



IMMIGRATION
CAYMAN ISLANDS

Task Force to Develop Accreditation System for Employers

Final Report

January 29, 2009

Project Overview

Overview

The Immigration Department was asked by Cabinet to develop a system that will allow businesses to pre-qualify with Immigration for work permits. This process is expected to create efficiencies in Immigration as well as providing businesses that are fully compliant with the legal framework to have more benefits.

Background

In an initial discussion, Immigration highlighted some of the key issues driving this process:

- Unprecedented economic growth has significantly increased the number of work permits processed through the current system
- There are presently 26,121 work permits in effect compared with 19,004 just 4 years ago
- Instances of employers acting unscrupulously or disregarding fair treatment of their employees has also increased significantly
- Need to ensure that before granting work permits to anyone, we must be satisfied that employers are complying with legal requirements (e.g. pension and health insurance)
- Equally, we must ensure that employers are fulfilling their responsibility to identify and train Caymanians for positions
- Employers that meet the required standards should receive some benefits

At present the Immigration Department has no means of verifying whether employers in general are complying with statutory requirements nor is there any system in place to reward employers who have a proven track record of compliance.

A working group comprised of representatives from the private sector, along with the Chief Immigration Officer and the Director of Work Permit Boards, volunteered their time to develop recommendations for the new system.

It was proposed that as a means of developing recommendation to submit to Cabinet, consideration be given to the following issues:

- Means of verifying whether an employer is complying with health and pension laws
- Means by which employers will be required to demonstrate their recruitment policy and training programmes with respect to the advancement of Caymanians
- The need to avoid the system requiring heavy investment of Department time in confirming the details provided by the employer
- Means of rewarding employers who are operating their business in full compliance as well as demonstrating best practice for recruiting, training and retaining Caymanians

Project Report

Step 1: Planning

The Task Force for developing a pre-qualification system held their first meeting on November 27th, 2008. The Task Force members are as follows:

- Franz Manderson – Immigration Department
- Sherryl Miller – Immigration Department
- Deborah Musson – Financial Services (HR)
- Karie Bergstrom – Financial Services, Tourism & Construction
- Nicolas Joseph – Legal
- Rohan Small – Financial Services
- Sheree Ebanks – Financial Services & Banking

Recommendations will be submitted in a report for Cabinet to review by January 15th, 2009. This short timeframe required the Task Force to meet regularly (once a week) until the report was finalized.

During this step it was also decided to gather ideas and concerns from the private sector on the development of a system. The Task Force also decided to invite key government stakeholders to a meeting to better understand their challenges in ensuring compliance with relevant laws.

Step 2: Data Collection

The Department of Employment Relations, the National Pensions Office and the Health Insurance Commission met with the Task Force and explained the challenges they have in ensuring companies are compliant with their legislation (i.e. The Labour Law, National Pensions Law and the Health Insurance Law).

The Task Force developed a short questionnaire using a web-based survey tool (Zoomerang) that was sent to the Council of Associations for distribution to the represented industry associations for distribution to members. The survey was closed on December 18th and results were analysed and compiled into a report (**See Appendix A for survey report**).

Research was completed on other similar systems in place in other countries. This data was gathered and compiled into a summarized report for review by the Task Force.

Project Report

Step 3: Analysis & Design

The Task Force reviewed all the data gathered and developed a draft system with key components. The balance of this report goes into more detail about the system. Key decisions about the system design were made and include the following:

- System will be called the “Immigration Accreditation System” to replace previous terminology of ‘good corporate citizen’. This name is used in New Zealand and the Task Force felt it is more closely related to the system’s purpose
- The system should have varying levels, known as “Tiers” that will allow small and large companies to gain accreditation and to align unique differences in businesses by industry sectors
- The system must have an objective method for scoring companies and a point system was developed for this purpose
- The application process must be efficient, inexpensive and easy for companies to complete

Step 4: System Testing

Once the system was designed, the Task Force applied the criteria and point system to their respective businesses to initially test the system. Areas that created challenges were adjusted and the final system was developed.

It was agreed that once Cabinet has reviewed the report and agreed in principle with the concept, the Task Force will hold work sessions to explain and distribute the system to private sector businesses for public consultation. It is expected that the private sector will give feedback to the Task Force for consideration in the final system design.

Further company testing will be carried out in the next phase of the project.

Step 5: Reporting

The following slides consist of the report and components of the system and include the following:

- System Criteria
- Point System
- Tier System
- Administrative and Application Processing
- Review and Compliance



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Accreditation System for Employers

System Criteria

Accreditation System Criteria

Criteria:

I. Maintaining a High Standard of Business Ethics

- Proof of trade & business license or relevant license (i.e. Trade & Business License, Accommodation License, Liquor license, Builders License, Mutual Funds License, Legal Practitioners License, Health practitioners License)
- Certificate of Good Standing from Registrar of Companies
- Proof of compliance with the National Pensions Law
- Proof of compliance with the Health Insurance Law
- Compliance with the Immigration Law
- Compliance with the Labour Law
- Evidence of a viable business operation in the Cayman Islands
- Evidence of Employment Contracts

II. Talent Development Programmes

- In-house training programmes
- Average hours of training for Caymanian employees each year
- OTJ Training programmes/Apprenticeship programmes for Caymanians
- Employee and external scholarships for Caymanians
- Promotions of Caymanians in the last 12 months (ratio of overall workforce)
- Participation in local educational programmes (i.e. school programmes, mentoring, work experience, job fairs)
- Sponsorship of youth leadership programmes (e.g. Junior Achievement)
- Provide cultural awareness training for all employees

III. Employment Practices

- Fair and equitable pay practices
- % Caymanians as employees (to be further defined by industry)
- % Caymanians in Management (to be further defined by industry)
- Health & Safety practices (defined by industry – i.e. work environment, safety equipment for staff, fire safety & codes)
- Disaster Preparedness programme

IV. Community Programmes

- Sponsorship of non-profit organisation programmes listed below
- Staff hours donated to community service.
- Participation in any of the following programmes in conjunction with donated hours awards additional points:
 - School literacy programmes
 - Disability assistance programmes
 - Youth programmes
 - Elderly assistance programmes
 - Counseling programmes
 - Rehabilitation of offenders programmes
 - Arts Programmes
 - Cultural Preservation Programmes
 - Environmental Preservation Programmes
- External scholarship programmes for Caymanians in unrelated field
- Service on government boards

V. Business Sector

- Participation in developing business in a particular industry or field that is currently under-developed and desirable

VI. Business Ownership

- Evidence of Caymanian ownership
 - Evidence of profit sharing in accordance with shareholding



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Point System

Point System

Maintaining a High Standard of Business Ethics

Factor	Points (Mandatory 350 pts)
<ul style="list-style-type: none"> • Proof of trade & business license or relevant license (i.e. Trade & Business License, Accommodation License, Liquor license, Builders License, Mutual Funds License, Legal Practitioners License, Health practitioners License) 	Mandatory - 50 pts
<ul style="list-style-type: none"> • Proof of compliance with National Pensions Law 	Mandatory – 50
<ul style="list-style-type: none"> • Proof of compliance with the Health Insurance Law 	Mandatory - 50
<ul style="list-style-type: none"> • Compliance with the Immigration Law 	Mandatory - 50
<ul style="list-style-type: none"> • Compliance with the Labour Law 	Mandatory - 50
<ul style="list-style-type: none"> • Evidence of viable business operations <ul style="list-style-type: none"> – Business bank account in the Cayman Islands – Payroll records, annual reports, business plans 	Mandatory - 50
Evidence of Employment Contracts (Statement of Working Conditions)	Mandatory -50

Talent Development Programmes

Factor	Points
<ul style="list-style-type: none"> • In-house training programmes 	20 pts
<ul style="list-style-type: none"> • Average hours of training for Caymanian employees each year 	5 pts per hour up to maximum of 100 pts
<ul style="list-style-type: none"> • OTJ/Cross Training programmes/Apprenticeship programmes for Caymanians 	5 pts per pers
<ul style="list-style-type: none"> • Employee & external scholarships for Caymanians in related field 	20 pts per scholarship per annum
<ul style="list-style-type: none"> • Promotions of Caymanians in last 12 months (ratio of overall workforce) 	1% = 5 pts
<ul style="list-style-type: none"> • Participation in developmental programmes (i.e. school career programmes, mentoring, work experience, job fairs, internships) 	50 pts (business hours committed to programmes - 5 pts per hour up to a maximum of 50 pts)
<ul style="list-style-type: none"> • Sponsorship of youth leadership programmes (e.g. Junior Achievement) 	50 pts
<ul style="list-style-type: none"> • Provide cultural awareness training for all employees 	20 pts

Point System

Employment Practices

Factor	Points
• Fair and equitable pay practices	20 pts
• % Caymanians as employees (to be further defined by industry)	0 - 50 pts
• % Caymanians in Management (to be further defined by industry)	0 - 50 pts
• Health & Safety practices (defined by industry – i.e. work environment, safety equipment for staff, fire safety & codes)	20 pts
• Disaster Preparedness programme	10 pts

Community Programmes

Factor	Points
• Sponsorship of non-profit organisation programmes listed below	10 pts per programme (up to 50 pts)
• Staff hours donated to community service.	5 pts per hour up to a maximum of 50 pts
• Participation in any of the following programmes in conjunction with donated hours awards additional points:	
<ul style="list-style-type: none"> • School literacy programmes • Youth programmes • Rehabilitation of offenders programmes 	30 pts
<ul style="list-style-type: none"> • Disability assistance programmes • Elderly assistance programmes 	20 pts
<ul style="list-style-type: none"> ♦ Counseling programmes ♦ Arts programmes ♦ Cultural preservation programmes ♦ Environmental preservation programmes 	10 pts
♦ External scholarship programmes for Caymanians in unrelated field	50 pts
♦ Service on government boards	10 pts per board per person (up to a maximum of 30 pts)

Point System - Bonus

Business Sector

Factor	Points (Bonus pts)
Participation in developing business in a particular industry or field that is currently under-developed and desirable (as decided by Cabinet from time to time)	50 pts

Business Ownership

Factor	Points (Bonus pts)
Evidence of Caymanian ownership <ul style="list-style-type: none">Evidence of profit sharing in accordance with shareholding (defined as a % of profits accruing to Caymanians)	Up to 100 pts

Point System

DEDUCTIONS (once pre-qualified?) – still to be decided

Factor	Points (max 650 pts)
<ul style="list-style-type: none"> • Employment violations • Licensing violations • Immigration violations • Pension violations • Health insurance violations • Customs violations • Criminal convictions <p><i>* Minimum points may be deducted if violations are considered less serious and do not evidence a pattern of misconduct.</i></p> <p><i>* Maximum points may be deducted if the company has serious violations in any of the above areas.</i></p> <p>NOTE: Points will be lost after companies pre-qualify and within 6 months are found to have violations as noted above</p>	Up to 650 pts

Factor	Points (max 650 pts)
<ul style="list-style-type: none"> • Workplace violations • Providing false or misleading information to Immigration department • Failing to live up to obligations at current tier 	Up to 650 pts



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Tier System

Tier System

Level	Details	Benefits	Points Required
<ul style="list-style-type: none"> • Probationary Accreditation 	<p>Business must meet all legal requirements including National Pensions Law, Health Insurance Law, Labour Law and Immigration Law. Must provide proof of a current business license, evidence of a viable business operation, and employment contracts in the Cayman Islands.</p> <p>* One or more of the above may not be fully compliant at application date.</p>	<p>Consideration for work permit renewals only. Probationary period of maximum of 6 months.</p>	<p>Up to 350 points</p>
<ul style="list-style-type: none"> • Tier One Accreditation (350 points) 	<p>Business must meet all legal requirements including National Pensions Law, Health Insurance Law, Labour Law and Immigration Law. Must provide proof of a current business license, evidence of a viable business operation, and employment contracts in the Cayman Islands.</p>	<p>Consideration for work permit approvals: new and renewals. No Key Employees granted at this level.</p>	<p>350 points</p>
<ul style="list-style-type: none"> • Tier Two Accreditation (500 points) 	<p>Business must meet all legal requirements including National Pensions Law, Health Insurance Law, Labour Law and Immigration Law. Must provide proof of a current business license, evidence of a viable business operation, and employment contracts in the Cayman Islands.</p> <p>Talent Development Programmes</p> <p>Employment Practices</p> <p>Community Programmes</p>	<p>Consideration for work permit approvals: new and renewals. Eligible for application for Key Employee grants.</p>	<p>350 points</p> <p>Minimum 60 points</p> <p>Minimum 40 points</p> <p>Minimum 50 points</p>

Tier System

Level	Details	Benefits	Points Required
<ul style="list-style-type: none"> Tier Three Accreditation (700 points) 	<p>Business must meet all legal requirements including National Pensions Law, Health Insurance Law, Labour Law and Immigration Law. Must provide proof of a current business license, evidence of a viable business operation, and employment contracts in the Cayman Islands.</p> <p>Talent Development Programmes</p> <p>Employment Practices</p> <p>Community Programmes</p> <p>Bonus points – Business Sector & Business Ownership</p>	<p>Consideration for work permit approvals: new and renewals. Eligible for application for Key Employee grants.</p> <p>Dedicated Account Manager.</p> <p>Work permit decisions within 7 business days.</p> <p>Other applications will be dealt with on an expedited basis.</p>	<p>350 points</p> <p>Minimum 175 points</p> <p>Minimum 75 points</p> <p>Minimum 100 points</p> <p>50 points (bonus)</p>
<ul style="list-style-type: none"> Tier Four Accreditation (850 points) 	<p>Business must meet all legal requirements including National Pensions Law, Health Insurance Law, Labour Law and Immigration Law. Must provide proof of a current business license, evidence of a viable business operation, and employment contracts in the Cayman Islands.</p> <p>Talent Development Programmes</p> <p>Employment Practices</p> <p>Community Programmes</p> <p>Bonus points – Business Sector & Business Ownership</p>	<p>Consideration for work permit approvals: new and renewals.</p> <p>Pre-approved Key Employees.</p> <p>Pre-approved Business visitor permits.</p> <p>Dedicated Account Manager.</p> <p>Work permit decisions within 3 business days.</p> <p>Other applications will be dealt with on an expedited basis (without the payment of an expedited fee).</p>	<p>350 points</p> <p>Minimum 250 points</p> <p>Minimum 100 points</p> <p>Minimum 150 points</p> <p>150 points (bonus)</p>



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Accreditation System for Employers

Administrative & Application Process

Administrative & Application Process

Initial Application Process

- Administrative process – not to be dealt with by a board.
- Immigration has three teams (three people on each team, led by Team Leader) focused on industry (i.e. Financial Services, Tourism & Hospitality, Other)
- Straight forward application process with clear guidance
- Initial pre-processing by industry
- Secondment/consulting team to assist Immigration with initial application approvals and training
- Need to develop a computer program to manage
- No appeals process
- Employer can re-submit an application for reconsideration

Fees:

- Initial Application Fee – CI\$50
- Accredited Fee – CI\$250
- Annual Renewal Accreditation Fee – CI\$150
- Fee for reconsideration – CI\$300

Annual Renewal Process

Accredited employers are renewed every 1-2 years.

The Renewal Process consists of:

- Completed requisite renewal form
- Payment of fees
- Review of Business Staffing Plan (for businesses who require a BSP)
- Subject to on-site inspection at discretion of Chief Immigration Officer



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Review & Compliance

Review & Compliance

Review & Action

- Immigration teams will be inspecting employers for compliance on a regular basis
- If after inspection, Immigration finds that an employer is not in compliance with any area of the criteria sections, their accreditation status will be reviewed and adjusted
- If non-compliance is a serious breach of law the employer will be referred to the Legal Department for action
- Immigration will apply administrative fines for abuses
 - Fines: TBD

Compliance

- Immigration will have a full team for on-going compliance to ensure inspections are carried out on a regular basis
- Inspections can be carried out:
 - As a part of the application process
 - Randomly
 - When complaints are received



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Business Categories

Business Categories

Category	Business Sector
Financial Services	<ul style="list-style-type: none"> Banks Trust Co Mutual Fund Co Accounting Captive Insurance Company Management Companies Investment Management Companies Money transfer services

Category	Business Sector
Professional Services	<ul style="list-style-type: none"> Legal Insurance Brokers Medical Practioners Employment & Recruitment Services Consulting Insolvency Practitioners Management Companies Architecture Companies Real Estate Companies Computer services

Business Categories

Category	Business Sector
Retail & Wholesale	Grocery Retail stores Wholesalers Hardware and Lumbar companies

Category	Business Sector
Tourism & Hospitality	Hotels Condominiums, Villas, Apartments & Guesthouses Restaurants Watersports Companies Attractions Entertainment (e.g. Cinema, Nightclubs)

Business Categories

Category	Business Sector
Construction & Engineering	<ul style="list-style-type: none"> Construction companies Construction labour brokers Building companies Building Trades companies Engineering companies Quantity surveyors

Category	Business Sector
Education	<ul style="list-style-type: none"> Schools Colleges Universities Learning & Tutoring companies Training & Development Companies Special Needs Institutions

Business Categories

Category	Business Sector
Trades & Technical	Barber Beauty Salon & Spa Gas Stations Bakers Janitorial Printers Marina Undertaker Health Clubs

Category	Business Sector
Investigations & Security	Security Companies Private Investigators

Business Categories

Category	Business Sector
Commerce	Bulk fuel companies

Category	Business Sector
Utilities	Water companies Electricity companies Sewage services

Business Categories

Category	Business Sector
Communications	Newspapers Telecoms Radio Television

Category	Business Sector
Not For Profit	Churches Service Clubs Charitable organisations NGO's Cultural, historic, educational foundations Other non-profit organisations



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Accreditation System for Employers

Documentation Requirements (3 Sample Industries)

Financial Services

Criteria	Guidance on documents required	Documents Required	Possible Exceptions
<p>Maintaining a High Level of Business Ethics</p>	<p>Evidentiary documentation to ensure all licenses are current and all laws relevant to your business have been met. All documents produced as evidence must be certified as a true copy.</p>	<ul style="list-style-type: none"> • All Business licenses related to your businesses • Certificate of Good Standing from CIMA (if CIMA regulated) • Certificate of Good Standing from Registrar (if required) • Certificate of enrolment & recent confirmation of units purchased from Pension Provider • Letter of confirmation from Health Insurance Provider detailing employees enrolled • Documentation of registration with the Department of Employment Relations • Evidence of local bank account: letter from your bank confirming a business account or copy of a recent bank statement showing your account number and account name • Letter from HR Manager stating all employees have employment contracts 	<p>Pension - List of persons to be enrolled after 9 months</p>

Financial Services

Criteria	Guidance on documents required	Documents Required	Possible Exceptions
Talent Development Programs	Evidentiary documentation that the company has programmes in place for the training and development of Caymanians	<ul style="list-style-type: none"> • Copy of Learning or Training & Development Programme / Policy (list the minimum number of hours of training required for each employee) • List of Caymanians who have been in an OTJ (including overseas secondments) or cross training program or an Apprenticeship Programme in your company over the last 12 months • Copy of employee scholarship programme • List of Caymanians trained and promoted • List of participation in local educational programmes (i.e. school programmes, mentoring, work experience and job fairs) 	Start-up companies that have only been opened for business less than 18 months
Employment Practices		<ul style="list-style-type: none"> • Report of percentage of Caymanians in full-time employment • Report on percentage of Caymanians in management positions • Report on progression of Caymanians in the company over the last five years 	

Financial Services

Criteria	Guidance on documents required	Documents Required	Possible Exceptions
Community Programmes	Evidentiary documentation that the company is participating in community service programmes	<ul style="list-style-type: none"> • Provide documentation showing number of working hours staff have been involved in community service • Provide evidence of local charitable donations • Provide a letter from organisation where community service was provided • Copy of external scholarship programme for Caymanians including list of current and past recipients 	Start-up companies that have only been opened for business less than 18 months
Business Sector	From time to time the Cayman Islands will look to attract business from certain sectors to grow and diversify the economy. Cabinet will provide guidance on these sectors.	<ul style="list-style-type: none"> • Business Plan • Letter from Cabinet 	

Financial Services

Criteria	Guidance on documents required	Documents Required	Possible Exceptions
Business Ownership	Evidentiary documentation that the company has Caymanian participation	<ul style="list-style-type: none"> • Register of shareholders / members / partners • Evidence of profit sharing – list names of all persons participating in profit sharing and percentages accruing to Caymanians 	Publicly traded companies

Tourism & Hospitality

Criteria	Guidance on documents required	Documents Required	Possible Exceptions
<p>Maintaining a High Level of Business Ethics</p>	<p>Evidentiary documentation to ensure all licenses are current and all laws relevant to your business have been met. All documents produced as evidence must be certified as a true copy.</p>	<ul style="list-style-type: none"> • All Business licenses related to your businesses • Certificate of Good Standing from Registrar (if required) • Certificate of enrolment & recent confirmation of units purchased from Pension Provider • Letter of confirmation from Health Insurance Provider detailing employees enrolled • Documentation of registration with the Department of Employment Relations • Evidence of local bank account: letter from your bank confirming a business account or copy of a recent bank statement showing your account number and account name • Sample of Employment Contracts 	<p>Pension - List of persons to be enrolled after 9 months</p>

Tourism & Hospitality

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Construction

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Construction

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Business Sector	From time to time the Cayman Islands will look to attract business from certain sectors to grow and diversify the economy. Cabinet will provide guidance on these sectors.	<ul style="list-style-type: none"> • Business Plan • Letter from Cabinet 	

Construction

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Appendix A – Private Sector Survey Report Summary



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Task Force to Develop Pre-Qualification System for Work Permits

Private Sector Survey Results Report Summary

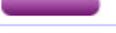
December 21, 2008

Survey Overview

Overview

The Immigration Task Force to Develop a Pre-qualification System for Work Permits needed to gather feedback from private sector groups that will be impacted by such a system to better understand what was needed and how well the system would be received. Due to the limited time afforded to the Task Force, it was decided that a web-based survey tool (zoomerang) be used to push a short questionnaire out to business associations for distribution to their members. The responses allowed the Task Force to consider the concerns and recommendations from the private sector in designing a recommended pre-qualification system.

Exhibit 1: Survey participation

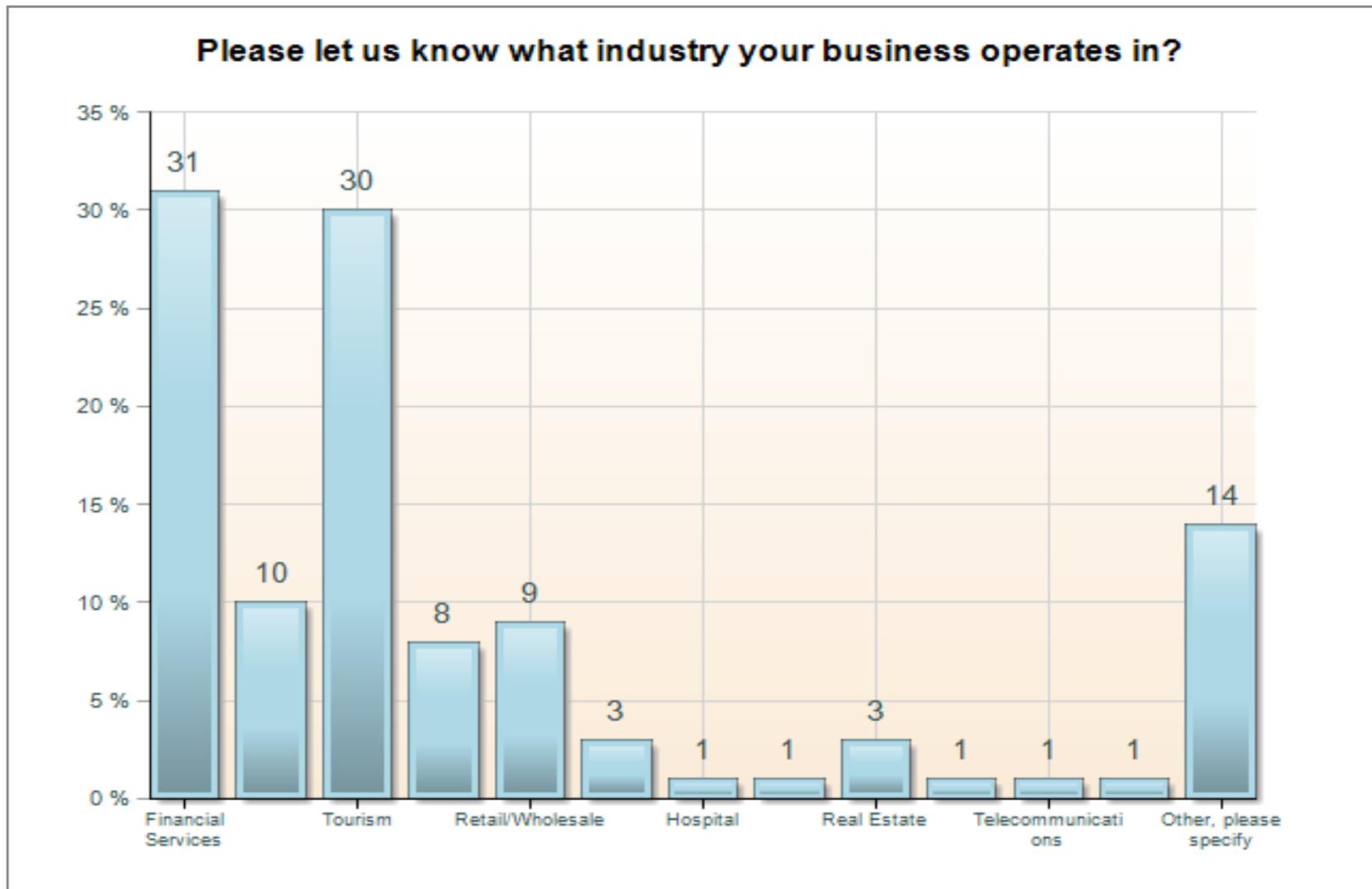
Financial Services		48	31%
Legal Services		15	10%
Tourism		47	30%
Construction		12	8%
Retail/Wholesale		14	9%
Education		4	3%
Hospital		2	1%
Security		2	1%
Real Estate		4	3%
Landscaping & Gardening		1	1%
Telecommunications		1	1%
Transportation		2	1%
Other, please specify View Responses		22	14%

Survey details

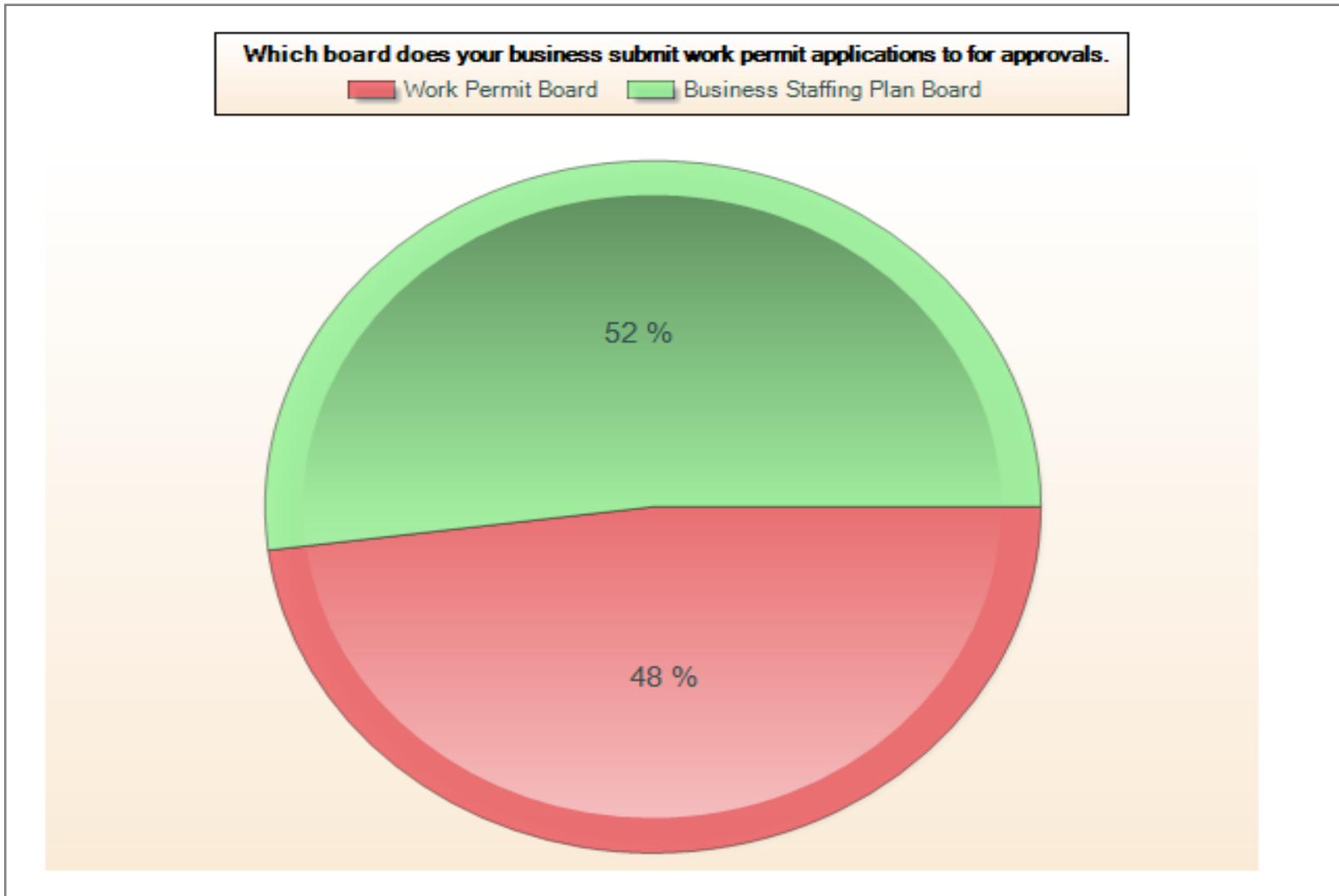
The Task Force developed a short 10-question survey which the Chief Immigration Officer sent out the survey link to the Council of Associations. This was then sent to all members of these associations for participation. These included the Chamber of Commerce, Cayman Contractors Association, the Cayman Islands Society of HR Professionals and the Cayman Islands Tourism Association. We received 157 responses with a good cross-section from various industries. The two major industries, Financial Services and Tourism had an equal number of responses.

The survey results are set out in this report.

QUESTION 1: Please let us know what industry your business operates in?

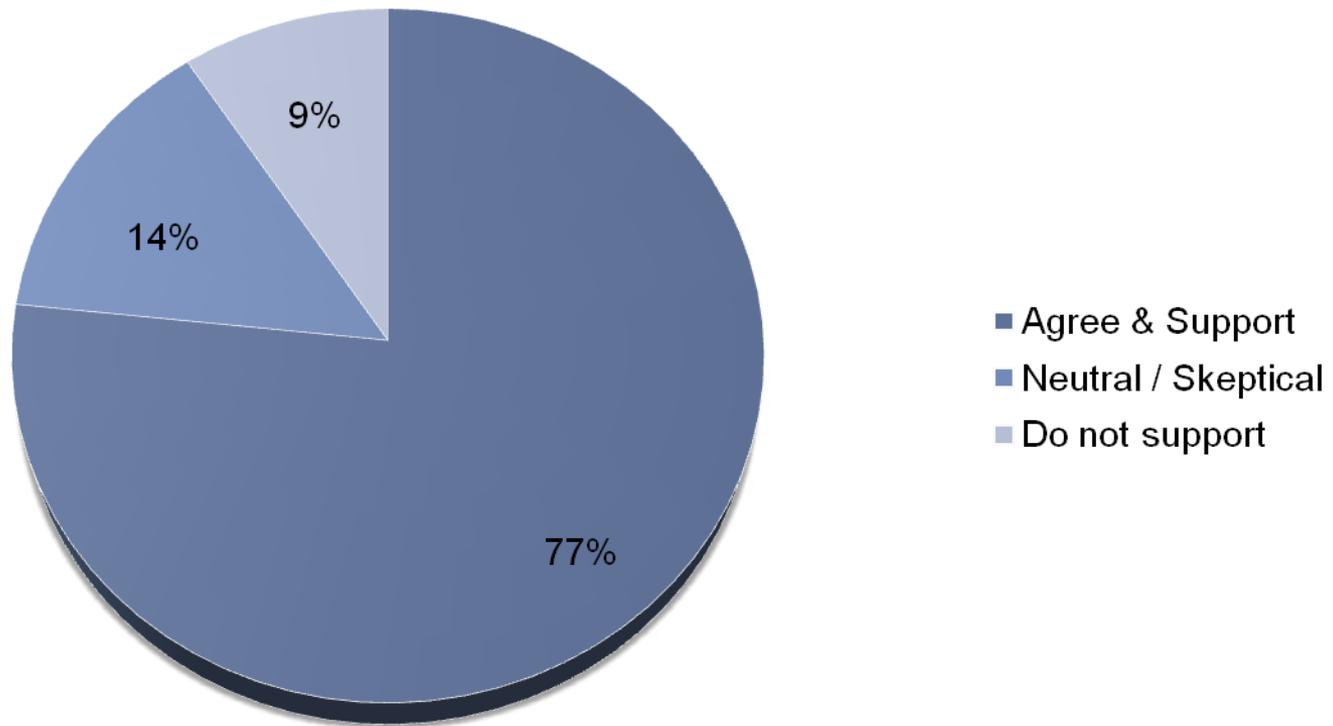


QUESTION 2: Which board does your business submit work permit applications to for approvals.

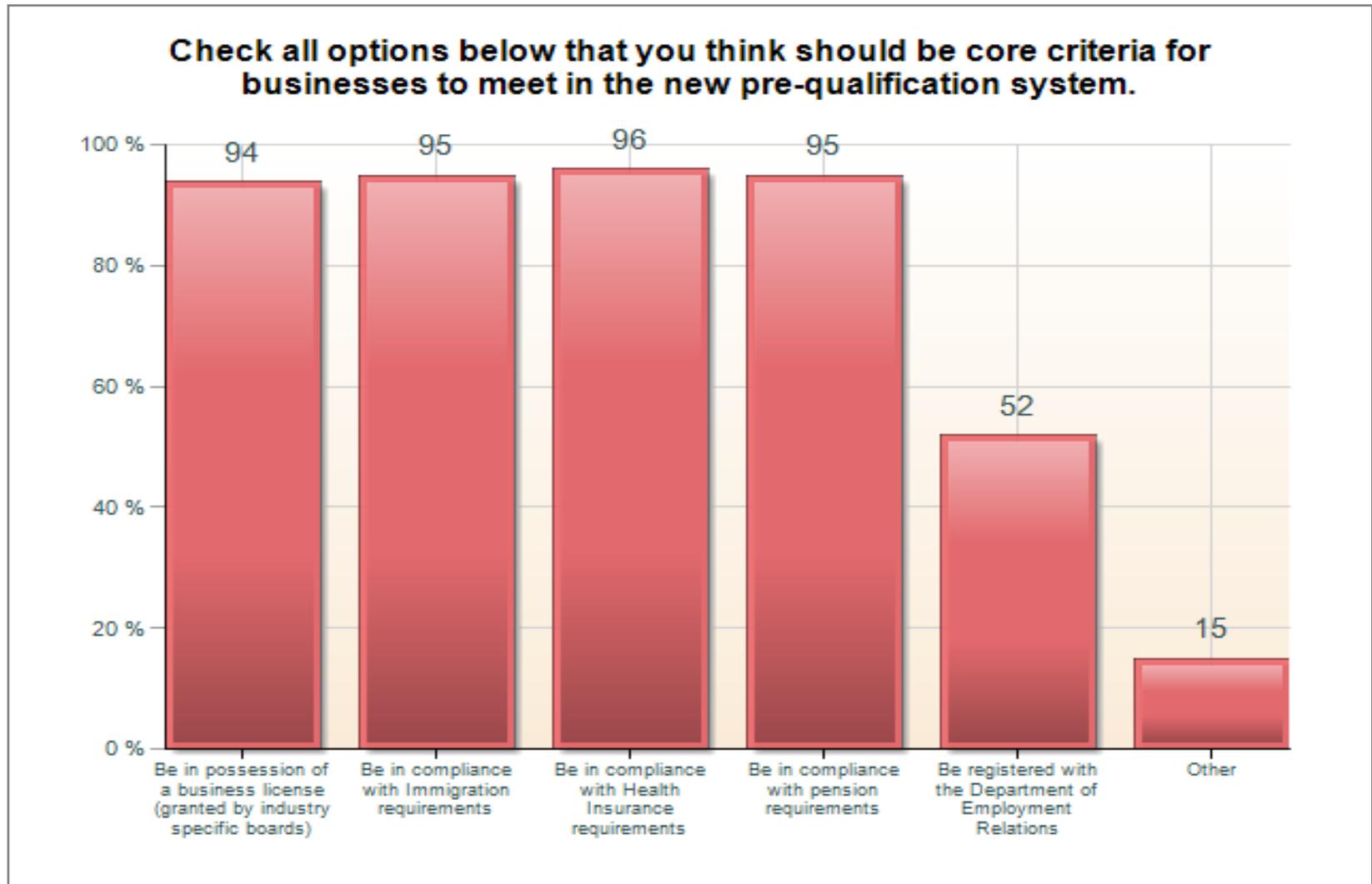


QUESTION 3: What is your opinion of a pre-qualification system that provides businesses with benefits (rewards) for compliance and punishes businesses for non-compliance?

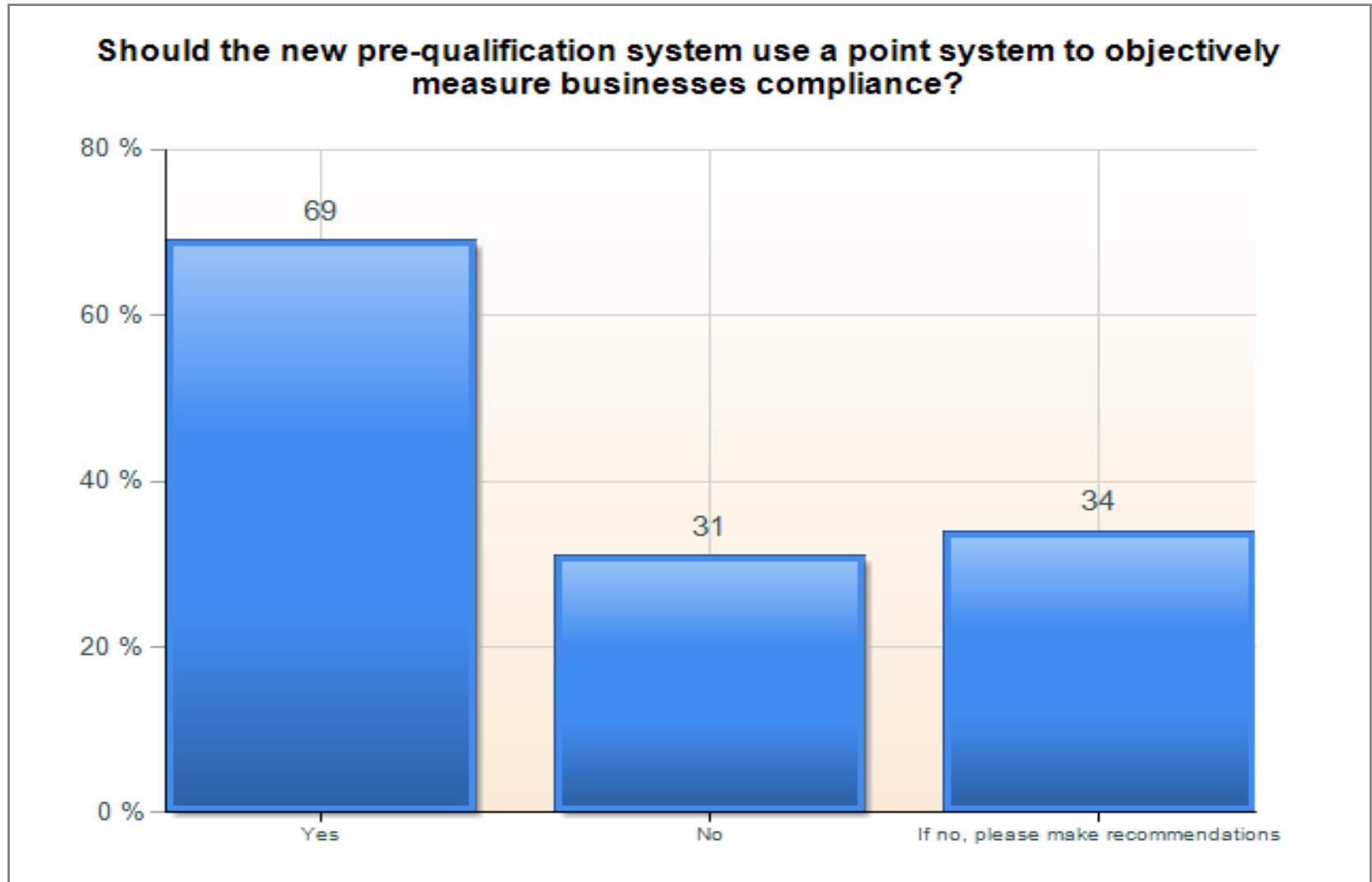
Summary of Responses



QUESTION 4: Check all options below that you think should be core criteria for businesses to meet in the new pre-qualification system



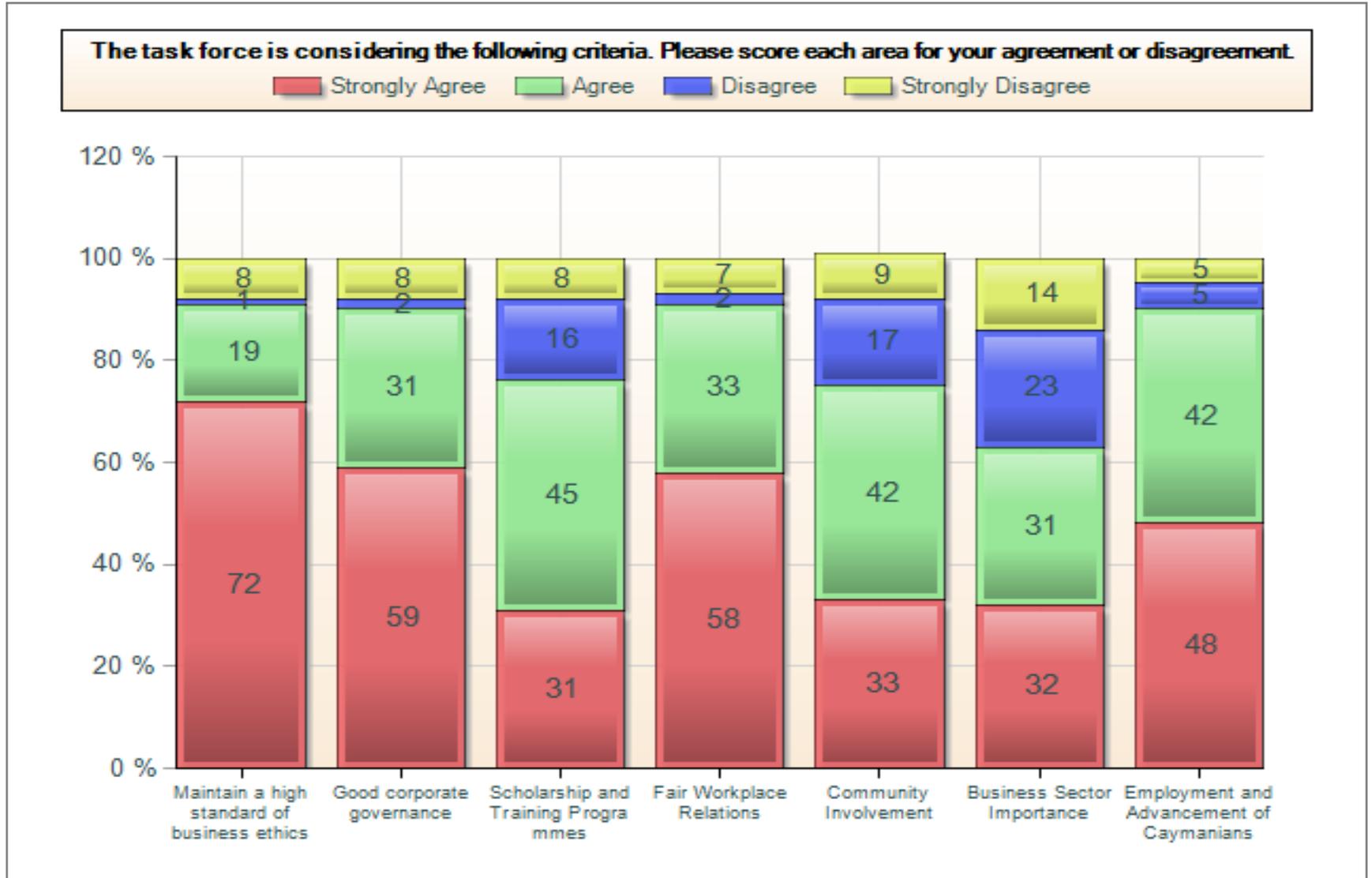
QUESTION 5: Should the new pre-qualification system use a point system to objectively measure businesses compliance?



QUESTION 6: The task force is considering varying levels of pre-qualification (e.g. Bronze, Silver, Gold, Platinum) which will have more benefits (rewards) attached to each level. Do you believe this is a good idea?



QUESTION 7: The task force is considering the following criteria. Please score each area for your agreement or disagreement.



QUESTION 8: What would you like to see as benefits for businesses that successfully meet the criteria of the pre-qualification system and are rated a Gold or Platinum Standard?

