

CAYMAN ISLANDS



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THE IMMIGRATION (AMENDMENT) LAW, 2005

(LAW 13 OF 2005)

THE IMMIGRATION (AMENDMENT) LAW, 2005

ARRANGEMENT OF SECTIONS

1. Short title.
2. Amendment of section 2 of the Immigration Law, 2003-definitions.
3. Amendment of section 20-categories of Caymanians.
4. Amendment of section 51-temporary work permits.
5. Amendment of section 54-offence to engage in gainful occupation or to employ persons in contravention of this Part.

CAYMAN ISLANDS

Law 13 of 2005.

I Assent

George McCarthy

Acting Governor.

27 July, 2005

**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; TO MAKE BETTER PROVISION IN
RELATION TO CERTAIN VISITORS AND TEMPORARY WORK
PERMIT HOLDERS; AND FOR INCIDENTAL AND CONNECTED
PURPOSES**

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

Amendment of section
20 - categories of
Caymanians

the Governor shall not make more than four such grants in any calendar year.”.

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 nor 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 paragraphs (a) and (b)

of subsection (4) 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.”.

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 21st day of July, 2005.

EDNA MOYLE

Speaker.

WENDY LAUER EBANKS

Clerk of the Legislative Assembly.