

CAYMAN ISLANDS



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THE IMMIGRATION LAW

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ARRANGEMENT OF REGULATIONS

1. Citation
2. Definitions
3. Prescribed forms, etc.
4. Applications for work permits
5. Endorsement on work permit
6. Training and recruitment
7. Periodic reports to the Governor
8. Information from the courts, etc.
9. Employer to notify of cessation of employment
10. Applicant for work permit to provide evidence etc.
11. Exemptions from requirement for work permit
12. Replacement of work permit
13. Business Staffing Plans
14. Required financial standing of applicant for Residential Certificate for Retirees
15. Required financial standing of applicant for Residential Certificate for Entrepreneurs and Investors
16. Standards of accommodation
17. Prescribed passport endorsement

18. Prescribed fees
19. Particulars to be kept by keepers of premises
20. Fingerprinting, etc. of persons in custody
21. Production of visas
22. Discretion of immigration officer under section 62
23. Power of immigration officer to refuse entry
24. Arrivals and departures by air during abnormal hours
25. Repatriation fee required under section 66(3)
26. Endorsement on passports
27. Exemption from the requirement to complete embarkation and disembarkation cards
28. Waiver of fees: Cayman Brac and Little Cayman

SCHEDULES

First Schedule – Fees

Second Schedule – Points System

Third Schedule – Business Staffing Plans.

FORMS

Form 1
Form 2
Form 3
Form 4
Form 5
Form 6
Form 7
Form 8

CAYMAN ISLANDS

IMMIGRATION LAW

THE IMMIGRATION REGULATIONS, 2004

The Governor, in exercise of the powers conferred by section 93 of the Immigration Law, 2003, makes the following regulations-

1. These regulations may be cited as the Immigration Regulations, 2004 and shall come into effect on 18th May, 2004. Citation and commencement
2. In these regulations- Definitions

“artist” means a person who cultivates or practises one of the fine arts or the performing arts and includes a musician;

“exempted position” means a position in a business that is occupied by an exempted employee;

“fine arts” means those arts that appeal to the intellect or the sense of beauty and includes literature, music, painting and sculpture;

“temporary work permit” means a permit referred to in section 51; 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 purposes of the Law or of 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 Caymanian, or a person legally and ordinarily 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, having regard to the nature of a particular application, it considers such waiver to be in the interests of the community.

(3) For the purpose of fulfilling the requirement of subregulation (1) the employer or prospective employer shall cause advertisements to be published inviting Caymanians or persons legally and ordinarily resident in the Islands to apply for the position.

(4) 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 necessary for carrying out the job and the reasons for requiring those qualifications;
- (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 Caymanian, or person legally resident in the Islands, who responded to the advertisement.

(5) Where a Caymanian has applied for a position, the Work Permit Board shall, for the purpose of being satisfied of the matters specified in subregulation (1), take into account the following information supplied by the applicant for the grant of the work permit:

- (a) the names of all the applicants for the post;
- (b) the qualifications, working experience and background of all the applicants;
- (c) the reasons given for the choice of the successful applicant and for the refusal to employ the other applicants;
- (d) a copy of the refusal letter and interview report for each unsuccessful Caymanian applicant; and
- (e) a copy of the job description and resumes of the non-Caymanian applicants.

(6) A person who, in purported compliance with subregulation (3), lodges details that are incomplete, false or misleading is guilty of an offence and liable on conviction to a fine of five 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 (4) 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.

5. Each work permit shall have an endorsement or be accompanied by a notice to the work permit holder in the following terms-

Endorsement on work permit

“You are hereby informed that, under the existing Laws and regulations, the granting of this work permit in no way confers any entitlement to, or preference in connection with, the granting of any application for the renewal hereof or of any application for the right to be Caymanian. Applications for the renewal of a work permit, applications for the grant of permanent residence and applications for the right to be Caymanian are all considered on their own merits and in the light of circumstances existing at the relevant time.”

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 Caymanians 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.

Training and recruitment

(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) Where the Director of Employment Relations is satisfied that there are insufficient Caymanians, or persons legally and ordinarily 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.

7. The Board shall submit a detailed report to the Governor outlining the total number of work permits granted, extended and revoked during the previous quarter.

Periodic reports to the Governor

Information from the courts, etc.	8. The Chief Immigration Officer shall, at least once every month, obtain from the courts a list of all convictions, divorces, and relative particulars relating thereto, and monthly reports from the Police and the Registrar of Births, in order for the Chief Immigration Officer to ascertain whether or not any person should be allowed to remain in the Islands.
Employer to notify cessation of employment	9. Where a person whose employment in the Islands is authorised under a work permit the grant of which is 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 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 five thousand dollars.
Applicant for work permit to provide evidence, etc.	10. The Board may require an applicant for a work permit to- (a) provide evidence of the good character of himself and any of his dependants; (b) provide proof of identity of himself and of any of his dependants; (c) undergo a medical examination or furnish a medical certificate with respect to himself and any of his dependants 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 his dependants.
Exemptions from requirement for work permit	11. (1) A person arriving in the Islands for the purpose of engaging in any activities listed in subregulation (2) for a period not exceeding seven days is not required to obtain a work permit, on the condition that only such activities are engaged in and no other activity is carried out that would otherwise require a work permit. (2) The activities referred to in subregulation (1) are- (a) attendance at meetings or trade fairs and making purchases from Cayman Islands businesses; (b) attendance at conferences and seminars as an ordinary participant; (c) the receiving of training, techniques and work practices employed in the Islands, where that training is confined to observation, familiarisation, and classroom instruction and only

- if the person is employed by a company or organisation carrying on business outside the Islands;
- (d) being a representative of an overseas educational institution, to promote, or to interview applicants for places at, such institution;
- (e) being a guest speaker at a conference or seminar where that event is a single or occasional event and not part of a commercial venture;
- (f) the organizing or supervising of a conference or seminar for up to seven days duration where it is a single or occasional event-
 - (i) involving a specialist subject;
 - (ii) attracting a wide audience; and
 - (iii) open to participants from outside the Islands;
- (g) the participation in sporting events or trials or auditions in connection with such events;
- (h) the covering of a specific news assignment as a newspaper, magazine, radio or television journalist representing a recognised news organisation;
- (i) working for short periods on behalf of or for a non-profit or cultural organisation based in the Islands;
- (j) the giving of professional or expert testimony in court proceedings; and
- (k) working as a non-executive director of a business being carried on in the Islands where the person is not involved in the day to day operations in the Islands but is visiting in his capacity as a director only.

12. A work permit to replace an existing work permit may be granted up to three months before the expiry of the existing permit of the person being replaced.

Replacement of work permit

13. In pursuance of section 43 every company, firm or other business enterprise employing fewer than fifteen work permit holders shall, within one year of having employed its fifteenth work permit holder, submit to the Board a Business Staffing Plan in accordance with the Third Schedule.

Business Staffing Plans

14. The financial standing that an applicant for a Residential Certificate for Retirees is required to attain in pursuance of section 33 is as follows:

Required financial standing of applicant for Residential Certificate for Retirees

- (a) where he intends to reside in Grand Cayman, he shall satisfy the Chief Immigration Officer-
 - (i) that he has a continuous source of annual income in the amount of CI\$150,000, without the need to engage in employment in the Islands; and

- (ii) that he has invested the sum of CI\$750,000 in Grand Cayman of which at least CI\$250,000 must be in developed real estate; and
- (b) where he intends to reside in Cayman Brac or Little Cayman, he shall satisfy the Chief Immigration Officer-
 - (i) that he has a continuous source of annual income in the amount of CI\$75,000 without the need to engage in employment in the Islands; and
 - (ii) that he has invested the sum of CI\$250,000 locally of which at least CI\$125,000 must be in developed residential real estate.

Required financial standing of applicant for Residential Certificate for Entrepreneurs and Investors

15. The financial standing that an applicant for a Residential Certificate for Entrepreneurs and Investors is required to attain in pursuance of section 35 is as follows:

- (a) where he intends to reside in Grand Cayman, he shall satisfy the Chief Immigration Officer-
 - (i) that he has a net worth of CI\$1,000,000;
 - (ii) that he has a continuous source of annual income in the amount of CI\$150,000; and
 - (iii) that he has invested the sum of CI\$500,000 in an income generating business employing ten Caymanians; and
- (b) where he intends to reside in Cayman Brac or Little Cayman he shall satisfy the Chief Immigration Officer –
 - (i) that he has a net worth of CI\$500,000;
 - (ii) that he has a continuous source of income in the amount of CI\$75,000; and
 - (iii) that he has invested the sum of CI\$250,000 in an income generating business employing at least ten Caymanians.

Standards of accommodation

16. 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 the holder of the work permit-

- (a) and any of his dependants, to reside in accommodation that complies with the laws relating to residential accommodation; and
- (b) 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

17. Where permission is granted for a person to land, remain or reside in the Islands, an immigration officer shall endorse on the person's passport or other document of identification in lieu of his passport, the nature and duration of the

permission, and impress below the endorsement the date and his signature, initials or identifying stamp.

18. 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.

Prescribed fees

19. The particulars in respect of each visitor or tourist to be kept by the keeper of premises to which section 71(1) applies are-

Particulars to be kept by
keepers of premises

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

20. 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).

Finger printing, etc., of
persons in custody
1995 Revision

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

Production of visas

- (a) a country within the British Commonwealth of nations, with the exception of-
 - (i) Nigeria;
 - (ii) Pakistan;
 - (iii) Bangladesh;
 - (iv) India;
 - (v) Ghana;
 - (vi) Cameroon;
 - (vii) Gambia;
 - (viii) Sri Lanka;
 - (ix) Sierra Leone; and
 - (x) Uganda.
- (b) any of the following countries:

Andorra	Italy
Argentina	Japan
Austria	Kuwait
Bahrain	Liechtenstein
Belgium	Luxembourg
Brazil	Mexico
Chile	Monaco

China (People's Republic) provided holding Hong Kong (SAR China) passports	Netherlands
Costa Rica	Norway
Denmark	Oman
Ecuador	Panama
El Salvador	Peru
Finland	Portugal
France	San Marino
Germany	Spain
Greece	Sweden
Guatemala	Switzerland
Iceland	United States of America
Irish Republic	Venezuela
Israel	

(2) A person to whom paragraph (b) of section 64 applies or who possesses a valid re-entry permit issued under section 72 is not required to produce a visa on entering the Islands.

(3) A transit passenger who is a national of any of the following countries is required to have a visa upon arrival in the Islands:

Afghanistan	Liberia
Albania	Macedonia (F.Y.R. of)
Algeria	Moldova (Republic of)
Angola	Nepal
Bangladesh	Nigeria
Belarus	Pakistan
Burma (Myanmar)	Palestinian Territories
Burundi	Rwanda
Cameroon	Saudi Arabia
China (People's Republic of)	Senegal
Colombia	Serbia & Montenegro

Congo Dem. Republic (Zaire)	Sierra Leone
Ecuador	Somalia
Eritrea	Sri Lanka
Ethiopia	Sudan
Gambia	Turkey
Ghana	Turkish Rep. of Northern Cyprus
India	Uganda
Iran	Vietnam
Iraq	Yugoslavia
Ivory Coast	Zimbabwe
Lebanon	

22. (1) In this regulation -

Discretion of
immigration officer
under section 62

“British tourist” means a British citizen or a British Overseas 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; and

“United States tourist” means a citizen of the United States of America who has arrived in the Islands on a tourist visit.

(2) The requirements of section 62(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 62(1), a person resident in the United States of America who-

- (a) arrives directly from that country;
- (b) on landing, produces a valid United States Alien Registration Card; and
- (c) produces a return or round trip ticket to that country,

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

(4) Notwithstanding section 62(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) Notwithstanding section 62(1) a person resident in the United Kingdom who-

- (a) arrives directly from the United Kingdom;
- (b) on landing provides proof that he is a permanent resident or landed immigrant of the United Kingdom; and
- (c) produces a return or round trip ticket to the United Kingdom,

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

(6) A tourist issued with a prescribed form in accordance with paragraph (b) of subregulation (2) 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 two thousand dollars.

(7) Proof of citizenship or residence may be established by producing to an immigration officer a photo identification together with a certified copy of one of the following:

- (a) a birth certificate;
- (b) a naturalisation certificate; or
- (c) a baptismal certificate;

(8) Where there are extenuating circumstances, the Chief Immigration Officer may waive the requirements of subregulation (7).

23. Unless a person arriving in the Islands is exempted from the requirements of the Law, he may be refused permission to land by an immigration officer for any of the following reasons:

Power of immigration officer to refuse entry

- (a) he is without a passport, visa, or other appropriate travel documents;
- (b) upon his arrival he provides false or misleading information to an immigration officer;
- (c) he fails to provide information required by an immigration officer for the purpose of deciding whether entry should be allowed and on what terms;
- (d) he has in the past-
 - (i) obtained a benefit by way of grant from the immigration authorities by fraud or deception; or
 - (ii) failed to observe a condition attaching to an immigration grant;
- (e) he is a prohibited immigrant;
- (f) he fails to satisfy the immigration officer that he will be admitted to another country after his stay in the Islands;
- (g) his sponsor is unwilling to give, if requested to do so, an undertaking to be responsible for his maintenance and accommodation during the period of any leave granted;
- (h) the immigration officer has information to the effect that-
 - (i) it will be conducive to the public good to refuse him leave to enter; or
 - (ii) he does not intend to leave the Islands at the end of the period of his visit;
- (i) he intends, unlawfully, to engage in gainful occupation in the Islands;
- (j) he intends, without having obtained the necessary student visa, to engage in formal studies in the Islands; or
- (k) he has insufficient funds-
 - (i) to adequately maintain himself and his dependants without recourse to taking up employment; or
 - (ii) to meet the cost of the return or onward journey.

24. (1) Where an aircraft is expected to arrive in or depart from the Islands before 7.00 a.m. or after 9.30 p.m., (hereinafter called “abnormal hours”), it shall

Arrivals and departures by air during abnormal hours

be the responsibility of the airline concerned to so notify, as soon as possible, a senior immigration officer, supplying him with details of the flight plan including the expected time of arrival or departure, the number of passengers on board and any other information requested and the senior immigration officer shall lodge such communication in the immigration shift managers report.

(2) A fee to offset the overtime salaries payable to immigration officers shall be levied on the airline referred to in subregulation (1) at the following half-hourly rates, save that the minimum charge shall be for a period of one hour:

Arrivals

<u>No. of passengers</u>	Fee per half hour
(a) Up to sixty passengers	\$159.00
(b) More than sixty but fewer than eighty passengers	\$198.00
(c) Eighty or more passengers	\$237.00

Departures

<u>No. of passengers</u>	Fee per half hour
(a) Up to sixty passengers	\$82.00
(b) More than sixty but fewer than eighty passengers	\$130.00
(c) Eighty or more passengers	\$159.00

(3) For the purposes of calculating the cost to the airline for the immigration services rendered under this regulation, account shall be taken of the fact that a team of immigration officers shall be on duty to service the flights:

- (a) in the case of arrivals, thirty minutes before the indicated time of arrival until ten minutes after it is cleared; and
- (b) in the case of departures, one hundred and twenty minutes before the indicated time of departure until the flight leaves.

(4) Where there are multiple arrivals or departures during abnormal hours, the cost of the overtime immigration services to each airline shall be pro-rated based on the number of passengers arriving or departing on each flight.

Repatriation fee required
under section 66(3)

25. The repatriation fee required for the purposes of section 66(3) is in the sum of two hundred dollars.

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

Endorsement on
passports

“The holder is a Caymanian and may enter and remain in the Cayman Islands at will.

Chief Immigration Officer”.

27. (1) A person in the category mentioned in subregulation (2) is exempt from the requirements of section 68(1) when disembarking in or leaving the Islands, to complete and hand to an immigration officer immediately on arrival or departure a disembarkation card or embarkation card in the prescribed form.

Exemption from the
requirement to complete
embarkation and
disembarkation cards

(2) The category comprises any person who, when disembarking in or leaving the Islands, produces for the inspection of an immigration officer a Cayman Islands passport which is valid for travel by that person.

28. The Governor 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-

Waiver of fees: Cayman
Brac, Little Cayman

Section of Law

- | | |
|-----|---|
| 29. | Issue of Residency and Employment Rights Certificate |
| 40. | Application for the grant or renewal of a work permit |
| 51. | Application for grant of a temporary work permit |
| 52. | Business Visitor's permit. |

SCHEDULES

FIRST SCHEDULE

FEES

Section of Law	Subject Matter	(regulation 18)
		Fee- Cl\$
22.	Application for the right to be Caymanian	250
	Application for acknowledgement of the right to be	50

Caymanian	
Grant of the right to be Caymanian	500
Issue of duplicate certificate of the right to be Caymanian	50
29. Application for permanent residence	250
Issue of Residency and Employment Rights Certificate-	
(a) unskilled	400
(b) skilled	1,500
(c) professional	5,000
29. For the holder of a Residency and Employment Rights Certificate engaging in a gainful occupation	An annual fee payable by his employer equivalent to that payable by a person authorised by a work permit under section 42 to engage in the same occupation.
30. Application by spouse of a Caymanian for Residency and Employment Rights Certificate	250
Issue of Residency and Employment Rights Certificate to spouse of a Caymanian	400
31. Application by dependant of the holder of Residency and Employment Rights Certificate (other than by the spouse of such a holder)	250
Issue to dependant of the holder of a Residency and Employment Rights Certificate) other than to the spouse of such a holder)	400
33. Application for Residential Certificate for Retirees	250
Grant of Residential Certificate for Retirees	15,000
35. Application for Residential Certificate for Entrepreneurs and Investors	250
Grant of Residential Certificate for Entrepreneurs and Investors	15,000
Application for variation of permanent residence or Residency and Employment Rights Certificate	250
40. Application for the grant or renewal of a work permit	50

43. Submission of a Business Staffing Plan	250
Approval of a Business Staffing Plan	1,000
46. 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-

- (a) the spouse of a Caymanian;
- (b) the surviving spouse of a Caymanian, who has not remarried a non-Caymanian; or
- (c) a person specified in subparagraph (2),

the fee payable for the grant or renewal of a work permit is-

General

(1)	(a) minister of religion	nil
	(b) teacher or teacher's aid (including nursery school teacher or nursery school teacher's aid)	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	550 p.a.
	(e) person working in the Cayman Islands Hyperbaric Chamber	100 p.a.
(2)	domestic, manual or unskilled worker	150 p.a.
(3)	worker in agriculture (other than manual or unskilled worker)	300 p.a.
(4)	(a) secretary	1,100 p.a.
	(b) executive secretary	1,650 p.a.
(5)	clerk (including sales clerk)	550 p.a.
(6)	skilled tradesman	1,100 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	2,750 p.a.
	non-professional manager	3,300 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)	4,950 p.a.
(10)	chief executive officer, general manager or managing director for which a professional qualification is required	15,000 p.a.
(11)	artist	300 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-

Tourism and Service Industries

(1)	(a)	kitchen helper, housekeeper, laundress	220 p.a.
	(b)	gardener, boat deck hand or beach attendant	220 p.a.
(2)	(a)	front desk clerk	440 p.a.
	(b)	golf pro-shop cart attendant	440 p.a.
(3)		food and beverage server	550 p.a.
(4)		front desk supervisor	660 p.a.
(5)		bartender	1,100 p.a.
(6)	(a)	activities camp co-ordinator or director	1,320 p.a.
	(b)	(i) boat captain	1,320 p.a.
		(ii) dive master, dive instructor or scuba diver	1,320 p.a.
		(iii) submarine narrator or diver	1,320 p.a.
	(c)	(i) para sailor	1,320 p.a.
		(ii) boat mechanic	1,320 p.a.
	(d)	(i) sous chef or skilled cook	1,320 p.a.
		(ii) maitre d'hôtel	1,320 p.a.
(7)	(a)	executive housekeeper	1,650 p.a.
	(b)	greens keeper	1,650 p.a.
	(c)	landscaper	1,650 p.a.
(8)	(a)	submarine pilot	2,200 p.a.
	(b)	executive chef (restaurant)	2,200 p.a.
	(c)	rooms division supervisor	2,200 p.a.
	(d)	night auditor or administrator	2,200 p.a.
(9)		non-professional including restaurant and rooms division manager	2,750 p.a.
(10)	(a)	executive chef (hotel)	4,070 p.a.
	(b)	food and beverage director, rooms executive, engineering director, human resources director or controller	4,070 p.a.
(11)		hotel general manager	5,500 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 –

Construction Industry

(1)	(a)	carpenter's help	275 p.a.
	(b)	mason's help	275 p.a.
	(c)	labourer	275 p.a.
	(d)	any other unskilled worker	275 p.a.
(2)	(a)	air-conditioner mechanic or technician	1,210 p.a.
	(b)	cabinet maker	1,210 p.a.
	(c)	carpenter	1,210 p.a.
	(d)	electrician	1,210 p.a.
	(e)	glazier	1,210 p.a.
	(f)	(i) heavy equipment operator	1,210 p.a.
		(ii) truck driver	1,210 p.a.
	(g)	(i) mason	1,210 p.a.
		(ii) dry wall mason	1,210 p.a.
	(h)	painter	1,210 p.a.

	(i) plumber	1,210 p.a.
	(j) roofer	1,210 p.a.
(k)	(i) steel bender	1,210 p.a.
	(ii) steel erector	1,210 p.a.
	(iii) steel worker	1,210 p.a.
(l)	tiler	1,210 p.a.
(m)	any other skilled tradesman	1,210 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	2,200 p.a.
	(b) (i) foreman	2,200 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)	2,200 p.a.
(4)	superintendent	2,750 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)	4,070 p.a.
(6)	chief executive officer, general manager or managing director for which a professional qualification is required.	5,500 p.a.

Persons Employed in Cayman Brac or Little Cayman

In respect of a person employed in Cayman Brac or Little Cayman, other than-

- (a) the spouse of a Caymanian;
- (b) the surviving spouse of a Caymanian, who has not remarried a non-Caymanian; and
- (c) a domestic, manual or unskilled worker whose fee, of \$150, is the same wherever employed in the Cayman Islands,

the fee payable for the grant or renewal of a work permit is 75% of the fee payable in Grand Cayman.

Provided that-

- (a) for the purposes of subparagraphs (1) and (2), under the heading Persons 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) where a work permit is granted or renewed for a period of six months or less, half the relevant fee is payable; and
- (c) where 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 on which 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	50
(2)	Variation	
(a)	where the fee payable for the grant of the permit as varied would have attracted no higher fee than that paid for the permit to be varied	100
(b)	where the fee payable for the grant of the permit as varied would have attracted a higher fee than that paid for the permit to be varied	an amount equal to fifty per cent of the higher fee.

In respect of residence in the Islands of the dependants of the holder of a work permit-

(a)	in the case of a work permit holder engaged in domestic or unskilled work-	250 per dependant per annum
(b)	in the case of any other work permit holder-	500 per dependant per annum

51. Application for grant or renewal of temporary work permit 35

51. Grant or renewal of temporary work permit (up to ninety days or part thereof of the period of validity of the permit)-

(a)	managerial and professional worker in Grand Cayman	1000
(b)	managerial and professional worker in Cayman Brac or Little Cayman	750
(c)	skilled and technical worker in Grand Cayman	250
(d)	skilled and technical worker in Cayman Brac or Little Cayman	188
(e)	clerk, including sales clerk, artist and sales representative and semi-skilled worker	75
(f)	domestic and unskilled worker	50
(g)	minister of religion, nurse, teacher (including nursery school teacher) or person working for non-profit making cultural, educational or charitable body:	nil

51. Grant or renewal of temporary work permit (between ninety-one days and one hundred and eighty days) One half the cost of an annual work permit

Re-issue of immigration documents-

	(a) for each issue of a duplicate work permit identification card	35
	(b) for each combined issue of a duplicate work permit and a duplicate work permit identification card	50
52(1)	Application for business visitors permit	50
52(6)	Annual fee in respect of business visitors permit -	
	(a) managerial and professional worker employed in Grand Cayman	500 per visit per person in the relevant calendar year
	(b) managerial and professional worker employed in Cayman Brac or Little Cayman	375 per visit per person in the relevant calendar year
	(c) skilled and technical worker employed in Grand Cayman	125 per visit per person in the relevant calendar year
	(d) skilled and technical worker employed in Cayman Brac or Little Cayman	94 per visit per person in the relevant calendar year
	(e) clerk employed in Grand Cayman, including sales clerk, artist and sales representative and semi-skilled worker	75 per visit per person in the relevant calendar year
	(f) clerk employed in Cayman Brac or Little Cayman, including sales clerk, artist and sales representative and semi-skilled worker	57 per visit per person in the relevant calendar year
52	Visitor's extension fee	
	first application	50
	subsequent applications	100
72	Issue of re-entry permit	20
78	Application for a student visa	50
52	Visitor's visa	
	application fee	50
	single entry	75
	multiple entries	150

SECOND SCHEDULE

POINTS SYSTEM

Permanent Residence Assessment

Cayman Islands Immigration Department
Permanent Residence Assessment Form

FACTOR	POINTS
1. <u>Occupation</u> a. Professional b. Skilled c. Unskilled and Domestics	(Maximum 20)
<u>Explanation</u> (i) The Points for occupations are compiled with reference to the employment Relations Department's database. (ii) Points are allocated in accordance with the professions and skills needed in the Cayman Islands in any particular year. (iii) No points are given for occupations where there are enough qualified Caymanians to meet the demands of the labour market.	

<p>2. <u>Knowledge/Experience</u></p> <ul style="list-style-type: none"> a. Number of years of experience in field (points based on one point for each year after minimum threshold of two years with a maximum of fifteen years) b. Degree programme qualifications c. Professional/Postgraduate qualifications d. Skilled tradesmen e. Personal references 	<p>(Maximum 20)</p>
<p><u>Explanation</u></p> <ul style="list-style-type: none"> (i) The points given for experience are calculated based on one point for every year worked in the job. (ii) Points will be allocated for technical qualifications or certificates awarded to the applicant by any internationally or nationally recognised institution or association or other body recognised in the applicant's field of expertise or trade. An applicant must have two years of experience in his job to qualify. (iii) An applicant will gain extra points for a university degree requiring at least three years of full-time study. (iv) Maximum points will be granted for professional or postgraduate qualifications 	

<p>3. <u>Skills</u></p> <ul style="list-style-type: none"> a. Professional b. Skilled c. Unskilled 	<p>(Maximum 20)</p>
<p><u>Explanation</u></p> <p>An applicant will be allocated points in accordance with the level of skills required for his occupation, based on the Employment Relations Department's report.</p>	
<p>4. <u>Financial Assessment</u></p> <ul style="list-style-type: none"> a. Investment in property in the Islands b. Investment in a local company 	
<p><u>Explanation</u></p> <ul style="list-style-type: none"> (i) Maximum points are allocated to person making an investment in property or local business of CI\$500,000 or more. (ii) The Cayman Islands is looking for successful business persons with funds to invest in property and business in the Islands. 	

<p>5. <u>Funds and salary</u></p> <p>a. Evidence of funds (cash and investments)</p> <p>b. Evidence of salary and income</p>	<p>(Maximum 40)</p>
<p><u>Explanation</u></p> <p>(i) The Cayman Islands is looking for successful business persons with funds to invest in property and business in the Islands.</p> <p>(ii) The applicant must satisfy the Caymanian Status and Permanent Residency Board that he has sufficient resources through income or investments to support himself and any dependants accompanying him. Ability to provide sufficient funds for his and their healthcare, education, accommodation and maintenance is of paramount importance for prospective long term residents.</p>	
<p>6. <u>Contribution to the Community</u></p> <p><u>For the purpose of example only</u></p> <p>a. Training and employment of Caymanians</p> <p>b. Participation in a youth programme</p> <p>c. Participation in a counselling or drug programme</p> <p>d. Participation in the rehabilitation etc. of offenders</p> <p>e. Participation in a sports programme</p> <p>f. Participation in an arts programme</p> <p>g. Participation in a service club</p>	<p>(Maximum 20)</p>

<p>h. Participation in a church or other local society.</p> <p>i. Participation in a social club</p>	
<p><u>Explanation</u></p> <p>(i) An applicant's ability to settle and integrate successfully into the Cayman Islands is assessed by reference to such qualities as adaptability, motivation, involvement in the community and initiative.</p> <p>(ii) Maximum points are awarded to an applicant volunteering to assist in drug programmes, rehabilitation of offenders, youth programmes, training and employment of Caymanians.</p> <p>(iii) Participation in sports, arts, social, religious and service clubs is recognised to be of importance as well but is given fewer points.</p>	
<p>7. <u>History/Culture test</u></p> <p>Test Score</p> <p>75% or higher</p> <p>50% - 74%</p> <p>49% or lower</p>	<p>(Maximum 20)</p>
<p><u>Explanation</u></p> <p>An applicant is given a test based on the culture and history of the Cayman Islands. The purpose of the test is to assess the applicant's knowledge of local history, tradition and customs.</p>	

<p>8. <u>Close Caymanian Connections</u></p> <p>Relationship to Person who is Caymanian:</p> <ul style="list-style-type: none">a. Parents, children or spousesb. Caymanian by descentc. Brother, sister or grandparent. etc.	<p>(Maximum 60)</p>
<p><u>Explanation</u></p> <ul style="list-style-type: none">(i) An applicant is allocated the most points if he is the parent, child or spouse of a Caymanian.(ii) “Caymanian by descent” means a person who is Caymanian by descent as defined in the Immigration Law 2003.(iii) A person whose brother, sister, aunt, uncle, grandparent or grandchild is a Caymanian will be allocated fewer points.	

DEDUCTIBLE POINTS	POINTS
<p>1. <u>Character and Health</u></p> <p>a. Criminal Convictions</p> <p>b. Health Issues</p>	(Maximum 100)
<p><u>Explanation</u></p> <p>(i) Maximum points may be deducted by the Board if the applicant has been convicted of an offence against the Laws of the Islands or under the laws of another country, the nature of which offence would, in the opinion of the Board, make his continued presence in the Islands contrary to the public interest.</p> <p>(ii) Points will also be deducted if the applicant is certified by a Health Officer to be suffering from a communicable disease that makes his continued residence in the Islands dangerous to the community or is mentally disordered or defective under the Mental Health Law (1997 Revision).</p>	
<p>2. <u>Demographics</u></p> <p>Geographic area</p>	(Maximum 50)
<p><u>Explanation</u></p> <p>In order to ensure a balance of applicants from different geographic areas, the Governor may declare any country to be a restricted country whereupon maximum points will be deducted based on the applicant's nationality.</p>	

3. Other Other mitigating factors	(Unlimited)
4. <u>Score Tabulation</u> a. Maximum Points Possible b. Maximum Points needed to be considered	Applicants score (200) (100)
<u>Explanation</u> (i) An applicant must achieve a minimum score of 100 points to guarantee consideration for Permanent Residence. (ii) The Caymanian Status and Permanent Residency Board reserves the right to refuse the grant of Permanent Residence to an applicant on the basis that such grant would be contrary and not conducive to the public interest.	

THIRD SCHEDULE

BUSINESS STAFFING PLAN

1. This Schedule applies to every company, firm or other business enterprise (hereinafter called the “business”) employing work permit holders. Application
2. Every business to which this Schedule applies shall submit to the Board a Business Staffing Plan (hereinafter called “the Plan”) in accordance with section 43. Submission of Business Staffing Plan
3. The Business Staffing Plan submitted for the purposes of paragraph 2 shall contain the following information concerning the business- Information in Business Staffing Plan

- (a) the number of employees on staff as at the date of the submission of the Plan;
- (b) the number of Caymanian and non-Caymanian employees on staff;
- (c) the positions occupied by all Caymanian and non-Caymanian employees, the nationality of the non-Caymanian employees and whether such non-Caymanian employees are permanent residents or holders of work permits;
- (d) the length of time for which each position has been held by a work permit holder;
- (e) in respect of posts held by work permit holders other than permanent residents, the likelihood of such posts being filled by Caymanians or permanent residents and the anticipated length of time, in respect of each post, before that happens;
- (f) a list of the positions in the business that are identified as exempted positions and a brief statement as to why they are so considered;
- (g) the anticipated growth of the business and its future plans for the next three years;
- (h) the future anticipated needs of the business as regards its work force for the next three years;
- (i) the commitment of the business to education and development locally including scholarships, training schemes and in-house training;
- (j) the recruitment policy of the business; and
- (k) the identification by the business of the number of work permits that will be required in at least the next three years, the posts for which they will be required and the desired duration of those work permits.

Requirements to be met
by law firms

4. (1) This paragraph applies to law firms employing attorneys-at-law who are licensed to practise Caymanian Islands law.

(2) Where a Plan is submitted by a law firm, the Board, in its assessment of the total number of professional employees engaged by that firm, wherever based and of whatever discipline, shall take into account the professionals employed at all the offices and branches of the firm but shall not include in its calculation, separately owned affiliates of the firm.

Consideration by Board

5. Upon receipt of a proposed Plan from a business, the Board shall in its discretion determine whether to amend the list by the addition to or the exclusion from it, of any post and may thereupon approve the Plan or, if considered necessary, request the business submitting the plan to meet with the Board to discuss it.

- | | |
|---|--|
| <p>6. Where a meeting has been held under paragraph 5 between the Board and the business submitting the Plan, at such meeting agreed amendments may be made to the Plan by the business.</p> | <p>Meeting with Board</p> |
| <p>7. (1) Once the Plan and its period of validity have been agreed by the Board, either in its originally submitted draft form or as amended after consultation with the Board, the Board may thereafter issue, to the business, a certificate to be known as a Business Staffing Plan certificate valid for a period of at least three years but for not more than five years.</p> <p>(2) The Business Staffing Plan certificate shall state that the business may submit work permit applications during the validity of the Plan, in respect of the posts therein listed and for the lengths of time therein stated, and the Board in its discretion may waive the requirement to advertise such posts.</p> | <p>Issue of Business Staffing Plan certificate</p> |
| <p>8. A work permit application made under paragraph 7(2) shall be made to the Board and shall be accompanied by a <i>curriculum vitae</i> of the individual, the subject of the application.</p> | <p>Submission of applications</p> |
| <p>9. When an application under paragraph 7(2) has been made, the Board shall thereupon, provided that the appropriate conditions as set out in section 42 have been met, issue a work permit in respect of the applicant for the period stated in the certificate.</p> | <p>Issue of work permits under a Plan</p> |
| <p>10. Where a business has not submitted a Plan or where a Plan has not been approved by the Board, the normal procedure set out in the Law, shall apply in respect of such application.</p> | <p>Normal procedures to be followed if no Plan is approved</p> |
| <p>11. This Schedule does not apply to applications in respect of domestic workers.</p> | <p>Non-application to domestic helpers</p> |

FORMS

FORM 1

IMMIGRATION LAW 2003

SECTION 29(1)

RESIDENCY AND EMPLOYMENT RIGHTS CERTIFICATE

THIS IS TO CERTIFY THAT....., of.....

and his/her dependant(s) named below (if any) has/have with effect from this day been granted the right to reside permanently in the Cayman Islands. Pursuant to section 29(4) of the Immigration Law 2003 the holder of this Certificate (though not his/her dependant(s) shall be entitled to accept employment from any employer of his/her choice without a work permit, but such employment shall be restricted to the following particular occupation(s):

.....

.....

Dependant(s)

Name	Date of Birth	Nationality	Relationship
.....
.....
.....

Signed_____

**SECRETARY, CAYMANIAN STATUS AND PERMANENT
RESIDENCY BOARD**

Dated this.....day of, 20..

FORM 2

IMMIGRATION LAW 2003

SECTION 30

RESIDENCY AND EMPLOYMENT RIGHTS CERTIFICATE

(for the spouse of a Caymanian)

THIS IS TO CERTIFY THAT, ofhas with effect from this day been granted the right to reside in the Cayman Islands for a period of seven years from the date hereof as the spouse of a Caymanian. This period of validity is renewable at the discretion of the Caymanian Status and Permanent Residency Board. Pursuant to section 30(4) of the Immigration Law 2003 the holder of this Certificate shall, as long as his marriage remains stable, be entitled:

- (a) to remain and work in the Islands in any occupation without the need to possess a work permit; and
- (b) to have his or her dependant(s), listed below, reside in the Islands-
 - (i) until attaining the age of eighteen years; or
 - (ii) if pursuing full-time tertiary education, until attaining the age of twenty-four years or until the completion of such education, whichever happens earlier.

Dependants			
Name	Date of Birth	Nationality	Relationship
.....
.....
.....

Signed _____

**SECRETARY, CAYMANIAN STATUS AND PERMANENT
RESIDENCY BOARD**

Dated this.....day of, 20..

FORM 3

IMMIGRATION LAW 2003

SECTION 33(2)

RESIDENTIAL CERTIFICATE FOR RETIREES

THIS IS TO CERTIFY THATof.....has
with effect from this day been granted the right to reside, **without the right to
work**, in the Cayman Islands for a period of twenty-five years unless this right is
subsequently revoked under the provisions of section 34 of the Immigration Law
2003. The period of validity of this certificate is renewable at the discretion of the
Chief Immigration Officer.

.....

CHIEF IMMIGRATION OFFICER

Dated thisday of, 20..

FORM 4

IMMIGRATION LAW 2003

SECTION 33(4)

**RESIDENTIAL HOLDER'S (DEPENDANT'S)
CERTIFICATE**

(for a spouse)

THIS IS TO CERTIFY THAT....., ofis
with effect from this day permitted to reside, **without the right to work**, in the
Cayman Islands as the spouse of, holder of a
Residential Certificate for Retirees. This permission is subject to section 33 of the
Immigration Law, 2003.

CHIEF IMMIGRATION OFFICER

Dated thisday of, 20..

FORM 5

IMMIGRATION LAW 2003

SECTION 33(4)

**RESIDENTIAL HOLDER'S (DEPENDANT'S)
CERTIFICATE**

(for a dependant child)

THIS IS TO CERTIFY THAT....., ofhas
with effect from this day been granted the right to reside in the Cayman Islands,
subject to section 33 of the Immigration Law 2003, as the dependant child of
....., holder of a Residential Certificate for Retirees.
In accordance with section 33(7) of the Immigration Law 2003 the right of the
dependant child to reside in the Islands as a dependant shall cease on completion
of his or her full-time tertiary education or when he or she reaches the age of
twenty-four years, whichever happens earlier.

CHIEF IMMIGRATION OFFICER

Dated thisday of, 20..

FORM 6

IMMIGRATION LAW 2003

SECTION 35

**RESIDENTIAL CERTIFICATE FOR ENTREPRENEURS
AND INVESTORS**

THIS IS TO CERTIFY THAT.....ofhas
with effect from this day been granted the right to reside in the Cayman Islands
and to carry on the business offor a period of twenty-
five years unless this right is subsequently revoked under the provisions of
section 36 of the Immigration Law 2003. This permission is subject to the holder
possessing valid licences under the Local Companies (Control) Law (1999
Revision) and the Trade and Business Licensing Law (2003 Revision) for the
business proposed. The period of validity of this certificate is renewable at the
discretion of the Chief Immigration Officer.

CHIEF IMMIGRATION OFFICER

Dated thisday of, 20..

FORM 7

IMMIGRATION LAW 2003

SECTION 35(3)

(for a dependant child)

RESIDENTIAL HOLDER'S (DEPENDANT'S) CERTIFICATE

THIS IS TO CERTIFY THAT.....of.....has
with effect from this day been granted the right to reside in the Cayman Islands,
subject to section 35 of the Immigration Law 2003, as a dependant child of
....., holder of a Residential Certificate for Entrepreneurs and
Investors. In accordance with section 35(6) of the Immigration Law 2003 the
right of the dependant child to reside in the Islands as a dependant shall cease
upon completion of his or her full-time tertiary education or when he or she
reaches the age of twenty-four years, whichever happens earlier.

CHIEF IMMIGRATION OFFICER

Dated thisday of, 20..

FORM 8

IMMIGRATION LAW 2003

SECTION 35(3)

**RESIDENTIAL HOLDER'S (DEPENDANT'S)
CERTIFICATE
(for a spouse)**

THIS IS TO CERTIFY THATof.....has
with effect from this day been granted the right to reside in the Cayman Islands,
subject to section 35 of the Immigration Law 2003, as the spouse of
holder of a Residential Certificate for Entrepreneurs and Investors.

CHIEF IMMIGRATION OFFICER

Dated thisday of, 20..

Made in Cabinet this 4th day of May, 2004.

Carmena Watler.
Clerk of the Cabinet.