

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE IMMIGRATION LAW, 2003 IN
ORDER TO MAKE BETTER PROVISION IN RELATION TO THE
GRANT OF THE RIGHT TO BE CAYMANIAN; CERTAIN VISITORS
AND TEMPORARY WORK PERMIT HOLDERS; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

THE IMMIGRATION (AMENDMENT) BILL, 2005

MEMORANDUM OF OBJECTS AND REASONS

The objects of the Bill are three-fold. First, it would restrain the Cabinet from granting the right to be Caymanian except where the grant is recommended by the Board and subsequently validated by the Legislative Assembly. The number of such grants would also be limited to four in any calendar year.

Secondly, it would require certain visitors desirous of obtaining gainful employment to be away from the Islands between the period of the submission of the application for a work permit and the determination of such application. The Chief Immigration Officer, acting in person, would however be empowered to waive these requirements in exceptional circumstances.

Thirdly, the Bill would enable a temporary work permit holder who applies for a one year work permit on the same terms and conditions as the temporary work permit to continue to work for the same employer in the same capacity after the expiration of the temporary work permit while awaiting the outcome of the application.

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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Immigration (Amendment) Law, 2005. Short title

2. The Immigration Law, 2003, in this Law referred to as “the principal Law”, is amended in section 2 by repealing the definition of “business visitor” and substituting the following:

““business visitor” means a person who has been issued with a business visitor’s permit granted under section 52”;

Amendment of section 2 of the Immigration Law 2003-definitions

3. The principal Law is amended in section 20(1) by repealing paragraph (e) and substituting the following:

“(e) the Governor, acting on the recommendation of the Caymanian Status and Permanent Residency Board, grants such right to him and that grant is subsequently ratified by the Legislative Assembly; save that the Governor shall not make more than four such grants in any calendar year.”

Amendment of section 20-categories of Caymanians

Amendment of section
51-temporary work
permits

4. The principal Law is amended by repealing section 51 and substituting the following:

“Temporary
work permit

51. (1) The Chief Immigration Officer, or his designate at or above the level of Assistant Chief Immigration Officer, may on application in the prescribed form, accompanied by such documentary or other evidence as may be prescribed, by or on behalf of a person who desires to enter and remain in the Islands temporarily for the purposes of any gainful occupation, grant to such person a temporary work permit in the prescribed form upon payment of the prescribed fee.

(2) A temporary work permit granted under subsection (1) shall be for such period not exceeding six months as the Chief Immigration Officer or person granting the permit shall think fit and such grant may neither be extended or renewed.

(3) In order to determine whether an application under this section should be granted or refused, the Chief Immigration Officer shall have regard to the criteria enumerated in sections 42(2)(a), (3) and (4) and 46(9), with the necessary modifications.

(4) Subject to subsection (5), no application for the grant of a temporary work permit in respect of a person who gained entry as a visitor shall be-

- (a) considered, unless the application was submitted after the visitor’s departure from the Islands; or
- (b) approved, unless the visitor remained off the Islands during the processing of the application.

(5) Notwithstanding subsection (4), where in his opinion there exist extenuating circumstances, the Chief Immigration Officer acting in person may approve the application.

(6) It shall be the duty of the prospective employer to satisfy the Chief Immigration Officer that subsections (4)(a) and (b) have been complied with.

(7) A prospective employer who provides information to the Chief Immigration Officer in relation to subsection (6), which information he knows to be false or does

not believe to be true, is guilty of an offence.” and

5. The principal Law is amended in section 54 by repealing subsection (2) and substituting the following:

Amendment of section 54—offence to engage in gainful occupation or to employ persons in contravention of this Part

“(2) Where the holder of a work permit has, during its currency, applied to the Board for a new one-year work permit on the same terms and conditions as the existing work permit and for a period to commence immediately upon its expiration, or for an extension of the existing work permit, then if such application has-

(a) been refused by the Board and that refusal has been appealed under section 15 to the Immigration Appeals Tribunal against such refusal, or

(b) not yet been determined by the Board,

notwithstanding the fact that the original work permit has expired, it shall not be an offence for the applicant to continue to be engaged in gainful occupation of the same kind while he awaits a notification of the determination of his application or his appeal.”

Passed by the Legislative Assembly the day of , 2005.

Speaker.

Clerk of the Legislative Assembly.