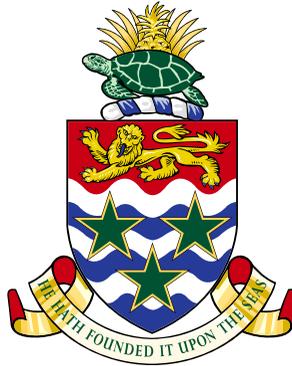


CAYMAN ISLANDS



**Immigration (Transition) Act
(2022 Revision)**

**IMMIGRATION (TRANSITION)
(TEMPORARY WORK PERMITS AND
BUSINESS VISITORS' PERMITS)
(AMENDMENT) REGULATIONS, 2022**

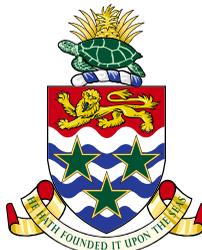
(SL 56 of 2022)

Supplement No. 4 published with Legislation Gazette No. 49 dated 14th December, 2022.

PUBLISHING DETAILS



CAYMAN ISLANDS



**Immigration (Transition) Act
(2022 Revision)**

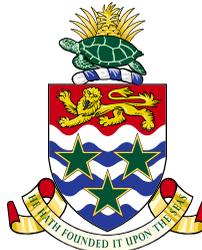
**IMMIGRATION (TRANSITION) (TEMPORARY
WORK PERMITS AND BUSINESS VISITORS'
PERMITS) (AMENDMENT) REGULATIONS,
2022**

(SL 56 of 2022)

Arrangement of Regulations

Regulation	Page
1. Citation and commencement	5
2. Amendment of regulation 2 of the Immigration (Transition) (Temporary Work Permits and Business Visitors' Permits) Regulations (2022 Revision) - definitions	5
3. Insertion of regulation 3A - application for temporary work permit	6
4. Amendment of regulation 4 - temporary work permits	8

CAYMAN ISLANDS



**Immigration (Transition) Act
(2022 Revision)**

**IMMIGRATION (TRANSITION) (TEMPORARY
WORK PERMITS AND BUSINESS VISITORS'
PERMITS) (AMENDMENT) REGULATIONS,
2022**

(SL 56 of 2022)

In exercise of the powers conferred by section 72 of the Immigration (Transition) Act (2022 Revision), the Cabinet makes the following Regulations —

Citation and commencement

1. (1) These Regulations may be cited as the Immigration (Transition) (Temporary Work Permits and Business Visitors' Permits) (Amendment) Regulations, 2022.
(2) These Regulations come into force on 31st March, 2023.

Amendment of regulation 2 of the Immigration (Transition) (Temporary Work Permits and Business Visitors' Permits) Regulations (2022 Revision) - definitions

2. The *Immigration (Transition) (Temporary Work Permits and Business Visitors' Permits) Regulations (2022 Revision)*, in these Regulations referred to as the “principal Regulations”, are amended in regulation 2 by inserting, in the appropriate alphabetical sequence, the following definition —

“**JobsCayman**” means the electronic job portal established and maintained by WORC pursuant to section 58 of the Act;”.

Insertion of regulation 3A - application for temporary work permit

3. The principal Regulations are amended by inserting after regulation 3 the following regulation —

“Application for temporary work permit

- 3A.** (1) An employer or prospective employer shall comply with section 58(2) of the Act in order to ascertain whether or not there is —
- (a) a Caymanian;
 - (b) a holder of a Residency and Employment Rights Certificate; or
 - (c) a person otherwise legally and ordinarily resident in the Islands, who is ready, willing and qualified to undertake the relevant job before making an application for the grant or renewal of a temporary work permit in respect of a worker or prospective worker whose gainful occupation is sought to be authorized by the temporary work permit.
- (2) Where, in addition to complying with section 58(2) of the Act, an employer or prospective employer also advertises a job locally or overseas in a written or online newspaper or other media —
- (a) the content of the advertisement used for that purpose shall be identical in substance to that which was approved for registering the job on JobsCayman;
 - (b) the advertisement shall be published simultaneously with the registering of the job on JobsCayman; and
 - (c) the employer or prospective employer shall submit a copy of every such advertisement to the Director if the employer or prospective employer subsequently applies for a temporary work permit for that job.
- (3) An employer or a prospective employer shall state on a temporary work permit application form whether the relevant job registered on JobsCayman was also advertised locally or overseas.
- (4) The Director may, on the application of an employer or a prospective employer, waive any provision relating to advertising or registration of a job where the employer or prospective employer applies for the waiver prior to the submission of the application for the temporary work permit in respect of which the waiver was sought.
- (5) Paragraph (1) shall not apply where —



- (a) the temporary work permit being applied for is for a period of thirty days or less and the worker named in the application has not been employed by the applicant in the same capacity on a similar work permit as the permit being applied for in the thirty-day period preceding the application;
 - (b) in respect of persons falling under subparagraph (c), the temporary work permit being applied for is for a continuous period, of up to six months;
 - (c) the person has and will continue to have their normal place of work and abode outside the Islands after the expiration of the temporary work permit and who enters the Islands to work for a specific purpose or occasion only and leaves the Islands at the conclusion thereof or upon the expiration of the temporary work permit, whichever first occurs, including —
 - (i) legal counsel acting in any matter, whether before a court in the Islands or otherwise;
 - (ii) a visiting medical practitioner or other specialist in the medical field;
 - (iii) a consultant;
 - (iv) an overseas vendor or travelling salesperson; or
 - (v) any other persons coming on short-term assignment;
 - (d) the employer has been granted an exemption from the requirements under paragraph (1) as part of a concession package agreed to by Cabinet; or
 - (e) a waiver from the requirements in paragraph (1) has been granted by the Director under these Regulations.
- (6) Where an employer wishes to have a temporary work permit with a validity period of thirty days or less renewed in accordance with regulation 4(2), the Director shall, unless a waiver has been granted by the Director under paragraph (4) or an exemption has been granted by Cabinet as part of a concession package, take into account whether the employer carried out the requirements under paragraph (1).
- (7) A person who, when making an application under this regulation —
- (a) withholds information that a Caymanian or holder of a Residency and Employment Rights Certificate has applied for the position to which the application for a temporary work permit relates; or
 - (b) provides inaccurate or incomplete information with respect to information under paragraph (a) in an attempt to deceive the Director either by act or omission,

commits an offence and is liable on summary conviction to a fine of five thousand dollars.”.

Amendment of regulation 4 - temporary work permits

4. The principal Regulations are amended in regulation 4 as follows —

(a) by deleting the section heading and substituting the following section heading—

“Grant or renewal of temporary work permit”; and

(b) by inserting after paragraph (6) the following paragraphs —

“(6A)The Director shall not approve a temporary work permit application where—

(a) the remuneration package that the employer or prospective employer stated in the temporary work permit application exceeds the remuneration package stated in the advertisement on JobsCayman; or

(b) the content of a local or overseas advertisement is not identical in substance to the advertisement registered on JobsCayman.

(6B) Where a Caymanian has applied for a position, the Director shall, for the purpose of being satisfied of the matters specified in regulation 3A(1), take into account the following information supplied by the applicant for the temporary work permit in the application or through JobsCayman —

(a) the names of all applicants for the post;

(b) the qualifications, working experience and background of all of the applicants;

(c) the reasons given for the choice of the successful applicant and for the refusal to employ the other applicants; and

(d) details of the employer’s or prospective employer’s reasons for not employing a Caymanian, holder of a Residency and Employment Rights Certificate or person legally resident in the Islands who applied for the position.



(6C) Unless an employer or a prospective employer has obtained a waiver under regulation 3A(4) or an exemption has been granted by Cabinet as part of a concession package, the Director shall not consider an application for a temporary work permit unless the requirements of regulation 3A(1) and (2) have been complied with.”

Made in Cabinet the 13th day of December, 2022.

Kim Bullings
Clerk of the Cabinet