
(h)	non-professional manager –	2,000 p.a.
(i)	professional manager and person occupying a position for which a professional qualification is required (e.g. chartered account, banker, surveyor, architect, doctor, engineer and the like) –	3,000 p.a.
(j)	chief executive officer, general manager or managing director for which a professional qualification is required –	4,000 p.a.

PROVIDED THAT –

- (i) the fee payable for the grant or renewal of a work permit for a person employed in Cayman Brac and Little Cayman in one of the following categories is –

	Category	
(d)	(i)	600 p.a.
	(ii)	750 p.a.
(e)		350 p.a.
(f)		750 p.a.

(g)	1,125 p.a.
(h)	1,750 p.a.
(i)	2,500 p.a.
(j)	3,000 p.a.

(ii) if a work permit is granted or renewed for a period of 6 months or less, half the relevant fee is payable;

(iii) if a work permit ceases to be effective, for whatever cause, before the end of the period for which it was granted, a refund of no more than half of the annual fee is to be made for that part (if it is more than 6 months) of the period between the permit ceasing to be effective and the date it would have expired had it not ceased to be effective.

31	Application for grant of temporary work permit --	10
31	Grant or renewal of temporary work permit (for each 30 days or part thereof of the period of validity of the permit):	
	(a) managerial and professional worker --	150
	(b) skilled and technical worker --	100
	(c) clerk, including sales clerk, artist and sales representative and semi-skilled worker --	75
	(d) domestic and unskilled worker --	50
	(e) minister of religion, nurse, teacher (including nursery school teacher) or person working for non-profit making cultural, educational or charitable entity --	NIL

PROVIDED THAT --

the fee payable for the grant or renewal of a temporary work permit for a person employed in Cayman Brac or Little Cayman in one of the following categories (for each 30 days or part thereof of the period of validity of the permit) is --

Category		
	(a)	125
	(b)	75
	(c)	57.50
24(1)	For permission to engage in a gainful occupation granted to a permanent resident –	
	An annual fee equivalent to that payable by a person authorised by a work permit under section 30 to engage in the same occupation.	
20	Application for permanent residence –	50
	Grant of permanent residence –	400
51	Issue of re-entry permit –	20

SCHEDULE 2

PREScribed SECURITIES (REGULATION 16)

If the person is a citizen of –

1.	Jamaica –	\$150
2.	An island country of the Caribbean, other than Jamaica and any North Atlantic island –	500
3.	The United States of America –	250
4.	Columbia, Venezuela and or any American Country north thereof up to the U.S.A. border –	600
5.	Canada –	500
6.	A South American country, other than Columbia and Venezuela –	1,200
7.	Great Britain and Ireland –	1,000
8.	A country of continental Europe or an island country in the Mediterranean –	1,500
9.	Any other country –	2,000

Made in Executive Council this 17th day of November, 1992.

MONA N. BANKS-JACKSON
Clerk of the Executive Council.