



**Ministry of
Border Control,
Labour & Culture**

Cayman Islands Government

THE IMMIGRATION (TRANSITION)

DISCUSSION WHITE PAPER

Consultation Overview

3 February 2025

SUBMISSIONS

The Ministry of Border Control, Labour & Culture invites the public to provide comments and feedback on the Immigration (Transition) Discussion White Paper.

Please note that any comments or feedback received may be made public, albeit on an anonymous basis where possible. Responses may also be shared with other public bodies to assist the Ministry with developing relevant policies.

All feedback is to be submitted directly, via email to publicconsultation@gov.ky. The deadline to respond to the Ministry is **5pm Monday, 3 March 2025**.

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Consultation Overview: Immigration (Transition) Discussion Draft

1. Purpose

- 1.1 The purpose of this Consultation Overview is to provide a synopsis of the proposed Immigration (Transition) Discussion White Paper. This Discussion White Paper aims to:
- a) Implement revenue-generating measures associated with Workforce Opportunities and Residency Cayman (WORC).
 - b) Improve the immigration framework to better address the evolving needs of the Cayman Islands.

2. Background

2.1 Legislative Amendments

- In December 2023, Cabinet approved drafting instructions to increase fees and fines related to WORC and Customs and Border Control (CBC).
- In May 2024, additional drafting instructions were approved, focusing on amendments to:
 - i. Work Permits
 - ii. Right to be Caymanian (Cayman Status)
 - iii. Residency and Employment Rights Certificate (RERC)/Permanent Residency
 - iv. Information Sharing
 - v. Definitions and
 - vi. Fees

2.2 Migration Context

The Cayman Islands, like other developed nations, faces a range of migration challenges. These include people relocating for economic opportunities, education, family reunification, or to escape conflicts or human rights violations. These global trends highlight the importance of a responsive and adaptive immigration framework.

Global immigration plays a significant role in shaping the economic, social, and cultural landscapes of many nations. For the Cayman Islands, with a national population of approximately 85,000 and an expatriate community making up over 60%, immigration has been an integral part of the islands' socioeconomic framework. The expatriate population has made important contributions to economic growth, particularly in key industries such as finance, tourism, and construction. At the same time, immigration presents certain challenges that require thoughtful consideration to ensure the long-term sustainability of the Islands' infrastructure, social harmony, and national identity.

The significant size of the expatriate community in relation to the local population can present challenges for social integration, potentially leading to misunderstandings or tensions between Caymanians and expatriates. Some members of the local population may feel concerned about preserving their cultural heritage and national identity amidst the growing presence of foreign workers.

To address these realities, it is imperative that our immigration legislation evolves to balance the need for effective migration management with the protection of Caymanian interests.

To ensure long-term sustainability, it is important to thoughtfully manage immigration so that the growth of the expatriate population aligns with the country's capacity to provide essential services. Additionally, a heavy reliance on a large expatriate workforce could make the Islands more susceptible to economic fluctuations and changes in global migration trends. A modernized framework will ensure that the Cayman Islands remains resilient in the face of shifting migration dynamics while fostering economic growth and social stability.

3. Key Amendments and Provisions

3.1 Renaming the Legislation

I. The Caymanian Protection Act

- The Immigration (Transition) Act (2022 Revision) will be renamed the Caymanian Protection Act to better reflect its purpose.

3.2 Revenue-Generating Measures

II. Fee Revisions

- Holders of Certificates of Direct Investment must file an annual declaration; failure to do so will be an offence and grounds for revocation.
- Residency Certificate holders (Substantial Business Presence) are also required to file annual declarations, with similar penalties for non-compliance.
- The Director of WORC will have the authority to reissue certificates or permits and charge associated fees.
- Refund, waiver, or reduction of fees will be formalized through new regulations.

3.3 Immigration Framework Improvements

III. Work Permits

- **Term Limit Extension:** The term limit for work permits will increase from 8 years to 9 years before eligibility for Permanent Residency (PR) application.
- **Certificate for Farmers:**
 - Introduced to support local agriculture and sustainability.
 - Renewable for 5 years, up to a maximum of 10 years (i.e.; Limited to two renewals).
- **Certificate for Specialist Caregivers:**
 - Spouses, civil partners, and dependents will not gain employment rights through this certificate.
- **Vacancy Advertising Requirements:**
 - Employers must advertise vacancies in local newspapers or prescribed media and on the WORC portal for two consecutive weeks (i.e., 14 days).

3.4 Right to be Caymanian (Cayman Status)

- Simplified application processes for individuals with generational ties to the Cayman Islands for formal confirmation of that person’s right to be Caymanian:
 - i. Applying in the prescribed form to the Director of WORC; or
 - ii. Becoming formally confirmed by the Director of WORC by virtue of the person’s connection with an applicant.
- Rebranding certain terms or providing a definition for terms included in the Act for clarity and acknowledgment of indigenous status:
 - i. “*Caymanian as of right*” to “*Native Caymanian*”,
 - ii. “*Caymanian by entitlement*” to “*Caymanian by Dependency*”, and
 - iii. “*Caymanian by Grant*” means any of the following persons who are granted the right to be Caymanian —
 - (a) a person who is a British Overseas Territories Citizen by reason of a certificate of naturalisation or registration issued under the British Nationality Act, 1981 or any Act preceding, amending or replacing that Act;
 - (b) a person who is a British Overseas Territories Citizen by virtue of the person’s connection with another overseas territory;
 - (c) a person who has been married to, or been in a civil partnership with, a Caymanian, pursuant to section 28(5);
 - (d) the surviving spouse or civil partner of a Caymanian, pursuant to section 28(7); or
 - (e) a person who —
 - (i) has attained the age of seventeen years;
 - (ii) is Caymanian by dependency, which status —
 - (A) will expire when that person attains the age of eighteen years; or
 - (B) has expired upon that person’s having attained the age of eighteen years; and
 - (iii) 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 for the grant of the right to be Caymanian.

3.5 Residency and Employment Rights Certificate (RERC)

- RERCs on the basis of marriage to PR holders will now have a 10-year duration before eligibility for Naturalization.
- RERCs on the basis of marriage to Caymanians will have a 7-year duration before eligibility for Naturalization.

- Continuation of RERC based on having Caymanian children now requires proof of financial and parental support.

3.6 Information Sharing

- WORC will collaborate with government entities like the Royal Cayman Islands Police Service, Customs and Border Control Service, the Director of Public Prosecution, the Department of Community Rehabilitation, the Department of Children and Family Services, the Department of Financial Assistance and the Scholarship Secretariat to:
 - Share information relevant to applications.
 - Promote collaboration on character assessments relating to the issuing and revocation of PR and Cayman Status applications.
 - Promote and facilitate the employment of Caymanians.

3.7 Other Definitions

- Introduced definitions for other terms like "developed real estate" and "by Descent" to clarify eligibility for various certificates and rights.

3.8 Other Key Amendments

- Financial standing requirements for adding dependents to work permits will now be detailed in legislation rather than internal policy.
- Work permit holders will be restricted from changing jobs without exiting the Cayman Islands for at least one year.

4. Discussion and Recommendations

- The proposed amendments reflect a balanced approach to:
 1. Generate revenue to sustain the operations of WORC.
 2. Improve transparency, equity, and efficiency within the immigration system.
 3. Protect the rights and interests of Caymanians while addressing the Islands' economic and labor demands.

4. Next Steps

1. Publish the Immigration (Transition) Discussion White Paper on relevant government websites.
2. Receive feedback and comments from the public on the Immigration (Transition) Discussion White Paper.
3. Review feedback and comments received to determine what will be utilised and included in the Immigration (Transition) (Amendment) Bill, 2025;
4. Finalise the Immigration (Transition) (Amendment) Bill, 2025; and
5. Authorize the Hon. Minister for Border Control, Labour, and Culture to table the Bill in Parliament at the earliest opportunity.

5. Conclusion

The Immigration (Transition) Discussion White Paper, represents a significant step forward in ensuring the Cayman Islands' immigration framework remains robust, fair, and aligned with the country's development priorities.