

CAYMAN ISLANDS

LAW 36 of 1965

I assent,

J.A. CUMBER
Administrator

(L.S.)

19th NOVEMBER, 1965

A LAW relating to the employment of persons who do not belong to the Cayman Islands, and matters incidental thereto or connected therewith.

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Enacted by the Legislature of the Cayman Islands.

1 - This Law may be cited as the Work Permit Law, 1965, 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 commence-
ment.

2 - In this Law —

Interpretation.

“British Subject belonging to the Cayman Islands” means that such person is a British subject who —

- (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 Administrator of a certificate of naturalisation under the British Nationality Act, 1948; or
- (e) is a dependent of a person to whom any of the foregoing paragraphs apply;

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"Chief Immigration Officer" and "immigration officer" respectively mean the Chief Immigration Officer and any immigration officers appointed by the Administrator under the Aliens Law, 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) an adopted 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;

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"domicile" means the place in which a person has his present house or in which he resides or to which he returns as his place of permanent abode and not for any special or temporary purpose; and a British subject shall not be deemed to have his 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 the Immigration Restriction (British Subjects) Law,

1961 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;

"work permit" or "permit" means -

(a) in relation to a person who is or is about to be employed by another, a permit in writing -

(i) issued under this Law by the Chief Immigration Officer to and in the name of the employee or person about to be employed; or

(ii) referred to in paragraph (b) of section 6 of the Aliens Law, 1961, and also specifying the name of the employer or the place of employment or both; and

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(b) in relation to any other person, a permit in writing issued under this Law by the Chief Immigration Officer authorising such person to engage in an occupation.

3 - (1) Subject to the provisions of this Law, an alien or a British Subject not belonging to the Cayman Islands shall not -

Control of employment of aliens and British subjects not belonging to the Cayman Islands.

(a) engage in any occupation in the Islands for reward or profit; or

(b) be employed in the Islands,

unless there is in force in relation to him a valid work permit and he so engages or is so employed in accordance with the terms and conditions which may be specified in the permit.

(2) An alien or British subject not belonging to the

Cayman Islands who at the commencement of this Law is engaging in any occupation in the Islands for reward or profit or is employed in the Islands shall be exempt from the provisions of sub-section (1) until —

(a) he ceases so to engage or to be employed; or

(b) the expiration of four months after the commencement of this Law,

whichever shall first occur.

(3) Subject to the provisions of this Law, no person shall have in his employment in the Islands an alien or a British subject not belonging to the Cayman Islands without there being in force a valid work permit in relation to that employment.

(4) Subject to the provisions of this Law —

(a) any alien or British subject not belonging to the Cayman Islands who engages in any occupation in the Islands or is employed in the Islands in contravention of the provisions of subsection (1); and

(b) any person who has in his employment in the Islands an alien or a British subject not belonging to the Cayman Islands in contravention of the provisions of subsection (3),

shall be liable on summary conviction before the Stipendiary Magistrate to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment; and in the case of a continuing offence to a further fine not exceeding twenty-five pounds for each day upon which the offence continues after conviction.

(5) It shall be presumed, upon the trial of any person for a contravention of subsection (1), that the accused, and, upon the trial of any person for a contravention of subsection (3), that the person alleged to have been in employment in contravention of the said subsection (3), is not a British subject belonging to the Cayman Islands

unless the contrary is proved.

4. (1) An application for the grant of a work permit shall be addressed to the Chief Immigration Officer, who may in his discretion grant the permit either conditionally or without conditions or may refuse to grant it.

Application
for work
permit.

(2) A work permit shall be in such form as the Chief Immigration Officer may think fit and different forms of work permit may be issued as respects different classes of persons and as the circumstances require.

5. (1) Every work permit shall be kept by the person to whom it is issued, who shall at all times produce the permit to an immigration officer or a constable on demand, or within three days after such demand at such police station as may be specified by the person first-mentioned at the time of the demand.

Production
of work
permit.

(2) A person having in his possession a work permit appearing to have been issued under this Law shall answer all questions put to him by an immigration officer or a constable for the purpose of establishing his identity and shall, if so required by the immigration officer or constable, submit to his fingerprints being taken for the purpose.

(3) Every person who

(a) fails without reasonable excuse or refuses to produce a permit as required by subsection (1);
or

(b) refuses to answer any question put to him, or to submit to his fingerprints being taken, contrary to subsection (2),

shall be liable on summary conviction before the Stipendiary Magistrate to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months.

6. The Chief Immigration Officer may in writing at any time vary or cancel a work permit.

Power of
Chief Immi-
gration
Officer to vary
or cancel work
permit.

Power to grant
exemptions.

7. The Administrator in Council may prescribe that any person or class of persons shall be exempt unconditionally or subject to such conditions as may be prescribed from all or any of the provisions of this Law.

Appeal.

8. Any alien or British subject not belonging to the Cayman Islands, who is dissatisfied with any decision of the Chief Immigration Officer in the exercise of his duties under this Law, may appeal in writing within ten days of the day he is notified of such decision to the Administrator in Council whose decision shall be final.

Offences and
penalties.

9. Any person who

- (a) makes any statement which he knows to be false for the purpose of procuring whether for himself or any other person the grant of a permit under this Law; or
- (b) unlawfully uses or permits to be used any permit issued under this Law; or
- (c) obstructs, hinders or opposes any immigration officer or constable in the execution of his duty under this Law; or
- (d) being a person exempt, subject to conditions, from all or any of the provisions of this Law, contravenes any such condition,

shall be liable on summary conviction before the Stipendiary Magistrate to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Regulations.

10. The Administrator in Council may make regulations generally for giving effect to the provisions of this Law, and without prejudice to the generality of the foregoing may make regulations –

- (a) providing for the establishment and maintenance of a register of persons to whom or in respect of whom work permits have been issued;

- (b) providing for the issue to any person who is exempt from any of the provisions of this Law of a certificate stating the nature of the exemption;
- (c) regulating the issue, amendment or replacement of work permits and for the payment of fees by the persons or any class of persons applying therefor;
- (d) with respect to the surrender or cancellation of work permits;
- (e) for the making, with regard to any person to whom or in respect of whom a work permit has been issued, of returns containing particulars of any change of circumstances affecting the accuracy of particulars furnished by such person or recorded in the register mentioned in paragraph (a);
- (f) prescribing forms to be used for the purposes of this Law; and
- (g) prescribing any other matter or thing which is required to be or may be prescribed under this Law.

11. Section 6 of the Aliens Law is hereby amended by deleting from paragraph (b) thereof the words "for his engagement issued to the employer by the Administrator" and substituting therefor the words "issued to him and in his name under the provisions of the Work Permit Law, 1965," so, however, that a permit in writing issued to an employer pursuant to the aforesaid paragraph and in force immediately before the commencement of this Law shall be deemed to be a work permit issued under this Law to and in the name of the person for whose engagement it was issued and as such shall continue in

Amendment of
Section 6 of
Aliens Law
No. 8 of 1961.

full force and effect until the date of expiry set forth in such permit or until cancelled or varied by the Chief Immigration Officer under section 6 of this Law.

Passed by the Assembly this 4th day of October 1965.

J.A. CUMBER

President

SYBIL McLAUGHLIN

Clerk of the Legislative Assembly

Government Notice No. 139 of 1965

Date of operation 1st January, 1966