

CAYMAN ISLANDS



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**THE IMMIGRATION LAW
(2011 REVISION)**

THE IMMIGRATION (AMENDMENT) (NO. 3) REGULATIONS, 2012

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In exercise of the powers conferred by section 99 of the Immigration Law (2011 Revision), the Governor in Cabinet makes the following Regulations-

1. These Regulations may be cited as the Immigration (Amendment) (No. 3) Regulations, 2012. Citation

2. The Immigration Regulations (2010 Revision) in these Regulations referred to as the “principal Regulations” are amended by repealing regulation 11 and substituting the following regulation- Amendment of regulation 11 of the Immigration Regulations (2010 Revision) – exemptions from requirement for work permit

“Exemptions from requirement for work permit

11. (1) A person arriving in the Islands for the purpose of engaging in any activities listed in subregulation (2) for a period not exceeding ten days is not required to obtain a work permit, on the condition that only such activities are engaged in and no other activity is carried out that would otherwise require a work permit.

(2) The activities referred to in subregulation (1) are-

- (a) attendance at trade fairs and making purchases from Cayman Islands businesses;
- (b) attendance at conferences and seminars as an ordinary participant;
- (c) the receiving of training, techniques and work practices employed in the Islands, where that training is confined to observation, familiarisation and classroom instruction and only if the person is employed by a company or organisation carrying on business outside the Islands;
- (d) being a representative of an overseas educational institution, to promote or to interview applicants for places at such institutions;
- (e) being a guest speaker at a conference or seminar where that event is a single or occasional event and not part of a commercial venture;

- (f) the organising or supervising of a conference or seminar for up to ten days' duration where it is a single or occasional event;
- (g) the participation in sporting events or trials or auditions in connection with such events;
- (h) the covering of a specific news assignment as a newspaper, magazine, radio or television journalist representing a recognised news organisation;
- (i) working for short periods on behalf of or for the non-profit or cultural organisations based in the Islands;
- (j) being a representative of a foreign manufacturer coming to service or repair products under warranty;
- (k) the giving of professional or expert testimony in court or arbitration proceedings;
- (l) working as a non-executive director of a business being carried on in the Islands where the person is not involved in the day to day operations in the Islands but is visiting in his capacity as a director only;
- (m) being a representative of an overseas entity coming to locally licensed businesses that are duly authorised by way of a dealership or franchise to sell the specific product line for the purpose of product and layout inspection, quality and public health testing /inspection;;
- (n) working for a private individual or household as a personal caregiver, chef, or personal attendant/advisor who is accompanying or who is coming to the Islands as a genuine tourist visitor for the actual duration of the period landed;
- (o) being a person coming to conduct an onboard inspection of foreign registered ships that are temporarily in the territorial waters of the Islands;
- (p) being a technician or engineer coming to repair equipment or carry out engineering services not covered by warranty but for safety inspection/certification purposes relating to aircraft, cruise and cargo ships registered or not in the Islands;
- (q) being a technician or engineer coming to carry out repairs on non-regularly scheduled vessels which

- are not owned or locally operated in the Islands;
- (r) arriving as a representative for an international relief organisation post natural disaster;
- (s) arriving on the invitation of a local insurance company as an insurance adjuster/evaluator post natural disaster;
- (t) being a foreign manufacturer, service provider, security specialist, special investigator, business consultant, strategist, advisor, trouble shooter, lobbyist or safety inspector coming at the invitation of the Cayman Islands Government to conduct business with and to assist the Cayman Islands Government;
- (u) being a person from an overseas office of a locally licensed entity trading in the Islands whose presence is required to provide training and instructional techniques to staff of a local entity;
- (v) arriving as a certified and licensed technician to carry out a specialised service which cannot be provided in the Islands;
- (w) attendance at shareholder or Board of Director meetings in that capacity;
- (x) any other activity at the discretion of an immigration officer of the rank of Senior Immigration Officer or above.”.

3. The principal Regulations are amended by inserting after regulation 13 the following regulation-

Occupations eligible for long term permits

“13A. For the purposes of section 48(2)(d) the following occupations in the reinsurance and fund administration industries are eligible for the grant of a work permit for a period of up to ten years-

- (a) Managing Director;
- (b) Chief Executive Officer;
- (c) General Manager;
- (d) Vice President;
- (e) Chief Financial Officer;
- (f) Chief Operating Officer;
- (g) Chief Underwriting Officer;
- (h) Chief Actuary;
- (i) Chief Reinsurance Underwriter;
- (j) Director, Fund Services;
- (k) Director, Client Services;

- (l) Fund Administration Manager (Fund & Investment); and
- (m) Manager, Fund Services.”.

Amendment of regulation 14 – required financial standing of applicant for Residential Certificate for Persons of Independent Means

4. The principal Regulations are amended in regulation 14 as follows-
- (a) in paragraph (a)(i) by deleting the word “fifty” and substituting the word “twenty”; and
 - (b) in paragraph (a)(ii) by deleting the words “seven hundred and fifty” and substituting the words “five hundred”.

Repeal of regulation 14A and substitution of regulations 14A, 14B and 14C

5. The principal Regulations are amended by repealing regulation 14A and substituting the following regulations-

“Investment requirement for applicants for Certificate of Direct Investment

14A. In pursuance of section 37A an applicant for a Certificate of Direct Investment shall satisfy the Chief Immigration Officer that he proposes to invest or has invested a sum of at least one million dollars in an employment generating business.”.

“Investment requirement for applicants for Certificate of Permanent Residence for Persons of Independent Means

14B. (1) In pursuance of section 34A an applicant for a Certificate of Permanent Residence for Persons of Independent Means shall satisfy the Chief Immigration Officer that he has invested one million six hundred thousand dollars in developed real estate in the Cayman Islands.

(2) The quota in respect of the number of Certificates that may be granted under section 34A is two hundred and fifty per annum.

(3) For the purposes of section 37A(9) and 37D(8) special circumstances shall be taken to mean instances where the child remains involuntarily either wholly or substantially dependent upon the holder as a result of a physical or mental disability.”.

“Establishment of a substantial business presence in the Islands

14C. (1) In considering whether an applicant under section 37D has established, or will establish, a substantial business presence in the Islands the Chief Immigration Officer shall take into account-

- (a) whether through the purchase or lease of commercial real estate the business has established a physical presence in the Islands; and

- (b) whether the business in question employs, or will employ, a minimum of four full-time employees who are legally and ordinarily resident in the Islands for a minimum of nine months in any calendar year.

(2) In pursuance of section 37D the following are approved categories of business-

- (a) fund administration;
- (b) brokerage services;
- (c) investment and fund management services;
- (d) investment banking;
- (e) financial trading (including foreign exchange, securities and derivatives);
- (f) captive insurance or reinsurance management services;
- (g) reinsurance underwriting;
- (h) actuarial services;
- (i) insurance claims management;
- (j) family office;
- (k) hedge fund incubation; and
- (l) any company registered as an exempted company under section 164 of the Companies Law (2011 Revision).

(3) In pursuance of section 37D(1)(b) a person whose occupation attracts an annual work permit fee of \$20,925 or above shall be deemed to be employed in a “senior management capacity”.

6. The principal regulations are amended in regulation 17 by renumbering subregulation (2) as subregulation (4) and inserting after subregulation (1) the following subregulations-

Amendment of
regulation 17 –
prescribed fees

“(2) Subject to subregulation (3), for the purposes of section 55(2)(b), no annual work permit fee shall be payable in respect of a work permit for the following occupations in the reinsurance and fund administration industries for a period of five years starting from the worker’s first arrival in the Islands-

- (a) Executive Administrative Assistant;
- (b) Personal Assistant;
- (c) Senior Administrative Assistant; and
- (d) Executive Secretary.

(3) In the case of a worker employed in the Islands in an industry and occupation referred to in subregulation (2), the exemption from the annual work permit fee shall not apply to any work permit granted or renewed prior to the coming into effect of the exemption but shall apply to permits granted or renewed subsequently until the worker has been resident in the Islands for a period of five years.”.

Amendment of the First Schedule - Fees

7. The principal Regulations are amended in Part 1 of the First Schedule-

(a) under the sub-Heading “Residency Certificate-Persons of Independent Means” by inserting after the category “Section 34(1) – Residency Certificate - Persons of Independent Means” the following items-

“Section 34A	Application for Certificate of Permanent Residence for Persons of Independent Means	500
	Issue fee for Certificate of Permanent Residence for Persons of Independent Means	100,000
	Issue fee where a dependant has been included in the original application for, or subsequently added to, a Certificate of Permanent Residence for Persons of Independent Means	1,000 per dependant
	Application to vary a Certificate of Permanent Residence for Persons of Independent Means	500”

and

(b) by inserting the following Notes-

Note 1: where a Certificate of Permanent Residence for Persons of Independent Means is varied to allow the right to work, an annual fee equivalent to that payable by a work permit holder in the same occupation is payable.

Note 2: where more than one occupation is authorised, the fee payable shall be the equivalent of whichever occupation attracts the higher fee.

Note 3: where a Certificate is varied to change occupation and the new occupation attracts a higher annual fee, the fee payable until the following anniversary date shall be the difference between that applicable to the former occupation and that of the new occupation. Thereafter the fee payable shall be the fee for the new occupation.

8. The principal Regulations are amended in Part 2 of the First Schedule-

- (a) under the heading “Annual work permit – Grant:” delete the item “Application for the grant of a work permit – 100” and substitute the following item-

“Application for the grant of a work permit
(other than a work permit in an occupation
exempted from annual work permit fees
under regulation 17(2)) 100

Application for the grant of a work permit
in respect of an occupation which is
exempted from the payment of annual work
permit fees under regulation 17(2) 1,000”;

- (b) under the heading “Annual work permit - Renewal” delete the item “Application for the renewal of a work permit – 100” and substitute the following items-

“Application for the renewal of a work
permit (other than a work permit in an
occupation exempted from annual work
permit fees under regulation 17(2)) 100

Application for the renewal of a work
permit in respect of an occupation which is
exempted from the payment of annual work
permit fees under regulation 17(2) 1,000”;

- (c) by inserting after Note 7 the following Note-

“8. Where the term “fee varies “is indicated, refer to Part 2 – Schedule of Annual Work Permit Fees in order to determine the accurate fee.”; and

- (d) under the Heading “Activities of households as employers of domestic personnel” by deleting “ Domestic Helper – 150 – 112.50 – 112.50” and substituting “Domestic Helper – 150 – 150 – 150”.

Made in Cabinet the 16th day of October, 2012.

Meredith Hew

Acting Clerk of the Cabinet.