

CAYMAN ISLANDS



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**THE IMMIGRATION LAW
(2015 REVISION)**

THE IMMIGRATION (AMENDMENT) REGULATIONS, 2017

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In exercise of the powers conferred by section 99 of the Immigration Law (2015 Revision), the Cabinet makes the following Regulations -

1. These Regulations may be cited as the Immigration (Amendment) Regulations, 2017. Citation

2. The Immigration Regulations (2015 Revision) are amended in Schedule 2 as follows - Amendment to Schedule 2 of the Immigration Regulations (2015 Revision) - points system

- (a) by inserting after Item 2, the following Item -
 - “3. Where the calculation of points under any Factor produces a number that consists of whole and partial points, the number of points produced (whole and partial) shall be carried forward and form part of the total sum of the points awarded to the applicant.”;
- (b) under the heading “Factor 1” and under the sub-heading “Explanation” by deleting the words “1. Applicants will receive points for their current occupation. The points allocated to occupation are based on current demand for the occupation which is measured based on the ratio of Caymanians to non-Caymanians in the labour market” and substituting the following “1. Applicants will receive maximum points for their current occupation.”;
- (c) under the heading “Factor 2” as follows -
 - (i) under the sub-heading “Education, Training and Experience” and under the sub-sub-heading “a. Years of Experience”, by deleting the words “Number of years of experience in the occupation (points based on one point for each year worked in the current occupation field, after a minimum threshold of two years with a maximum of ten years)” and substituting the words “Number of years of experience in the occupation (based on - two points awarded for the first two years worked after achieving the minimum two years; one point awarded for each full year

- worked thereafter and pro-rated points for each part year worked thereafter in the current occupation field, up to a maximum of ten years)”; and
- (ii) by deleting sub-heading “Explanation” and its contents and substituting the following -

“Explanation

- (1) No points will be awarded to an applicant with less than two years of work in the occupation field.
- (2) Two points will be awarded for the first two years worked in the occupation field, after achieving the minimum two years.
- (3) One point will be awarded for each full year worked in the occupation field, after a minimum of two years up to a maximum of ten years.
- (4) A partial point will be awarded in respect of any part of a year worked in the occupation field after a minimum of two years up to a maximum of ten years. Points will be pro-rated as follows -

Month	Partial Point
1/12	0.08
2/12	0.16
3/12	0.25
4/12	0.33
5/12	0.41
6/12	0.50
7/12	0.58
8/12	0.66
9/12	0.75
10/12	0.83
11/12	0.91

- (5) With respect to education, applicants will be awarded points under either I or II, not both. Further, the points will only be awarded for educational qualifications as they relate to the applicants’ occupation or vocation.”;

- (d) under the heading “Factor 3” under the sub-heading “Notes” as follows-
 - (i) by deleting the word “threshold”;
 - (ii) by inserting after the words “duty paid” the words “on the property and residential mortgage”;
 - (iii) by deleting the words “loan deposit” and substituting the words “the down payment and or equity injected from funds other than borrowed funds”;
 - (iv) by inserting after the words “residential mortgage” the words “and the property”; and
 - (v) by deleting the words “For the avoidance of doubt, where there are no major improvements made to the property, no points will be allocated.”;
- (e) under the heading “Factor 4” as follows -
 - (i) under the sub-heading “Financial Stability” by deleting the word “threshold” ;
 - (ii) under the sub-heading “Explanation”-
 - (A) by inserting after paragraph (3) the following paragraph -

“(3A) For the purposes of paragraphs (2) and (3), “school age” has the meaning ascribed to it in the Education Law (2010 Revision).”
 - (B) in paragraph (5) by deleting the words “five years” and substituting the words “one year”;
- (f) by deleting “Factor 7” and substituting the following

FACTOR 7	POINTS
<p><u>Possessing Close Caymanian Connections</u></p> <p>Applicant’s relationship to a person who is Caymanian</p>	(Maximum 100)
<p>(a) an applicant who is a Cuban national and who by virtue of a close Caymanian family connection was granted permission to reside in the Cayman Islands by the Governor in Executive Council (as it then was), and who applies for permanent</p>	100 points

residence.	
(b) an applicant who is a Cuban national and who is the brother, sister or grandparent of a Caymanian and who was granted permission to reside in the Cayman Islands by the Governor in Executive Council (as it then was), and who applies for permanent residence.	80 points
(c) an applicant who is the parent, son or daughter of a Caymanian	40 points
(d) an applicant who is the brother, sister or grandparent of a Caymanian	20 points
<p><u>Explanation</u></p> <p>1. An applicant is allocated the most points (100 points) if -</p> <ul style="list-style-type: none"> (a) the applicant is the parent, son or daughter of a Caymanian; and (b) the applicant is a Cuban national granted permission to reside in the Cayman Islands by the Governor in Executive Council (as it then was). <p>2. An applicant is allocated 80 points if -</p> <ul style="list-style-type: none"> (a) the applicant is the brother, sister or grandparent of a Caymanian; and (b) the applicant is a Cuban national granted permission to reside in the Cayman Islands by the Governor in Executive Council (as it then was). <p>3. An applicant who is the parent, son or daughter of a Caymanian but who is not a Cuban national granted permission to reside in the Cayman Islands by the Governor in Executive</p>	

<p>Council (as it then was) is allocated 40 points.</p> <p>4. An applicant who is the brother, sister or grandparent of a Caymanian but who is not a Cuban national granted permission to reside in the Cayman Islands by the Governor in Executive Council (as it then was), and who has not already received 40 points by virtue of being the parent, son or daughter of a Caymanian, is allocated 20 points.”.</p> <p><i>Note: The points available to persons who are Cuban nationals shall be awarded only in respect of applications received within six months from the date of commencement of the Immigration (Amendment) Regulations, 2013.</i></p>	
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- (g) under the heading “Factor 9” as follows -
 - (i) under the sub-heading “Age Distribution” -
 - (A) by deleting the numerals “46 - 60” and substituting “46 - 65”; and
 - (B) by deleting the numerals “61” and substituting “66”.

3. (1) Where an application was made prior to the commencement of these Regulations, that application shall, subject to paragraph (2), be treated as if the application was made under these Regulations. Transitional provisions

(2) For the purpose of determining the age of an applicant in relation to an application made prior to the commencement of these Regulations, the age is the applicant’s age at the date of application except in the case of an applicant who would have been between the ages of eighteen to twenty-four years at that date, the applicant’s age shall be the age at the determination of the application.

Made in Cabinet the 28th day of February, 2017.

Kim Bullings

Clerk of Cabinet.