



**Ministry of
Border Control,
Labour & Culture**
Cayman Islands Government

Caymanian Protection Act (formerly Immigration (Transition) Act)

FAQ's For The Immigration (Transition) Discussion White Paper

January 2025

gov.ky

FAQ'S FOR THE IMMIGRATION (TRANSITION) DISCUSSION WHITE PAPER

Caymanian Protection Act (formerly Immigration (Transition) Act)

1. What is the Caymanian Protection Act?

The Caymanian Protection Act is the proposed name for the Immigration (Transition) Act (2022 Revision). It has been renamed to better reflect its focus on protecting the rights and opportunities for Caymanians and residents.

Revenue Generating Measures and Fees

2. Why have fees related to WORC and CBC been updated?

Fees related to the Workforce Opportunities & Residency Cayman (WORC) and Customs and Border Control (CBC) agencies were last updated over a decade ago. The increase in the number of people residing in the Cayman Islands has created a demand for more resources, technology, and infrastructure. These updated fees help support the efficient functioning of both agencies.

3. What changes have been made to fees under the Act?

Key changes include:

- Requiring holders of the Certificate of Direct Investment and Residency Certificate (Substantial Business Presence) to submit an annual declaration, with penalties for non-compliance.
 - Allowing for the re-issuance of certificates and documents under WORC.
 - Adding provisions for refunding or waiving fees related to specific certificates, documents, and licences.
-

Amendments and Miscellaneous Updates

4. What other amendments have been made in the Bill?

Other amendments include:

- Granting discretion to the Caymanian Status and Permanent Residency Board to extend Residency and Employment Rights Certificates (RERCs) in cases of dissolution of marriage or civil partnership.
- Introducing a new provision to allow refunds of certain fees when a permanent resident becomes Caymanian.

- A new focus on the need to advertise job vacancies locally before applying for work permits.
-

Work Permits and Residency

5. What changes have been made to the term limit for work permits?

The Act has increased the term limit for work permits from 8 years to 9 years, after which individuals can apply for permanent residency.

6. What is the Certificate for Farmers?

The Certificate for Farmers is a new immigration facility designed to help local farmers, both in crops and livestock, stay in the Cayman Islands for up to 20 years. It can be renewed for a maximum of two 5-year terms, and applicants must provide proof of employment with an agri-business registered with the Department of Agriculture.

Caymanian Status and Naturalization

7. What changes have been made to the criteria for becoming Caymanian?

The Act now requires individuals to hold a Permanent Residency facility for 20 years before they can apply for Caymanian Status. For those married to a Caymanian, the waiting period has been extended to 13 years.

8. How has the process for confirming Caymanian status been streamlined?

The amendment allows individuals with generational connections to Cayman (i.e., those whose parents or grandparents are Caymanian) to be automatically confirmed as Caymanian without needing to formally apply in their own right, but instead based on their proven connectivity to an official applicant for confirmation.

Residency and Employment Rights Certificate (RERC)

9. What changes have been made to RERC?

The Act now requires proof of financial support from applicants seeking to continue their RERC based on having Caymanian children. If the applicant fails to prove they are financially supporting their children, their RERC may be revoked. The period before RERC holders can apply for naturalization has been extended to 13 or 20 years, depending on their marital status.

Information Sharing Between Government Agencies

10. What new provisions are included regarding information sharing?

The Act now allows for information sharing between government departments such as WORC, the Royal Cayman Islands Police Service, and the Department of Children and Family Services. This will help ensure that applications for Permanent Residency and Caymanian Status are thoroughly reviewed for potential risks or untoward behavior.

Financial Standing Requirements and Work Permits

11. What are the financial standing requirements for dependents on work permits?

The Act has clarified the financial standing requirements for work permit holders wishing to add a dependent. The financial requirement is set at CI\$3,500 per month for the primary income, plus CI\$500 for each dependent.

12. What happens if a work permit holder changes their job?

Work permit holders are required to leave the Islands if they change their job. However, they can apply for an exemption if they can provide evidence of one of the prescribed circumstances listed in the amendment regulations.

General Updates and Clarifications

13. What does the Act say about 'developed real estate'?

The Act includes a new definition for "developed real estate," which applies to Residency and Permanent Residency certificates. This refers to properties with buildings valued by a licensed surveyor at the prescribed amount.

14. How has the terminology for Caymanian Status been updated?

The Act rebrands certain categories for clarity. "Caymanian as of right" is now referred to as "Native Caymanian," and "Caymanian by entitlement" is now "Caymanian by dependency." These changes aim to better distinguish between those with generational ties to the Islands and those acquiring status through legal processes.