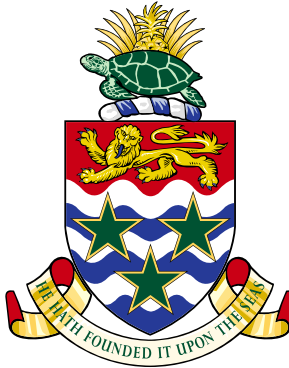


CAYMAN ISLANDS



IMMIGRATION (TRANSITION) (AMENDMENT AND VALIDATION) BILL, 2025

A BILL FOR AN ACT TO AMEND THE IMMIGRATION (TRANSITION) ACT (2022 REVISION) TO GIVE THE CAYMANIAN STATUS AND PERMANENT RESIDENCY BOARD AND THE DIRECTOR OF WORC THE DISCRETION TO ALLOW A RESIDENCY AND EMPLOYMENT RIGHTS CERTIFICATE TO REMAIN IN FORCE WHERE THE HOLDER'S MARRIAGE OR CIVIL PARTNERSHIP IS, AMONG OTHER THINGS, DISSOLVED; TO MAKE EXEMPTIONS PROVIDED FOR UNDER SECTION 53(1)(b) EITHER UNCONDITIONAL OR SUBJECT TO SUCH CONDITIONS AS MAY BE DETERMINED BY CABINET; TO INTRODUCE TERM LIMITS FOR NON-CAYMANIAN CIVIL SERVANTS; TO INTRODUCE CERTIFICATES FOR COMMERCIAL FARMHANDS; TO PROVIDE FOR THE MAKING OF REGULATIONS TO DEAL WITH THE REFUNDS OF FEES IN CERTAIN CIRCUMSTANCES; TO PROVIDE FOR THE VALIDATION OF CERTAIN FEES CHARGED AND COLLECTED BY THE DIRECTOR OF WORC AND CERTAIN FINES IMPOSED; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Caymanian Employment and Immigration



Memorandum of OBJECTS AND REASONS

This Bill seeks to amend the Immigration (Transition) Act (2022 Revision) (the “principal Act”) to give the Caymanian Status and Permanent Residency Board and the Director of the Workforce, Opportunities and Residency Cayman Office (“WORC”) the discretion to permit a Residency and Employment Rights Certificate to remain in force where, among other things, the holder’s marriage or civil partnership is dissolved.

The Bill also seeks to amend the principal Act to make exemptions under section 53(1)(b) unconditional or subject to such conditions as may be determined by Cabinet.

Additionally, the Bill amends the principal Act to introduce term limits for non-Caymanian civil servants and to introduce Certificates for Commercial Farmhands.

The Bill amends the principal Act to provide for the refund of fees in prescribed circumstances.

Further, the Bill provides for transitional arrangements for certain matters and for the validation of certain fees that were charged and collected without statutory authority by the Director of WORC and certain fines imposed without statutory authority.

Clause 1 provides the short title and commencement of the legislation.

Clause 2 amends section 1 of the principal Act by changing the short title.

Clause 3 amends section 2 of the principal Act by introducing definitions for certain words, including definitions for the words “civil servant”, “commercial farmhand” and “developed real estate”.

Clause 4 amends the principal Act by inserting after section 8 proposed new section 8A.

The proposed new section 8A provides that certain entities shall, on request, supply the Director of WORC or a relevant Board with information that is necessary for the exercise of the functions of the Director of WORC or the relevant Board. This requirement is subject to certain specified exceptions.

Clause 5 amends section 11 of the principal Act as a consequence of the proposed new section 49A which provides for Certificates for Commercial Farmhands. The clause provides that among the functions and powers of the Cayman Brac and Little Cayman Immigration Board is the power to process and determine applications for commercial farmhands.

Clause 6 amends section 13 of the principal Act as a consequence of the proposed new section 49A which provides for Certificates for Commercial Farmhands. The clause provides that among the functions and powers of the Work Permit Board is the power to process, determine and grant applications for commercial farmhands.

Clause 7 amends section 20 of the principal Act to delete the reference to appeals in respect of student visas, as student visas are dealt with under the Customs and Border Control Act (2024 Revision).

The clause also amends section 20 of the principal Act by introducing prescribed financial standing requirements that an appellant under that section with dependants must meet to be allowed to remain in the Islands by the Director of WORC.

Clause 8 amends section 21 of the principal Act the effect of which is to provide for appeals to the Immigration Appeals Tribunal by persons who are aggrieved by decisions of the Director of WORC relating to —

- (a) the loss of Residency and Employment Rights Certificates under section 40 of the principal Act;
- (b) a Certificate for Commercial Farmhands under the proposed new section 49A; and
- (c) the revocation of permission to reside permanently in the Islands based on the Director of WORC coming to the conclusion that the relevant marriage is a marriage of convenience or the relevant civil partnership is a civil partnership of convenience.

Clause 9 amends section 26 of the principal Act, among other things, to provide for another mechanism by which a person who believes that that person possesses the right to be Caymanian under section 26(1)(b) may be formally confirmed by the Director of WORC as having that right.

Clause 10 amends section 28 of the principal Act to vary the length of time for which certain categories of persons have to be legally and ordinarily resident in the Islands in order to acquire the right to be Caymanian under that section.

Clause 10 also amends section 28 of the principal Act to vary the length of time for which a person has to be married or in a civil partnership with a Caymanian from a specified date before that person may apply for the grant of the right to be Caymanian.

Additionally, the clause amends section 28 of the principal Act to provide for the requirement for a person who is granted the right to be Caymanian to provide annually a declaration containing prescribed particulars in respect of the person granted the right to be Caymanian and the person's dependants on the anniversary of the date of the grant of the right to be Caymanian or the date that the Board may specify. This obligation is proposed to last for a period of seven years after the person is granted the right to be Caymanian. Failure to provide the annual declaration is an offence and a ground for revocation of the right to be Caymanian.

Further, clause 10 amends section 28 of the principal Act by introducing prescribed financial standing requirements for the surviving spouse or civil partner of a marriage or civil partnership who has dependants where the marriage or civil partnership has not subsisted for at least seven years, as part of the person's application for the right to permanently reside in the Islands.



Clause 11 amends section 33 of the principal Act, among other things, to provide that the holder of the right to be Caymanian by entitlement may lose that right where, after reaching the age of eighteen years, the person resides outside the Islands for a period of five years and the person fails to notify the Director of WORC accordingly.

The clause also amends section 33 of the principal Act to provide that the right to be Caymanian granted by the Board may be revoked if the person fails to make the annual declaration required by proposed new section 28(6A).

Clause 12 amends section 36 of the principal Act to clarify that a person shall pay the relevant prescribed fees in respect of the person, the person's spouse or civil partner and the person's dependants for the grant, and the continued approval, of the right to reside permanently in the Islands.

Clause 13 amends section 37 of the principal Act to provide, among other things, that the spouse or civil partner of a permanent resident may apply to the Board or the Director of WORC for a Residency and Employment Rights Certificate, which if granted, will be for a period of fifteen years.

The clause also provides that where the spouse or civil partner of a permanent resident who was granted a Residency and Employment Rights Certificate continues to hold the Residency and Employment Rights Certificate, the spouse or civil partner may, no more than one year prior to the end of the fifteen-year period, make an application to the Board or the Director of WORC, accompanied by the prescribed fee, for the Residency and Employment Rights Certificate to be renewed indefinitely. Then, after holding the Residency and Employment Rights Certificate that has been renewed indefinitely for a period of at least one year, the spouse or civil partner of a permanent resident in respect of whom the Residency and Employment Rights Certificate is renewed indefinitely may apply for a certificate of naturalisation or registration issued under the British Nationality Act, 1981.

Clause 13 also amends section 37 of the principal Act to provide that where a non-Caymanian civil servant is granted permanent residence, the non-Caymanian civil servant may work within any occupation in the civil service without the requirement for the Residency and Employment Rights Certificate to be varied by the Board or the Director of WORC in order to specify that particular occupation.

Further, clause 13 amends section 37 of the principal Act to provide for the repeal of subsections (18) and (20). The provisions relate to the discretion of the Board or the Director of WORC to revoke the right of a spouse or civil partner to reside in the Cayman Islands on the death of the holder of the Residency and Employment Rights Certificate or the dissolution of the holder's marriage or civil partnership. The repealed provisions have been amended and are proposed for insertion in section 40 of the principal Act by virtue of the amendments in clause 15.

Clause 14 amends section 38 of the principal Act to make clear the entitlements and rights of the non-Caymanian spouse or civil partner of a Caymanian. Among other things, the clause sets out the steps to be taken by the non-Caymanian spouse or civil partner of a

Caymanian in order that the spouse or civil partner may reside or be gainfully employed in the Cayman Islands. The spouse or civil partner of a Caymanian may apply to the Director of WORC or the Caymanian Status and Permanent Residency Board for permission to reside in the Islands and if the application is successful the Director of WORC or the Board, as the case may be, shall grant to the applicant a Residency and Employment Rights Certificate which will be for a period of fifteen years.

Where the spouse or civil partner of a Caymanian who was granted a Residency and Employment Rights Certificate continues to hold the Residency and Employment Rights Certificate, the spouse or civil partner may, no more than one year prior to the end of the fifteen-year period, make an application to the Director of WORC or the Board, accompanied by the prescribed fee, for the Residency and Employment Rights Certificate to be renewed indefinitely. Then, after holding the Residency and Employment Rights Certificate that has been renewed indefinitely for a period of at least one year, the spouse or civil partner of a Caymanian in respect of whom the Residency and Employment Rights Certificate is renewed indefinitely may apply for a certificate of naturalisation or registration issued under the British Nationality Act, 1981.

Clause 14 also provides that the spouse or civil partner may continue to work under the terms and conditions of a work permit until its expiration where a work permit is in effect on the date of the marriage or civil partnership.

Additionally, clause 14 provides that a person who is granted permanent residence under section 37 prior to entering into marriage or civil partnership with a Caymanian may apply for a Residency and Employment Rights Certificate under section 38 of the principal Act as the spouse or civil partner of a Caymanian.

Further, the clause amends section 38 of the principal Act to provide for the requirement for a holder of a Residency and Employment Rights Certificate issued under that section to provide annually a declaration containing prescribed particulars in respect of the holder, and the holder's dependants on the anniversary of the date of issue of the Residency and Employment Rights Certificate or the date that the Board or the Director of WORC may specify. Failure to provide the annual declaration is an offence and a ground for revocation of the Residency and Employment Rights Certificate.

Clause 15 amends section 40 of the principal Act to clarify that the rights of the holder of a Residency and Employment Rights Certificate who is the spouse or civil partner of a Caymanian or has obtained the Residency and Employment Rights Certificate as a result of marriage to or civil partnership with a holder of a Residency and Employment Rights Certificate may be revoked by the Board or the Director of WORC on a number of grounds. These grounds include where —

- (a) the marriage or civil partnership with a Caymanian or the holder of a Residency and Employment Rights Certificate is dissolved or annulled after seven years but before fifteen years of the marriage or civil partnership taking place;
- (b) the holder of the Residency and Employment Rights Certificate ceases to be legally and ordinarily resident in the Cayman Islands; or



- (c) the holder of the Residency and Employment Rights Certificate and the spouse or civil partner are living apart under a decree of a competent court.

The clause also sets out the steps to be taken by an affected person to apply for a Residency and Employment Rights Certificate where the Board or the Director of WORC exercises the discretion to revoke the original Residency and Employment Rights Certificate.

Furthermore, clause 15 amends section 40 of the principal Act to clarify that where a person who is applying for a continuation of a Residency and Employment Rights Certificate on the basis that the person is or was the spouse of a Caymanian and that the person has a Caymanian child, the Caymanian child must be a child of both parties to the marriage or civil partnership with the Caymanian.

The clause also amends section 40 of the principal Act to provide that where a person applies under section 40(2) for a continuation of the Residency and Employment Rights Certificate, the person shall provide the Board or the Director of WORC with proof —

- (a) of whether the person is able to support himself or herself, and whether the person meets the prescribed financial standing requirements to be able to support the Caymanian child and any other approved dependants;
- (b) that the person is financially supporting and contributing positively to the life of the person's Caymanian child and approved dependants;
- (c) that the person is of good character; and
- (d) that the person is in good health.

Clause 16 amends section 42 of the principal Act to provide that an applicant for a Certificate of Permanent Residence for Persons of Independent Means must satisfy the Director of WORC that at the time that the application is made the applicant has invested the prescribed sum in developed real estate in the Islands and the paid-up amount of the investment as at the time of the application satisfies that prescribed sum.

The clause also amends section 42 of the principal Act to provide that a Certificate of Permanent Residence for Persons of Independent Means, if granted, will be for a period of ten years.

Further, the clause amends section 42 of the principal Act to provide that a Certificate of Permanent Residence for Persons of Independent Means may be renewed indefinitely, on application accompanied by the prescribed fee. Where the Certificate of Permanent Residence for Persons of Independent Means is renewed indefinitely, after continuing to hold that Certificate for a period of at least one year, the holder of that Certificate may apply for a certificate of naturalisation or registration issued under the British Nationality Act, 1981.

Clause 17 amends section 47 of the principal Act to provide for a requirement that the holder of a Certificate of Direct Investment issued under section 47(3) provides an annual declaration in respect of the holder and the holder's dependants.

Clause 18 amends section 49 of the principal Act to include an age limit in the list of eligibility criteria for a Certificate of Specialist Caregivers.

The clause also amends section 49 of the principal Act to provide that such a Certificate may be renewed for one further period of five years.

Further, clause 18 amends section 49 of the principal Act to provide that a Certificate for Specialist Caregivers ceases to be valid on the holder of the Certificate attaining the age of sixty-five years.

Clause 19 amends the principal Act by inserting after section 49 proposed new section 49A which introduces a Certificate for Commercial Farmhands. A Certificate for Commercial Farmhands permits a person to work or continue to work with an employer at an agricultural enterprise named in the Certificate in the capacity of a commercial farmhand or in another capacity where the person is caring for a farm or cultivating land.

The proposed new section 49A provides that the employer or former employer of a person who meets certain criteria may apply to the Director of WORC or the relevant Board for the grant or renewal of a Certificate for Commercial Farmhands in respect of that person.

Further, the proposed new section 49A provides that a Certificate for Commercial Farmhands ceases to be valid on the holder of the Certificate attaining the age of sixty-five years.

Clause 20 amends section 50 of the principal Act to provide for a requirement that the holder of a Residency Certificate (Substantial Business Presence) issued under section 50(3) provides an annual declaration in respect of the holder and the holder's dependants.

Clause 21 amends section 51 of the principal Act to introduce additional grounds on which a person's permission to reside permanently in the Islands may be revoked by the Board or the Director of WORC, including where there are reasonable grounds for suspecting that a marriage or civil partnership is one of convenience or that the person is not financially supporting, or contributing positively to the life of, the person's Caymanian child.

Clause 22 amends section 52A of the principal Act as a consequence of the introduction of Certificates for Commercial Farmhands. The clause provides, among other things, that an employer or former employer who applies for a Certificate for Commercial Farmhands shall provide the Board or the Director of WORC with a vaccination certificate or other specified health information relating to the vaccination status of that employee or former employee.

Clause 23 amends the principal Act by inserting after section 52B proposed new section 52C. The proposed new section 52C provides that for the purposes of certain specified sections of the principal Act, the reference to "special circumstances" shall be taken to mean instances where the child remains involuntarily either wholly or substantially dependent on the holder of the relevant certificate as a result of a physical or mental disability.

Clause 24 amends section 53 of the principal Act to remove the exemption from the application of Part 7 of the principal Act that applied to persons employed by the Government of the Islands, as a consequence of the introduction of term limits in respect of non-Caymanian civil servants.



Notwithstanding this, the clause also amends section 53 of the principal Act to identify those provisions under Part 7 which will not apply with respect to the employment of non-Caymanian civil servants.

The clause also amends section 53 of the principal Act to provide that Part 7 of the principal Act will not apply to judges, magistrates and persons employed by the Parliament Management Commission.

Further, the clause amends section 53 of the principal Act to provide that an exemption of any person from the provisions under Part 7 may be unconditional or subject to conditions as may be determined by the Cabinet.

Clause 25 amends section 55 of the principal Act to make it clear that persons employed as civil servants may carry on gainful occupation in the Islands, including gainful occupation in respect of any restricted area of employment.

Clause 26 amends section 58 of the principal Act to make it mandatory for prospective employers, unless exempted by the Cabinet, the Board or the Director of WORC —

- (a) to pay the prescribed non-refundable fee to register a vacancy to which an application for a work permit relates for the vacancy to be posted on an electronic portal established and managed by WORC for a period of twenty-one days before the submission of the application; and
- (b) advertise the vacancy to which the application relates in a local newspaper or other prescribed media for a period of twenty-one days before the submission of the application.

The clause also amends section 58 of the principal Act to provide that among the matters that are to be taken into account in respect of an application for the grant or renewal of a work permit is whether the resources or the proposed salary of the worker, are able to support the worker and, if applicable, the worker's spouse or civil partner. Where there are dependants, it will also be taken into account whether the resources or the proposed salary meet the prescribed financial standing requirements to be able to support the dependants.

Clause 27 amends the principal Act by repealing and substituting section 64. The substituted section 64 provides that generally work permit holders are not permitted to change their employer within the first two years of the work permit being granted. This is subject to the exception where the person holding the work permit is a domestic helper seeking to be employed as a domestic helper by another employer. The clause further provides that unless the work permit holder satisfies the Director of WORC that there are certain prescribed circumstances which resulted in the work permit holder terminating employment within the first two years of the work permit granted, the former work permit holder shall leave the Islands for at least one year before any other prospective employer is able to apply for a work permit in respect of the person.

Clause 28 amends section 66 of the principal Act to, among other things, deal with non-Caymanian civil servants who become workers as a consequence of the introduction of term limits in respect of non-Caymanian civil servants.

Clause 29 amends the principal Act by inserting proposed sections 66A, 66B and 66C.

The proposed section 66A provides that the Cabinet may make regulations exempting a class, or categories of a class, of workers from the term limit requirement under section 66.

The proposed section 66B provides for the introduction of term limits for non-Caymanian civil servants.

The proposed section 66C provides that where an exemption relating to the appointment or reappointment of a non-Caymanian as a civil servant is granted under the Public Service Management Act (2018 Revision), that exemption shall be treated as an exemption from the term limit requirement under proposed section 66B for the period of the exemption granted under the Public Service Management Act (2018 Revision). Proposed section 66C also provides that where such an exemption is granted, the relevant appointing officer shall notify the Cabinet in writing of the exemption within thirty working days after the decision to grant the exemption is made.

Clause 30 amends section 67 of the principal Act to empower the Director of WORC, after consultation with the Minister, to prescribe, by notice published in the Gazette, the fee for a work permit or temporary work permit in a case where an occupation for which a work permit or temporary work permit is being sought is not prescribed. The fee prescribed by the Director of WORC shall not exceed the highest annual work permit fee prescribed under section 72(2)(f).

Clause 31 amends section 70 of the principal Act to provide that a marriage officer, a Registrar, a Civil Registrar or a civil partnership officer shall request prescribed information from the parties to an intended marriage or a marriage, or an intended civil partnership or a civil partnership for the purposes of determining whether there are reasonable grounds for suspicion that the marriage or civil partnership is one of convenience.

The clause also amends section 70 of the principal Act to provide that the failure to comply with any such request shall be taken into account by the marriage officer, Registrar, Civil Registrar or civil partnership officer, unless there are exceptional circumstances that have caused the non-compliance.

Clause 32 amends the principal Act by inserting proposed new section 71A. The proposed new section empowers the Director of WORC to re-issue certificates and provide duplicates of any licence or permit granted under the Act on the application by the person to whom the original was issued or granted and on the payment of the applicable fees.

Clause 33 amends section 72 of the principal Act to empower the Cabinet to make regulations to prescribe the information which may be requested in order to determine whether there are reasonable grounds for suspicion that a marriage or civil partnership is a marriage or civil partnership of convenience.

The clause also amends section 72 of the principal Act to provide at subsection (2)(f) that regulations may prescribe, among other things, the fees payable in respect of the reissue of a certificate or a document and the provision of any duplicate of a licence or permit. The clause provides further at proposed subsection (2)(fb) that regulations may provide for the



refund, waiver or reduction of those fees and may prescribe the circumstances under which the fees may be refunded, waived or reduced.

Further, clause 33 amends section 72 of the principal Act, by way of the insertion of subsections (3) and (4).

Proposed subsection (3) provides that regulations made under the legislation may prescribe that the contravention of the regulations constitutes an offence for which the person is liable on summary conviction, to a fine of twenty thousand dollars or to imprisonment for a term of two years, or to both.

Proposed subsection (4) provides that the power to make regulations under subsection (2) includes, among other things, the power to provide for such exceptions, limitations or conditions that the Cabinet considers necessary or expedient.

Clause 34 amends the principal Act by inserting after section 75 proposed new section 75A. The proposed new section provides for the offence of submitting false information concerning one's financial standing. The proposed new section also stipulates that the provision of false information in relation to one's financial standing is a ground for revocation of the relevant Certificate or work permit.

Clause 35 amends the principal Act by inserting after section 83 proposed new section 83A. The proposed new section 83A provides for various transitional matters as a consequence of the amendments proposed under the legislation.

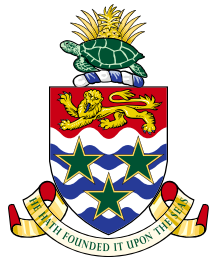
Clause 36 provides for the validation of fees collected by and paid to the Director of WORC without statutory authority for the re-issuing of certificates or documents and for the provision of duplicates of licences and permits prior to the commencement of the relevant provision this legislation.

Clause 36 also provides for the validation of certain fines imposed by the court without statutory authority prior to the commencement of the relevant provision of this legislation.

Clause 37 provides that this legislation does not affect any order or determination made by a court relating to fees collected by and paid to the Director of WORC for the re-issuing of certificates or documents and for the provision of duplicates of licences and permits prior to the commencement of the relevant provision of this legislation.

Clause 37 also provides that this legislation does not affect any order or determination made by a court relating to fines imposed by the court on persons convicted of offences under regulations made under the principal Act prior to the commencement of the relevant provision of this legislation.

CAYMAN ISLANDS



IMMIGRATION (TRANSITION) (AMENDMENT
AND VALIDATION) BILL, 2025

Arrangement of Clauses

Clause	Page
1. Short title and commencement	15
2. Amendment of section 1 of the Immigration (Transition) Act (2022 Revision) - short title	16
3. Amendment of section 2 - interpretation.....	16
4. Insertion of section 8A - sharing of information with WORC or a Board.....	19
5. Amendment of section 11 - Cayman Brac and Little Cayman Immigration Board	20
6. Amendment of section 13 - functions of Boards; Head of Work Permits, Cayman Status and Permanent Residence	20
7. Amendment of section 20 - appeals from decisions of an officer.....	21
8. Amendment of section 21 - appeals from decisions of Boards and Director of WORC	21
9. Amendment of section 26 - categories of Caymanians.....	21
10. Amendment of section 28 - acquisition of the right to be Caymanian by grant of the Board.....	22
11. Amendment of section 33 - revocation of right to be Caymanian.....	24
12. Amendment of section 36 - categories of permanent residence	25
13. Amendment of section 37 - persons legally and ordinarily resident in the Islands for at least eight years	25
14. Amendment of section 38 - Residency and Employment Rights Certificate for spouse or civil partner of a Caymanian.....	27
15. Amendment of section 40 - loss of Residency and Employment Rights Certificate.....	30
16. Amendment of section 42 - Certificate of Permanent Residence for Persons of Independent Means	35
17. Amendment of section 47 - Certificate of Direct Investment	36
18. Amendment of section 49 - Certificate for Specialist Caregivers	37



19.	Insertion of section 49A - Certificate for Commercial Farmhands	37
20.	Amendment of section 50 - Residency Certificate (Substantial Business Presence)	41
21.	Amendment of section 51 - general provisions relating to loss of permanent residency	41
22.	Amendment of section 52A - mandatory vaccinations for persons specified under Part 6	42
23.	Insertion of section 52C - references to "special circumstances" in certain sections	42
24.	Amendment of section 53 - persons exempted	42
25.	Amendment of section 55 - who may be gainfully employed	43
26.	Amendment of section 58 - consideration of application for work permit by Board etc	43
27.	Repeal and substitution of section 64 - change of employer	44
28.	Amendment of section 66 - term limits	45
29.	Insertion of sections 66A, 66B and 66C - exemption from term limits under section 66; term limits for non-Caymanian civil servants; exemption from term limits under section 66B	47
30.	Amendment of section 67 - work permit fees	52
31.	Amendment of section 70 - marriages and civil partnerships of convenience	52
32.	Insertion of section 71A - reissue of documents and provision of duplicates	53
33.	Amendment of section 72 - regulations	53
34.	Insertion of section 75A - offence to submit false information concerning financial standing	54
35.	Insertion of section 83A - further transitional matters	54
36.	Validation	57
37.	Orders or determinations by court not affected	57



CAYMAN ISLANDS**IMMIGRATION (TRANSITION) (AMENDMENT
AND VALIDATION) BILL, 2025**

A BILL FOR AN ACT TO AMEND THE IMMIGRATION (TRANSITION) ACT (2022 REVISION) TO GIVE THE CAYMANIAN STATUS AND PERMANENT RESIDENCY BOARD AND THE DIRECTOR OF WORC THE DISCRETION TO ALLOW A RESIDENCY AND EMPLOYMENT RIGHTS CERTIFICATE TO REMAIN IN FORCE WHERE THE HOLDER'S MARRIAGE OR CIVIL PARTNERSHIP IS, AMONG OTHER THINGS, DISSOLVED; TO MAKE EXEMPTIONS PROVIDED FOR UNDER SECTION 53(1)(b) EITHER UNCONDITIONAL OR SUBJECT TO SUCH CONDITIONS AS MAY BE DETERMINED BY CABINET; TO INTRODUCE TERM LIMITS FOR NON-CAYMANIAN CIVIL SERVANTS; TO INTRODUCE CERTIFICATES FOR COMMERCIAL FARMHANDS; TO PROVIDE FOR THE MAKING OF REGULATIONS TO DEAL WITH THE REFUNDS OF FEES IN CERTAIN CIRCUMSTANCES; TO PROVIDE FOR THE VALIDATION OF CERTAIN FEES CHARGED AND COLLECTED BY THE DIRECTOR OF WORC AND CERTAIN FINES IMPOSED; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

Short title and commencement

- 1. (1)** This Act may be cited as the Immigration (Transition) (Amendment and Validation) Act, 2025.

- (2) Subject to subsection (3), this Act comes into force on such date as may be appointed by Order made by the Cabinet and different dates may be appointed for different provisions of this Act and in relation to different matters.
- (3) The following sections come into force immediately after the commencement of the regulations made under section 67(1)(aa) and 67(1)(ab) of the *Public Service Management Act (2018 Revision)* —
 - (a) section 3(b)(iii) and (iv);
 - (b) section 13(a), (b) and (c);
 - (c) section 24(a)(i), (b) and (c);
 - (d) section 28(a), (b), (c), (d), (e)(i) (only as it relates to the amendments to section 66(10)(a)(ii) and (iv) of the principal Act) and (e)(iv);
 - (e) section 29; and
 - (f) proposed section 83A(7) in section 35.

Amendment of section 1 of the Immigration (Transition) Act (2022 Revision) - short title

- 2. The *Immigration (Transition) Act (2022 Revision)*, in this Act referred to as the “principal Act”, is amended in section 1 by deleting the words “Immigration (Transition)” and substituting the words “Caymanian Protection”.

Amendment of section 2 - interpretation

- 3. The principal Act is amended in section 2 as follows —
 - (a) by renumbering section 2 as section 2(1);
 - (b) in section 2(1) as renumbered, as follows —
 - (i) in the definition of the words “**medical certificate**”, by inserting after the words “means” the words “, in relation to sections 52A, 52B, 53A(3), 56(4A), 63(7B) and 66(5A),”;
 - (ii) by deleting the definition of the words “**special circumstances**”;
 - (iii) by deleting the definition of the words “**term limit**” and substituting the following definition —
 - “**“term limit”** means —
 - (a) in relation to a worker, the maximum period of time in respect of which work permits may be granted or renewed for a worker as prescribed in section 66(1); and
 - (b) in relation to a non-Caymanian civil servant, the maximum period of time as prescribed in section 66B(1);”;
 - (iv) by deleting the definition of the word “**worker**” and substituting the following definition —



“ **worker** ” means a person, including an employee of a statutory authority or a government company, in respect of whom a work permit has been or may be granted or renewed under Part 7;” and

- (v) by inserting in the appropriate alphabetical sequence, the following definitions —

“ **civil servant** ” means a person employed by the government and is a public officer for the purposes of the Constitution, but does not include —

- (a) a person employed by a government company or statutory authority;
- (b) a Member of the Parliament other than an Official Member; or
- (c) a person referred to in section 53(1)(a)(i);

“ **civil service** ” means the group comprising all civil servants;

“ **commercial farmhand** ” means —

- (a) a farmer, livestock farmer, general farmhand, farmer helper or a person who otherwise cares for a farm or who cultivates land; and
- (b) who is employed with an agricultural enterprise that is registered with the Department of Agriculture as a commercial agricultural producer;

“ **Customs and Border Control Service** ” has the meaning assigned by section 2 of the *Customs and Border Control Act (2024 Revision)*;

“ **Department of Community Rehabilitation** ” means the department of Government having responsibility for providing services relating to the rehabilitation and management of adult offenders;

“ **Department of Children and Family Services** ” means the department of Government having responsibility for the welfare of children;

“ **Department of Financial Assistance** ” means the department of Government referred to in section 3 of the *Financial Assistance Act, 2022*;

“ **developed real estate** ” means —

- (a) one strata lot;
- (b) one parcel; or
- (c) one set of contiguous parcels,

that has undergone a physical improvement to land in the nature of buildings, structures or other improvements that enhances the value of the land for industrial, agricultural, commercial or residential

purposes, and in the case of real estate for industrial, commercial or residential purposes, a certificate of occupancy has been issued, where applicable;

“government company” means —

- (a) a company in which the Government has a controlling interest; and
- (b) in respect of each such company, includes all subsidiary entities of the company;

“government entity” means any body of the Government and includes a ministry, portfolio, statutory authority, government company, the Office of the Ombudsman, the Office of the Director of Public Prosecutions and the Audit Office;

“Health Insurance Commission” means the Health Insurance Commission established under section 3 of the *Health Insurance Commission Act (2016 Revision)*;

“Health Services Authority” means the Cayman Islands Health Services Authority established by section 3 of the *Health Services Authority Act (2018 Revision)*;

“magistrate” has the meaning assigned by section 2 of the *Summary Jurisdiction Act (2025 Revision)*;

“Official Member” means the Deputy Governor or the Attorney General;

“paid-up amount”, in relation to an investment in developed real estate, means the amount that has been paid toward the purchase price, mortgage principal or development cost by an applicant at the time of a relevant application, and which is free from any outstanding financing obligations;

“parcel” has the meaning assigned by section 2 of the *Registered Land Act (2018 Revision)*;

“Parliament Management Commission” means the Parliament Management Commission established by section 3 of the *Parliament (Management) Act (2023 Revision)*;

“Portfolio of the Civil Service” has the meaning assigned by section 2(1) of the *Public Service Management Act (2018 Revision)*;

“Royal Cayman Islands Police Service” means the Royal Cayman Islands Police Service referred to in section 3 of the *Police Act (2021 Revision)*;

“statutory authority” means an entity established by a law to carry out functions that are capable, under that law, of being funded, partly or entirely, by money provided by the Government, and for which



the Governor, the Cabinet or the Government has the power to appoint or dismiss the majority of the Board or other governing body; “**strata lot**” has the meaning assigned by section 2(1) of the *Strata Titles Registration Act (2013 Revision)*; and

“**working day**” means a day of the week, excluding Saturdays, Sundays and public general holidays.”; and

(c) by inserting after subsection (1) the following subsection —

“(2) Where, for the purposes of an application under this Act —

(a) a person’s health is to be taken into consideration; or

(b) there is a requirement for the person to be in good health,

as evidence of such health, the person shall provide a medical certificate dated no more than three months before the date on which the relevant application is made.”.

Insertion of section 8A - sharing of information with WORC or a Board

4. The principal Act is amended by inserting after section 8 the following section —

“Sharing of information with WORC or a Board

8A.(1) The entities referred to in subsection (2) shall, on request, supply the Director of WORC, or a relevant Board, with information that is necessary for the exercise of the functions of the Director of WORC or the relevant Board in —

(a) processing applications for work permits, grants for Caymanian status, permanent residence and any other category of residence;

(b) exercising functions relating to the revocation of work permits, grants of Caymanian status, permanent residence and any other category of residence; and

(c) promoting and facilitating the employment of Caymanians and other prescribed persons in the Islands, through the use of various facilities and services.

(2) For the purposes of subsection (1), the entities are as follows —

(a) the Royal Cayman Islands Police Service;

(b) the Customs and Border Control Service;

(c) the Director of Public Prosecutions;

(d) the Department of Community Rehabilitation;

(e) the Department of Children and Family Services;

(f) the Department of Financial Assistance;

- (g) the Health Insurance Commission;
 - (h) the Health Services Authority;
 - (i) the Portfolio of the Civil Service;
 - (j) the department of Government known as the Department of Commerce and Investment;
 - (k) the department of Government responsible for the administrative services relating to the delivery of the scholarships programme; and
 - (l) the unit of Government responsible for national training and development.
- (3) An entity referred to in subsection (2) is not required to disclose information under this section if the disclosure of the particular information —
- (a) is likely to prejudice —
 - (i) the conduct of legal proceedings, whether criminal or civil, and whether arising under, or by virtue of, this Act or otherwise; or
 - (ii) the maintenance of the law, including prejudice to the prevention, detection, investigation, prosecution and punishment of offences,
and this prejudice is likely to outweigh the benefits of disclosure;
 - (b) the information would be privileged from production in legal proceedings on the ground of legal professional privilege; or
 - (c) the disclosure would be in contempt of court.
- (4) This section does not affect any other power, duty or obligation conferred or imposed on an entity referred to in subsection (2) to provide information to the Director of WORC or a relevant Board.”.

Amendment of section 11 - Cayman Brac and Little Cayman Immigration Board

5. The principal Act is amended in section 11(6)(b) by inserting after the word “Caregivers” the words “and Commercial Farmhands”.

Amendment of section 13 - functions of Boards; Head of Work Permits, Cayman Status and Permanent Residence

6. The principal Act is amended in section 13(3)(a)(ii) by inserting after the word “Caregivers” the words “and Commercial Farmhands”.



Amendment of section 20 - appeals from decisions of an officer

7. The principal Act is amended in section 20 as follows —

- (a) in subsection (2), by repealing paragraph (a);
- (b) by repealing subsection (3) and substituting the following subsection —

“(3) An appellant under subsection (2) may be allowed to remain in the Islands if the appellant satisfies the Director of WORC that the person is able to support himself or herself and, where the person has dependants, that that person meets the prescribed financial standing requirements to be able to support the person’s dependants.”; and
- (c) in subsection (4), by deleting the words “subsection (2)(b)” and substituting the words “subsection (2)”.

Amendment of section 21 - appeals from decisions of Boards and Director of WORC

8. The principal Act is amended in section 21(1) by deleting the words “under section 37, 49 or 56(5)” and substituting the words “under section 37, 40, 49, 49A, 51(1)(lb), 51(lc) or 56(5),”.

Amendment of section 26 - categories of Caymanians

9. The principal Act is amended in section 26 as follows —

- (a) in subsection (2), by deleting the words “subsection (1)” and substituting the words “subsection (1)(a), (c), (d) or (e)”;
- (b) by inserting after subsection (2) the following subsection —

“(2A) A person who believes that the person possesses the right to be Caymanian under subsection (1)(b) —

 - (a) may apply in the prescribed form and manner to the Director of WORC for the formal confirmation of that right in that person’s passport; and
 - (b) within fourteen days after receiving the application, the Director of WORC shall either provide the confirmation or give written reasons for the refusal to do so.

“(2B) Where the person under subsection (2A) is granted formal confirmation of the right to be Caymanian under subsection (1)(b) by virtue of having a Caymanian parent or grandparent, the Caymanian parent or grandparent, on presenting the Caymanian parent’s or grandparent’s passport to the Director of WORC, shall be formally confirmed by the Director of WORC in that passport, as having the right to be Caymanian.”; and
- (c) in subsection (4), by deleting the words “under subsection (2) or (3)” and substituting the words “under subsection (2), (2A), (2B) or (3)”.

Amendment of section 28 - acquisition of the right to be Caymanian by grant of the Board**10.** The principal Act is amended in section 28 as follows —

- (a) in subsection (3) as follows —
 - (i) by deleting the words “fifteen years” and substituting the words “twenty years”; and
 - (ii) by deleting the words “five years” and substituting the words “ten years”;
- (b) in subsection (4), by deleting the words “fifteen years” and substituting the words “twenty years”;
- (c) in subsection (5) as follows —
 - (i) by repealing paragraph (a) and substituting the following paragraph —
 - “(a) who has been married to, or in a civil partnership with, a person who is Caymanian at the date of the marriage or civil partnership or who has been married to, or in a civil partnership with, a person who becomes Caymanian during the marriage or the civil partnership —
 - (i) for at least five years immediately preceding the application, where the marriage took place prior to 1st January, 2004;
 - (ii) for at least seven years immediately preceding the application, where the marriage took place on or after 1st January, 2004 but prior to the date of commencement of section 10(c) of the *Immigration (Transition) (Amendment and Validation) Act, 2025*;
 - (iii) for at least seven years immediately preceding the application, where the civil partnership took place prior to the date of commencement of section 10(c) of the *Immigration (Transition) (Amendment and Validation) Act, 2025*; or
 - (iv) for at least fifteen years immediately preceding the application, where the marriage or civil partnership took place on or after the date of commencement of section 10(c) of the *Immigration (Transition) (Amendment and Validation) Act, 2025*”; and
 - (ii) by repealing paragraph (e) and substituting the following paragraph —
 - “(e) who has not lived apart from his or her spouse or civil partner for an aggregate period of three months —



- (i) out of the five years immediately preceding the application, where the marriage took place prior to 1st January, 2004;
 - (ii) out of the seven years immediately preceding the application, where the marriage took place on or after 1st January, 2004 but prior to the date of commencement of section 10(c) of the *Immigration (Transition) (Amendment and Validation) Act, 2025*;
 - (iii) out of the seven years immediately preceding the application, where the civil partnership took place prior to the date of commencement of section 10(c) of the *Immigration (Transition) (Amendment and Validation) Act, 2025*; or
 - (iv) out of the fifteen years immediately preceding the application, where the marriage or civil partnership took place on or after the date of commencement of section 10(c) of the *Immigration (Transition) (Amendment and Validation) Act, 2025*;
- (d) by inserting after subsection (6) the following subsections —
 - “(6A) A person who is granted the right to be Caymanian pursuant to an application made under subsection (5) shall, for a period of seven years after being granted that right, provide annually a declaration containing prescribed particulars in respect of the person granted the right to be Caymanian and the person’s dependants —
 - (a) on the anniversary of the date of the grant of the right to be Caymanian; or
 - (b) on the date that the Board may specify.
 - (6B) The failure of the person who is granted the right to be Caymanian to provide the declaration under subsection (6A) is an offence and a ground for revocation of the right to be Caymanian.”;
- (e) in subsection (7), by repealing paragraph (a) and substituting the following paragraph —
 - “(a) was married to, or in a civil partnership with, the deceased —
 - (i) for at least seven years at the time of the death of the Caymanian spouse or civil partner, in the case of a person referred to in subsection (5)(a)(ii) or (iii); or
 - (ii) for at least fifteen years at the time of the death of the Caymanian spouse or civil partner, in the case of a person referred to in subsection (5)(a)(iv);”;
- (f) in subsection (8), as follows —

- (i) by inserting after the words “seven years” the words “or fifteen years, as applicable,”; and
- (ii) by repealing paragraph (d) and substituting the following paragraph —
 - “(d) whether the applicant is able to support himself or herself and, where the applicant has dependants, whether the applicant meets the prescribed financial standing requirements to be able to support the applicant’s dependants; and”; and
- (g) by repealing subsection (10) and substituting the following subsection —
 - “(10) A person who is Caymanian by entitlement and —
 - (a) who has attained the age of seventeen years;
 - (b) whose Caymanian status by entitlement —
 - (i) will expire when that person attains the age of eighteen years; or
 - (ii) has expired on that person having attained the age of eighteen years; and
 - (c) has been legally and ordinarily resident in the Islands for at least five out of the seven years immediately preceding the date of the application,may apply to the Board for the grant of the right to be Caymanian, and the application shall be granted unless the Board has compelling reasons for refusing it, and the grant shall take effect when the person attains the age of eighteen years or, where that person is already eighteen years, from the date of the grant.”.

Amendment of section 33 - revocation of right to be Caymanian

11. The principal Act is amended in section 33 as follows —

- (a) in subsection (1), by repealing paragraphs (c) and (ca) and substituting the following paragraphs —
 - “(c) where there are reasonable grounds for suspecting that the marriage of the holder, being the spouse of a Caymanian, is a marriage of convenience and which have led the Board to conclude that the marriage is a marriage of convenience;
 - (ca) where there are reasonable grounds for suspecting that the civil partnership of the holder, being the civil partner of a Caymanian, is a civil partnership of convenience and which have led the Board to conclude that the civil partnership is a civil partnership of convenience;



- (cb) where the person fails to make the annual declaration in respect of himself or herself and the person's dependants, as required by section 28(6A); or"; and
- (b) by repealing subsection (2) and substituting the following subsection —
 - “(2) The holder of the right to be Caymanian by entitlement under this Act or under any analogous provision in an earlier Act —
 - (a) may lose that right where —
 - (i) the person has not been legally and ordinarily resident in the Islands for a period of seven years immediately before reaching the age of eighteen years; or
 - (ii) after reaching the age of eighteen years, the person resides outside the Islands for a period of five years; and
 - (b) shall notify the Director of WORC immediately of the relevant circumstances involving that person's legal and ordinary residence in the Islands or absence from the Islands, as applicable, and wilful failure to do so is an offence.”.

Amendment of section 36 - categories of permanent residence

- 12.** The principal Act is amended in section 36 by inserting after subsection (2) the following subsection —

“(2A) In accordance with this Act and the regulations, a person shall pay the relevant prescribed fees in respect of the person, the person's spouse or civil partner and the person's dependants for the grant, and the continued approval, of the right to reside permanently in the Islands.”.

Amendment of section 37 - persons legally and ordinarily resident in the Islands for at least eight years

- 13.** The principal Act is amended in section 37 as follows —

- (a) in subsection (4), as follows —
 - (i) by inserting after the words “section 66(4)” the words “or 66B(3)”; and
 - (ii) by repealing paragraph (b) and substituting the following paragraph —
 - “(b) in the case of a non-Caymanian civil servant, until the non-Caymanian civil servant re-qualifies under the criteria contained in this section having taken the break in stay required under section 66B(1).”;
- (b) in subsection (5), by deleting the words “but the Certificate” and substituting the words “but, subject to subsection (5A), the Certificate”;

- (c) by inserting after subsection (5) the following subsection —
 - “(5A) Where a non-Caymanian civil servant is granted permanent residence, the non-Caymanian civil servant may work within any occupation in the civil service without the requirement for the Residency and Employment Rights Certificate to be varied by the Board or the Director of WORC in order to specify that particular occupation.”;
- (d) in subsection (12), by inserting after the words “the holder’s dependants” the words “on the anniversary of the date of issue of the Residency and Employment Rights Certificate or on the date that the Board or the Director of WORC may specify”;
- (e) by repealing subsection (16) and substituting the following subsections —
 - “(16) The spouse or civil partner of a permanent resident may apply in the prescribed form and manner to the Board or the Director of WORC for a Residency and Employment Rights Certificate, which if granted will be for a period of fifteen years, subject to the same conditions and entitlements as specified in subsection (5).
- (16A) The application under subsection (16) shall be accompanied by —
 - (a) evidence as to the stability of the marriage or civil partnership and a statement as to the number of dependants, if any, of the spouse or civil partner; and
 - (b) the prescribed fee.
- (16B) The Board or the Director of WORC shall take into account the following —
 - (a) that the spouse or civil partner of the applicant is a permanent resident;
 - (b) whether there are reasonable grounds to suspect that the marriage is a marriage of convenience;
 - (c) whether there are reasonable grounds to suspect that the civil partnership is a civil partnership of convenience;
 - (d) that the applicant is of good character;
 - (e) that the applicant is in good health;
 - (f) that the marriage or civil partnership is stable; and
 - (g) that the applicant and the applicant’s spouse or civil partner have sufficient financial means to support themselves and, where there are dependants listed on the application as accompanying the applicant, the applicant meets the prescribed financial standing requirements to be able to support those dependants.



(16C) Where the spouse or civil partner of a permanent resident who was granted a Residency and Employment Rights Certificate under subsection (16) continues to hold the Residency and Employment Rights Certificate, no more than one year prior to the end of the fifteen-year period —

- (a) the spouse or civil partner may make an application to the Board or the Director of WORC in the prescribed form and manner, accompanied by the prescribed fee, for the Residency and Employment Rights Certificate to be renewed indefinitely; and
- (b) the Residency and Employment Rights Certificate may be renewed indefinitely at the discretion of the Board or the Director of WORC.

(16D) Where the Director of WORC or the Board renews the Residency and Employment Rights Certificate indefinitely under subsection (16C) —

- (a) the spouse or civil partner of a permanent resident in respect of whom the Residency and Employment Rights Certificate is renewed indefinitely shall continue to comply with any relevant requirements as the holder of a Residency and Employment Rights Certificate, including, where applicable, the payment of prescribed fees; and
- (b) after continuing to hold the Residency and Employment Rights Certificate that has been renewed indefinitely for a period of at least one year, the spouse or civil partner of a permanent resident in respect of whom the Residency and Employment Rights Certificate is renewed indefinitely may apply for a certificate of naturalisation or registration issued under the *British Nationality Act, 1981*.”;
 - (f) by repealing subsections (18) and (20);
 - (g) in subsection (21), by deleting the words “subsection (5) or (18)” and substituting the words “subsection (5) or section 40(1A)”; and
 - (h) in subsection (23), by deleting the words “this section or section 38” and substituting the words “this section, section 38 or section 40(1A)”.

Amendment of section 38 - Residency and Employment Rights Certificate for spouse or civil partner of a Caymanian

14. The principal Act is amended in section 38 as follows —

- (a) by repealing subsection (1) and substituting the following subsections —
 - “(1) Subject to section 40(3) —

- (a) the spouse or civil partner of a Caymanian may apply to the Director of WORC or the Caymanian Status and Permanent Residency Board in the prescribed form and manner for permission to reside in the Islands; and
 - (b) if the application is successful the Director of WORC or the Caymanian Status and Permanent Residency Board, as the case may be, shall grant to the applicant a Residency and Employment Rights Certificate which will be for a period of fifteen years.”;
- (b) by repealing subsection (2) and substituting the following subsection —
 - “(2) The application under subsection (1) shall be accompanied by —
 - (a) evidence as to the stability of the marriage or civil partnership and a statement as to the number of dependants, if any, of the spouse or civil partner; and
 - (b) the prescribed fee.”;
- (c) by repealing subsection (3) and substituting the following subsection —
 - “(3)The Director of WORC or the Board shall take into account the following —
 - (a) that the spouse or civil partner of the applicant is a Caymanian;
 - (b) whether there are reasonable grounds to suspect that the marriage is a marriage of convenience;
 - (c) whether there are reasonable grounds to suspect that the civil partnership is a civil partnership of convenience;
 - (d) that the applicant is of good character;
 - (e) that the applicant is in good health;
 - (f) that the marriage or civil partnership is stable; and
 - (g) that the applicant and the applicant’s spouse or civil partner have sufficient financial means to support themselves and, where there are dependants listed on the application as accompanying the applicant, the applicant meets the prescribed financial standing requirements to be able to support those dependants.”;
- (d) by inserting after subsection (3) the following subsections —
 - “(3A)Subject to section 40(3), where the spouse or civil partner of a Caymanian who was granted a Residency and Employment Rights Certificate under subsection (1) continues to hold the Residency and Employment Rights Certificate, no more than one year prior to the end of the fifteen-year period —
 - (a) the spouse or civil partner may make an application to the Director of WORC or the Caymanian Status and Permanent



- Residency Board in the prescribed form and manner, accompanied by the prescribed fee, for the Residency and Employment Rights Certificate to be renewed indefinitely; and
- (b) the Residency and Employment Rights Certificate may be renewed indefinitely at the discretion of the Director of WORC or the Caymanian Status and Permanent Residency Board.
- (3B) Where the Director of WORC or the Caymanian Status and Permanent Residency Board renews the Residency and Employment Rights Certificate indefinitely under subsection (3A) —
- (a) the spouse or civil partner of a Caymanian in respect of whom the Residency and Employment Rights Certificate is renewed indefinitely shall continue to comply with any relevant requirements as the holder of a Residency and Employment Rights Certificate, including, where applicable, the payment of prescribed fees; and
- (b) after continuing to hold the Residency and Employment Rights Certificate that has been renewed indefinitely for a period of at least one year, the spouse or civil partner of a Caymanian in respect of whom the Residency and Employment Rights Certificate is renewed indefinitely may apply for a certificate of naturalisation or registration issued under the *British Nationality Act, 1981*.”;
- (e) by repealing subsection (6) and substituting the following subsections —
- “(6) Subject to subsection (6B), the non-Caymanian spouse or civil partner of a Caymanian shall apply for a Residency and Employment Rights Certificate under this section in order that the spouse or civil partner may reside or be gainfully employed in the Islands.
- (6A) The non-Caymanian spouse or civil partner of a Caymanian shall not be entitled to apply for, or to be granted, a work permit or the renewal of a work permit but where a work permit is in effect on the date of the marriage or civil partnership, the spouse or civil partner may continue to work under the terms and conditions of the work permit until its expiration.
- (6B) A person who was granted permanent residence under section 37 prior to entering into marriage to or civil partnership with a Caymanian may apply for a Residency and Employment Rights Certificate under this section as the spouse or civil partner of a Caymanian.”;
- (f) in subsection (7), by deleting the words “Notwithstanding subsection (6)” and substituting the words “Notwithstanding subsections (6) and (6A)”;

- (g) in subsection (8), by deleting the words “Notwithstanding subsection (6)” and substituting the words “Notwithstanding subsections (6) and (6A)”; and
- (h) by inserting after subsection (9) the following subsections —
 - “(10) The holder of a Residency and Employment Rights Certificate issued under this section shall provide annually a declaration containing prescribed particulars in respect of the holder and the holder’s dependants —
 - (a) on the anniversary of the date of issue of the Residency and Employment Rights Certificate; or
 - (b) on the date that the Board or the Director of WORC may specify.
 - (11) The failure of the holder of a Residency and Employment Rights Certificate to provide the declaration under subsection (10) is an offence and a ground for revocation of the Residency and Employment Rights Certificate.”.

Amendment of section 40 - loss of Residency and Employment Rights Certificate

15. The principal Act is amended in section 40 as follows —

- (a) by repealing subsection (1) and substituting the following subsections —
 - “(1) Subject to subsections (1A) and (2), the rights of the holder of a Residency and Employment Rights Certificate who —
 - (a) is the spouse or civil partner of a Caymanian; or
 - (b) has obtained the Residency and Employment Rights Certificate as a result of marriage to or civil partnership with the holder of a Residency and Employment Rights Certificate under section 37(16) or any other earlier analogous provision,
- may be revoked at the discretion of the Board or the Director of WORC if —
- (i) the first-mentioned holder falls within any of the provisions of section 51;
 - (ii) the first-mentioned holder’s spouse or civil partner ceases to be a Caymanian or to be a Residency and Employment Rights Certificate holder;
 - (iii) the marriage or civil partnership is dissolved or annulled, and at the time of the dissolution or annulment, the marriage or civil partnership subsisted for at least seven years but less than fifteen years;



- (iv) the first-mentioned holder ceases to be legally and ordinarily resident in the Islands; or
 - (v) the first-mentioned holder and the spouse or civil partner are living apart —
 - (A) under a decree of a competent court;
 - (B) under a deed of separation; or
 - (C) in circumstances where, in the opinion of the Board or the Director of WORC, the marriage or civil partnership has irretrievably broken down.
- (1A) Where the Residency and Employment Rights Certificate is revoked in respect of a person under subsection (1)(iii) or (1)(v), the person may apply for the grant of a Residency and Employment Rights Certificate in accordance with section 37 within a period of three months after the revocation.
- (1B) Where an application for a Residency and Employment Rights Certificate has been made under subsection (1A) within the period of three months after the revocation, the applicant's right to reside in the Islands shall continue on the same terms and conditions until the Board or the Director of WORC determines the application or the Immigration Appeals Tribunal determines any subsequent appeal.
- (1C) Where a Residency and Employment Rights Certificate is granted in accordance with this section, the prescribed fees shall only be payable by the holder of the Residency and Employment Rights Certificate where the holder re-marries or re-enters into a civil partnership.
- (1D) The holder of a Residency and Employment Rights Certificate issued under this section shall provide an annual declaration containing prescribed particulars in respect of the holder and the holder's dependants —
- (a) on the anniversary of the date of issue of the Residency and Employment Rights Certificate; or
 - (b) on the date that the Board or the Director of WORC may specify.
- (1E) The failure of the holder of a Residency and Employment Rights Certificate to provide the declaration under subsection (1D) is an offence and a ground for revocation of the Residency and Employment Rights Certificate.
- (1F) Where the Residency and Employment Rights Certificate is not revoked in respect of a person under subsection (1)(iii) —

- (a) the person's right to reside in the Islands shall continue on the same terms and conditions; and
 - (b) one year prior to the end of the fifteen-year period for which the Residency and Employment Rights Certificate is to be held, the person may apply for the grant of a Residency and Employment Rights Certificate in accordance with section 37.”;
- (b) in subsection (2) as follows —
 - (i) by deleting the chapeau and substituting the following chapeau —

“(2) A person whose Residency and Employment Rights Certificate may be revoked under subsection (1) and who —”; and
 - (ii) in paragraph (b), by inserting after the words “Caymanian child” the words “who is a child of both parties to the marriage or civil partnership referred to in paragraph (a)”;
- (c) by inserting after subsection (2) the following subsections —

“(2A) Where a person applies under subsection (2) (“the applicant”) for a continuation of the Residency and Employment Rights Certificate, the applicant shall provide the Board or the Director of WORC with proof —

 - (a) of whether the applicant is able to support himself or herself, and whether the applicant meets the prescribed financial standing requirements to be able to support the Caymanian child and any other dependants approved and added by the Board or the Director of WORC (“approved dependants”);
 - (b) that the applicant is financially supporting and contributing positively to the life of the person's Caymanian child and approved dependants;
 - (c) that the applicant is of good character; and
 - (d) that the applicant is in good health.

(2B) Where the Board or the Director of WORC is unable to obtain sufficient proof referred to in subsection (2A)(b) from the applicant, the Board or the Director of WORC shall request that the Department of Children and Family Services or the Department of Community Rehabilitation assess the applicant and prepare a report on whether the applicant is financially supporting, and contributing positively to the life of, the applicant's Caymanian child and approved dependants.

(2C) Where the Board or the Director of WORC is not satisfied that the applicant is —

 - (a) financially supporting the applicant's Caymanian child and approved dependants; or



- (b) contributing positively to the life of the applicant's Caymanian child and approved dependants,

the Board or the Director of WORC shall notify the applicant in writing that the application is under review and of the additional matters specified in subsection (2D).

- (2D) For the purposes of subsection (2C), the Board or the Director of WORC shall notify the applicant of the following additional matters —

- (a) that the applicant is being granted permission to continue working in the Islands in any occupation without the need to possess a work permit for a period of six months from the date of the written notice under subsection (2C);
- (b) that the applicant is entitled to have the applicant's approved dependants reside in the Islands for the period referred to in paragraph (a); and
- (c) that during the period referred to in paragraph (a), the Board or the Director of WORC may request any information or further particulars from the applicant as are reasonable for the Board or the Director of WORC to determine the matter.

- (2E) Where, pursuant to any information or further particulars provided under subsection (2D)(c), the Board or the Director of WORC is not satisfied that the person —

- (a) has financially supported or contributed positively to the life of the person's Caymanian child and approved dependants; or
- (b) is able to continue to financially support or contribute positively to the life of the person's Caymanian child and approved dependants,

the Board or the Director of WORC shall refuse the application.

- (2F) Where a person who applies under subsection (2) for a continuation of the Residency and Employment Rights Certificate remarries or enters into a subsequent civil partnership with a non-Caymanian, the spouse or civil partner from the subsequent marriage or civil partnership shall not be added as a dependant on the continued Residency and Employment Rights Certificate.”; and

- (d) by repealing subsection (3) and substituting the following subsections —
 - “(3) Notwithstanding section 38(1), where the holder of a Residency and Employment Rights Certificate is the surviving spouse or civil partner of a Caymanian and at the time of the death of the Caymanian —

- (a) the marriage or the civil partnership subsisted for less than seven years, the Board or the Director of WORC shall revoke the Residency and Employment Rights Certificate of that surviving spouse or civil partner; or
- (b) the marriage or civil partnership subsisted for at least seven years, that surviving spouse or civil partner shall be required, in order to continue to hold that Certificate, to apply to the Board or the Director of WORC within six months after the death of the Caymanian for the right to continue to hold the Certificate and the Board or the Director of WORC shall, in considering the application take into account —
 - (i) the length of the marriage or the civil partnership;
 - (ii) whether there are any children;
 - (iii) whether immediately prior to the death, the marriage or civil partnership was no longer subsisting as evidenced by a decree of a competent court, a deed of separation or what appears to be the breakdown of the marriage or civil partnership;
 - (iv) whether the applicant is able to support himself or herself, and where the applicant has dependants, whether the applicant meets the prescribed financial standing requirements to be able to support the applicant's dependants; and
 - (v) the applicant's health and character,and after consideration of the application, the Board or the Director of WORC shall either revoke the Certificate or allow the continuation of the Certificate.
- (4) Where an application for the continuation of a Residency and Employment Rights Certificate has been made under subsection (3) within the period referred to in that section, the applicant's right to reside in the Islands shall continue on the same terms and conditions until the Board or the Director of WORC determines the application or the Immigration Appeals Tribunal determines any subsequent appeal.
- (5) Where a Residency and Employment Rights Certificate is revoked under subsection (3), the surviving spouse or civil partner may apply, within a period of three months after the revocation —
 - (a) for the right to reside permanently in the Islands under section 28(8); or



- (b) for the grant of a Residency and Employment Rights Certificate under section 37, where the surviving spouse or civil partner satisfies the requirements.
- (6) Where an application has been made pursuant to subsection (5) within the period referred to in that subsection, the applicant's right to reside in the Islands shall continue on the same terms and conditions until the Board or the Director of WORC determines the application or the Immigration Appeals Tribunal determines any subsequent appeal.
- (7) Where a person who is granted permanent residence under section 37 prior to entering into marriage to, or civil partnership with, a Caymanian applies for and is granted a Residency and Employment Rights Certificate under section 38 as the spouse or civil partner of a Caymanian, except where the provisions of section 51(1) apply, in the event of —
 - (a) the death of the Caymanian spouse or civil partner; or
 - (b) the dissolution, breakdown or annulment of the marriage or civil partnership,the person shall continue to have the right to remain permanently in the Islands if, at the time of the death or the dissolution, breakdown or annulment of the marriage or civil partnership, the person was married to or in a civil partnership with the Caymanian for at least fifteen years.”.

Amendment of section 42 - Certificate of Permanent Residence for Persons of Independent Means

16. The principal Act is amended in section 42 as follows —

- (a) by repealing subsection (1) and substituting the following subsection —

“(1) A person may apply in the prescribed form and manner to the Director of WORC for a Certificate of Permanent Residence for Persons of Independent Means, which if granted will be for a period of ten years, subject to the same conditions and entitlements as specified in subsection (2).”; and
- (b) in subsection (2), by repealing paragraph (a) and substituting the following paragraph —

“(a) at the time that the application is made, the applicant has invested in developed real estate in the Islands and the paid-up amount of the investment as at the time of the application satisfies the prescribed sum that is to be invested in developed real estate in the Islands for the purposes of this section;”.

- (c) by inserting after subsection (3) the following subsections —
- “(3A)Where the person who is the holder of a Certificate of Permanent Residence for Persons of Independent Means continues to hold the Certificate, no more than one year prior to the end of the ten-year period —
- (b) the person may make an application to the Caymanian Status and Permanent Residency Board or the Director of WORC in the prescribed form and manner, accompanied by the prescribed fee, for the Certificate of Permanent Residence for Persons of Independent Means to be renewed indefinitely; and
 - (b) the Certificate of Permanent Residence for Persons of Independent Means may be renewed indefinitely at the discretion of the Caymanian Status and Permanent Residency Board or the Director of WORC.
- (3B)Where the Caymanian Status and Permanent Residency Board or the Director of WORC renews the Certificate of Permanent Residence for Persons of Independent Means indefinitely under subsection (3A) —
- (a) the person in respect of whom the Certificate of Permanent Residence for Persons of Independent Means is renewed indefinitely shall continue to comply with any relevant requirements as the holder of a Certificate of Permanent Residence for Persons of Independent Means, including, where applicable, the payment of prescribed fees; and
 - (b) after continuing to hold the Certificate of Permanent Residence for Persons of Independent Means that has been renewed indefinitely for a period of at least one year, the person in respect of whom the Certificate of Permanent Residence for Persons of Independent Means is renewed indefinitely may apply for a certificate of naturalisation or registration issued under the *British Nationality Act, 1981*.”; and
- (d) in subsection (4), by deleting the word “Certificates” and substituting the words “Certificates of Permanent Residence for Persons of Independent Means”.

Amendment of section 47 - Certificate of Direct Investment

- 17.** The principal Act is amended in section 47 by inserting after subsection (11) the following subsections —

“(12)The holder of a Certificate issued under subsection (3) shall provide an annual declaration containing prescribed particulars in respect of the holder and the holder’s dependants —



- (a) on the anniversary of the date of issue of the Certificate of Direct Investment; or
 - (b) on the date that the Director of WORC may specify.
- (13) The failure by the holder of a Certificate of Direct Investment to provide the declaration under subsection (12) is an offence and a ground for revocation of the Certificate of Direct Investment.”.

Amendment of section 49 - Certificate for Specialist Caregivers

18. The principal Act is amended in section 49 as follows —

- (a) in subsection (2), as follows —
 - (i) in paragraph (h), by deleting the word “and” appearing at the end of the paragraph; and
 - (ii) in paragraph (i), by deleting the full stop appearing at the end of the paragraph and substituting the words “; and”; and
 - (iii) by inserting after paragraph (i) the following paragraph —

“(j) the person has not attained the age of sixty-five years.”;
- (b) in subsection (3) by deleting the words “shall be renewable for a period of five years” and substituting the words “, subject to section 83A(5), shall be renewable for one further period of five years”; and
- (c) by inserting after subsection (11) the following subsection —

“(12)A Certificate for Specialist Caregivers ceases to be valid on the holder of the Certificate attaining the age of sixty-five years.”.

Insertion of section 49A - Certificate for Commercial Farmhands

19. The principal Act is amended by inserting after section 49 the following section —

“Certificate for Commercial Farmhands

- 49A.**(1) A Certificate for Commercial Farmhands may be issued in accordance with this section to the employer of a person specified in subsection (2) to permit the person to work or to continue to work with the employer at an agricultural enterprise named in the Certificate in the capacity of a commercial farmhand or in another capacity where the person is caring for a farm or cultivating land.
- (2) A person is eligible to be employed under a Certificate for Commercial Farmhands if —
- (a) in the case where the person is or was the holder of a work permit, either —
 - (i) the person holds a final work permit; or

- (ii) the person held a final work permit that has expired and the person has departed the Islands, and an application for employment under a Certificate for Commercial Farmhands is made within one year from the date of that departure;
 - (b) in any other case, either —
 - (i) the person holds permission granted under section 66(4); or
 - (ii) the person held permission granted under section 66(4) that has expired and an application for employment under a Certificate for Commercial Farmhands is made if the person is otherwise legally resident in the Islands or remains in the Islands on the basis of permission granted under the *Customs and Border Control Act (2024 Revision)*;
 - (c) in relation to paragraphs (a) and (b), the final work permit or the permission —
 - (i) is or was for employment with an agricultural enterprise that is registered with the Department of Agriculture as a commercial agricultural producer; and
 - (ii) is or was due to the person being employed with the employer or former employer making the application as a farmer, livestock farmer, general farmhand or farmer helper, or in another capacity where the person is caring for a farm or cultivating land;
 - (d) the person is in good health and possesses health insurance coverage; and
 - (e) the person has not attained the age of sixty-five years.
- (3) The employer or former employer of a person referred to in subsection (2) may apply to —
- (a) the Work Permit Board or the Director of WORC; or
 - (b) where the employment relates to employment in Cayman Brac or Little Cayman, to the Cayman Brac and Little Cayman Immigration Board,
- for the grant or renewal of a Certificate for Commercial Farmhands in respect of that person.
- (4) Where, having received an application under subsection (3), the Work Permit Board or the Director of WORC is satisfied that the criteria in subsection (2) are met, the Work Permit Board or the Director of WORC, having regard to the criteria in section 58(3) and



on payment of the prescribed fee, may issue a Certificate for Commercial Farmhands, valid for five years from the date of issuance of the Certificate, to take effect —

- (a) on the expiry of the employee's final work permit or permission granted under section 66(4); or
- (b) in the event that the employee's final work permit or permission granted under section 66(4) has expired, on the date of the decision of the Board or the Director of WORC,

and the Certificate shall be renewable for one further period of five years, on application to the Board or the Director of WORC and on payment of the prescribed fee, if the criteria in subsection (2) remain satisfied.

- (5) On the issue of a Certificate for Commercial Farmhands, the name of the agricultural enterprise that is registered with the Department of Agriculture as a commercial agricultural producer shall be inscribed on the Certificate.
- (6) Where, during the currency of a final work permit or permission granted under section 66(4), an application had been made to the Work Permit Board or to the Director of WORC —
 - (a) for the grant of a Certificate for Commercial Farmhands where the applicant is eligible to make such an application; or
 - (b) for the renewal of a Certificate for Commercial Farmhands prior to the expiry of the current Certificate,

if the application —

- (i) has not yet been determined by the Work Permit Board or the Director of WORC; or
- (ii) has been refused by the Work Permit Board or the Director of WORC and that refusal has been appealed under section 21 to the Immigration Appeals Tribunal within the prescribed time for doing so,

notwithstanding the fact that the final work permit, the permission granted under section 66(4) or the Certificate for Commercial Farmhands has expired, it shall not be an offence for the employee to whom the application relates to continue to be engaged in gainful occupation on the same terms and conditions of the final work permit, the permission granted under section 66(4) or the Certificate for Commercial Farmhands while awaiting a notification of the determination of the application or appeal.

- (7) A Certificate for Commercial Farmhands shall not confer on the employee's spouse or civil partner or dependants any rights with respect to residence and employment in the Islands.
- (8) An application for the renewal of a Certificate for Commercial Farmhands, where the applicant was eligible to make the application, may be refused and a Certificate may be revoked by the Work Permit Board or the Director of WORC if —
- (a) the employee named in the Certificate ceases to be employed by the employer named in the Certificate;
 - (b) the person named in the Certificate as being the employer dies or becomes in the opinion of the Work Permit Board or the Director of WORC no longer capable of holding the Certificate;
 - (c) the agricultural enterprise named in the Certificate is dissolved or ceases to operate; or
 - (d) in the opinion of the Work Permit Board or the Director of WORC, any of the matters referred to in section 51(1)(a), (c), (d), (e), (f), (g), (h), (k) or (n) applies to the employee named in the Certificate.
- (9) Where the employment arrangement between the employee and the employer who is the Certificate holder ceases or the Certificate holder or the agricultural enterprise named in the Certificate is dissolved or ceases to operate, the employee named in the Certificate or the employer who is the Certificate holder shall inform the Board or the Director of WORC within thirty days of the cessation or dissolution, and failure to do so is an offence for which both the Certificate holder and the employee named in the Certificate are liable.
- (10) Unless the employee named in the Certificate for Commercial Farmhands is allowed to remain under another provision of this Act, the employee shall leave the Islands where —
- (a) a Certificate for Commercial Farmhands expires and no application is made for its renewal;
 - (b) an application for renewal of a Certificate for Commercial Farmhands is not permitted to be made; or
 - (c) an application for renewal of a Certificate for Commercial Farmhands is made but is refused and no appeal has been made, and neither the Board nor the Director of WORC shall grant or renew a work permit for the employee for at least one year after the employee has left the Islands.



- (11) A Certificate for Commercial Farmhands ceases to be valid on the holder of the Certificate attaining the age of sixty-five years.”.

Amendment of section 50 - Residency Certificate (Substantial Business Presence)

20. The principal Act is amended in section 50 by repealing subsection (10) and substituting the following subsections —

“(10)When paying the prescribed annual fee the holder shall also submit a declaration signed by the holder confirming —

- (a) that the holder’s permission to operate or work in the business has not been lost as a result of the revocation or non-renewal of a required licence;
- (b) that the holder was physically resident in the Islands for a minimum of ninety days in aggregate in the preceding calendar year; and
- (c) any other particulars as may be prescribed in respect of the holder and the holder’s dependants.

(10A)The failure of the holder of a Residency Certificate (Substantial Business Presence) issued under subsection (3) to provide the declaration under subsection (10) is an offence and a ground for revocation of the Residency Certificate (Substantial Business Presence).”.

Amendment of section 51 - general provisions relating to loss of permanent residency

21. The principal Act is amended in section 51(1) as follows —

- (a) by repealing paragraph (f) and substituting the following paragraph —

“(f) the person is suffering from mental impairment or a serious mental illness as defined in the *Mental Health Act (2023 Revision)* that makes that person’s continued residence in the Islands dangerous to the community;”;

- (b) by repealing paragraph (j) and substituting the following paragraph —

“(j) the person fails to make the annual declaration as required by section 37(12), 38(10), 40(1D), 47(12) or 50(10), as applicable;”;

- (c) by inserting after paragraph (l) the following paragraphs —

“(la) either the Board or the Director of WORC is of the opinion that the person is not financially supporting or contributing positively to the life of the person’s Caymanian child who was referenced in the application for permanent residence for the

- purposes of demonstrating that the person possesses close Caymanian connections;
- (lb) there are reasonable grounds for suspecting that the marriage of the holder, being the spouse of a Caymanian, is a marriage of convenience and which have led the Board or the Director of WORC to conclude that the marriage is a marriage of convenience;
 - (lc) there are reasonable grounds for suspecting that the civil partnership of the holder, being the civil partner of a Caymanian, is a civil partnership of convenience and which have led the Board or the Director of WORC to conclude that the civil partnership is a civil partnership of convenience;”.

Amendment of section 52A - mandatory vaccinations for persons specified under Part 6

- 22.** The principal Act is amended in section 52A(5) by inserting after the words “under section 49 for a Certificate for Specialist Caregivers” the words “or under section 49A for a Certificate for Commercial Farmhands”.

Insertion of section 52C - references to “special circumstances” in certain sections

- 23.** The principal Act is amended by inserting after section 52B the following section —

“References to “special circumstances” in certain sections

52C.For the purposes of sections 37(21), 38(4)(b), 40(2D)(b), 44(1), 47(9) and 50(8), special circumstances shall be taken to mean instances where the child remains involuntarily either wholly or substantially dependent on the holder as a result of a physical or mental disability.”.

Amendment of section 53 - persons exempted

- 24.** The principal Act is amended in section 53 as follows —

- (a) in subsection (1), as follows —
 - (i) in paragraph (a), by repealing subparagraph (i) and substituting the following subparagraph —
 - “(i) any of the following persons in respect of that person’s employment —
 - (A) judges of the Grand Court for the Cayman Islands;
 - (B) judges of the Cayman Islands Court of Appeal;
 - (C) magistrates; and
 - (D) persons employed by the Parliament Management Commission;”; and



- (ii) in paragraph (b), by deleting the word “prescribed” and substituting the words “determined by the Cabinet”;
- (b) in subsection (2), by deleting the words “(i) to (v)”;
- (c) by inserting after subsection (2), the following subsection —
 - “(3) The following provisions under this Part do not apply with respect to the employment of non-Caymanian persons as civil servants —
 - (a) section 56;
 - (b) section 58;
 - (c) section 59;
 - (d) section 60;
 - (e) section 61;
 - (f) section 63;
 - (g) section 65;
 - (h) section 66, except where expressly provided otherwise; and
 - (i) section 67.”.

Amendment of section 55 - who may be gainfully employed

25. The principal Act is amended in section 55 as follows —

- (a) in subsection (1) as follows —
 - (i) in paragraph (d), by deleting the word “or” appearing at the end of the paragraph; and
 - (ii) by inserting after paragraph (d) the following paragraph —
 - “(da) the person is employed as a civil servant; or”; and
- (b) in subsection (2), by inserting after paragraph (e) the following paragraph —
 - “(ea) the person is employed as a civil servant;”.

Amendment of section 58 - consideration of application for work permit by Board etc

26. The principal Act is amended in section 58 as follows —

- (a) in subsection (2), by repealing paragraph (b) and substituting the following paragraph —
 - “(b) the prospective employer, unless exempted by the Cabinet, the Board or the Director, has —
 - (i) paid the prescribed non-refundable fee to register the vacancy to which the application relates for the vacancy to be posted on an electronic portal established and

- managed by WORC for twenty-one days before the submission of the application; and
- (ii) advertised the vacancy to which the application relates in a local newspaper or other prescribed media for twenty-one days before the submission of the application, in order to ascertain the availability of any one or more of the following in the order in which they are listed —
- (A) a Caymanian;
- (B) the holder of a Residency and Employment Rights Certificate issued under section 37(5), (16), or (16C) or section 38; and
- (C) a person legally and ordinarily resident in the Islands who is qualified and willing to fill the position; and”;
- (b) by repealing subsection (2B); and
- (c) in subsection (3), by repealing paragraph (d) and substituting the following paragraph —
- “(d) whether the proposed salary or the resources of —
- (i) the worker; and
- (ii) where the worker’s spouse or civil partner is employed within the Islands, the worker’s spouse or civil partner, are able to support the worker and, if applicable, the worker’s spouse or civil partner; and where there are dependants, whether the proposed salary or the resources meet the prescribed financial standing requirements to be able to support the dependants;”.

Repeal and substitution of section 64 - change of employer

- 27.** The principal Act is amended by repealing section 64 and substituting the following section —

“Restriction on changing employer

- 64.** (1) A person who is the holder of a work permit shall not change the person’s employer within the first two years of the grant of the work permit.
- (2) Notwithstanding subsection (1), a person who holds a work permit as a domestic helper may change the person’s employer within the first two years of the grant of the work permit if the person is seeking to be employed by another employer as a domestic helper.
- (3) Subject to subsections (4), (5) and (6), where a person who is the holder of a work permit terminates his or her employment within the



first two years of the grant of the work permit and the circumstances in subsection (2) do not apply, the person shall leave the Islands for a period of not less than one year before any other prospective employer is able to apply for a work permit in respect of the person.

- (4) A person who is the holder of a work permit and who terminates his or her employment within the first two years of the grant of the work permit in circumstances other than those set out in subsection (2) may apply to the Director of WORC in the prescribed form and manner to be exempted from the requirement to leave the Islands for a period of not less than one year before any other prospective employer is able to apply for a work permit in respect of the person.
- (5) An application under subsection (4) shall be accompanied by —
 - (a) proof that during the person’s employment there existed certain prescribed circumstances; and
 - (b) any other particulars as may be prescribed.
- (6) Where an application is made under subsection (4), the person shall be permitted to reside in the Islands, but not to work, while awaiting a notification of the determination of that person’s application.
- (7) This section does not apply where the holder of the work permit is an employee of a statutory authority or government company who is engaged as a government employee in a specified ministry or portfolio by the Head of the Civil Service in accordance with section 20(1)(c) of the *Public Service Management Act (2018 Revision)* in order to give effect to an administrative re-arrangement of ministry or portfolio responsibilities.”.

Amendment of section 66 - term limits

28. The principal Act is amended in section 66 as follows —

- (a) by repealing the section heading and substituting the following section heading —

“Term limits for workers”;

- (b) in subsection (1), as follows —
 - (i) in paragraph (a), by deleting the word “or” appearing at the end of the paragraph;
 - (ii) in paragraph (b), by deleting the comma appearing at the end of the paragraph and substituting a semi-colon; and
 - (iii) by inserting after paragraph (b) the following paragraphs —
 - “(c) the date of commencement of the *Public Service Management (Amendment) Act, 2025*, if the worker was, on the

- commencement of that Act, employed as a civil servant and then became a worker; or
- (d) the date on which the worker first entered the Islands, if the worker first entered the Islands after the commencement of the *Public Service Management (Amendment) Act, 2025* as a civil servant and then became a worker.”;
- (c) by repealing subsection (2) and substituting the following subsection —
- “(2) A worker who leaves the Islands before the expiration of the worker’s term limit and who has ceased to hold a work permit for not less than one year, may —
- (a) apply for and be granted a new work permit and shall, on the grant of the new work permit, have a new term limit as provided for in subsection (1); or
- (b) apply to be employed as a non-Caymanian civil servant in which case, section 66B shall apply if the person becomes employed as a non-Caymanian civil servant.”;
- (d) by repealing subsection (9) and substituting the following subsection —
- “(9) A person who, as an approved dependant, accompanies to the Islands —
- (a) a person who is a worker; or
- (b) a person employed by the Government of the United Kingdom, in the Islands,
- may become a worker or a civil servant but that person’s term limit shall be deemed to have commenced on the date on which that person was first within the Islands as an approved dependant and that person shall be thereafter subject to the provisions of this section, as if that person had first entered the Islands as a worker, or section 66B, as if that person had first entered the Islands as a non-Caymanian civil servant, as applicable.”;
- (e) in subsection (10) as follows —
- (i) in paragraph (a), by repealing subparagraphs (i), (ii) and (iv);
- (ii) by repealing paragraphs (b) and (c) and substituting the following paragraphs —
- “(b) in respect of whose marriage the Board or the Director of WORC is of the opinion that there are no reasonable grounds for suspecting that the marriage is a marriage of convenience;
- (c) in respect of whose civil partnership the Board or the Director of WORC is of the opinion that there are no reasonable grounds



for suspecting that the civil partnership is a civil partnership of convenience;”;

- (iii) by deleting the words “during the currency of the spouse’s or the civil partner’s work permit or” and substituting the words “during the currency of the spouse’s or the civil partner’s”;
- (iv) by deleting the words “with the Government of the Islands or”; and
- (v) by repealing subparagraph (i) that appears after the words “and the Board or the Director of WORC may —”;
- (f) by inserting after subsection (10) the following subsection —

“(10A) Where a person who is the holder of a work permit marries or enters into a civil partnership with a person who is also the holder of a work permit, the term limit that is applicable to both persons is that of the person in the marriage or civil partnership who has less time remaining until the expiration of that person’s term limit.”; and
- (g) in subsection (13), by deleting the words “subsection (10)(d)” and substituting the words “subsection (10)(c)”.

Insertion of sections 66A, 66B and 66C - exemption from term limits under section 66; term limits for non-Caymanian civil servants; exemption from term limits under section 66B

29. The principal Act is amended by inserting after section 66 the following sections —

“Exemption from term limits under section 66

- 66A.**(1) The Cabinet may make regulations exempting a class of workers or a category of a class of workers from the term limit requirement under section 66.
- (2) An exemption referred to in subsection (1) may be unconditional or subject to any conditions or for such purposes as may be prescribed.

Term limits for non-Caymanian civil servants

- 66B.**(1) Subject to subsections (3), (4), (6), (8), (9) and (10), the term limit of a non-Caymanian civil servant shall be nine years commencing with —
- (a) the date of commencement of the *Public Service Management (Amendment) Act, 2025*, if the non-Caymanian is employed as a civil servant as at the date of commencement of that Act;
 - (b) the date on which the non-Caymanian first entered the Islands, if the non-Caymanian entered the Islands as a civil servant after the commencement of the *Public Service Management (Amendment) Act, 2025*;

- (c) subject to paragraph (a), the date of commencement of the non-Caymanian's contract of employment as a civil servant, if the non-Caymanian first entered the Islands as a tourist visitor; or
- (d) the date on which the non-Caymanian first entered the Islands, if the non-Caymanian first entered the Islands as a worker and then became a civil servant,

whether the contracts of employment are granted and held continuously or not; and on the expiration of the non-Caymanian's term limit, the non-Caymanian shall leave the Islands and shall not be employed as a civil servant or be granted a work permit by the Board or the Director of WORC until the non-Caymanian has ceased to be employed as a civil servant for not less than one year after the person has left the Islands.

- (2) A non-Caymanian civil servant who leaves the Islands before the expiration of the non-Caymanian civil servant's term limit and who has ceased to be a non-Caymanian civil servant for not less than one year, may —
 - (a) apply for and be granted a work permit and shall, on the grant of the work permit, have a new term limit as provided for in section 66(1), and section 66 shall apply in respect of that person; or
 - (b) apply to be employed as a non-Caymanian civil servant in which case, this section shall apply if the person becomes employed as a non-Caymanian civil servant.
- (3) Where a person is eligible to apply and has applied for permission to reside permanently in the Islands under section 37 during the currency of the person's employment as a non-Caymanian civil servant, the person —
 - (a) shall comply with the relevant requirements under the *Public Service Management Act (2018 Revision)*; and
 - (b) if the person is seeking to become a worker, apply to the Director of WORC for permission —
 - (i) to continue working on the same terms that applied to that person by operation of law; or
 - (ii) to add or delete a dependant,and such permission may be granted or renewed by the Director of WORC until such time as that person's application or any appeal arising from it is determined.
- (4) A person who intends to work by operation of law shall first submit, or cause to be submitted, that person's passport to WORC and that



person's passport shall be endorsed acknowledging that person to be working by operation of law.

- (5) A person who fails to comply with subsection (4) commits an offence.
- (6) Where a person is working under permission granted under subsection (3) and —
 - (a) the person's application for permission to reside permanently in the Islands has been unsuccessful and an appeal has not been filed within the time allowed for doing so; or
 - (b) having filed for permission to reside permanently in the Islands the person has been unsuccessful and all further appeals have been exhausted,

and in either event that person's term limit has expired, the person is entitled to continue receiving permission under subsection (3) for a period not exceeding ninety days from the date of the communication to that person of such refusal or the determination of any appeal or proceedings arising from the appeal, whichever shall be the later, and after such period expires that person shall leave the Islands; and neither the Board nor the Director of WORC shall issue or renew a work permit for the person until the person has ceased to hold a work permit for not less than one year thereafter nor shall the person be employed as a non-Caymanian civil servant until the person has ceased to be so employed for not less than one year thereafter.

- (7) A person who, as an approved dependant, accompanies to the Islands a person who is a non-Caymanian civil servant may become a worker or a civil servant but that person's term limit shall be deemed to have commenced —
 - (a) in the case of an approved dependant who becomes a worker, on the date on which that person was first within the Islands as an approved dependant and that person shall be thereafter subject to the provisions of section 66 as if that person had first entered the Islands as a worker; or
 - (b) in the case of an approved dependant who becomes a civil servant, on the date of commencement of the term limit of the non-Caymanian civil servant in respect of whom the person is an approved dependant, and that person shall be thereafter subject to the provisions of this section as if that person had first entered the Islands as a civil servant.
- (8) A person —
 - (a) who is married to, or in a civil partnership with —

- (i) a non-Caymanian civil servant; or
 - (ii) a person who is working by operation of law with the permission granted under subsection (3) or (6),
and whose right to work in the Islands will expire before that of that person's spouse or civil partner;
 - (b) in respect of whose marriage the Board or the Director of WORC is of the opinion that there are no reasonable grounds for suspecting that the marriage is a marriage of convenience;
 - (c) in respect of whose civil partnership the Board or the Director of WORC is of the opinion that there are no reasonable grounds for suspecting that the civil partnership is a civil partnership of convenience;
 - (d) who is not living apart from his or her spouse or civil partner under a decree of a competent court or under a deed of separation; and
 - (e) who has not lived apart from his or her spouse or civil partner for an aggregate period of three months out of the twelve months immediately preceding the application for the grant in circumstances that, in the opinion of the Board or the Director of WORC, have led it to conclude that the marriage or civil partnership has broken down,
during the currency of the spouse's or the civil partner's contract of employment as a non-Caymanian civil servant or in the period during which his or her spouse or civil partner is working by operation of law with permission granted under subsection (3) or (6), may apply for the grant of a work permit or the renewal of an existing work permit.
- (9) Where an application is made under subsection (8), the Board or the Director of WORC may —
- (a) grant the application subject to the limitations on employment of non-Caymanian civil servants under the *Public Service Management Act (2018 Revision)*; or
 - (ii) grant the application for a period not exceeding that of the period for which his or her spouse or civil partner is working by operation of law or under permission granted under subsection (3) or (6).
- (10) A person working under subsection (8) whose spouse or civil partner is granted permanent residence under section 37 and who has applied for a Residency and Employment Rights Certificate as the spouse or civil partner of a permanent resident under section 37(16) will not



lose his or her right to work and may continue to be granted work permits until the final determination of his or her application where that application was submitted within ninety days of the grant of his or her spouse's or civil partner's permanent residence.

- (11) Where a work permit has been granted to a worker under subsection (9) and the worker's spouse or civil partner ceases to have the right to work and is required to leave the Islands, the work permit granted shall automatically terminate on the date on which the worker's spouse or civil partner ceases to have the right to work and the worker shall leave the Islands and not be entitled to the grant or renewal of any further work permits until the worker has ceased to hold a work permit for not less than one year after the worker has left the Islands.
- (12) The Board or the Director of WORC, in calculating under subsection (8)(e), the period of time that an applicant has spent apart from his or her spouse or civil partner, shall not take into account those occasions when either spouse's or civil partner's absences were because of medical, educational, business, vacation or other analogous circumstances.
- (13) On the grant or renewal of a contract of employment as a non-Caymanian civil servant, the non-Caymanian civil servant shall be notified by the Board or the Director of WORC of the person's term limit and its expiration date for the purposes of this Act.
- (14) Where a non-Caymanian civil servant is granted a temporary exemption under the *Public Service Management Act (2018 Revision)* —
 - (a) the non-Caymanian civil servant —
 - (i) shall not be considered to be in the Islands unlawfully for the duration of the temporary exemption;
 - (ii) shall not seek to be employed as a worker for the duration of the temporary exemption or to otherwise operate in a manner that would contravene the provisions of this Act as it relates to term limits; and
 - (iii) may, during the period of the temporary exemption, apply for permanent residence under section 37; and
 - (b) unless the non-Caymanian civil servant is granted permanent residence under section 37, after the period of the temporary exemption expires the non-Caymanian civil servant shall leave the Islands and shall not be issued a work permit or employed as a non-Caymanian civil servant for a period of not less than one year.

Exemption from term limits under section 66B

- 66C.** (1) Where an exemption relating to the appointment or reappointment of a non-Caymanian as a civil servant is granted under the *Public Service Management Act (2018 Revision)*, that exemption shall be treated as an exemption from the term limit requirement under section 66B for the period of the exemption granted under the *Public Service Management Act (2018 Revision)*.
- (2) Where an exemption referred to under subsection (1) is granted, the appointing officer in respect of the relevant non-Caymanian civil servant shall notify the Cabinet in writing of the exemption within thirty working days after the decision to grant the exemption is made.
- (3) For the purposes of this section, “**appointing officer**” means, in relation to the non-Caymanian civil servant who has been granted the exemption, the person with responsibility for the appointment or reappointment of that non-Caymanian civil servant, being —
- (a) the Governor;
 - (b) the Head of the Civil Service; or
 - (c) the relevant chief officer, or the relevant head of department or other manager in the relevant civil service entity with delegated authority from the chief officer to make personnel decisions.”.

Amendment of section 67 - work permit fees

- 30.** The principal Act is amended in section 67 by inserting after subsection (2) the following subsections —

- “(2A) Notwithstanding section 72(2)(f), the Director, after consultation with the Minister, may prescribe by notice the fee for a work permit or temporary work permit in a case where an occupation for which a work permit or temporary work permit is being sought is not prescribed.
- (2B) A fee prescribed under subsection (2A) shall not exceed the highest annual work permit fee prescribed under section 72(2)(f).
- (2C) The Director shall cause a notice specified under subsection (2A) to be published in the *Gazette*.”.

Amendment of section 70 - marriages and civil partnerships of convenience

- 31.** The principal Act is amended in section 70 by inserting after subsection (3) the following subsections —

- “(4) For the purposes of determining whether there are reasonable grounds for suspicion under subsection (2) or (3), the marriage officer, Registrar, Civil Registrar or civil partnership officer —



- (a) shall request the prescribed information from the parties to the intended marriage or the marriage, or the intended civil partnership or the civil partnership; and
 - (b) for the purposes of confirming the information provided by the parties, may request relevant documentary evidence, and the failure to comply with any such request shall be taken into account by the marriage officer, Registrar, Civil Registrar or civil partnership officer, unless there are exceptional circumstances that have caused the non-compliance.
- (5) The power to require the production of a document under subsection (4)(b) shall be construed as including a power to take copies of the document and to retain the document for a reasonable time for the purpose for which it was requested.”.

Insertion of section 71A - reissue of documents and provision of duplicates

32. The principal Act is amended by inserting after section 71 the following section —

“Reissue of documents and provision of duplicates

71A. The Director of WORC may re-issue any certificate or document and provide a duplicate of any licence or permit granted under this Act —

- (a) on the application, in such form and manner as may be prescribed, by the person to whom the original was issued or granted; and
- (b) on the payment of any fees as may be prescribed.”.

Amendment of section 72 - regulations

33. The principal Act is amended in section 72 as follows —

- (a) in subsection (2) as follows —
 - (i) by inserting after paragraph (e) the following paragraph —

“(ea) prescribe the information to be requested under section 70(4);”; and
 - (ii) by repealing paragraph (f) and substituting the following paragraphs —

“(f) prescribe the fees payable under this Act by a person or category of persons in respect of —

 - (i) an application, licence or permit granted;
 - (ii) a certificate or other document issued;

- (iii) a reissue of any certificate or document or any duplicate of any licence or permit referred to under subparagraphs (i) and (ii); and
 - (iv) the registration of a vacancy for it to be posted on the electronic portal established and managed by WORC, pursuant to section 58;
- (fa) prescribe the time or the intervals at which the fees under paragraph (f) are payable;
- (fb) provide for the refund, waiver or reduction of the fees under paragraph (f), which may include the circumstances under which the fees may be refunded, waived or reduced;” and
- (b) by inserting after subsection (2) the following subsections —
 - “(3) Regulations made under this Act may prescribe that the contravention of the regulations constitutes an offence for which the person is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for a term of two years, or to both.
 - (4) The power of the Cabinet to make regulations under this Act includes the power to —
 - (a) make different provision in relation to different categories of persons or in relation to different cases or circumstances; and
 - (b) provide for such exceptions, limitations or conditions and make such consequential or transitional provisions as the Cabinet considers necessary or expedient.”.

Insertion of section 75A - offence to submit false information concerning financial standing

34. The principal Act is amended by inserting after section 75 the following section —

“Offence to submit false information concerning financial standing

75A.Where a person is required under this Act to satisfy certain financial standing requirements and the person provides false information in relation to the person’s financial standing —

- (a) the person commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of one year, or to both; and
- (b) the provision of that false information by the person is a ground for revocation of the relevant Certificate or work permit.”.

Insertion of section 83A - further transitional matters

35. The principal Act is amended by inserting after section 83 the following section —



“Further transitional matters

83A.(1) Where, prior to the commencement of the relevant amending section of the *Immigration (Transition) (Amendment and Validation) Act, 2025* —

- (a) an application was made under the principal Act and the application has not been determined on the date of commencement of the applicable amending section of the *Immigration (Transition) (Amendment and Validation) Act, 2025*; or
- (b) an appeal or an application for judicial review was made against a decision in respect of an application made under the principal Act and the appeal or the application for judicial review has not been determined on the date of commencement of the applicable amending section of the *Immigration (Transition) (Amendment and Validation) Act, 2025*,

the application, the appeal or the application for judicial review, as applicable, shall be determined as if the applicable amending section of the *Immigration (Transition) (Amendment and Validation) Act, 2025* had not come into force.

- (2) Subject to subsection (3), where any permit, certificate, visa, permission or exemption issued under the principal Act, the repealed *Immigration Act (2015 Revision)* or under any prior immigration law saved by the repealed *Immigration Act (2015 Revision)* is in force at the date of the commencement of the *Immigration (Transition) (Amendment and Validation) Act, 2025*, that permit, certificate, visa, permission or exemption shall continue in force until its expiration, loss or cancellation in accordance with the relevant Act.
- (3) Where, in relation to a person employed by the Health Services Authority or the University College of the Cayman Islands, there is in force at the date of the commencement of section 3(b)(iv) of the *Immigration (Transition) (Amendment and Validation) Act, 2025* any permission or exemption issued under the principal Act, the repealed *Immigration Act (2015 Revision)* or any prior immigration law saved by the repealed *Immigration Act (2015 Revision)*, that permission or exemption shall continue in force until —
 - (a) the expiration of the worker’s contract of employment; or
 - (b) the expiration of the period of one year after the date of commencement of the *Immigration (Transition) (Amendment and Validation) Act, 2025*,

whichever is greater.

- (4) Section 10(a) and (b) of the principal Act as amended by the *Immigration (Transition) (Amendment and Validation) Act, 2025* shall not apply to a person in respect of whom a certificate, permission or exemption —
- (a) is issued under —
 - (i) the principal Act;
 - (ii) the repealed *Immigration Act (2015 Revision)*; or
 - (iii) any prior immigration law saved by the repealed *Immigration Act (2015 Revision)*; and
 - (b) is in force at the date of the commencement of the *Immigration (Transition) (Amendment and Validation) Act, 2025*,
- and such a person may apply in accordance with the relevant Act under which the person's certificate, permission or exemption is issued for the grant of the right to be Caymanian under section 28(3) or (4) of the principal Act or under any other earlier analogous provision.
- (5) Where, on the date of commencement of section 18 of the *Immigration (Transition) (Amendment and Validation) Act, 2025*, a person holds a Certificate for Specialist Caregivers, the Certificate shall be renewable for one further period of five years as if that section of the *Immigration (Transition) (Amendment and Validation) Act, 2025* had not come into force.
- (6) Where, on the date of commencement of section 10(d), 14(h), 15(a), 17 or 20 of the *Immigration (Transition) (Amendment and Validation) Act, 2025*, a person holds a certificate referred to in the relevant provision, that person is required to comply with the requirement to file an annual declaration as set out in that provision.
- (7) Notwithstanding anything under the *Immigration (Transition) (Amendment and Validation) Act, 2025*, the term limit of a person who —
- (a) was a worker under the principal Act; and
 - (b) on or after the commencement of the provisions referred to in section 1(3) of the *Immigration (Transition) (Amendment and Validation) Act, 2025* becomes a civil servant,
- shall continue to run from the date on which the person became a worker and the end of that person's term limit shall be calculated based on that date and in accordance with the principal Act.



- (8) Section 58(2) of the principal Act as amended by the *Immigration (Transition) (Amendment and Validation) Act, 2025* shall not apply to an application under section 56 by a prospective employer where the application is made prior to the date of commencement of section 26(a) of the *Immigration (Transition) (Amendment and Validation) Act, 2025*; and the application shall be determined as if that provision of the *Immigration (Transition) (Amendment and Validation) Act, 2025* had not come into force.
- (9) For the purposes of this section —
- “**the principal Act**” means the *Immigration (Transition) Act (2022 Revision)* prior to being amended by the *Immigration (Transition) (Amendment and Validation) Act, 2025*; and
- “**University College of the Cayman Islands**” means the University College of the Cayman Islands established by section 3(1) of the *University College Act (2012 Revision)*.”

Validation

- 36.** (1) The payment of fees to, and the charging and collection of fees by, the Director of WORC, without statutory authority, for the re-issuing of any certificate or document or the provision of a duplicate of any licence or permit under the principal Act prior to the commencement of section 32 of this amending and validating Act are validated and considered as lawfully charged by, paid to and collected by the Director of WORC as if the Director of WORC was empowered under the principal Act as amended by this amending and validating Act to charge and collect those fees.
- (2) The fines determined by the court in respect of persons convicted for offences under regulations made under the principal Act and which were imposed —
- (a) without statutory authority; and
- (b) prior to the commencement of section 33(b) of this amending and validating Act,
- are validated and considered as lawfully imposed as if the court was empowered under the principal Act as amended by this amending and validating Act to impose those fines.

Orders or determinations by court not affected

- 37.** Section 36 does not affect any order or determination made by a court with respect to —
- (a) fees charged by, paid to or collected by the Director of WORC for the re-issuing of any certificate or document or the provision of a duplicate of any licence or permit prior to the commencement of section 32 of this amending and validating Act; or

- (b) fines imposed by the court on persons convicted of offences under regulations made under the principal Act prior to the commencement of section 33(b) of this amending and validating Act.

Passed by the Parliament the day of , 2025.

Speaker

Clerk of the Parliament

