

**CAYMAN ISLANDS**



# **IMMIGRATION (TRANSITION) (AMENDMENT) ACT, 2021**

**(Act 3 of 2021)**

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CAYMAN ISLANDS

(Act 3 of 2021)

I Assent,

Martyn Roper  
Governor

Date: 11th day of October, 2021

# IMMIGRATION (TRANSITION) (AMENDMENT) ACT, 2021

(Act 3 of 2021)

AN ACT TO AMEND THE IMMIGRATION (TRANSITION) ACT (2021 REVISION) IN ORDER TO PROVIDE IN CERTAIN CIRCUMSTANCES FOR MANDATORY VACCINATION; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

## Short title and commencement

- (1) This Act may be cited as the Immigration (Transition) (Amendment) Act, 2021.
- (2) This Act comes into force by Order made by the Cabinet.

## Amendment of section 2 of the Immigration (Transition) Act, 2021 Revision - interpretation

- The *Immigration (Transition) Act (2021 Revision)*, in this Act referred to as the “principal Act”, is amended by inserting the following definitions in the appropriate alphabetical sequence —
  - “**approved vaccine course**” means a vaccination course which —
    - prevents or suppresses any notifiable disease under Part 6 of the *Public Health Act (2021 Revision)*;
    - has been approved for the purposes of this Act by Cabinet, acting on the advice of the Medical Officer of Health; and



- (c) has been notified in the *Gazette* or in any other official Government website or in any other official means of communication;

“**medical certificate**” means a certificate which certifies that vaccination would be injurious to the health of a person who is eligible to be vaccinated in accordance with the *Public Health Act (2021 Revision)* and which is —

- (a) in the case of a person who is applying to land in or enter into the Islands, signed by a medical doctor in the person’s country;
- (b) in the case of a person who resides in the Islands and who is applying to remain in the Islands, signed by a registered medical practitioner who is a medical doctor referred to under Schedule 4 of the *Health Practice Act (2021 Revision)*; and
- (c) approved by the Medical Officer of Health;

“**Medical Officer of Health**” has the meaning assigned by section 2 of the *Public Health Act (2021 Revision)*;

“**registered medical practitioner**” means a person registered to practise medicine under the *Health Practice Act (2021 Revision)*; and

“**vaccination certificate**” means a document which evidences that the person in respect of whom the document is issued was administered an approved vaccine course no later than fourteen days before an application is made under this Act in respect of such person;”.

### **Insertion of sections 52A and 52B - mandatory vaccinations for persons specified under Part 6 and exemptions by the Medical Officer of Health**

3. The principal Act is amended by inserting after section 52 the following sections —

#### **“Mandatory vaccinations for persons specified under Part 6**

**52A.**(1) Subject to subsection (6) and section 52B, any person to whom the sections specified in subsection (2) apply, shall provide the Board or the Director of WORC, as applicable, with —

- (a) a vaccination certificate relating to that person and any dependant of that person when that person applies to be granted the right to be employed or to reside in the Islands or for the renewal of such right;
- (b) in the case of a person and any dependant of that person who has been vaccinated with a vaccine course which is not an approved vaccine course, a declaration signed by the person that the person and any dependant of the person will comply



- with any directions of the Medical Officer of Health given with regard to vaccination; or
- (c) in the case of an unvaccinated person, a declaration signed by the person that the person and any unvaccinated dependant of the person will —
- (i) complete an approved vaccine course and provide a vaccination certificate to the Board or the Director of WORC, as applicable —
- (A) within forty days after an application is granted or renewed;
- (B) within forty days after arrival in the Islands, if the person does not reside in the Islands; or
- (C) within such other period of time as is directed by the Medical Officer of Health; or
- (ii) comply with any directions of the Medical Officer of Health given with regard to vaccination.
- (2) The sections to which subsection (1) relates are as follows —
- (a) subject to subsection (3), 37;
- (b) 41;
- (c) 42;
- (d) 43;
- (e) 47; and
- (f) 50.
- (3) Subsection (1) does not apply to a variation of a Residency and Employment Rights Certificate under section 37(5).
- (4) Subject to subsection (6) and section 52B, where a Residency Certificate for Persons of Independent Means is varied under section 44(2) by the Director of WORC, in the case where the variation relates to adding a dependant under the certificate, the Director of WORC may only vary it if the holder of the certificate provides the Director of WORC with a vaccination certificate or a declaration specified under subsection (1)(b) or (c) that relates to the dependant.
- (5) Subject to subsection (7) and section 52B, an employer or former employer who applies under section 49 for a Certificate for Specialist Caregivers for an employee or for a former employee shall, at the time of making the application, provide the Board or the Director of WORC, as applicable, with —
- (a) a vaccination certificate relating to that employee or former employee;

- (b) in the case of an employee or former employee who has been vaccinated with a vaccine course which is not an approved vaccine course, a declaration signed by the employee or former employee that the employee or former employee will comply with any directions of the Medical Officer of Health given with regard to vaccination; or
  - (c) in the case of an unvaccinated employee or former employee, a declaration signed by the person that the person will —
    - (i) complete an approved vaccine course and provide a vaccination certificate to the Board or the Director of WORC —
      - (A) within forty days after an application is granted or renewed;
      - (B) within forty days after arrival in the Islands, if the person does not reside in the Islands; or
      - (C) within such other period of time as is directed by the Medical Officer of Health; or
    - (ii) comply with any directions of the Medical Officer of Health given with regard to vaccination.
- (6) Subsections (1) and (4) do not apply where the person provides a medical certificate which certifies that vaccination would be injurious to the health of the person or a dependant of the person.
- (7) Subsection (5) does not apply where the employer or former employer provides a medical certificate which certifies that vaccination would be injurious to the health of the relevant employee or former employee.
- (8) An application under any of the sections specified in subsection (2) or (5) shall not be considered by the Board or the Director of WORC if the application is not accompanied by a vaccination certificate, a declaration, a medical certificate or an exemption granted under section 52B.
- (9) Where a person or a person’s dependant fails to be vaccinated in accordance with a declaration or to comply with any directions of the Medical Officer of Health, a certificate which was granted to that person shall be revoked by the Board or by the Director.
- (10) In this section and in sections 53A, 56, 63 and 66, the word “**dependant**” means a dependant who is eligible from time to time to be vaccinated in accordance with the *Public Health Act (2021 Revision)*.





**Exemptions by the Medical Officer of Health**

- 52B.** (1) A person referred to under section 52A, 53A, 56, 63 and 66 is not required to provide a vaccination certificate, a declaration or a medical certificate where the Medical Officer of Health grants an exemption to the person or the dependant of the person from the requirement to provide such vaccination certificate, declaration or medical certificate on the grounds that an emergency situation or an exceptional circumstance exists.
- (2) A person who is exempted in accordance with subsection (1) shall comply with any conditions imposed by the Medical Officer of Health when granting an exemption.
- (3) Where the Medical Officer of Health exempts a person in accordance with subsection (1), the Medical Officer of Health shall notify the Cabinet of —
- (a) the grant of the exemption;
  - (b) the nature of the exemption; and
  - (c) the person to whom the exemption has been granted.
- (4) The Medical Officer of Health, at least once every three months, shall provide the Cabinet with a report on any exemptions granted under this section.
- (5) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for two years, or to both.”.

**Amendment of section 53 - persons exempted**

4. The principal Act is amended in section 53(1) as follows —
- (a) in the chapeau, by deleting the word “This” and substituting the word “this”; and
  - (b) in the chapeau, by inserting before the word “this” as amended the words “Subject to section 53A,”.

**Insertion of section 53A - mandatory vaccinations for persons under section 53(1)(b)**

5. The principal Act is amended by inserting after section 53 the following section —

**“Mandatory vaccinations for persons specified in section 53(1)(b)**

- 53A.** (1) Subject to any other law and subsection (4), a person to whom section 53(1)(b) applies and who is not to be employed by any person in the Islands but who will be employed and reside in the Islands, at the time of making an application to reside in the Islands shall provide the Director of WORC with —

- (a) a vaccination certificate relating to that person and to any dependant of that person;
  - (b) in the case of a person and any dependant of that person who has been vaccinated with a vaccine course which is not an approved vaccine course, a declaration signed by the person that the person and any dependant of the person will comply with any directions of the Medical Officer of Health given with regard to vaccination; or
  - (c) in the case of an unvaccinated person, a declaration signed by the person that the person and any unvaccinated dependant of the person will —
    - (i) complete an approved vaccine course and provide a vaccination certificate to the Director of WORC —
      - (A) within forty days after an application is granted or renewed;
      - (B) within forty days after arrival in the Islands, if the person does not reside in the Islands; or
      - (C) within such other period of time as is directed by the Medical Officer of Health; or
    - (ii) comply with any directions of the Medical Officer of Health given with regard to vaccination.
- (2) Subject to any other law and subsection (3), a prospective employer of a person specified in section 53(1)(b) who is to be employed in the Islands under a contract and the employer of a person whose contract is subject to renewal, prior to finalising such contract or a renewal of a contract, shall provide the Director of WORC with —
- (a) a vaccination certificate relating to the person to whom the contract applies and to any dependant of that person;
  - (b) in the case of a person and any dependant of that person who has been vaccinated with a vaccine course which is not an approved vaccine course, a declaration signed by the person that the person and any dependant of the person will comply with any directions of the Medical Officer of Health given with regard to vaccination; or
  - (c) in the case of an unvaccinated person, a declaration signed by the person that the person and any unvaccinated dependant of the person will —
    - (i) complete an approved vaccine course and provide a vaccination certificate to the Director of WORC —



- (A) within forty days after an application is granted or renewed;
  - (B) within forty days after arrival in the Islands, if the person does not reside in the Islands; or
  - (C) within such other period of time as is directed by the Medical Officer of Health; or
- (ii) comply with any directions of the Medical Officer of Health given with regard to vaccination.
- (3) Subsections (1) and (2) do not apply where —
- (a) the person, the prospective employer or the employer provides a medical certificate which certifies that vaccination would be injurious to the health of the person to whom the contract or renewal of contract applies and to any dependant of that person; or
  - (b) an exemption has been granted to the person under section 52B.
- (4) Where a person or a person's dependant fails to be vaccinated in accordance with a declaration or to comply with any directions of the Medical Officer of Health, the exemption which is granted to that person under section 53 shall be revoked by Cabinet.”.

### **Amendment of section 56 - application for work permits**

6. The principal Act is amended in section 56 as follows —

- (a) in subsection (4) —
  - (i) in paragraph (a), by deleting the word “and” which appears after the semi-colon;
  - (ii) in paragraph (b), by deleting the full stop and substituting a semi-colon and the word “and” after the semi-colon; and
  - (iii) by inserting after paragraph (b) the following paragraph —
    - “(c) any of the following documents, as applicable —
      - (i) a vaccination certificate relating to the person to whom the application applies and to any dependant of the person;
      - (ii) in the case of a person and any dependant of that person who has been vaccinated with a vaccine course which is not an approved vaccine course, a declaration signed by the person that the person and any dependant of the person will comply with any directions of the Medical Officer of Health given with regard to vaccination; or

- (iii) in the case of an unvaccinated person, a declaration signed by the person that the person and any unvaccinated dependant of the person will —
  - (A) complete an approved vaccine course and provide a vaccination certificate to the Board or the Director of WORC —
    - (AA) within forty days after an application is granted or renewed;
    - (BB) within forty days after arrival in the Islands, if the person does not reside in the Islands; or
    - (CC) within such period of time as is directed by the Medical Officer of Health; or
  - (B) comply with any directions of the Medical Officer of Health given with regard to vaccination.”;
- (b) by inserting after subsection (4) the following subsection —
  - “(4A) Subsection (4)(c) does not apply where —
    - (a) a self-employed person or the prospective employer provides a medical certificate which certifies that vaccination would be injurious to the health of the person to whom the application for the grant or renewal of a permit applies and to any dependant of that person; or
    - (b) an exemption has been granted to the person under section 52B.”; and
- (c) by inserting after subsection (7) the following subsections —
  - “(7A) Subject to subsection (4A), an application under this section shall not be considered by the Board or the Director of WORC if the application is not accompanied by a vaccination certificate, a declaration or an exemption.
  - (7B) Where a person or the person’s dependant fails to be vaccinated in accordance with a declaration or to comply with any directions of the Medical Officer of Health, a permit which was granted to that person shall be revoked by the Board or by the Director.”.

### **Amendment of section 63 - grant or refusal of work permit**

7. The principal Act is amended in section 63 by inserting after subsection (7) the following subsections —



- “(7A) Where an employer or worker applies for the variation or modification of a work permit under subsection (7), and the variation or modification relates to the addition of a dependant under the work permit, the employer or the worker shall provide, at the date of application, the Board or the Director of WORC, with —
- (a) a vaccination certificate relating to the dependant of the worker;
  - (b) in the case of a dependant of the worker who has been vaccinated with a vaccine course which is not an approved vaccine course, a declaration signed by the worker that the dependant of the person will comply with any directions of the Medical Officer of Health given with regard to vaccination; or
  - (c) in the case of an unvaccinated dependant, a declaration signed by the worker that the unvaccinated dependant of the person will —
    - (i) complete an approved vaccine course and provide a vaccination certificate to the Board or the Director of WORC —
      - (A) within forty days after an application is granted or renewed;
      - (B) within forty days after arrival in the Islands, if the person does not reside in the Islands; or
      - (C) within such other period of time as is directed by the Medical Officer of Health; or
    - (ii) comply with any directions of the Medical Officer of Health given with regard to vaccination.
- (7B) Subsection (7A) does not apply where —
- (a) the worker provides a medical certificate which certifies that vaccination would be injurious to the health of the dependant to whom the application applies; or
  - (b) an exemption has been granted to the dependant under section 52B.”.

### **Amendment of section 66 - term limits**

**8.** The principal Act is amended in section 66 as follows —

- (a) by repealing subsections (4) and (5) and substituting the following subsections —
  - “(4) Where a person is eligible to apply and has applied for permission to reside permanently in the Islands under section 37 during the currency of a work permit, the person may apply to the Director of WORC for permission —

- (a) to continue working on the same terms that applied to the work permit or those that applied to that person working by operation of law; or
- (b) to work for a different employer but in the same occupation as that in which that person was authorised to work at the time of making the application; and
- (c) to add or delete a dependant, as applicable,

and such permission may be granted or renewed by the Director of WORC until such time as that person's application or any appeal arising from it is determined.

- (5) Subject to subsection (5A), an application under subsection (4)(c) shall be accompanied by —

- (a) a vaccination certificate relating to the dependant;
- (b) in the case of a dependant of the person who has been vaccinated with a vaccine course which is not an approved vaccine course, a declaration signed by the person that the dependant of the person will comply with any directions of the Medical Officer of Health given with regard to vaccination; or
- (c) in the case of an unvaccinated person, a declaration signed by the person that the person and any unvaccinated dependant of the person will —
  - (i) complete an approved vaccine course and provide a vaccination certificate to the Director of WORC —
    - (A) within forty days after an application is granted or renewed;
    - (B) within forty days after arrival in the Islands, if the person does not reside in the Islands; or
    - (C) within such other period of time as is directed by the Medical Officer of Health; or
  - (ii) comply with any directions of the Medical Officer of Health given with regard to vaccination.

- (5A) Subsection (5) does not apply where —

- (a) the person provides a medical certificate which certifies that vaccination would be injurious to the health of the dependant of the person; or
- (b) an exemption has been granted to the dependant under section 52B.”.



**Amendment of section 72 - regulations**

9. The principal Act is amended in section 72(2) by inserting after paragraph (h) the following paragraph —

“(ha) provide for any matter or thing relating to the mandatory vaccination of persons under this Act;”.

**Passed by the Parliament the 5th day of October, 2021.**

**Hon. W. McKeeva Bush**  
*Speaker*

**Patricia Priestley**  
*Acting Deputy Clerk of the Parliament*