

Reference Sheet to Round 1 of Amendments Proposed to the Immigration (Transition) Act (2022 Revision)

	Immigration Facility	Proposal
1 Clause 2, Sec 1	Name change for the Act	New name of the Act: Caymanian Protection (Amendment and Validation) Act, 2025
2 Clause 3, Sec 2	New definition: “developed real estate”	The following definition for “developed real estate” has been inserted into the Interpretation section of the Act: “ developed real estate ” means — <ul style="list-style-type: none"> a. one strata lot; b. one parcel; or c. one set of contiguous parcels, that have undergone a physical improvement to land in the nature of buildings, structures or other improvements that enhance the value of the land for industrial, agricultural, commercial or residential purposes, and in the case of real estate for industrial, commercial or residential purposes, a certificate of occupancy has been issued, where applicable;
3 Clause 3, Sec 2	New definition: “civil servant”	The following definition for “civil servant” has been included in the Act: “ civil servant ” means a person employed by the government, but does not include a person employed by a government company or statutory authority or a Member of the Parliament other than an Official Member, and is a public officer for the purposes of the Constitution;
4 Clause 3, Sec 2	New definition: “commercial farmhand”	The following definition for “commercial farmhand” has been included in the Act: “ commercial farmhand ” means — <ul style="list-style-type: none"> a. a farmer, livestock farmer, general farmhand, farmer helper or a person who otherwise cares for a farm or who cultivates land; and b. who is employed with an agricultural enterprise that is registered with the Department of Agriculture as a commercial agricultural producer;
5 Clause 3, Sec 2	New definition: “paid- up amount”	The following definition for “paid-up amount” has been included in the Act: “ paid-up amount ”, in relation to an investment in developed real estate, means the amount that has been paid toward the purchase price, mortgage principal or development cost by an applicant at the time of a relevant application, and which is free from any outstanding financing obligations;
6 Clause 3, Sec 2	Revised definition: “worker”	The following revised definition for “worker” has been included in the Act: “ worker ” means a person, including an employee of a statutory authority or a government company, in respect of whom a work permit has been or may be granted or renewed under Part 7;”;
7 Clause 4, New Sec 8A	Introduce the ability for information to be shared between government agencies as it relates to persons applying for WP, PR or Cayman Status	New section 8A has been inserted in the Bill to allow for disclosures and information sharing between the WORC, the Royal Cayman Islands Police Service, Customs and Border Control Service, the Director of Public Prosecutions, the Department of Children and Family Services, Department of Community Rehabilitation and the Department of Financial Assistance, the Health Insurance Commission, the Portfolio of the Civil Service, the department of Government known as the Department of Commerce and Investment, the department of Government responsible for the administrative services relating to the delivery of the scholarship programme, and the unit of Government responsible for national training and development, in order to contemplate criminal proceedings or family life considerations and encourage collaboration between Government agencies that may have pertinent information relating to the character of these persons.

<p>8 Clause 9, Sec 26</p>	<p>Confirmation of Caymanian as of Right based on proven connectivity to an applicant</p>	<p>A new provision has therefore been inserted into the Act allowing persons who possess the right to be Caymanian under section 26(1)(b) to be formally confirmed based on their proven connectivity to an official applicant for confirmation.</p> <p>The Act has been amended to state that if persons has been naturalised under the British Nationality Act, 1981 they may apply to the CSPR Board for the grant of the right to be Caymanian if they have been legally and ordinarily resident in the Islands for at least 20 years, if the person has been legally and ordinarily resident in the Islands for at least 10 years after the receipt of the certificate of naturalisation or registration.</p> <p>Furthermore, the Act has also been amended to state that a person who is a BOT Citizen by virtue of the person's connection with another overseas territory may apply to the CSPR Board for the grant of the right to be Caymanian if the person possesses the right to reside permanently in the Islands and the person has been legally and ordinarily resident in the Islands for at least 20 years.</p> <p>The Act has been amended to state that a person married to or in a civil partnership with a Caymanian has to wait 15 years before they can apply to the CSPR Board for the right to be Caymanian.</p>
<p>10 Clause 10, Sec 28(6A) Clause 14, Sec 38 Clause 17, Sec 47 Clause 20, Sec 50</p>	<p>Requirement to file an annual declaration</p>	<p>The Act has been amended to require that persons holding the following facilities have to file an annual declaration to the WORC:</p> <ol style="list-style-type: none"> 1. Persons granted the right to be Caymanian (married or in a civil partnership with a Caymanian) – section 28 has been amended to provide for the requirement for a person who is granted the right to be Caymanian to provide annually, for the first seven (7) years of being granted Caymanian Status, a declaration with prescribed particulars in respect of the person granted the right to be Caymanian and the person's dependents; 2. Holder of a RERC (married to or in a civil partnership with a Caymanian) – section 38 has been amended to require the holder of a RERC to provide an annual declaration in respect of the holder and the holder's dependents; 3. Certificate of Direct Investment – section 47 has been amended to require that the holder of a Certificate of Direct Investment to provide an annual declaration in respect of the holder and the holder's dependents; and 4. Residency Certificate (Substantial Business Presence) – section 50 has been amended to require the holder of a Residency Certificate (Substantial Business Presence) to provide an annual declaration in respect of the holder and the holder's dependents.
<p>11 Clause 11, Sec 33</p>	<p>Revocation of the right to be Caymanian by entitlement</p>	<p>The Act has been amended to also state that the holder of the right to be Caymanian by entitlement may lose that right where, after reaching the age of 18 they reside outside the Islands for a period of 5 years and the person fails to notify the Director of WORC accordingly.</p>
<p>12 Clause 11, Sec 33</p>	<p>Revocation of the right to be Caymanian (married to a Caymanian)</p>	<p>The Act has been amended to require these persons to file an annual declaration (see line item 10 above) and if they fail to do so, their Caymanian Status can be revoked.</p>
<p>13 Clause 13, Sec 37</p>	<p>RERC – Married to/Civil Partner of a PR Holder</p>	<p>The Act has been amended to increase the timeframe that persons with RERC who are married to or in a civil partnership with a PR Holder have to wait before they can apply to be naturalised to 15 years.</p> <p>The Act has also been amended to allow the Director of WORC or the Board to consider whether there are reasonable grounds to suspect that the marriage or civil partnership is of convenience.</p>

<p>14 Clause 14, Sec 38</p>	<p>RERC – Married to/Civil Partner of a Caymanian</p>	<p>The Act has been amended to increase the timeframe that persons with RERC who are married to or in a civil partnership with a Caymanian have to wait before they can apply to be naturalised to 15 years.</p> <p>The Act has also been amended to allow the Director of WORC or the Board to consider whether there are reasonable grounds to suspect that the marriage or civil partnership is of convenience.</p>
<p>15 Clause 15, Sec 40(3)</p>	<p>Continuation of RERC after the death of a Caymanian spouse and connected issues</p>	<p>An amendment has been made to sec 38 of the Act to confirm that upon the death of a Caymanian spouse, the surviving non-Caymanian spouse shall lose their RERC if the marriage is for less than 7 years prior to the death of the Caymanian spouse. If the persons have been married less than 15 years, it is at the discretion of the Board or the Director of WORC if the RERC will be revoked, but the surviving non-Caymanian spouse may, within 3 months of the revocation, apply to maintain their RERC facility; during which time, the applicant’s rights to reside in the Islands shall continue on the same terms and conditions until the Board or the Director of WORC determines the application or the Immigration Appeals Tribunal determines any subsequent appeal.</p> <p>The surviving non-Caymanian spouse must apply to the Board or the Director of WORC within six months after the death of the Caymanian spouse for the right to continue to hold the Certificate.</p>
<p>16 Clause 15, Sec 40(1)</p>	<p>Continuation of RERC after the dissolution of a marriage to a Caymanian spouse after a minimum of 10 years of marriage</p>	<p>Amendment to section 40 giving discretion to the Caymanian Status and Permanent Residency Board and the Director of WORC to revoke the Residency and Employment Rights Certificate (RERC) where the persons have been in a marriage or civil partnership but the marriage or civil partnership is dissolved or annulled, and at the time of the dissolution or annulment, the marriage or civil partnership subsisted for at least 7 years but less than 15 years.</p>
<p>17 Clause 15, Sec 40(2)</p>	<p>Strengthening framework for persons applying for a continuation of their RERC facility on the basis that they have Caymanian children</p>	<p>A requirement has been introduced for an applicant for continuation of RERC on the basis that they have Caymanian children, to provide proof to the Director of WORC or the CSPR Board that they have financially supported and continued to positively contribute to the lives of their Caymanian children. If they are unable to provide that proof, the Director of WORC or the CSPR Board will request that a social enquiry report be completed by the Department of Children and Family Services or Department of Community Rehabilitation to confirm the same.</p> <p>The Act has been amended to clarify that someone can only apply for a continuation of their RERC on the basis that they have Caymanian children if those children derive from the marriage or civil partnership between the person seeking the continuation and a Caymanian; and clarifying that if someone has RERC on the basis that they were married to or in a civil partnership with a Caymanian, had a Caymanian child while in that union, should the union legally dissolve, if the person holding the RERC marries another expatriate on work permit, they are not able to file for an extension of their RERC for their new spouse/civil partner.</p> <p>The Act has been amended to clarify that persons are only eligible to apply for continuation of their RERC on the basis that they have Caymanian children when the Caymanian child is of both parties to the marriage or civil partnership that is being dissolved. The hope is that this discourages persons from having “anchor babies”.</p> <p>As such the Act has been amended to include the requirement for the applicant to provide confirmation that –</p> <ol style="list-style-type: none"> 1. they are of good character; and 2. that they are in good health.
<p>18 Clause 16, Sec 42</p>	<p>Certificate of Permanent Residence for Persons of Independent Means investing in developed real estate</p>	<p>The Act has been amended to state that at the time of the application the applicant has to prove that they have invested in developed real estate in the Islands and that the paid-up value of the investment as at the time of the application satisfies the prescribed sum that is to be invested in developed real estate in the Islands.</p>

<p>19 Clause 16, Sec 42</p>	<p>Certificate of Permanent Residence for Persons of Independent Means – Extending the amount of time that persons have to hold their Certificate prior to applying for Naturalisation</p>	<p>The Act has been amended to require persons to hold this facility for 10 years, re-applying at year 9 for an indefinite Certificate. Thereafter, they would be able to apply for Naturalisation, should they choose to.</p>
<p>20 Clause 18, Sec 49</p>	<p>Introduce a new threshold only allowing a Certificate for Specialist Caregivers to only be issued a maximum of 2 times, for a total of 10 years</p>	<p>Similar to the framework for a Certificate for Commercial Farmhands, a threshold allowing for this facility to only be issued a maximum of two (2) times or until the applicant reaches the age of 65 (whichever comes first) has also been implemented.</p>
<p>21 Clause 19, New Sec 49A</p>	<p>Introduce a Certificate for Commercial Farmhand</p>	<p>A Certificate for Commercial Farmhand would take effect — (a) upon the expiry of the employee's final work permit or permission granted under section 66(4); or (b) in the event that the employee's final work permit or permission granted under section 66(4) has expired, upon the date of the decision of the Board or the Director of WORC. The applicant would be required to:</p> <ul style="list-style-type: none"> a. pay the prescribed fee; and b. provide proof of their employment with an agri-business enterprise that is registered with the Department of Agriculture as a Commercial Agricultural Producer <p>and thereafter such Certificate shall be renewable for a period of five (5) years, and can be issued a maximum of two (2) times or until the applicant reaches the age of 65 (whichever comes first) on application to the Board or the Director of WORC and upon payment of the prescribed fee, if the determined criteria remain satisfied.</p>
<p>22 Clause 21, Sec 51</p>	<p>Updating the list of reasons in the Act for which a person's PR can be revoked</p>	<p>Sec 51 has been amended to include the ability for a person holding PR to lose their facility if the Board or Director of WORC are of the opinion that the person is not financially supporting or contributing positively to the life of the person's Caymanian child who was referenced in the application for PR for the purposes of demonstrating that the person possesses close Caymanian connections.</p> <p>Sec 51 has been amended to include the ability to revoke someone's PR if they are suspected of being in a marriage of convenience.</p> <p>Sec 51 has been amended to include the ability to revoke someone's PR if they are suspected of being in a civil partnership of convenience</p>
<p>23 Clause 24, Sec 53(1)(b)</p>	<p>Persons Exempted from the requirement of WP</p>	<p>Sec 53(1)(b) has been amended to remove the requirement for conditions relating to a person being exempted by Cabinet from the requirement to hold a WP to have to be outlined in Regulations, but instead being determined by Cabinet (<i>and outlined in their respective letter advising of their exemption</i>).</p>
<p>24 Clause 24, Sec 53 Clause 29, Sec 66B & 66C</p>	<p>Introduce Term Limits for persons employed by the Government of the Islands</p>	<p>Sections 53 and 66 of the Act have been amended to indicate that term limits apply to civil servants, other than judges, magistrates and persons employed by the Parliament Management Commission.</p>
<p>25 Clause 26, Sec 58(2B)</p>	<p>Financial Standing Requirements for Persons on WP</p>	<p>In consultation with the Director of the ESO and Caucus, various section of the Act, which reference that persons need to prove to the Director of WORC that they are able to financially support themselves and/or their approved dependents (sections 20(3), 28(8), 38(3), 40(2A), 40(3), and 58(3)) have been amended to state that they should refer to the relevant amendment Regulations, which include a new regulation outlining the updated financial standing requirement figures (i.e., CI\$5,000 per month (before deductions) for the primary income for the first dependent and an additional CI\$1,000 for each extra dependent). These amendments primarily seek to ensure that this information is no longer included in an internal policy, but instead is outlined in the legislation, making the information publicly available. The revised financial standing requirements will apply at the renewal of the person's WP facility.</p>

<p>26 Clause 26, Sec 58</p>	<p>Reintroduce the requirement for employers to have to advertise a vacancy on both the electronic jobs portal and in a local newspaper</p>	<p>Section 58 of the Act has been amended to require employers to have to advertise a vacancy for 21 days before the submission of an application for a work permit on both the electronic jobs portal and in a local newspaper.</p>
<p>27 Clause 27, Sec 64</p>	<p>Introduce a requirement for persons on a work permit to have to stay a minimum of 2 years with their employer, prior to being allowed to change jobs</p>	<p>Section 64 of the Act has therefore been amended to indicate that a person cannot change their employer within the first two years of their employment and that unless they have quit their job for specific circumstances outlined in Regulations, they have to return home for a minimum of a year prior to applying for another work permit. If they have quit their job for one of the specific circumstances outlined in Regulations they are therefore eligible to apply to WORC to be exempt from having to return to their country, but are unable to work until WORC has determined the validity of their claim.</p>
<p>29 Clause 28, Sec 66</p>	<p>Adjustment of term limits for WP holders after marriage</p>	<p>A new provision, section 66(10A) has been added to the Act to state the following: “(10A) Where a person who is the holder of a work permit marries or enters into a civil partnership with a person who is also the holder of a work permit, the term limit that is applicable to both persons is that of the person in the marriage or civil partnership who has less time remaining until the expiration of that person’s term limit.”;</p>
<p>30 Clause 31, Sec 70</p>	<p>Including a provision regarding marriages and civil partnerships of convenience</p>	<p>Section 70 has been amended to include a sub-provision which allows for the creation of Regulations outlining what documents a marriage officer, Registrar, Civil Registrar or civil partnership officer can ask for with a view to prove that a marriage or civil partnership is not of convenience. The Immigration (Transition) (Arrangements of Convenience) Regulations, 2024 have been drafted but are not finalised and as such, this clause would not be commenced with the rest of the Bill, but instead should be commenced at a later date, once the Regulations have been finalised and approved by Cabinet.</p> <p><i>(Note: A CP was drafted and sent to Caucus to place on the agenda, requesting approval of drafting instructions to finalise the Immigration (Transition) (Arrangements of Convenience) Regs)</i></p>
<p>31 Clause 32, Sec 71A</p>	<p>Allowing the Director of WORC to re-issue certificates and provide duplicates of any licence or permit granted under the Act</p>	<p>A new provision, section 71A, has been added in the Act which allows the Director of WORC to re-issue certificates and provide duplicates of any licence or permit granted under the Act.</p>
<p>32 Clause 33, Sec 72</p>	<p>Allowing for the drafting of Regulations prescribing the fees payable in respect of various services being provided by the WORC that they currently do not have the legal power to provide or charge for</p>	<p>The Act has therefore been amended to include two new sub-sections under section 72 to allow Regulations to be drafted which outline –</p> <ul style="list-style-type: none"> • The fee payable in respect of the reissue of a certificate or provide duplicates of a licence or permit granted under the Act; and • To provide for the circumstances under which fees may be refunded, waived or reduced.
<p>33 Clause 34, Sec 75A</p>	<p>Making it an offence for submitting false information concerning one’s financial standing</p>	<p>The Act has been amended to insert a new provision, 75A:</p> <p>75A Where a person is required under this Act to satisfy certain financial standing requirements and the person provides false information in relation to the person’s financial standing —</p> <ol style="list-style-type: none"> a. the person commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of one year, or to both; and b. the provision of that false information by the person is a ground for revocation of the relevant Certificate or work permit.”.