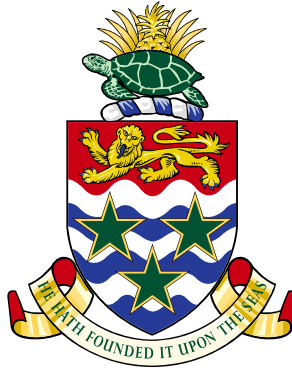


CAYMAN ISLANDS



IMMIGRATION (TRANSITION) (AMENDMENT) LAW, 2020

(Law 10 of 2020)

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Arrangement of Sections

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CAYMAN ISLANDS

(Law 10 of 2020)

I Assent,



Martyn Roper
Governor

Date: 27th day of April, 2020

**IMMIGRATION (TRANSITION) (AMENDMENT)
LAW, 2020**

(Law 10 of 2020)

**A LAW TO AMEND THE IMMIGRATION (TRANSITION) LAW, 2018; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the Immigration (Transition) (Amendment) Law, 2020.

**Amendment of section 8 of the Immigration (Transition) Law, 2018 - officers
of WORC**

2. The *Immigration (Transition) Law, 2018*, in this Law referred to as the “principal Law”, is amended in section 8 by inserting after subsection (6) the following subsection —

“(6A) Any officer, including a compliance officer, may, with the permission of the Director of WORC and subject to the direction of the Director, assist any local law enforcement agency in carrying out the functions of law enforcement of the law enforcement agency.”.

Amendment of section 58 - consideration of application for work permit by Board etc.

3. The principal Law is amended in section 58 as follows —
- (a) in subsection (2), by repealing paragraph (b) and substituting the following paragraph —
 - “(b) the prospective employer, unless the prospective employer has been exempted by the Cabinet, the Board or by the Director, has registered the vacancy to which the application relates in an electronic portal established and managed by WORC for fourteen days before the submission of the application in order to ascertain the availability of any one or more of the following in the order in which they are listed —
 - (i) a Caymanian;
 - (ii) the holder of a Residency and Employment Rights Certificate issued under section 37(5) or (16) or section 38; and
 - (iii) a person legally and ordinarily resident in the Islands who is qualified and willing to fill the position; and”;
 - (b) by inserting after subsection (2) the following subsections —
 - “(2A) Cabinet shall, by notice published in the *Gazette*, in any other official Government website or official means of communication or any other government media, provide details of the electronic portal specified in accordance with subsection (2)(b) which will deal with available jobs in the Islands.
 - (2B) A prospective employer, in addition to registering an application under subsection (2), may also at the same time as registration advertise the vacancy in a local newspaper or other prescribed media.”; and
 - (c) in subsection (5), by deleting the word “wilfully”.

Amendment of section 68 - offence to engage in gainful occupation or to employ persons in contravention of this Part

4. The principal Law is amended in section 68(2) by deleting the words “any officer at or above the rank of Deputy Director of WORC” and substituting the words “the Director of WORC or an officer, not below the level of Compliance Manager, assigned by the Director”.

Amendment of section 72 - regulations

5. The principal Law is amended in section 72 by inserting after subsection (1) the following subsection —



“(1A) If the Cabinet is satisfied that it is equitable that any regulation should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person or class of persons, that regulation may be given retrospective effect for that purpose.”.

Transitional provisions

6. (1) Section 58(2) of the principal Law as amended by section 3 of this amending Law shall not apply to an application by a prospective employer where the application is made before the date of the commencement of this amending Law and the application has not been determined at the date of the commencement of this amending Law; and the application shall be determined in accordance with the provisions of the former section 58(2) of the principal Law.

(2) Where a worker’s work permit expired on or after 27th March, 2020 and the employer or self-employed worker was or is unable due to the closure of WORC as a result of the Covid-19 pandemic —

- (a) to make an application for the renewal of the work permit; or
- (b) where the work permit was a temporary work permit, to make an application for the grant of a work permit,

the worker shall be deemed not to be committing an offence under the principal Law or this amending Law by continuing to work on the same terms and conditions of the expired work permit provided the employer or self-employed worker makes an application for the renewal of the work permit or, in the case of a temporary work permit, an application for the grant of a work permit, within thirty days of the commencement of this amending Law or within any other period by which this period is extended by Cabinet by notice published in the *Gazette*, in any other official Government website or official means of communication or any other government media.

(3) Subject to subsection (4), a right to continue working in accordance with subsection (2) shall continue until the determination of the application and any subsequent appeal.

(4) If, after the expiration of the thirty day period or any other period by which this period has been extended by Cabinet as specified in subsection (2) —

- (a) a work permit renewal application; or
- (b) where the work permit was a temporary work permit, a work permit grant application,

has not been received by WORC, the worker shall not continue to work or to work for that employer; and where the worker continues employment with the employer, both the worker and the employer commit an offence and are liable on summary conviction to a fine of five thousand dollars or to imprisonment for one year or to both.

- (5) Where, due to the expiration of the worker's term limit under section 66 of the principal Law, an employer is unable, as required by subsection (2), to make an application —
- (a) for the renewal of the worker's work permit; or
 - (b) where the work permit was a temporary work permit, for the grant of a work permit,

neither the employer nor the worker shall be deemed to have acted in contravention of the principal Law or this amending Law if the worker continues to work on the same terms and conditions as the final work permit during the period between 27th March, 2020 and ninety days after the commencement of this amending Law or any other period by which this period is extended by Cabinet by notice published in the *Gazette*, in any other official Government website or official means of communication or any other government media.

- (6) Where a worker's work permit expires on or after 27th March, 2020 and the worker's employment with the employer is ended after the expiration without —
- (a) the work permit being renewed; or
 - (b) in the case of a temporary work permit, without a work permit being granted,

neither the employer nor the worker shall be deemed to be in contravention of the principal Law or this amending Law if the worker continues to work on the same terms and conditions as those in the expired work permit in the period between the expiration and ending of the worker's employment.

- (7) Where —
- (a) a worker's permission to stay in the Islands in accordance with section 66(4) of the principal Law expires on or after 27th March, 2020; and
 - (b) the worker's application under section 37 of the principal Law or any appeal in respect of such an application has not been determined,

the worker may continue to work after the expiration of the permission and shall be deemed not to be committing an offence under the principal Law or this amending Law provided that the worker complies with the requirements under subsection (8).



- (8) The requirements referred to in subsection (7) are as follows —
- (a) the worker shall comply with the requirements under section 66(4)(a) or (b) of the principal Law; and
 - (b) the worker shall apply for a renewal of the permission within thirty days of the commencement of this amending Law or within any other period by which this period is extended by Cabinet by notice published in the *Gazette*, in any other official Government website or official means of communication or any other government media.

Passed by the Legislative Assembly the 23rd day of April, 2020.

Hon. Anthony Eden

Acting Speaker

Zena Merren-Chin

Clerk of the Legislative Assembly

