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THE IMMIGRATION LAW

(1997 Revision)

THE IMMIGRATION REGULATIONS

(1998 Revision)

Revised under the authority of the Law Revision Law (19 of 1975).

The Immigration Regulations made the 17th November, 1992.

Consolidated with Law 4 of 1997 (part) enacted the 24th March, 1997, and with the -

Immigration (Amendment) Regulations 1993 made the 7th September, 1993.

Immigration (Amendment) Regulations 1994 made the 11th January, 1994.

Immigration (Amendment) (No. 2) Regulations 1994 made the 15th March, 1994.

Consolidated and revised this 6th day of January, 1998.

Note (not forming part of the Regulations): This revision replaces the 1996 Revision which should now be discarded.

IMMIGRATION REGULATIONS

(1997 Revision)

ARRANGEMENT OF REGULATIONS

1. Citation
2. Definitions
3. Prescribed forms, etc.
4. Applications for work permits
5. Training and recruitment
6. Employer to notify cessation of employment
7. Applicant for work permit to provide evidence, etc.
8. Standards of accommodation
9. Prescribed passport endorsement
10. Prescribed fees
11. Particulars to be kept by keepers of premises
12. Finger printing, etc., of persons in custody
13. Production of visas
14. Discretion of immigration officers under section 41
15. Security required under section 45(3)
16. Endorsements on passports
17. Waiver of fees: Cayman Brac, Little Cayman
First Schedule: Prescribed Fees
Second Schedule: Prescribed Securities

IMMIGRATION REGULATIONS

(1997 Revision)

1. The Regulations may be cited as the Immigration Regulations (1997 Revision). Citation
2. In these Regulations- Definitions

“temporary work permit” means a permit referred to in section 31; and

“work permit” does not include a temporary work permit.
3. 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. Prescribed forms, etc.
4. (1) Subject to subregulation (2), an employer or prospective employer shall 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. Applications for work permits

(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 shall 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) shall-
 - (a) be published in a newspaper published and circulating in the Islands; and
 - (b) be published in at least two issues of the newspaper with at least seven but not more than ten days between the issues.
(5) Subject to subregulation (2), an application for the grant or renewal of a work permit shall 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;
- (b) a full and accurate description of the job to be filled;
- (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;
- (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) Whoever, in purported compliance with subregulation (5), lodges details that are incomplete, false or misleading is guilty of an offence and liable on conviction to a fine of two thousand dollars.

(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 and recruitment

5. (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 persons lawfully resident in the Islands) to meet an expected demand for persons 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) shall be given preference by the Board.

6. 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 -

Employer to notify
cessation of employment

- (a) the work permit ceases to be valid; and
- (b) the employer shall forthwith give written notice of the termination of the employment to the Chief Immigration Officer, and if he fails to do so is guilty of an offence and liable on conviction to a fine of two thousand dollars.

7. The Board may require an applicant for a work permit to-

Applicant for work
permit to provide
evidence, etc.

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

8. Without prejudice to the Board's general ability to impose conditions on a work permit, it may impose conditions on a work permit that require -

Standards of
accommodation

- (a) 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) 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.

9. If permission is granted for a person to land, remain or reside in the Islands, an immigration officer shall endorse on the passport of the person (or the document of identification in lieu of a passport of the person) the nature of the permission, and impress below the endorsement the date and his signature, initials or identifying stamp.

Prescribed passport
endorsement

Immigration Regulations (1998 Revision)

Prescribed fees	10. The prescribed fees for the purposes of the Law are specified in the First Schedule and, where indicated to be annual fees, are payable annually.																																								
Particulars to be kept by keepers of premises	11. The particulars to be kept by the keeper of premises to which section 50(1) applies are the- <ul style="list-style-type: none">(a) date of arrival of each visitor;(b) name of each visitor;(c) nationality of each visitor;(d) names of any person accompanying each visitor;(e) permanent address of each visitor;(f) signature of each visitor; and(g) date of departure of each visitor.																																								
Finger printing, etc., of persons in custody 1995 Revision	12. 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 (1995 Revision).																																								
Production of visas	13. (1) A national of any of the following countries is not required to produce a visa on landing in the Islands - <ul style="list-style-type: none">(a) a country within the British Commonwealth of nations; or(b) any of the following countries -<table><tr><td>Andorra</td><td>Japan</td></tr><tr><td>Argentina</td><td>Kuwait</td></tr><tr><td>Austria</td><td>Liechtenstein</td></tr><tr><td>Bahrain</td><td>Luxembourg</td></tr><tr><td>Belgium</td><td>Mexico</td></tr><tr><td>Brazil</td><td>Monaco</td></tr><tr><td>Chile</td><td>Netherlands</td></tr><tr><td>Costa Rica</td><td>Norway</td></tr><tr><td>Denmark</td><td>Oman</td></tr><tr><td>Ecuador</td><td>Panama</td></tr><tr><td>El Salvador</td><td>Peru</td></tr><tr><td>Finland</td><td>Portugal</td></tr><tr><td>France</td><td>San Marino</td></tr><tr><td>Germany</td><td>Saudi Arabia</td></tr><tr><td>Greece</td><td>Spain</td></tr><tr><td>Guatemala</td><td>Sweden</td></tr><tr><td>Iceland</td><td>Switzerland</td></tr><tr><td>Irish Republic</td><td>United States of America</td></tr><tr><td>Israel</td><td>Venezuela</td></tr><tr><td>Italy</td><td></td></tr></table>	Andorra	Japan	Argentina	Kuwait	Austria	Liechtenstein	Bahrain	Luxembourg	Belgium	Mexico	Brazil	Monaco	Chile	Netherlands	Costa Rica	Norway	Denmark	Oman	Ecuador	Panama	El Salvador	Peru	Finland	Portugal	France	San Marino	Germany	Saudi Arabia	Greece	Spain	Guatemala	Sweden	Iceland	Switzerland	Irish Republic	United States of America	Israel	Venezuela	Italy	
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(2) A person to whom section 43 (b) applies or who possesses a valid re-entry permit issued under section 51 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.

14. (1) In this regulation -

Discretion of
immigration officers
under section 41

“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; and

“tourist visit” means a visit to the Islands of not more than six 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) 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 six 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), a person resident in the United States of America who-

- (a) arrives directly from the United States of America;
- (b) on landing, produces a valid United States Alien Registration Card; and
- (c) 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 thirty days.

- (4) Notwithstanding section 41(1) a person resident in Canada who-
- (a) arrives directly from the United States of America or Canada;
 - (b) on landing provides proof that he is a permanent resident or landed immigrant of Canada; and
 - (c) 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 thirty days.

(5) A tourist issued with a prescribed form in accordance with subregulation (2)(b) shall -

- (a) retain it until his departure from the Islands;
- (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,

and whoever fails so to do, is guilty of an offence and liable on conviction to a fine of five hundred dollars.

Security required under section 45(3)

15. The prescribed securities for the purpose of section 45(3) are specified in the Second Schedule.

Endorsements on passports

16. 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”.

Waiver of fees: Cayman Brac and Little Cayman

17. The Governor in Council may, from time to time, waive or reduce any or all of the following fees in the First Schedule in relation to any person or group of persons in Cayman Brac or Little Cayman-

Section of Law

- 21. Grant for permanent residence
- 29. Application for the grant or renewal of a work permit
- 31. Application for amendment to a work permit
- 32. Application for grant of a temporary work permit

45(1) Visitors extension fee.

FIRST SCHEDULE

PRESCRIBED FEES

(Regulation 10)

Section of Law	Subject Matter	Fee- CI\$
16	Application for Caymanian status	50
	Grant of Caymanian status	500
	Issue of duplicate certificate of Caymanian status	50
21	Application for permanent residence	50
	Grant of permanent residence-	
	(a) for persons of independent means	15,000
	(b) for persons with a right to work with Caymanian connections-	400
	(c) for persons with a right to work without Caymanian connections-	
	(i) unskilled	400
	(ii) skilled	1,500
	(iii) professional	5,000
	(d) for persons with a work permit with Caymanian connections	400
	(e) for persons with a work permit without Caymanian connections-	
	(i) unskilled	400
	(ii) skilled	1,500
	(iii) professional	5,000
25(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 31 to engage in the same occupation.
29.	Application for the grant or renewal of a work permit	35 per year
31.	Grant or renewal of a work permit	

Persons Employed in Grand Cayman

1. In respect of the following categories of persons employed in Grand Cayman, other than those specified in paragraphs 2 and 3 below, the fee payable for the grant or renewal of a work permit is-

- | | | | |
|-----|-----|--|-----|
| (1) | (a) | minister of religion - | nil |
| | (b) | teacher (including nursery school teacher) | nil |
| | (c) | person (including nurse) working for a non-profit cultural, educational or charitable body | nil |

(d)	nurse, working for any body other than a body referred to in (c) above	500 p.a.
(2)	domestic, manual or unskilled worker	100 p.a.
(3)	worker in agriculture (other than manual or unskilled worker)	300 p.a.
(4)	(a) secretary	1,000 p.a.
	(b) executive secretary	1,500 p.a.
(5)	clerk (including sales clerk)	500 p.a.
(6)	skilled tradesman	1,000 p.a.
(7)	administrator, including non-professional supervisor, other person in an occupation for which a technical qualification (not including a professional qualification) is required, and real estate sales person	2,500 p.a.
(8)	non-professional manager	3,000 p.a.
(9)	professional manager and person occupying a position for which a professional qualification is required (including chartered accountant, banker, surveyor, doctor, engineer or any other professional or professional manager)	4,500 p.a.
(10)	chief executive officer, general manager or managing director for which a professional qualification is required	6,000 p.a.

2. In respect of persons employed in Grand Cayman in, or in relation to, the provision of supplies, services, amenities or facilities for tourists or the tourist industry (including the provision by way of trade or business of accommodation, food, drink, entertainment or other supplies, services, amenities or facilities) the fee payable for the grant or renewal of a work permit is-

(1)	(a) kitchen helper, housekeeper, laundress	200 p.a.
	(b) gardener, boat deck hand or beach attendant	200 p.a.
(2)	(a) front desk clerk	400 p.a.
	(b) golf pro-shop cart attendant	400 p.a.
(3)	food and beverage server	500 p.a.
(4)	front desk supervisor	600 p.a.
(5)	bartender	1,000 p.a.
(6)	(a) activities camp co-ordinator or director	1,200 p.a.
	(b) (i) boat captain	1,200 p.a.
	(ii) dive master, dive instructor or scuba diver	1,200 p.a.
	(iii) submarine narrator or diver	1,200 p.a.
	(c) (i) para sailor	1,200 p.a.
	(ii) boat mechanic	1,200 p.a.
	(d) (i) sous chef or skilled cook	1,200 p.a.
	(ii) maitre d'hôtel	1,200 p.a.
(7)	(a) executive housekeeper	1,500 p.a.
	(b) greens keeper	1,500 p.a.
	(c) landscaper	1,500 p.a.
(8)	(a) submarine pilot	2,000 p.a.
	(b) executive chef (restaurant)	2,000 p.a.
	(c) rooms division supervisor	2,000 p.a.
	(d) night auditor or administrator	2,000 p.a.
(9)	non-professional including restaurant and rooms division manager	2,500 p.a.
(10)	(a) executive chef (hotel)	3,700 p.a.
	(b) food and beverage director, rooms executive, engineering director, human resources director or controller	3,700 p.a.
(11)	hotel general manager	5,000 p.a.

3. In respect of the following categories of persons employed in Grand Cayman in the construction industry the fee payable for the grant or renewal of a work permit is -

(1)	(a)	carpenter's help	250 p.a.
	(b)	mason's help	250 p.a.
	(c)	labourer	250 p.a.
	(d)	any other unskilled worker	250 p.a.
(2)	(a)	air-conditioner mechanic or technician	1,100 p.a.
	(b)	cabinet maker	1,100 p.a.
	(c)	carpenter	1,100 p.a.
	(d)	electrician	1,100 p.a.
	(e)	glazier	1,100 p.a.
	(f)	(i) heavy equipment operator	1,100 p.a.
		(ii) truck driver	1,100 p.a.
	(g)	(i) mason	1,100 p.a.
		(ii) dry wall mason	1,100 p.a.
	(h)	painter	1,100 p.a.
	(i)	plumber	1,100 p.a.
	(j)	roofer	1,100 p.a.
	(k)	(i) steel bender	1,100 p.a.
		(ii) steel erector	1,100 p.a.
		(iii) steel worker	1,100 p.a.
	(l)	tiler	1,100 p.a.
	(m)	any other skilled tradesman	1,100 p.a.
(3)	(a)	administrator, including non-professional supervisor or other person in an occupation for which a technical qualification (not including a professional qualification) is required	2,000 p.a.
	(b)	(i) foreman	2,000 p.a.
		(ii) any other supervisor or tradesman whose work requires the exercise of the functions of a foreman or supervisor in addition to the exercise of any trade or skill within categories (2)(a) to (m) above	2,000 p.a.
(4)		superintendent	2,500 p.a.
(5)		professional manager and person occupying a position for which a professional qualification is required (including architect, engineer or any other professional or professional manager)	3,700 p.a.
(6)		chief executive officer, general manager or managing director for which a professional qualification is required.	5,000 p.a.

Persons Employed in Cayman Brac or Little Cayman

1. In respect of persons employed in Cayman Brac or Little Cayman, other than those specified in paragraph 2 below, the fee payable for the grant or renewal of a work permit is -

(1)	minister of religion, nurse, teacher (including nursery school teacher) or person working for a non-profit cultural, educational or charitable body	nil
(2)	domestic, manual or unskilled worker	100 p.a.
(3)	worker in agriculture (other than manual and unskilled worker)	300 p.a.
(4)	(a) secretary	850 p.a.
	(b) executive secretary	1,125 p.a.

(5)	clerk (including sales clerk)	435 p.a.
(6)	skilled tradesman	750 p.a.
(7)	administrator, including non-professional supervisor, or other person in an occupation for which a technical qualification (not including a professional qualification) is required, and real estate salesperson	1,875 p.a.
(8)	non-professional manager	2,625 p.a.
(9)	professional manager and person occupying a position for which a professional qualification is required (including chartered accountant, banker, surveyor, doctor, engineer or any other professional or professional manager)	3,750 p.a.
(10)	chief executive officer, general manager or managing director for which a professional qualification is required.	4,500 p.a.

2. In respect of persons employed in Cayman Brac or Little Cayman in the construction industry, the fee payable for the grant or renewal of a work permit is-

(1)	(a)	carpenter's help	175 p.a.
	(b)	mason's help	175 p.a.
	(c)	labourer	175 p.a.
	(d)	any other unskilled worker	175 p.a.
(2)	(a)	air-conditioner mechanic or technician	825 p.a.
	(b)	cabinet maker	825 p.a.
	(c)	carpenter	825 p.a.
	(d)	electrician	825 p.a.
	(e)	glazier	825 p.a.
	(f)	(i) heavy equipment operator	825 p.a.
		(ii) truck driver	825 p.a.
	(g)	(i) mason	825 p.a.
		(ii) dry wall mason	825 p.a.
	(h)	painter	825 p.a.
	(i)	plumber	825 p.a.
	(j)	roofer	825 p.a.
	(k)	(i) steel bender	825 p.a.
		(ii) steel erector	825 p.a.
		(iii) steel worker	825 p.a.
	(l)	tiler	825 p.a.
	(m)	any other skilled tradesman	825 p.a.
(3)	(a)	administrator, including non-professional supervisor or other person in an occupation for which a technical qualification (not including a professional qualification) is required	1,500 p.a.
	(b)	(i) foreman	1,500 p.a.
		(ii) any other supervisor or tradesman whose work requires the exercise of the functions of a foreman or supervisor in addition to the exercise of any trade or skill within categories (2) (a) to (m) above	1,500 p.a.
(4)		superintendent	2,200 p.a.
(5)		professional manager and person occupying a position for which a professional qualification is required (including architect, engineer or any other professional manager)	3,000 p.a.
(6)		chief executive officer, general manager or managing director for which a professional qualification is required:	3,750 p.a.

Provided that-

- (a) For the purposes of the paragraphs above which relate to fees payable for the grant or renewal of a work permit for a person employed in Grand Cayman, a person employed to do work the general control of the doing of which is exercised at or through any place in Grand Cayman shall be deemed to be employed in Grand Cayman notwithstanding that the work of that person is done elsewhere in the Islands.
- (b) If a work permit is granted or renewed for a period of six months or less, half the relevant fee is payable.
- (c) 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 the annual fee is to be made for that part (if it is more than six 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(5) Variation of a work permit (Persons employed in Grand Cayman, Cayman Brac or Little Cayman)-

(1)	Application	35
(2)	Variation	
(a)	where the fee payable for the grant of the permit as varied	100
	would have attracted no higher fee than that paid for the permit to be varied	
(b)	where the fee payable for the grant of the permit as varied	an amount equal to fifty per cent of the higher fee.
	would have attracted a higher fee than that paid for the permit to be varied	

32. Application for grant of temporary work permit 25

32. Grant or renewal of temporary work permit (for each thirty 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 body:	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 thirty days or part thereof of the period of validity of the permit) is-

	Category	Fee
	(a)	125
	(b)	75
	(c)	57.50
45(1)	Visitor's extension fee	
	first application	25
	subsequent applications	100
52	Issue of re-entry permit	20

SECOND SCHEDULE

PRESCRIBED SECURITIES

(Regulation 15)

If the person is a citizen of -

	CI \$
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. Colombia, 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 Colombia 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

Publication in consolidated and revised form authorised by the Governor in Council this 6th day of January, 1998.

Carmena H. Parsons
Clerk of Executive Council