

CAYMAN ISLANDS



Immigration (Transition) Law, 2018

(Law 33 of 2018)

IMMIGRATION (TRANSITION) (WORK PERMIT) REGULATIONS, 2020

(SL 40 of 2020)

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Arrangement of Regulations

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CAYMAN ISLANDS**Immigration (Transition) Law, 2018
(Law 33 of 2018)****IMMIGRATION (TRANSITION) (WORK PERMIT)
REGULATIONS, 2020
(SL 40 of 2020)**

In exercise of the powers conferred by section 72 of the Immigration (Transition) Law, 2018 the Cabinet makes the following Regulations —

Citation and commencement

1. (1) These Regulations may be cited as the Immigration (Transition) (Work Permit) Regulations, 2020.
- (2) These Regulations come into force immediately after the *Immigration (Transition) (Amendment) Law, 2020* comes into force.

Amendment of the Immigration Regulations (2019 Revision)

2. The *Immigration Regulations (2019 Revision)*, in these Regulations referred to as the “principal Regulations”, are amended —
 - (a) by deleting the words “Chief Immigration Officer” wherever they appear and substituting the words “Director of WORC”;
 - (b) by deleting the words “immigration officer” wherever they appear and substituting the words “officer of WORC”;
 - (c) by deleting the word “subregulation” wherever it appears and substituting the word “paragraph”.



Amendment of regulation 2 - definitions

3. The principal Regulations are amended in regulation 2 by inserting the following definition in its appropriate alphabetical sequence —

“ “ **JobsCayman**” means the electronic job portal established and maintained by WORC pursuant to section 58 of the Law;”.

Repeal and substitution of regulation 4- applications for work permits

4. The principal Regulations are amended by repealing regulation 4 and substituting the following regulation —

“Applications for work permits

4. (1) An employer or prospective employer shall comply with section 58(2) of the Law in order to ascertain whether or not there is —
- (a) a Caymanian;
 - (b) a holder of a Residency and Employment Rights Certificate; or
 - (c) a person otherwise legally and ordinarily resident in the Islands, who is ready, willing and qualified to undertake the relevant job before making an application for the grant or renewal of a work permit in respect of a worker or prospective worker whose gainful occupation is sought to be authorized by the work permit.
- (2) Where, in addition to complying with section 58(2) of the Law, an employer or prospective employer also advertises a job locally or overseas in a written or online newspaper or other media —
- (a) the content of the advertisement used for that purpose shall be identical in substance to that which was approved for registering the job on JobsCayman;
 - (b) the advertisements shall be published simultaneously with the registering of the job on JobsCayman; and
 - (c) the employer or prospective employer shall submit copies of all such advertisements if the employer or prospective employer subsequently applies for a work permit for that job.
- (3) The Work Permit Board, the Business Staffing Plan Board, the Cayman Brac and Little Cayman Immigration Board and the Director of WORC or a delegate of the Director of WORC may, on the application of an employer or a prospective employer, each in its, his or her discretion, waive any provision relating to advertising or registration of a job but the employer or prospective employer must have applied for and received the waiver prior to the submission of



the application for the work permit in respect of which the waiver was sought.

- (4) The Work Permit Board, the Business Staffing Plan Board, the Cayman Brac and Little Cayman Immigration Board, the Director of WORC or any delegate of the Director of WORC shall not approve a work permit application where —
 - (a) the remuneration package that the employer or prospective employer stated in the work permit application exceeds the remuneration package stated in the advertisement on JobsCayman; or
 - (b) the content of a local or overseas advertisement is not identical in substance to the advertisement registered on JobsCayman.
- (5) Where a Caymanian has applied for a position, a Board, the Director of WORC or the Director's delegates shall, for the purpose of being satisfied of the matters specified in paragraph (1), take into account the following information supplied by the applicant for the work permit in the application or through JobsCayman —
 - (a) the names of all applicants for the post;
 - (b) the qualifications, working experience and background of all of the applicants;
 - (c) the reasons given for the choice of the successful applicant and for the refusal to employ the other applicants; and
 - (d) details of the employer or prospective employer's reasons for not employing a Caymanian, holder of a Residency and Employment Rights Certificate or person legally resident in the Islands who applied for the position.
- (6) An employer or a prospective employer shall state on a work permit application form whether the relevant position registered on JobsCayman was also advertised locally or overseas.
- (7) Unless an employer or a prospective employer has obtained a waiver under paragraph (3), a Board, the Director of WORC or the Director's delegates shall not consider an application for a work permit unless the requirements of paragraphs (1) and (2) have been complied with.
- (8) A person who, in purported compliance with paragraphs (1) and (2), registers, advertises or provides details that are incomplete, false or misleading commits an offence and is liable to a fine of five thousand dollars.”.



Amendment of regulation 17 - prescribed fees

5. The principal Regulations are amended in regulation 17 by inserting after paragraph (4) the following paragraph —

“(5) Where a work permit which was approved on or after 1st March 2020 ceases to be effective for whatever cause —

- (a) before the worker named in it has arrived in the Islands to take up the employment authorized by the work permit; or
- (b) where the worker named in it is in the Islands but has not commenced employment as authorized by the work permit,

the employer shall, where the employer submits a written declaration to WORC that the worker named in the work permit has not taken up his or her employment in the period between the granting of the work permit and its cessation, be entitled to a refund of all prescribed fees in relation to that work permit except for the application fee.”.

Amendment of Schedule 1 Part 2-subject to Part 3 the fees set out in this Part apply to persons employed in Grand Cayman, Cayman Brac and Little Cayman

6. The principal Regulations are amended in Schedule 1 in Part 2 by inserting before the row entitled “Annual work permit – grant” the following row —

“Section of Law	Registration of a job on JobsCayman by an employer or prospective employer	CI\$
58	Registration of a job by employer or prospective employer on JobsCayman	25”.

Made in Cabinet the 30th day of April, 2020.

Kim Bullings
Clerk of the Cabinet

