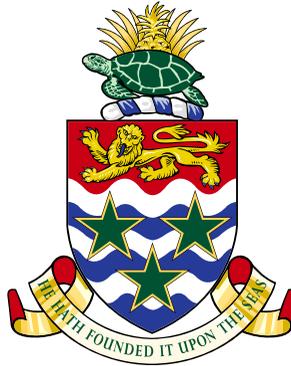


CAYMAN ISLANDS



IMMIGRATION (TRANSITION) (AMENDMENT AND VALIDATION) BILL, 2026

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A BILL FOR AN ACT TO AMEND THE IMMIGRATION (TRANSITION) ACT (2022 REVISION) TO PROVIDE THAT PERSONS BORN IN THE ISLANDS ON OR BEFORE THE 26TH MARCH, 1977 ARE CAYMANIAN AS OF RIGHT; TO PROVIDE FOR THE CHARGING OF FEES FOR EXPEDITED SERVICES; TO PROVIDE FOR TRANSITIONAL MATTERS; TO VALIDATE THE CHARGING, PAYMENT AND COLLECTION OF FEES, WITHOUT STATUTORY AUTHORITY, FOR EXPEDITED SERVICES; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Caymanian Employment and Immigration



Memorandum of OBJECTS AND REASONS

This Bill amends the Immigration (Transition) Act (2022 Revision) (the “principal Act”) to —

- (a) provide that persons born in the Islands on or before the 26th March, 1977 are Caymanian as of right;
- (b) provide for the charging of fees for expedited services;
- (c) provide for transitional matters;
- (d) validate the payment, charging and collection of fees for expedited services without statutory authority; and
- (e) provide for incidental and connected purposes.

Clause 1 provides the short title and commencement of the legislation.

Clause 2 amends the principal Act by repealing and substituting section 27, which provides for those categories of persons who are Caymanian as of right. The effect of the amendment is to insert a new category of persons born in the Islands on or before the 26th March, 1977. The existing categories in the principal Act remain.

Clause 3 amends the principal Act by inserting after section 71A a proposed new section 71B. The proposed new section 71B provides that regulations may provide that services may be expedited in respect of the processing of an application and that a person who is desirous of being provided those expedited services shall pay, in addition to any other fee payable under the legislation relating to the application, the relevant prescribed express fees.

The clause also provides that a refund shall not be provided in respect of express fees paid where the delay in processing the application is attributable to any statutory, regulatory, administrative or legal obligation requiring compliance, further review of the application or any other proceedings prior to the determination of the application.

Further, the clause provides that the Director of WORC shall ensure that a person who is desirous of being provided expedited services in respect of the processing of an application is notified in writing, prior to the payment of the prescribed express fee, that —

- (a) a refund shall not be provided in respect of any paid prescribed express fee where the delay in processing the application is attributable to any statutory, regulatory, administrative or legal obligation requiring compliance, further review of the application or any other proceedings prior to the determination of the application; and
- (b) where the person pays the prescribed express fee and there is a delay in processing the application that is attributable to any statutory, regulatory,



administrative or legal obligation requiring compliance, further review of the application or any other proceedings, the Director of WORC shall ensure that the person is immediately notified in writing of the reason for the delay.

Clause 4 amends section 72(2) of the principal Act by repealing paragraphs (fa) and (fb) and substituting proposed new paragraphs (fa), (fb), (fc), (fd) and (fe). The proposed new paragraphs empower the Cabinet to make regulations that —

- (a) provide that services may be expedited in respect of the processing of applications;
- (b) prescribe express fees payable under the legislation by a person or category of persons for the provision of expedited services in respect of the processing of applications;
- (c) prescribe the time or the intervals at which prescribed fees and prescribed express fees are payable under the legislation;
- (d) provide for the refund, waiver or reduction of prescribed fees and prescribed express fees, which may include the circumstances under which those fees may be refunded, waived or reduced; and
- (e) provide for an exemption from the requirement to pay prescribed fees and prescribed express fees, which may include the circumstances under which the exemption may be granted.

Clause 5 amends section 83A of the principal Act to make further provision for certain transitional matters.

The clause repeals and substitutes section 83A(4) and (5), and proposes new subsections (4), (5) and (5A).

The effect of the proposed new section 83A(4) is that certain specified categories of persons will not be affected by the coming into force of section 10(a) and (b) of the Immigration (Transition) (Amendment and Validation) Act, 2025 which requires persons to be legally and ordinarily resident for an increased period of time before the person is eligible to apply for the grant of Caymanian status.

In summary, a person will not be affected by the coming into force of the above-mentioned provision if, as at the date of commencement of section 10(a) and (b) of the Immigration (Transition) (Amendment and Validation) Act, 2025 —

- (a) the person has submitted an application or is the subject of an application for a specified category of permanent residence, and that application is subsequently granted; or
- (b) the person's right to reside permanently in the Islands, the person's grant of leave to remain in the Islands, the person's Certificate, or the person's grant of asylum is in force.

The proposed new subsections (5) and (5A) provide that applicants for, and the holders of, certain Certificates and certain grants of permanent residence are not to be included for the purposes of the transitional arrangements set out in proposed new section 83A(4). The



persons who are not included are those who have either applied for or who have been granted —

- (a) a Residency Certificate for Persons of Independent Means;
- (b) a Residency Certificate for Retirees;
- (c) a Certificate of Direct Investment or a Direct Investment Holder's (Dependant's) Certificate;
- (d) a Residency Holders (Dependant's) Certificate; or
- (e) permanent residence under any earlier law in circumstances analogous to paragraphs (a) or (b).

Clause 5 also makes provision for transitional arrangements in respect of persons who may require a refund of an express application fee submitted prior to the commencement of clause 3 or 4 of this amending and validating legislation. The clause provides that where, on the date of commencement of clause 3 or 4 of this amending and validating legislation, a person has paid an express application fee in respect of an application for a temporary work permit, any refund of the express application fee will be dealt with as if neither clause 3 nor 4 of this amending and validating legislation had come into force.

Clause 6 provides for the validation of the payment of express fees to, and the charging and collection of express fees by, the Director of WORC, without statutory authority, for expedited services provided under the principal Act prior to the commencement of clauses 3 and 4 of this amending and validating legislation.

The clause provides that the payment, charging and collection of those fees are validated and considered as lawfully charged by, paid to and collected by the Director of WORC, as if the Director of WORC was empowered under the principal Act as amended by this amending and validating legislation to charge and collect those fees.

Clause 7 provides that the validation of the express fees referred to in clause 6 does not affect any order or determination made by a court with respect to express fees charged by, paid to or collected by the Director of WORC for the provision of expedited services prior to the commencement of clauses 3 and 4 of this amending and validating legislation.

CAYMAN ISLANDS

IMMIGRATION (TRANSITION) (AMENDMENT AND VALIDATION) BILL, 2026

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CAYMAN ISLANDS**IMMIGRATION (TRANSITION) (AMENDMENT
AND VALIDATION) BILL, 2026**

A BILL FOR AN ACT TO AMEND THE IMMIGRATION (TRANSITION) ACT (2022 REVISION) TO PROVIDE THAT PERSONS BORN IN THE ISLANDS ON OR BEFORE THE 26TH MARCH, 1977 ARE CAYMANIAN AS OF RIGHT; TO PROVIDE FOR THE CHARGING OF FEES FOR EXPEDITED SERVICES; TO PROVIDE FOR TRANSITIONAL MATTERS; TO VALIDATE THE CHARGING, PAYMENT AND COLLECTION OF FEES, WITHOUT STATUTORY AUTHORITY, FOR EXPEDITED SERVICES; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

Short title and commencement

1. (1) This Act may be cited as the Immigration (Transition) (Amendment and Validation) Act, 2026.
- (2) This Act comes into force on such date as may be appointed by Order made by the Cabinet and different dates may be appointed for different provisions of this Act and in relation to different matters.

Repeal and substitution of section 27 of the Immigration (Transition) Act (2022 Revision) - Caymanian as of right

2. The *Immigration (Transition) Act (2022 Revision)*, in this Act referred to as the “principal Act”, is amended by repealing section 27 and substituting the following section —

“Caymanian as of right

27. In this Part, “**Caymanian as of right**” means a person —

- (a) born in the Islands on or before the 26th March, 1977; or
- (b) born on or after the 1st January, 2004 whether in or outside the Islands, at the date of whose birth at least one of that person’s parents was settled in the Islands and was Caymanian;
- (c) born outside the Islands, after the 1st January, 2004, at the date of whose birth at least one of that person’s parents was Caymanian otherwise than by descent; or
- (d) acquiring the status of Caymanian under section 21 of the repealed *Immigration Act (2015 Revision)* or under any earlier law conferring the same or similar rights.”.

Insertion of section 71B - express fees

3. The principal Act is amended by inserting after section 71A the following section —

“Provision of expedited services with payment of prescribed express fee

- 71B.**(1) Regulations made under this Act may provide that services may be expedited in respect of the processing of an application and a person who is desirous of being provided those expedited services shall pay, in addition to any other fee payable under the Act relating to the application, the relevant prescribed express fees.
- (2) Notwithstanding section 72(2)(fd), a refund shall not be provided in respect of any paid prescribed express fees where the delay in processing the application is attributable to any statutory, regulatory, administrative or legal obligation requiring compliance, further review of the application or any other proceedings prior to the determination of the application.
- (3) The Director of WORC shall ensure that a person who is desirous of being provided expedited services in respect of the processing of an application is notified in writing, prior to the payment of the prescribed express fee, that —
- (a) a refund shall not be provided in respect of any paid prescribed express fee where the delay in processing the application is



attributable to any statutory, regulatory, administrative or legal obligation requiring compliance, further review of the application or any other proceedings prior to the determination of the application; and

- (b) where the person pays the prescribed express fee and there is a delay in processing the application that is attributable to any statutory, regulatory, administrative or legal obligation requiring compliance, further review of the application or any other proceedings, the Director of WORC shall ensure that the person is immediately notified in writing of the reason for the delay.”.

Amendment of section 72 - regulations

4. The principal Act, is amended in section 72(2) by repealing paragraphs (fa) and (fb) and substituting the following paragraphs —

- “(fa) provide that services may be expedited in respect of the processing of applications;
- (fb) prescribe express fees payable under this Act by a person or category of persons for the provision of expedited services in respect of the processing of applications;
- (fc) prescribe the time or the intervals at which the fees under paragraphs (f) and (fb) are payable;
- (fd) provide for the refund, waiver or reduction of the fees under paragraphs (f) and (fb), which may include the circumstances under which the fees may be refunded, waived or reduced;
- (fe) provide for an exemption from the requirement to pay fees under paragraphs (f) and (fb), which may include the circumstances under which the exemption may be granted;”.

Amendment of section 83A - further transitional matters

5. The principal Act is amended in section 83A as follows —

- (a) by repealing subsections (4) and (5) and substituting the following subsections —
- “(4) Section 28(3) and (4) of the principal Act as amended by section 10(a) and (b) of the *Immigration (Transition) (Amendment and Validation) Act, 2025* shall not apply to —
- (a) a person —
- (i) who, as at the date of commencement of section 10(a) and (b) of the *Immigration (Transition) (Amendment and Validation) Act, 2025*

Validation) Act, 2025 has submitted an application or is the subject of an application, as the case may be —

- (A) for the right to reside permanently in the Islands after having been legally and ordinarily resident in the Islands for a period of at least eight years;
 - (B) for a Residency and Employment Rights Certificate by virtue of marriage to, or civil partnership with, a Caymanian or permanent resident;
 - (C) for a Residency and Employment Rights Certificate pursuant to section 39 of the principal Act, as the dependant of a Residency and Employment Rights Certificate holder;
 - (D) for a Certificate of Permanent Residence for Persons of Independent Means;
 - (E) for a Certificate of Permanent Residence for Dependants of Persons of Independent Means, as the spouse, civil partner or dependant of a holder of a Certificate of Permanent Residence for Persons of Independent Means;
 - (F) to be a British Overseas Territories Citizen by virtue of a connection with the Islands, by registration or by entitlement under the *British Nationality Act, 1981*, or any Act preceding, amending or replacing that Act;
 - (G) to be listed as a dependant on the Residency and Employment Rights Certificate of a Residency and Employment Rights Certificate holder;
 - (H) for leave to remain in the Islands under section 111(4) or (4B) of the *Customs and Border Control Act (2024 Revision)*; or
 - (I) for asylum under section 111(3) of the *Customs and Border Control Act (2024 Revision)*, by virtue of being a dependant child under the age of eighteen years old of a person granted leave to remain in the Islands under section 111(4) of the *Customs and Border Control Act (2024 Revision)*; and
- (ii) whose application is subsequently granted or in respect of whom the application is subsequently granted, as the case may be; and



- (b) any of the following persons whose right to reside permanently in the Islands, Certificate, leave to remain or grant of asylum, as applicable, is in force at the date of the commencement of section 10(a) and (b) of the *Immigration (Transition) (Amendment and Validation) Act, 2025* —
- (i) a person who has been granted the right to reside permanently in the Islands after having been legally and ordinarily resident in the Islands for a period of at least eight years;
 - (ii) a spouse or civil partner of a Caymanian or permanent resident who is the holder of a Residency and Employment Rights Certificate by virtue of marriage to, or civil partnership with, the Caymanian or permanent resident;
 - (iii) a dependant of a Residency and Employment Rights Certificate holder, who, pursuant to section 39, is the holder of a Residency and Employment Rights Certificate;
 - (iv) a person who is the holder of a Certificate of Permanent Residence for Persons of Independent Means;
 - (v) a spouse or civil partner, and any dependant, of the holder of a Certificate of Permanent Residence for Persons of Independent Means who is the holder of a Certificate of Permanent Residence for Dependants of Persons of Independent Means;
 - (vi) a person who is a British Overseas Territories Citizen by virtue of a connection with the Islands, by registration or by entitlement under the *British Nationality Act, 1981*, or any Act preceding, amending or replacing that Act;
 - (vii) a person who is listed as a dependent on the Residency and Employment Rights Certificate of a Residency and Employment Rights Certificate holder;
 - (viii) a person who is granted leave to remain in the Islands under section 111(4) or (4B) of the *Customs and Border Control Act (2024 Revision)*; and
 - (ix) a dependant child of a person who is granted asylum pursuant to an application made in accordance with section 111(3) of the *Customs and Border Control Act (2024 Revision)*.
- (5) The reference to a person described in subsection (4)(a)(i)(A) does not include a person who, as at the date of commencement of section

10(a) and (b) of the *Immigration (Transition) (Amendment and Validation) Act, 2025*, has submitted an application for —

- (a) a Certificate referred to in section 37(1)(a), (b), (c), or (d) of the principal Act; or
- (b) permanent residence under any earlier law in circumstances analogous to section 37(1)(a) of the principal Act.

(5A) The reference to a person described in subsection (4)(b)(i) does not include a person who, as at the date of commencement of section 10(a) and (b) of the *Immigration (Transition) (Amendment and Validation) Act, 2025* —

- (a) is a holder of a Certificate referred to in section 37(1)(a), (b), (c), or (d) of the principal Act; or
- (b) was granted permanent residence under any earlier law in circumstances analogous to section 37(1)(a) or (b) of the principal Act.”; and

(b) by inserting after subsection (13) the following subsection —

“(13A) Where, on the date of commencement of section 3 or 4 of the *Immigration (Transition) (Amendment and Validation) Act, 2026*, a person has paid an express application fee in respect of an application for a temporary work permit, any refund of the express application fee will be dealt with as if neither section 3 nor 4 of the *Immigration (Transition) (Amendment and Validation) Act, 2026* had come into force.”.

Validation

6. The payment of express fees to, and the charging and collection of express fees by, the Director of WORC, without statutory authority, for expedited services provided under the principal Act prior to the commencement of sections 3 and 4 of this amending and validating Act are —

- (a) validated; and
- (b) considered as lawfully charged by, paid to and collected by the Director of WORC,

as if the Director of WORC was empowered under the principal Act as amended by this amending and validating Act to charge and collect those express fees.



