



CAYMAN ISLANDS IMMIGRATION (TRANSITION) ACT (2022 REVISION) EXEMPTION REQUEST FORM

Section 53(1)(b) Exemption Request Form

Section 53(1)(b) of the Immigration (Transition) Act (2022 Revision) ("the Act") enables Cabinet to declare certain people exempt from the provisions contained in Part 7 of the Act, which sets out the restrictions on who may be gainfully employed within the Islands, as well as the term limits for workers.

As a declaration made under section 53(1)(b) constitutes an exemption from the immigration restrictions approved by Parliament, these grants are, by their nature, exceptional. Requests for an exemption are very unlikely to be granted where an applicant has simply failed to meet the eligibility criteria for one of the existing immigration facilities; an applicant will need to demonstrate that the facts surrounding their application give rise to particularly compelling reasons why they ought to be permitted to remain in the Islands in circumstances where they would otherwise be ineligible to do so.

Please complete this form if you are seeking an exemption under section 53(1)(b) of the Act.

Before making your application you are encouraged to read the Governance Policy Framework relating to requests for exemptions pursuant to section 53(1)(b) of the Act. To understand how your personal data may be used, please see the privacy notice at the end of this form.

Applicant Information

APPLICATION FORM CONTAINS 4 PAGES

Surname (Last Name)

Given Names (First and Middle Names)

Nationality

Date of Birth

Gender: Male

Female

Passport number
please attach a copy of bio passport page

Date of Issue

Place of Issue

Date of Expiry

Address:

Email Address:

Telephone:

Has the person for whom the exemption is being sought ever been convicted of a criminal offence in any country (including the Cayman Islands)?

Yes

No

if Yes, please provide details of nature of conviction including date; location; and sentence

Employment Information

Name of Current Employer:

Current Occupation
(if not employed please state your most recent employment occupation)

Current/Most recent Immigration Status:

Work Permit Grant (WPG)

Temporary Work Permit (TWP)

Residency and Employment Rights Certificate (RERC)

Specialist Care Giver Certificate (SCGC)

Visitor Permission

Other - Please Specify



Request Details:

Reason for Exemption Request: (Please provide a detailed explanation of why you are seeking an exemption under section 53(1)(b) of the Act. Include any relevant circumstances that support your request. Additionally, attach any immigration documentation received from WORC Department.)

Relevant Circumstances For Consideration (tick one box only)

- Critical skills shortage
- National interest
- Exceptional talent or achievements
- Compelling human rights grounds

Additional guidance notes can be found on the back of the application form.

Supporting Documentation: (Please attach any relevant documents that support your exemption request.)

- Police clearance for the applicant
- Medical Declaration Cover Letter (on behalf of the applicant)
- Biographical picture page from the passport of the applicant
- Letters of recommendation on behalf of the applicant
- Any correspondence that has been received from WORC by the applicant which relates to your exemption request
- Proof of medical insurance for the applicant (if applicable)
- Medical records relating to the persons that the applicant is intending to care for (if applicable)

Proposed Duration of Exemption: (Indicate the period for which you are seeking an exemption. Please also explain the reasons behind the time period you have selected.)

Start Date:

End Date:



Exempt Persons: *(Please confirm that you are not already an exempted person for the purposes of section 53(1) of the Act.)*

Are you an exempt person under section 53(1) of the Immigration Transition Act? (If yes, please select from list below how you are exempt)

Yes No

You are employed by the Cayman Islands Government

You are employed by the Government of the United Kingdom

You are employed as part of a Consular Office

You are an agent/representative of a Commonwealth Government

You are a member of His Majesty's Armed Forces

You are a person declared by cabinet to be exempt for any purpose

You are a member of the crew of a vessel that does not operate full-time in the Islands

You are seeking entry to the Islands to facilitate rental/lease agreements in respect of units of property (up to two) of which you are the beneficial owner

You fall within a class of persons prescribed for the purposes of section 53(1)(e) of the Act

DECLARATION

I hereby declare that, to the best of my knowledge and belief, the information provided in this form is true and accurate. I understand that providing false or misleading information may result in the rejection of my exemption request or the cancellation of an exemption which has already been granted.

I hereby declare that I possess the financial means necessary to support myself during the duration of the exemption if approved by Cabinet.

Applicant's Signature

Date (dd/mm/yyyy)



Submission Instructions:

Please submit this completed form along with any supporting documents to the Ministry of Border Control, Labour & Culture of the Cayman Islands Government. You can submit your application in person at the following address:

Government Administration Building, 133 Elgin Ave, George Town, Cayman Islands.

Or

By email to: mebc@gov.ky

Application Processing:

The WORC Department and/or the Ministry of Border Control, Labour & Culture will review your exemption request and may contact you for additional information or clarification if necessary.

Please allow a reasonable processing time, and note that the final decision regarding your exemption request will be at the discretion of the relevant authorities.

Please note that, should Cabinet grant an exemption from Part 7 of the Act, that exemption may be subject to conditions. Further, the grant of an exemption does not:

- (a) give rise to any right to, or any expectation of a right to, any further exemptions or extensions in the future; or
- (b) confer any rights on spouses, civil partners or dependants with respect to residence and employment in the Islands.

Guidance notes for Exceptional Circumstances

- **Critical skills shortage:** Where the applicant/their prospective employer can demonstrate, by reference to relevant evidence, that the applicant possesses specific skills, expertise or qualifications which are essential to the economic or social development of the Cayman Islands but which are in short supply in the Islands and that they cannot readily be sourced from residents of the Islands to whom Part 7 of the Act does not apply or persons who are able to meet the requirements of Part 7 of the Act.
- **National interest:** When the employment of an individual is deemed to be in the national interest of the Cayman Islands, such as for projects of significant economic importance, national security, or public welfare and that individual would not otherwise meet the requirements of Part 7 of the Act.
- **Exceptional talent or achievements:** When an individual possesses exceptional talent, expertise, or achievements in their field that are internationally recognized, and their employment in the Cayman Islands would bring significant benefits to the local community or economy and that individual would not otherwise meet the requirements of Part 7 of the Act.
- **Compelling human rights grounds:**
 - when there are compelling humanitarian reasons, such as cases involving medical emergencies or the protection of vulnerable individuals, which warrant a departure from the requirements of Part 7 of the Act, or
 - where, absent the grant of an exemption, an applicant would have to leave the Islands and this would result in a disproportionate interference with their private and/or family life, or that of their family members, amounting to a breach of section 9 of the Bill of Rights.
 - where, absent the grant of an exemption, an applicant would have to leave the Islands and this would result in a breach of another of their rights protected by Bill of Rights.

PRIVACY NOTICE:

The Cabinet is empowered under section 53(1)(b) of the Immigration (Transition) Act (2022 Revision) (the "Act") to grant exemptions from requirements set out in Part 7 of the Act. The Cabinet is supported by the Ministry with responsibility for Immigration and also by the Workforce Opportunities and Residency Cayman ("WORC") Department which enforces the Act. The Ministry and/or WORC will engage with other persons to process applications for exemptions under section 53(1)(b) of the Act. The information collected from these persons will not be shared with any unauthorised persons and/or organisations. However, the information provided will be reported to other Government agencies/Departments to obtain relevant information to assist Cabinet in making informed decisions on the exemption request application forms. The information collected from these application forms will be stored in WORC and/or MBCLC's secure databases authorised by the provider(s) and will adhere to the National Archive and Public Records Act (2021 Revision). To learn more about how we process personal data and review the rights of data subjects under the Data Protection Act (2021 Revision), please visit <https://my.egov.ky/web/worc/home> or contact foi.worc@gov.ky.