

CAYMAN ISLANDS



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**THE IMMIGRATION LAW, 2003**

**THE IMMIGRATION (EMERGENCY) REGULATIONS, 2004**



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The Governor, in exercise of the powers conferred upon him by section 93 of the Immigration Law, 2003 makes the following Regulations:

1. (1) These Regulations may be cited as the Immigration (Emergency) Regulations, 2004.

Citation, commencement and expiry

(2) These Regulations shall come into operation on the 4th October, 2004 and shall cease to have effect upon the expiration of a period of one month unless the Governor extends the period by notice.

(3) Upon the expiration of these Regulations, the Immigration Regulations, 2004 shall be revived.

2. In these Regulations-

Definitions

“appointed day” means 4th October, 2004;

“existing work permit” means a work permit that was valid on 10<sup>th</sup> September, 2004.

3. (1) Notwithstanding the Immigration Regulations, 2004, a person who is in possession of an existing work permit may, subject to-

Suspension of Immigration Regulations, 2004

- (a) paragraph (2);
- (b) the employer giving his consent in writing; and
- (c) the employer delivering a copy of such consent to the Immigration Department,

work for any other employer without the need to obtain a work permit in respect of his new employment.

(2) The new employer referred to in paragraph (1) shall, within thirty days from the appointed day or thirty days from the date of commencement of the new employment, whichever is later, seek to regularise the employment status of his new employee by submitting an application to the Immigration Department for a work permit and the employee shall be considered to be lawfully employed under these Regulations until the determination of the work permit application.

(3) Where an existing work permit expired after 10th September, 2004, the employer, wishing to have it renewed, shall within thirty days from the appointed day apply for its renewal.

(4) An employer may change the duties and responsibilities of the holder of an existing work permit but shall within thirty days of the appointed day apply to the Immigration Department to have such permit varied.

Temporary work permit

4. (1) The Chief Immigration Officer may, grant, refuse or defer an application for a temporary work permit allowing a person legally resident in the Islands to undertake gainful occupation for a specified employer.

(2) A temporary work permit issued under paragraph (1) will be valid for a period of up to thirty days at the discretion of the Chief Immigration Officer.

(3) The Chief Immigration Officer may revoke a temporary work permit at any point during its validity where it is proven that the application contains false or misleading information or where the employee is found to possess a criminal record.

Waiver of requirement to advertise

5. An employer or prospective employer is not required to publish advertisements inviting Caymanians and persons legally and ordinarily resident in the Islands to apply for a position prior to submitting an application for the grant or renewal of a work permit unless specifically required to do so by the Work Permit Board or the Business Staffing Plan Board.

Made in Cabinet the 2<sup>nd</sup> day of October, 2004.

Carmena Watler

Clerk of the Cabinet.