

CAYMAN ISLANDS.

LAW 15 of 1961

I assent,

[L.S.]

H. LINDO,

Governor's Deputy

26th October, 1961

A LAW to impose restrictions on Immigration by British
Subjects.

[]

ENACTED by the Legislature of the Cayman Islands.

1—This Law may be cited as the Immigration Restriction (British Subjects) Law, 1961, and shall come into operation on a day to be appointed by the Administrator by Government Notice published in the Cayman Islands.

Short title
and com-
mencement.

2—(1) In this Law—

“Chief Immigration Officer” and “immigration officer” respectively mean the Chief Immigration Officer and any immigration officer appointed by the Administrator under the Aliens Law, 1961;

Interpreta-
tion.

“constable” means any member of the Cayman Islands Police Force;

Law 8 of
1961.

“dependent” in relation to another person means—

- (a) the wife of such person if she is not living apart from him under a decree of a competent court or deed of separation;
- (b) the child or step-child under the age of sixteen years, of such person;
- (c) an adopted child under the age of sixteen years having been adopted by such person in a manner recognised by Law;

“domicile” means the place in which a person has his present home or in which he resides or to which he returns as his place of present permanent abode and not for a mere special or temporary purpose; and a British subject shall not be deemed to have a domicile within the Cayman Islands for the purposes of this Law unless he has resided therein for at least two years otherwise than under terms of conditional or temporary residence permitted by this Law or any other Law in force in the Cayman Islands or as a person under detention in a prison, reformatory, orphanage, mental hospital or leper asylum; and a British subject shall be deemed for the purposes of this Law to have lost his domicile within the Cayman Islands if he voluntarily goes and resides outside the Cayman Islands (except for a special or temporary purpose) with the intention of making his home outside the Cayman Islands and “domiciled” shall have a corresponding meaning;

“Health Officer” means the Government Medical Officer in the Cayman Islands or any registered medical practitioner appointed by the Administrator to be a Health Officer for the purposes of this Law;

“immigrant” means a British subject who enters the Cayman Islands from a place outside the Cayman Islands whether for the first or at any subsequent time;

“lands” includes arrival or entry by any form of conveyance, and references to landing, unless the context otherwise implies, includes references to attempting to land;

“member of a crew” means any person employed in working or service of a vessel;

“passport” means a valid passport furnished with a photograph and duly issued to or renewed in favour of the person named therein not more than five years before the date of his arrival, or some other valid document establishing the identity and nationality of the immigrant to the satisfaction of the immigration officer;

“passenger” means any British subject, other than a seaman, travelling or seeking to travel on board a vessel;

“prescribed” means prescribed by Regulations made under this Law;

“seaman” means an officer or member of the crew of a vessel;

“vessel” includes aircraft, and “master of a vessel” includes the pilot of an aircraft;

(2) For the purposes of this Law a British subject shall be deemed to belong to the Cayman Islands if he—

- (a) was born in the Cayman Islands or of parents who at the time of his birth were domiciled or ordinarily resident in the Cayman Islands; or
- (b) is domiciled in the Cayman Islands; or

- (c) has been ordinarily resident in the Cayman Islands continuously for a period of five years or more and since the completion of such period of residence has not been ordinarily resident in any other part of Her Majesty's dominions or any territory under the protection of Her Majesty continuously for a period of five years or more; or
- (d) obtained the status of a British subject whilst resident in the Cayman Islands by reason of the grant by the Governor of a certificate of naturalization under the British Nationality Act, 1948; or
- (e) is a dependent of a person to whom any of the foregoing paragraphs apply.

(3) For the purposes of this Law a British subject shall be deemed to belong to a particular place outside the Cayman Islands if he—

- (a) was born in that place or of parents who at the time of his birth were domiciled or ordinarily resident in that place; or
- (b) is domiciled in that place; or
- (c) has been ordinarily resident in that place continuously for a period of five years or more and since the completion of such period of residence has not been ordinarily resident in any other place continuously for a period of five years or more; or
- (d) is a dependent of a person to whom any of the foregoing paragraphs apply.

General
powers of
immigration
officers.

3—For the purposes of performing his duties under this Law an immigration officer shall have the powers of a member of the Cayman Islands Police Force and may board and search any vessel arriving in the Cayman Islands.

4—(1) The following British subjects (not being persons deemed to belong to the Cayman Islands as defined by subsection (2) of section 2 of this Law) are prohibited immigrants:—

Prohibited
immigrants.

- (a) any person who is likely if he entered the Cayman Islands to become a charge on public funds by reason of infirmity of body or mind or of ill-health or who is not in possession of sufficient means to support himself and such of his dependents as he shall bring with him to the Cayman Islands;
- (b) any idiot or epileptic or any person who is insane or mentally deficient or any person who is deaf and dumb or deaf and blind, or dumb and blind, unless in any such case he or a person accompanying him or some other person gives security to the satisfaction of the Chief Immigration Officer for his permanent support in the Cayman Islands or for his removal therefrom whenever required by the Chief Immigration Officer;
- (c) any person certified by a Health Officer to be suffering from a communicable disease which make his entry into the Cayman Islands dangerous to the community;
- (d) any person over sixteen years of age who by reason of deficient education is unable to fill up the prescribed form of declaration for immigrants in his own handwriting and is likely to become a charge on public funds;
- (e) any prostitute or any person who may be living on or receiving or may have lived on or received the proceeds of prostitution;
- (f) children under the age of sixteen years being dependents of a prohibited immigrant;

- (g) any member of a class of persons deemed by the Administrator on economic grounds or on account of standard or habit of life to be undesirable immigrants and so declared by order published in a Government Notice;
- (h) any person who, from information or advice which in the opinion of the Administrator is reliable information or advice, is deemed by the Administrator to be an undesirable inhabitant of or visitor to the Cayman Islands;
- (i) any person who, not having received a free pardon, has been in any country convicted of an offence for which a sentence of imprisonment has been passed and who for this reason is deemed by the Administrator to be an undesirable immigrant;
- (j) any person who is the subject of a deportation order in force under the Deportation (British Subjects) Law, 1941.

Law 10 of
1941.

(2) Notwithstanding anything to the contrary in this Law contained, the Administrator may exempt any British subject from the provisions of paragraphs (a) to (g) of subsection (1) of this section.

(3) Appeal shall lie to the Governor against the decision of the Administrator in regard to any of the persons mentioned in paragraphs (h) and (i) of subsection (1) of this section unless such appeal be directed to identity only of the person affected by the decision.

Passports.

5—(1) A British subject entering the Cayman Islands without a passport shall be deemed to be a prohibited immigrant unless and until he explains why he has no passport and establishes his identity and nationality, to the satisfaction of the immigration officer.

(2) The Administrator in Executive Council may by regulation exempt any class of British subjects entering the Cayman Islands from the provisions of this section

either unconditionally or subject to such conditions as may by such regulation be imposed.

6—The following British subjects or classes of British subjects shall not be prohibited immigrants for the purposes of this Law—

Persons deemed not to be prohibited immigrants.

- (a) persons who belong to the Cayman Islands as defined by subsection (2) of section 2 of this Law;
- (b) persons in the service of the Government of the Cayman Islands;
- (c) members of Her Majesty's regular naval, military or air forces required in the course of their duty to enter the Cayman Islands;
- (d) the dependents of the persons enumerated in the previous paragraphs of this section;
- (e) any other persons or class of persons to whom this section may be applied by regulation.

7—The Chief Immigration Officer may in his discretion issue to any British subject who belongs to the Cayman Islands and who desires to proceed thereout with the intention of returning thereto a certificate of identity when such British subject is for any reason apprehensive that he will be unable to prove on his return that he is not a prohibited immigrant.

Certificate of identity for re-entry.

8—(1) Subject to such exemptions as may be made by the Administrator under section 35 of this Law, a British subject coming from outside the Cayman Islands shall not land in the Cayman Islands except with the leave of an immigration officer.

Restriction on landing and inspection of immigrants.

(2) An immigration officer or Health Officer may inspect any British subject seeking to land in the Cayman Islands, and such inspection shall be made as soon as practicable after his arrival.

(3) For the purposes of such inspection a British subject may with the permission of an immigration officer land temporarily, and if he submits himself forthwith to such inspection he shall be deemed not to have landed. Any such person may be detained in such a manner as the Administrator may direct, and while so detained shall be deemed to be in legal custody.

(4) Where an immigration officer refuses leave to land to any British subject under subsection (1) of this section he shall report the fact of such refusal together with the reasons therefor to the Administrator within twenty-four hours of such refusal.

(5) Every British subject entering the Cayman Islands shall truthfully answer all proper questions put to him by the immigration officer for the purposes of this Law, and shall also, if required by the immigration officer—

- (a) make and sign the prescribed declaration; and
- (b) submit to be examined by a Health Officer.

(6) The master of a vessel arriving at a port in the Cayman Islands may detain on board any British subject until inspected or landed for inspection under this section, and shall, on the request of an immigration officer, so detain any British subject arriving in that vessel, whether seaman or passenger, to whom leave to land has been refused by the immigration officer, and any British subject so detained shall be deemed to be in legal custody.

(7) Any person who contravenes or fails or refuses to comply with any of the provisions of this section when entering the Cayman Islands shall be deemed to be a prohibited immigrant and may be dealt with as such.

Information
to be
furnished by
master.

9—(1) The master of a vessel arriving from any place outside the Cayman Islands or departing from the Cayman

Islands shall answer truthfully to the best of his ability all proper questions put to him by an immigration officer relating to the passengers, in so far as is necessary for the purposes of this Law, and, if so required, shall furnish the immigration officer with a list in duplicate signed by himself of the names of all the passengers in the vessel, and such other information as may be prescribed, and every such passenger shall supply the information necessary for the purpose of the list.

(2) The master of a vessel arriving from any place outside the Cayman Islands or departing from the Cayman Islands shall furnish the immigration officer, in such manner as may be prescribed, with the particulars of any members of the crew who are British subjects.

(3) Any master of a vessel who fails or refuses to answer any question, or to furnish any list, information or particulars, when required so to do under this section or who knowingly and wilfully supplies any false information in answer to any such question or in furnishing any such list, information or particulars, shall be guilty of an offence and be liable, on summary conviction before the Stipendiary Magistrate, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months with or without hard labour.

(4) Any passenger intending to enter the Cayman Islands who knowingly and wilfully supplies any false information in respect of any list required under this section or in answer to any question put to him by an immigration officer in respect of the particulars required for such list or otherwise for the purposes of this Law shall be guilty of an offence and be liable, on summary conviction before the Stipendiary Magistrate, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months with or without hard labour.

Postpone-
ment of
decision.

10—An immigration officer may—

- (a) grant leave for an immigrant to land without prejudice to the question whether he is a prohibited immigrant;
- (b) for the purpose of making further enquiry, postpone deciding whether a British subject is a prohibited immigrant for a period not exceeding sixty days.

Leave for
sick persons
to remain in
Cayman
Islands.

11—(1) An immigration officer may, with the consent of a Health Officer, grant leave for an immigrant suffering from a communicable disease to remain in the Cayman Islands for medical or surgical treatment or for the purpose of transit through the Cayman Islands to some other place, subject to such conditions as the Health Officer may deem necessary for the protection of the community.

(2) If leave to remain is granted for the purpose of treatment in the Cayman Islands the immigrant shall, on the conclusion of his treatment or at such earlier time as may be specified or communicated to him by the immigration officer, present himself in person to the immigration officer for examination.

(3) The grant of leave under this section shall not prevent a subsequent decision that the immigrant is a prohibited immigrant on another ground.

Leave for
prohibited
immigrant
to remain in
Cayman
Islands.

12—The Administrator, or by his direction any immigration officer, may grant leave for a British subject who is a prohibited immigrant to enter and remain in the Cayman Islands subject to such conditions as to duration and place of residence, occupation security to be furnished, or any other matter or thing, whether similar to those enumerated or not, as the Administrator in Executive Council may think expedient.

13—(1) Where a British subject desires to remain in the Cayman Islands for a period not exceeding twelve months an immigration officer may, without deciding whether that person is or is not a prohibited immigrant, grant him leave to enter and remain in the Cayman Islands subject to such conditions as to the duration of his stay as may be specified by the immigration officer:

Visitors.

Provided that an immigration officer shall not grant leave under this section for a period exceeding six months.

(2) An immigration officer may require a British subject to whom subsection (1) of this section applies as a condition of granting him leave, to give the prescribed security.

14—Where a British subject arrives in the Cayman Islands as a passenger or seaman intending to continue his journey in the vessel by which he arrives, an immigration officer may, without deciding whether that person is or is not a prohibited immigrant, grant him leave to land and remain in the Cayman Islands for the period of the vessel's stay in port and on condition that he leaves in that same vessel.

Intransit
passengers
and crew.

15—(1) Where a British Subject has been granted leave to remain in the Cayman Islands under section 10, 11, 13, 14 or 21 (1) of this Law for a period of less than twelve months the Chief Immigration Officer acting under the directions of the Administrator may extend such period up to a maximum of twelve months from the date of entry.

Extension
of leave to
remain in
Cayman
Islands.

(2) A British subject who fails to comply with any condition attached to the grant of leave to land or who is found in the Cayman Islands at any time after the expiration of the period limited by any such condition shall be deemed to be a prohibited immigrant and may be dealt with as such.

Certificate
that a person
is not a
prohibited
immigrant.

16—Where it is decided that a British subject is not a prohibited immigrant, the immigration officer shall, if so required, give that person a certificate to that effect.

Mistaken
decision.

17—A decision by an immigration officer that a British subject is not a prohibited immigrant given by mistake or in ignorance of any material facts or in consequence of any misrepresentation by the immigrant shall not affect the liability of the immigrant to be dealt with as a prohibited immigrant.

Prohibition
on entry of
prohibited
immigrant.

18—Except where otherwise specially provided by this Law, no prohibited immigrant shall enter the Cayman Islands and an immigration officer shall cause a prohibited immigrant entering or found within the Cayman Islands (having entered after the commencement of this Law) to be removed therefrom in the manner hereinafter provided.

Order for
immigrant
to leave.

19—An immigration officer who decides that a British subject is a prohibited immigrant may in his discretion—

- (a) order him to leave the Cayman Islands and proceed immediately in the same vessel in which he arrived or in a vessel of the same owners or agents;
- (b) order him to leave the Cayman Islands within sixty days of his entering the Cayman Islands and, if the immigration officer thinks fit, by a specified vessel; or
- (c) cause him to be arrested and brought before the Stipendiary Magistrate with a view to an order being made for his removal.

Notice to
prohibited
immigrant
and master
of vessel.

20—(1) Whenever leave to enter the Cayman Islands is withheld by an immigration officer, or whenever any British subject is detained, restricted or arrested as a prohibited immigrant, notice of that fact and the grounds of

refusal, detention, restriction or arrest shall be given by the officer to such person in the prescribed form. If such notice is given within seven days of the arrival of the immigrant the immigration officer giving such notice shall also inform, if known, the master or local agent or owner of the vessel by which the immigrant arrived that such notice has been given.

(2) Every immigrant to whom such notice has been given may appeal to the Stipendiary Magistrate. Notice of such appeal shall be given to the Stipendiary Magistrate and to the immigration officer within seven days of the decision appealed against.

(3) Pending the hearing of an appeal to the Stipendiary Magistrate no warrant shall be issued or enforced for the removal as a prohibited immigrant of the person who is appealing, but should it be held on the hearing of any such appeal that the immigrant to whom notice has been given under subsection (1) of this section is a prohibited immigrant, the Stipendiary Magistrate shall issue a warrant for the removal of the prohibited immigrant.

21—(1) Whenever—

- (a) security is required to be given in respect of an immigrant; or
- (b) an immigration officer postpones deciding whether a person is a prohibited immigrant; or
- (c) a prohibited immigrant is ordered to leave the Cayman Islands,

Temporary
leave
pending
security, etc.

the immigration officer may grant leave for the immigrant to remain in the Cayman Islands for a period not exceeding 30 days which the immigration officer considers necessary.

(2) In lieu of granting leave, or on revocation or expiration of the leave, the immigration officer may cause the immigrant to be arrested and brought before the Stipendiary Magistrate who may either order the leave to be

granted, restored or renewed and the immigrant to be released, or order the immigrant to be detained in custody until the matter is disposed of or until an opportunity occurs for him to leave the Cayman Islands, as the case may require.

Endorsement
on passport
of leave to
land or
remain in
Cayman
Islands.

22—Where leave to land or remain in the Cayman Islands is granted to any immigrant under section 10, 11, 12, 13, 14 or 21 of this Law, or where extension of leave is granted under section 15 of this Law, the fact of such grant or extension, as well as any conditions attached to such grant or extension shall be endorsed on the immigrant's passport.

Finger-
prints.

23—A British subject held to be a prohibited immigrant, or to whom leave to land or remain in the Cayman Islands is granted under section 10, 11, 12, 13, 14 or 21 of this Law, shall, if so required by an immigration officer, submit to his fingerprints being taken by the immigration officer.

Conditions
relating to
passports
and cer-
tificates.

24—(1) A British subject to whom leave to land or remain in the Cayman Islands or any certificate under this Law has been granted shall at all times produce his passport or any such certificate to any immigration officer or constable on demand, or within forty-eight hours after such demand at such police station as may be specified by the person making the demand at the time of such demand, and shall not lend, transfer or assign it to any other person.

(2) No person shall borrow or make use of a passport belonging to any other person or a certificate granted under this Law to any other person.

(3) A person having in his possession a passport appearing to have been endorsed by an immigration officer under this Law or a certificate appearing to have been granted under this Law shall answer all questions put to him by an immigration officer or constable for the purpose

of establishing his identity with the person named in the passport or certificate, and shall, if so required by an immigration officer or constable, submit to his fingerprints being taken for that purpose.

25—(1) Leave to land or remain in the Cayman Islands granted under this Law may at any time be revoked by the Administrator or by an immigration officer acting on the direction of the Administrator, and may also be revoked when the conditions attached to such leave so provide. Revocation
of leave.

(2) Where such leave is revoked, the immigrant may be arrested and brought before the Stipendiary Magistrate to be dealt with for any infringement of this Law in respect of which he may be charged:

Provided that the Stipendiary Magistrate may, if the leave was not revoked by, or by the direction of the Administrator, order the leave to be restored and the immigrant to be released.

26—(1) If any British subject is considered by an immigration officer to be a prohibited immigrant, then, subject to the provisions of this Law and the conditions attached to any leave granted thereunder, the Stipendiary Magistrate may, on the application of an immigration officer or of any person deputed in writing by the Chief Immigration Officer for the purpose of making such application, order the immigrant to be removed from the Cayman Islands and in the meantime to be detained in custody: Removal
orders.

Provided that no application for such order shall be entertained in the case of a British subject (not being a person who entered the Cayman Islands in contravention of subsection (1) of section 8 of this Law) unless the application is made—

- (a) if he entered the Cayman Islands in accordance with leave granted under section 10, 11, 12, 13 or 14 of this Law, within six months of the expiry of

the period limited by any condition attached to the grant of such leave;

- (b) in other cases, within six months of his arrival in the Cayman Islands.

(2) An immigrant who is ordered to be removed from the Cayman Islands shall, with the approval of the Administrator, be removed—

- (a) to the place whence he came, or to any place to which he consents to be removed; or
(b) to any territory forming part of the British Commonwealth to which he belongs.

(3) Where an immigrant who is ordered to be removed is serving a sentence of imprisonment, the Administrator may give directions as to whether the whole or what part of the sentence is to be served before removal. In default of such directions, the immigrant shall be removed after completion of the sentence.

(4) An immigrant ordered to be removed may be placed on board a suitable vessel by any constable or immigration officer, and may be lawfully detained in custody on board until the vessel finally leaves the Cayman Islands.

Liability
of vessel to
remove pro-
hibited
immigrant.

27—(1) Any British subject to whom leave to land in the Cayman Islands has been refused shall be removed from the Cayman Islands by the master of the vessel in which he arrived, and by that same vessel, or with the consent of an immigration officer he shall be removed, by the owner or agent of that vessel, by any other vessel, to the country to which he belongs or from which he embarked for the Cayman Islands.

(2) If an immigrant in respect of whom notice has been given to the master or local agent or owner of a vessel as required by section 20 of this Law is ordered to be removed from or to leave the Cayman Islands within sixty

days of his arrival in the Cayman Islands, the master of the vessel in which the immigrant arrived or of any vessel belonging to the same owner or chartered by him shall at the request of an immigration officer and on production to him of the order, receive the immigrant (and any of his dependents whom he may have brought with him by the same vessel into the Cayman Islands) on board and afford them a passage to the country to which the immigrant belongs or from which he embarked for the Cayman Islands.

(3) In the event of the immigrant and his dependents being unable to defray the expenses of the passage required to be provided under this section, the master shall nevertheless provide the immigrant (and any of his dependents whom he may have brought with him into the Cayman Islands) with suitable accommodation and maintenance during the passage free of charge to the public funds of the Cayman Islands: saving nevertheless to the master the right to recover such expenses from the immigrant and his dependents.

(4) Except as provided in this section, the expenses of passage of a prohibited immigrant and his dependents shall be payable from the public funds of the Cayman Islands in so far as they are not defrayed by the immigrant and his dependents.

28—The master of any vessel may, on the desertion of any seaman, or the landing of any stowaway or prohibited immigrant from his vessel, apply to the Stipendiary Magistrate for a warrant to arrest and convey back on board the vessel such seaman, stowaway, or prohibited immigrant and the Stipendiary Magistrate shall grant such application unless there are special reasons for not doing so, and such master shall be held harmless of all pains and penalties at law for anything done by virtue of such warrant.

Warrant to
convey pro-
hibited
immigrant
back on
vessel.

Offences by
prohibited
immigrants
and persons
permitting
prohibited
immigrants
to land.

29—(1) Any master of a vessel who knowingly suffers any prohibited immigrant who arrives in such vessel to land therefrom contrary to the provisions of this Law shall be guilty of an offence.

(2) Any person who knowingly lands or procures to be landed or who aids or assists in landing any prohibited immigrant contrary to the provisions of this Law shall be guilty of an offence.

(3) Any prohibited immigrant who knowingly and wilfully lands or suffers himself to be landed contrary to the provisions of this Law shall be guilty of an offence.

(4) Any British subject who contravenes, or fails or refuses to comply with, any of the provisions of subsection (1) or (5) of section 8 of this Law shall be guilty of an offence.

(5) Any person guilty of an offence under this section shall, on summary conviction before the Stipendiary Magistrate, be liable to a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months, or to both such fine and imprisonment, and in any case in which the offender has contravened or failed to comply with the provisions of subsection (1) of section 8 of this Law, proceedings may be brought at any time.

Offences and
penalties.

30—Any person who—

- (a) for the purpose of entering the Cayman Islands or of remaining therein, in contravention of this Law or any other Law, or of assisting any other person so to enter or so to remain, fabricates or falsifies any passport, certificate or other document, or utters, uses, or attempts to use, any passport, certificate or other document which has not been issued by lawful authority or which though issued by lawful authority he is not entitled to use, or any fabricated or falsified passport, certificate or

other document, knowing it to be fabricated or falsified; or

- (b) makes a statement which to his knowledge is untrue in a declaration required to be made by an applicant for the issue of a passport or of a certificate of identity; or
- (c) obstructs, hinders or opposes any immigration officer or constable in the execution of his duty under this Law; or
- (d) without lawful excuse knowingly harbours or conceals any other person who is within the Cayman Islands in contravention of the provisions of this Law, or who having entered the Cayman Islands in pursuance of leave granted as hereinbefore provided, has wilfully failed to observe any condition attached to the grant of such leave; or
- (e) fails to comply with or contravenes the conditions under which leave to land or remain in the Cayman Islands has been granted to him or under which any certificate or other document has been issued to him under this Law; or
- (f) being a prohibited immigrant, lands in the Cayman Islands without previously obtaining leave of an immigration officer as hereinbefore provided; or
- (g) aids or abets any other person in the commission of any of the offences set out in paragraphs (a), (b), (c), (d) and (e) of this section,

shall be guilty of an offence and shall be liable, on summary conviction before the Stipendiary Magistrate, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

**Place of
detention.**

31—(1) A British subject detained in custody under this Law, but not serving a sentence of imprisonment, may be detained either in prison or in any place appointed for the purpose by the Administrator, but if detained in prison he shall be treated as a person awaiting trial.

(2) The Administrator in Executive Council may make regulations for the management, control and discipline of any place appointed by the Administrator under subsection (1) of this section for the detention of persons for the diet of persons detained therein, and for the punishment of persons detained therein for any offences committed by them against such regulations.

**Evidence
and burden
of proof.**

32—In any proceedings under this Law—

- (a) the burden of proof that the person charged belongs to the Cayman Islands or that he is not likely to become a charge on public funds shall be upon that person;
- (b) a document purporting to be a removal order made under this Law shall, until the contrary is proved be presumed to be such an order; and
- (c) any order made under this Law shall be presumed, until the contrary is proved, to have been validly made and to have been made on the date upon which it purports to have been made.

**Recovery of
expenses.**

33—(1) Where the Stipendiary Magistrate is satisfied that any expenses have been or will be incurred by the Government in connection with the maintenance, medical treatment, or removal of a prohibited immigrant or his dependents, he may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the immigrant and order forfeiture of any moneys in his possession.

(2) A warrant issued under subsection (1) of this section may be executed in the same manner as a warrant for the levy of the amount of a fine.

(3) The partial recovery of expenses under this section shall not prejudice the liability of any surety for the balance, nor shall the issue or execution of a warrant under this section be a condition precedent to the liability of a surety.

34—The Administrator in Executive Council may make Regulations.
regulations prescribing—

- (a) the powers and duties of immigration officers;
- (b) the steps to be taken to prevent the entrance of a prohibited immigrant into the Cayman Islands;
- (c) the ports of entry and the times, places and conduct of the inquiry or examination, medical or otherwise, of persons entering or desiring to enter the Cayman Islands, or who being found in the Cayman Islands are suspected of being prohibited immigrants;
- (d) the means to be taken for the identification of any person believed to be a prohibited immigrant including the taking of photographs and fingerprints;
- (e) lists of communicable diseases, the affliction with which will render a person a prohibited immigrant;
- (f) the procedure for and the manner of the detention of prohibited immigrants pending their removal from the Cayman Islands and the procedure necessary for and the manner of such removal;
- (g) the certificates which may be issued under this Law, the terms of any condition which may be attached to the grant of leave to land or remain in the Cayman Islands, the conditions upon which any such certificate or condition may be issued or attached, the circumstances in which they may be cancelled and the fees which may be

charged for any certificate; and the amount and nature of the security to be furnished for the due carrying out of any conditions which may be attached to the grant of leave to enter and reside in the Cayman Islands to a prohibited immigrant;

- (h) the forms of warrants certificates or other documents to be issued or used or of the declarations to be made or of the books to be kept for the purposes of this Law, and the particulars to be inserted in any such document, declaration or book:
- (i) generally for the better carrying out of the objects and purposes of this Law.

Exemptions

35—The Administrator may direct that any British subject or class of British subject shall be exempt, either unconditionally or subject to such conditions as the Administrator may impose, from all or any of the provisions of this Law.

First and
Second
Schedule.

36—Until such time as Directions and Regulations are made under the provisions of this Law the Directions and Regulations contained in the First and Second Schedules to this Law shall be deemed to be the Directions and Regulations made under the provisions of this Law.

Directions
and Regula-
tions may
be amended,
varied or
repealed.

37—Any Direction or Regulation made under the provisions of this Law or any Direction or Regulation contained in the First and Second Schedule to this Law may be amended, varied or repealed at any time by the Administrator in Executive Council under the relevant provisions of this Law.

Repeal. Law
9 of 1941.
Law 8 of
1944.

38—The Immigration (Restriction) Law, 1941, and the Immigration (Restriction) (Amendment) Law, 1944, are hereby repealed.

FIRST SCHEDULE

DIRECTIONS

PART I

The British Tourist Directions (Section 35)

- 1—These Directions may be cited as the British Tourists Directions. Short title.
- 2—In these Directions "British Tourist" means a subject of Her Majesty who has arrived in the Cayman Islands by sea or air on a tourist visit. Interpretation.
- 3—The provisions of subsection (1) of section 5 of the Immigration (British Subjects) Law, 1961, shall not apply to any British tourist who— British Tourist.

- (a) produces on arrival in the Cayman Islands a valid return, round trip or through ticket, whether by sea or air, showing to the satisfaction of the immigration officer that he is entitled to continue his journey or be returned directly to some place in the United Kingdom of Great Britain and Northern Ireland or in one of Her Majesty's domains, territories, colonies or dependencies, at any time within six months of his arrival in the Cayman Islands; and
- (b) satisfies an immigration officer that he is a tourist and does not intend to reside in the Cayman Islands for more than six months; and
- (c) signs a card (in these Directions referred to as a special tourist card) presented to him on his arrival by an immigration officer and complies with the conditions endorsed thereon.

4—Every British tourist to whom by virtue of these Directions the provisions of subsection (1) of section 5 of the Immigration Restriction (British Subjects) Law, 1961, do not apply shall keep the special tourist card safely until his departure from the Cayman Islands and shall hand such card to the immigration officer on such departure; and when called upon by any immigration officer or Member of the Cayman Islands Police Force he shall produce such card at any time during his stay in the Cayman Islands. Tourist Card.

PART II

The Immigration Restrictions (Airlines Flight Crew) Directions (Section 35)

- 1—These Directions may be cited as the Immigration Restriction (Airline Flight Crew) Directions. Short title.
- 2—In these Directions "member of an airline flight crew" means any person appointed by the owners or operators of an aircraft being operated on a scheduled international air service to perform duties on such aircraft during the flight thereof. Interpretation.

Airline
Flight Crew.

3—The provisions of subsection (1) of section 5 of the Immigration Restriction (British subjects) Law, 1961, shall not apply to any British member of an airline flight crew who—

- (a) has in his possession a certificate in the form in the Appendix to these Directions (to which has been affixed a photograph of himself) issued to him by a competent authority of the State where the aircraft of the crew of which he is a member has been registered; and
- (b) satisfies the immigration officer that he intends to remain at the airport where such aircraft has stopped or within the limits of any town adjacent thereto, and to depart by such aircraft on its next outward flight or by some other aircraft on his next regularly scheduled flight.

A P P E N D I X
CREW MEMBER CERTIFICATE

.....
(issuing state)
CREW MEMBER CERTIFICATE
Number.....

The.....certifies that
(Competent Authority of Issuing State)

Affix photograph
of holder of
certificate.

Surname.....
Other names.....
Residing at.....
Born on.....
(Date)

At.....
(Place of Birth)

is a national of.....'s registered in
(State of Nationality)

.....as a person following the
(Issuing State)

Occupation of an airline crew member, and is presently employed by
.....as a
(Airline)

.....
(Description of Duties)

.....
(Signature of Holder)

The holder may, at all times re-enter
.....
(Issuing State)
upon production of this Certificate.

(Affix Stamp or Seal of
Competent Authority)

Valid for use only in connection with
service as an airline crew member on
aircraft of the registry of

.....
(Issuing State)
Issued at.....
on.....
(Date)

.....
(Signature of Issuing Officer)

Size of entire document not more than 4 x 6 inches (102 x 152 millimetres) outside

SECOND SCHEDULE

REGULATIONS

(Section 34)

PART I

The Immigration Restriction (British Subjects) Regulations

- Short title. 1—These Regulations may be cited as the Immigration Restriction (British Subjects) Regulations, and shall be read as part of and subject to the Immigration Restriction (British Subjects) Law, 1961, hereinafter referred to as the Law.
- Law 15 of 1961.
- Return of passengers. 2—(1) The master of any vessel (other than an aircraft) whether British or foreign, carrying any passengers to a port in the Cayman Islands from any place outside the Cayman Islands shall furnish to an immigration officer, at the time of his visiting the vessel on arrival, a correct return in the form 'A' in the Appendix to these Regulations.
- (2) The master of any vessel carrying any passengers from a port in the Cayman Islands to a place outside the Cayman Islands shall furnish to the immigration officer, before the departure of the vessel, a correct return in the form 'B' in the Appendix to these Regulations.
- Examination of passengers. 3—The examination of persons in accordance with section 8 of the Law shall be conducted by an immigration officer on the vessel by which such persons arrived, or at any other place convenient for the purpose as the immigration officer may direct. Every such person before being permitted to enter or remain in the Cayman Islands shall, if so required to do by the immigration officer, complete a declaration in the form 'C' in the Appendix to these Regulations, and the immigration officer may require every such person to declare thereto before him and shall satisfy himself, where he has any doubt, that the signatory thereto is sufficiently educated to understand such declaration; or, if such person be unable to fill in such form, the officer shall question him, through an interpreter if necessary, and shall himself fill in or cause to be filled in the form of declaration, and shall thereupon require such person to sign such declaration.
- Evidence of identity of wife and child. 4—An immigration officer may require, for the purpose of an application of a wife or child of an immigrant to enter the Cayman Islands, a properly authenticated copy of the certificate of the marriage or of the birth, as the case may be; or, if no copy of such marriage certificate or birth certificate can be produced, the immigration officer may require evidence to satisfy him that that person is such wife or child as alleged and of the identity of the person and that such wife or child is exempted from being considered a prohibited immigrant.
- Security to be furnished, and evidence of means. 5—(1) Whenever security has to be furnished by an immigrant, such security shall be in the form of a deposit made with the Treasurer or Barclays Bank, D.C.O. and the amount thereof shall, according to the case, be—
- (a) fifty pounds if the immigrant belongs to one of the British West Indian territories or to British Guiana or British Honduras;

- (b) seventy-five pounds if the immigrant belongs to a country forming part of the Continent of America, of Europe or of Africa, or to any of the Islands of the North Atlantic Ocean other than those specified in sub-paragraph (a) of this paragraph;
- (c) one hundred pounds if he belongs to any other country provided that in special cases to be approved by the Administrator the immigrant may give a security bond in the appropriate amount with one or more sureties acceptable to the Chief Immigration Officer.

(2) A person on a temporary visit to the Cayman Islands shall, if required to do so by an immigration officer, produce evidence to the satisfaction of the immigration officer—

- (a) of being in employment elsewhere and intend to return there-to; or
- (b) of possession of a return ticket; or
- (c) of the possession of a sum of money sufficient to enable him to maintain himself during the period of his visit and to provide for his return fare, or of its immediate availability.

(3) An immigration officer may accept as sufficient evidence that the immigrant (not being a person suffering from infirmity of body or mind, or ill health) is not likely to become a public charge if he is satisfied that *bona fide* employment is awaiting the immigrant in the Cayman Islands; the evidence to support such contention shall show the nature and period of the employment and the proposed wage, and be supported as to the ability of the prospective employer to carry out his undertaking and include an undertaking by the employer to repatriate the immigrant if the engagement is terminated within two years from the time he landed in the Cayman Islands.

(4) The security bond required for the purposes hereof may be given in the form 'D' in the Appendix to these Regulations, with such modifications as the circumstances require.

6—Any person who comes to the Cayman Islands with the intention of residing therein for a period greater than twelve months shall furnish to the Chief Immigration Officer, his certificate of birth, medical certificate of fitness, his criminal record (if any), evidence of his financial position, and the name of the person or persons making the cash deposit, if required on his behalf.

Persons coming to reside for period greater than 12 months.

7—(1) A Health Officer shall, when necessary and required, be present at the examination of persons entering or seeking to enter the Cayman Islands, and shall indicate to the immigration officer any person who ought, in his opinion, to be medically examined. The immigration officer may require the Health Officer to make a medical examination of any such person and of any other person entering or found within the Cayman Islands who is required to submit to such medical examination.

Medical examination.

(2) The medical examination of any person entering or seeking to enter or found within the Cayman Islands shall take place at such place as may be convenient, and as soon as possible after the arrival of such person, or after the person is found, and a report as to the result of such examination shall be rendered to the immigration officer and shall

accompany that officer's record of proceedings furnished to the Chief Immigration Officer if any such person be found to be a prohibited immigrant:

Certificate of identity.

8—(1) A certificate of identity issued in terms of section 7 of the Law, to persons who belong to Cayman Islands, may be in the form 'E' in the Appendix to these Regulations, and subject to the conditions therein set out, or to any modifications required in the particular circumstances; and every such certificate shall contain such particulars as may be deemed necessary for the purpose of identification.

(2) No certificate of identity shall be issued unless there be lodged with the immigration officer satisfactory documentary evidence as to the identity of the applicant and of his claim that he belongs to the Cayman Islands, and of the particulars required.

Conditions of leave to land in island.

9—Unless in any individual case the giving of security is considered unnecessary by the immigration officer, the immigrant who applies for leave to land or remain in the Cayman Islands shall be required to deposit the amount appropriate to his case or give a security bond for such amount as provided by Regulation 5(1) hereof as a security for the observance by him of the conditions attached to the grant of the leave. The deposit shall only be refunded upon the fulfilment of such conditions and upon such person leaving the Cayman Islands within the period for which the leave was granted, or upon the cancellation of the conditions by the Administrator.

Provisional restriction.

10—The immigration officer, after commencing his examination of any person who has not satisfied him that he is not a prohibited immigrant, may provisionally restrict the admission to the Cayman Islands of such person, or cause his detention in custody, and may cause enquiries to be made, or await such further information as may be necessary, before finally informing any person in accordance with section 20 of the Law that he is a prohibited immigrant.

Removal order.

11—Any order which may be issued under the Law for the removal of a prohibited immigrant from the Cayman Islands shall be in form 'F' in the Appendix to these Regulations.

Detention.

12—(1) Save as is otherwise provided in the Law, any person detained in custody thereunder may be detained at any place at which persons under arrest awaiting trial are liable to be detained.

(2) Any gaoler or immigration guard shall accept custody of any person on the order of the immigration officer, or on the order of the Stipendiary Magistrate issued at the request of the immigration officer but no person shall be so detained in custody for any longer period than is necessary for the purpose of any prescribed enquiry or for the completion by the immigration officer of arrangements for the removal of such person from the Cayman Islands at the first reasonable opportunity.

(3) The production of an order of removal shall be sufficient authority to any gaoler or other officer to deliver the person named therein to the escort appointed to bring such person to any place for the purpose of removal in terms of such order.

13—(1) Any British subject in custody whom an immigration officer has reasonable ground for believing to be a prohibited immigrant may be photographed and measured by any Constable or Prison Officer.

Photographing and measuring of prohibited immigrants.

(2) The photographs to be taken may include a photograph of the full face, a photograph of the true profile and a full length photograph.

(3) The measurements to be taken may include—

- (a) his height when standing;
- (b) the size and relative positions of every scar and distinctive mark upon any part of his body; and
- (c) the external filament of the fingers and thumbs of each hand which shall be taken by pressing them first upon an ink plate or pad and then upon paper or cardboard so as to leave a clear print thereon of the skin surface.

(4) A photograph of a person taken pursuant to these Regulations shall not be published except for the purpose of tracing such person nor shall any such photograph be shown to any person other than a Constable or servant of the Crown acting in the course of his duty or a person authorised by the Constable or servant of the Crown so acting to see it.

14—Any person employed by the Government to have custody and control of any person detained as a prohibited immigrant shall carry out such duties as are assigned to him by an immigration officer.

Duties of person in charge of prohibited immigrant.

15—For the purpose of administering the Law and these Regulations, all officers appointed hereunder are hereby authorised and empowered to board any vessel at any time and at all places in the Cayman Islands.

Authority to board vessels.

16—Any person who fails to comply with the provisions of these Regulations, with which it is his duty to comply, or who otherwise contravenes these Regulations, shall be guilty of an offence and shall, on summary conviction before the Stipendiary Magistrate, be liable to a fine not exceeding twenty-five pounds, and in default of payment to imprisonment for a period not exceeding three months.

Penalties.

APPENDIX

FORMS

FORM 'A'

*Cayman Islands*List of Passengers arriving by the.....
(Name of Vessel)At.....on.....19.....
(Port in Cayman Islands)

No.	Surname	Christian Names	Nation- ality	Birth- place	Port of Embark- ation	For Official Use

.....
Master

FORM 'B'

*Cayman Islands*List of Passengers departing by the.....
(Name of Vessel)From.....on.....19.....
(Port in Cayman Islands)

No.	Surname	Christian Names	Nation- ality	Birth- place	Port of intended dis- embarkation	For Official Use

.....
Master

FORM 'C'

EMBARKATION/DISEMBARKATION CARD

1. Name in full and sex.....
(IN BLOCK LETTERS)
2. Date and place of birth.....
3. Nationality.....If naturalized.....
(Place) (Date)
4. Occupation.....
5. No. and nationality of passport.....
issued at.....date.....
6. Names and ages of accompanying dependents under 15 years.....
.....
7. Permanent Address.....
8. Proposed address during stay.....
9. Point of { Embarkationdate.....
Disembarkation.....date.....
10. Purpose of visit.....
11. Signature of passenger.....

(Official Use only)	Endorsements
Place.....date.....
Permitted to enter for
Remarks.....
.....
Signature of Immigration Officer.....

Size of entire document not more than 4 x 6 inches (102 x 152 millimetres) outside.

FORM 'D'

Cayman Islands

THE IMMIGRATION RESTRICTION (BRITISH SUBJECTS) LAW, 1961

SECURITY BOND

CAYMAN ISLANDS.

KNOW ALL MEN BY THESE PRESENTS THAT I.....

.....of.....
in the Island of Grand Cayman ... (hereinafter referred to as the Surety)
Cayman Brac ...
Little Cayman ...

am held and firmly bound unto the Treasurer for the time being of the said Island in the sum of.....pounds to be paid to the said Treasurer for which payment well and truly to be made I hereby bind myself, my heirs, executors and administrators by these presents.

Dated this.....day of.....19.....

WHEREAS.....(hereinafter referred to as the Immigrant) who lately arrived in the Cayman Islands by the vesselis a prohibited immigrant (or as the case may be) within the meaning of the Immigration Restriction (British Subjects) Law.

AND WHEREAS the said Surety desires to enable the said Immigrant to land in the Island:

NOW THE ABOVE WRITTEN OBLIGATION is conditioned ~~to be void if the said Surety do on demand pay to the Treasurer any charges together with any expenses of repatriation (if any) which within two years from the date of these presents may be incurred by the Administrator of the Cayman Islands in respect of the said Immigrant.~~

Signed and delivered by the abovenamed in the presence of.....

.....
(Signature of Surety)

.....
(Signature of Witness)

.....
(Address)

.....
(Occupation)

FORM 'E'

Cayman Islands

THE IMMIGRATION RESTRICTION (BRITISH SUBJECTS) LAW, 1961

CERTIFICATE OF IDENTITY

It is certified that.....holding
Passport.....issued by.....
having appeared before.....for the purpose
of supplying the means of identification which are now specified herein, and having
intimated that he/she is about to absent himself/herself from the Cayman Islands
for a period of.....on a visit to.....
this document is issued to.....and sub-
ject to the conditions specified hereunder or endorsed hereon and to the certification
of the marks of identification, will be accepted by the examining Immigration
Officer without further evidence as proof of the identity of the said.....
.....on his/her return within a period of two years.

.....
(Date)

.....
(Place)

.....
(Immigration Officer)

CONDITIONS UNDER WHICH THE CERTIFICATE IS ISSUED

1. That, on the return of the person referred to herein to the Cayman Islands, this certificate shall be surrendered to the examining Immigration Officer.
2. That, if the person referred to herein seeks to re-enter the Cayman Islands after a period of two years has elapsed from the date hereof, or if he/she seeks to re-enter the Cayman Islands after having lost the status of a British subject, the protection afforded by this certificate shall be deemed to have lapsed, and he/she shall be required to satisfy the requirements of the Law.
3. This certificate may be held to be invalidated if the person named herein is shown to the Immigration Officer to have made a false declaration in a material particular when applying for a certificate.

FORM 'F'

Cayman Islands

THE IMMIGRATION RESTRICTION (BRITISH SUBJECTS) LAW, 1961

Order for the Removal of Prohibited Immigrant

To

WHEREAS.....has rendered himself/
herself liable to removal from the Cayman Islands by reason that in terms of
section.....of the Immigration Restriction (British Subjects)
Law, 1961, the said.....is a Prohibited
Immigrant:

You are hereby authorised to cause the said.....
.....to be removed from the Cayman Islands
under proper escort and subject to necessary detention in custody as provided under
the Law.

Dated at.....this.....day of
.....19.....

.....
(*Stipendiary Magistrate*)

PART II

THE BRITISH SUBJECTS (CRUISE PASSENGERS) REGULATIONS

1. These Regulations may be cited as the British Subjects (Cruise Passengers) Regulations.
2. In these Regulations:—
“cruise passenger” means any British subject arriving upon a vessel who intends to remain in the Island only during the period of the stay of such vessel in the Cayman Islands and to depart from the Cayman Islands upon such vessel.
3. The provisions of subsection (1) of section 5 of the Law shall not apply to any cruise passenger.

Passed the Assembly this 1st day of September, 1961.

J. ROSE,
President

SYBIL McLAUGHLIN,
Clerk of the Legislative Assembly