

Guidance for Form WT2 – Term Limit Exemption Permit (TLEP) Grant - Work Permit Board

Use this form:

When either:

- your final work permit expired on or after 28 September 2011 and you have not applied for permanent residence prior to the expiry of your final work permit;
- or as at 28 October 2011 you have been working by operation of law having applied for key employee designation and the application was subsequently refused,

and you wish to apply to the Work Permit Board for a Term Limit Exemption Permit.

Submission requirements:

In submitting this form you should enclose the following (where applicable):

- **Police Clearance Certificate**
A certified and signed police clearance certificate with respect to the prospective employee and their dependent spouse, if applicable, from their home district or last place of residence and issued within six months preceding the date of application. (Note: prospective employees and their spouses who are nationals of the United Kingdom and who were resident there six months immediately prior to coming to the Cayman Islands may submit a sworn affidavit attesting to good character in lieu of a police clearance certificate. United Kingdom nationals who have been living elsewhere must submit a police clearance certificate from that country).
- **Fees**
At the time of submitting application the following fees must be paid:
 - non-refundable administrative filing fee
 - TLEP fee for the equivalent work permit
 - dependant fee (per dependant)
- **Photographs**
One full face and one profile photograph (passport size)

- o Print name and date of birth on the back of the photograph.
 - o The photograph must be in colour and taken within the past 12 months, full face (shoulders and above), with no head covering.
 - o The photograph must have a white background.
 - o The photograph size should be between 45mm by 35mm (1.77 inches by 1.38 inches) and 63mm by 50mm (2.5 inches by 2 inches).
 - o The photograph should be un-mounted and printed on normal photographic paper.
 - o The photograph resolution must be at least 800 dots per square inch. Blurred photographs will not be accepted.
 - o Stick-on labels will not be accepted.
- **Cover Letter**

The employer must provide a letter addressed to the Secretary of the Work Permit Board setting out the reasons for needing to employ the prospective employee and providing any other information that might assist the Board in reaching its decision.
 - **Medical Questionnaire**

Unless the prospective employee has submitted a medical questionnaire in the three years immediately preceding your application for the grant of a TLEP, one must now be provided. Part 1 must be completed by the prospective employee; Part 2 must be completed by their physician and should bear his/her signature and seal or stamp. The original lab report showing the HIV/VDRL test results must also be provided. The HIV/VDRL tests must be taken within the six months preceding your application for the grant of a TLEP.

Note: Prospective workers from the following regions will be required to re-take the HIV/VDRL tests once in the Cayman Islands: Jamaica, Haiti, Dominican Republic, Honduras and Nicaragua.
 - **Advertisements**

Before submitting an application for the grant of a TLEP the prospective employer must, unless exempted to do so by the Governor or the Board, advertise the position in a local newspaper to ascertain the availability of a Caymanian, the spouse of a Caymanian, the holder of a Residency & Employment Rights Certificate or a person already legally and ordinarily resident in the Islands. The advertisement must appear in a local newspaper for at least two issues for two consecutive weeks. All responses received from persons in these categories must be forwarded to the Board with the TLEP application along with copies of their CVs. A copy of each advertisement (full page of the newspaper showing the date) must also be provided. A base

salary or a salary range must be stated in the advertisement along with the benefits being offered. It should be noted that the Board has no power to consider a TLEP application unless and until this requirement concerning advertising the position has been complied with.

Advertising is not required if the prospective employee is to be employed as:

- a labourer (including carpenter's helpers and mason's helpers)
- a farm worker
- a janitorial worker
- a gardener/landscaper
- a domestic helper
- a handyman
- a food and beverage server (full-time only: positions for part-time servers must be advertised)
- or any other unskilled position

or is otherwise exempted by prior approval from the Work Permit Board under Regulation 4(2) of the Immigration Regulations (2011 Revision).

The advertisement must contain the following information:

- a full and accurate description of the job to be filled; and
- a full and accurate description of the qualifications the prospective employer considers are necessary for carrying out the job and the reason for requiring those qualifications; and
- the number of years' experience required;
- the name and address of the employer or agency.

- Birth/Marriage Certificates

Where a spouse or a child has been included on the TLEP application form, the relationship to the employee must be proved by submitting marriage/ birth certificates as appropriate

- Additional Supporting Documentation for employees in certain employment sectors/positions

We require additional information and documentation for employees in certain employment sectors or positions:

- Hospitality Industry

If the prospective employee is to be employed as a diver, a copy of their PADI/NAUI certification must be provided.

- Professional/Managerial Positions

Notarised copies of the prospective employee's professional qualifications must be provided.

- In the case of health practitioners/nurses etc., please provide a certified copy of their license to practice by the Health Practitioners Board
- In the case of acupuncturists/chiropractors etc, please provide a certified copy of their licence to practice by the Council of Professions allied with Medicine (CPAM)
- In the case of teachers, please provide a certified copy of their licensing from the Educational Council
- In the case of professionals within the financial services industry whose positions are regulated by the Cayman Islands Monetary Authority (CIMA), please provide proof of such from the CIMA.

- Skilled/Supervisory Positions

Please provide notarised copies of the prospective employee's qualifications and details of the skills they possess that are relevant and required for the position for which they are being employed.

- Construction Industry

Please provide copies of signed contracts. In addition, building permits for all on-going construction projects and those to be undertaken must be submitted to support the application (if available)

- Plumbers: Please provide a copy of the prospective employee's current license from the Water Authority authorising them to operate as a plumber.
- Electrical Engineer/Master Electrician/Electrician/Wireman/Lineman: Please provide a copy of the prospective employee's current licence from the Electrical Licensing Board authorising them to operate as an electrician. The employer must also provide the ratio of electricians to electrical helpers employed within the company.

- Janitorial & Gardening Services

Please provide copies of signed contracts/agreements for provision of gardening or janitorial services that are in operation at the time of application or are to be undertaken. Alternatively, please complete Form A, listing the clients and contact details of persons to whom you provide service.

- **Farmers**
Please provide notarised copy of certification from the Department of Agriculture recognising the employer as a bona fide farmer
- **Drivers**
Please provide a notarised copy of the prospective employee's license from the Public Transport Board for the appropriate category of vehicle.
- **Domestic/Nanny/Caregiver**
Where the prospective employee is to care for the elderly or infirm, a supporting letter from a medical doctor should be provided which gives details of their medical condition. Where caring for a child/children the birth certificates of the child/children being cared for must be provided, unless these documents were previously provided.
- **English language requirements**
If the employee is not a national of an English-speaking country the Board will request an English Test upon the approval of a TLEP if they have noted one has not been required in the past or if they receive information that suggests that the applicant is not versed in the English language. In which case, the employee may be required to come to the Department of Immigration Headquarters to take an English test. If they are found not to possess a sufficient knowledge of the English language, they may have their permission to remain or work permit revoked.

Send the completed application to:

The Secretary to the Work Permit Board
P.O. Box 1098
Grand Cayman, KY1-1102
CAYMAN ISLANDS

What happens next?

If the application is approved, a letter will be sent to you notifying you of the decision and setting out the terms and conditions upon which you may work.

If the application is refused, there is a right of appeal to the Immigration Appeals Tribunal. You are allowed to continue to work up until the outcome of the appeal but no later than 28 October 2013.

Under the Law an applicant is required to provide a complete application which has been defined as above. Failure to comply with the above could result in a refusal by the Board.