

CAYMAN ISLANDS



Immigration (Transition) Law, 2018

(Law 33 of 2018)

**IMMIGRATION (TRANSITION) (WORK
PERMIT EXEMPTIONS) REGULATIONS,
2020**

(SL 39 of 2020)

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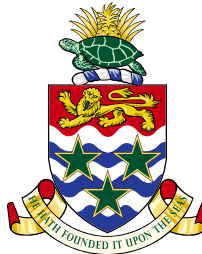


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Arrangement of Regulations

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CAYMAN ISLANDS**Immigration (Transition) Law, 2018
(Law 33 of 2018)****IMMIGRATION (TRANSITION) (WORK PERMIT
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In exercise of the powers conferred by sections 53(1)(e) and 72 of the Immigration (Transition) Law, 2018 the Cabinet makes the following Regulations —

Citation

1. These Regulations may be cited as the Immigration (Transition) (Work Permit Exemptions) Regulations, 2020.

Definitions

2. In these Regulations —

“**exempted person**” means a person belonging to a category of persons under regulation 3(1);

“**health care facility**” has the meaning assigned under section 2 of the *Health Practice Law (2017 Revision)*;

“**Health Services Authority**” means the Cayman Islands Health Services Authority referred to in section 3 of the *Health Services Authority Law (2018 Revision)*;

“**Health Practice Commission**” means the Health Practice Commission established under section 3 of the *Health Practice Law (2017 Revision)*;

“**Law**” means the *Immigration (Transition) Law, 2018*;



“**medical personnel**” means —

- (a) a person who practises a profession specified under Schedule 4, 5, 6 or 7 of the *Health Practice Law (2017 Revision)*; or
- (b) a person who the Medical and Dental Council, the Nursing and Midwifery Council, the Council for Professions Allied with Medicine or the Pharmacy Council approves as having a medical or health care background; and

“**private hospital**” means a privately owned and operated hospital certified as a health care facility by the Health Practice Commission in accordance with the *Health Practice Law (2017 Revision)*.

Exemption from Part 7 of the Law

- 3. (1) Subject to these Regulations, non-Caymanian persons who are recruited by the Health Services Authority or by any private hospital to the posts of medical personnel on or after the commencement of these Regulations are exempt from Part 7 of the Law.
- (2) The Health Services Authority or the private hospital shall comply with all relevant laws which regulate employment contracts including the *Health Practice Law (2017 Revision)*.
- (3) The Health Services Authority or a private hospital shall employ, subject to any extension by Cabinet, an exempted person pursuant to a contract for a period not exceeding the duration of these Regulations, and the terms and conditions of the contract are at the discretion of the Health Services Authority or the private hospital.
- (4) Upon the employment of an exempted person, the Health Services Authority or the private hospital shall submit a signed copy of the contract to WORC and WORC shall return a stamped copy of the contract to the Health Services Authority or the private hospital.

Exemption from Part 7 of the Law - overseas recruitment

- 4. (1) Where, pursuant to regulation 3, an exempted person is recruited from overseas, the person shall, immediately on arrival in the Islands, be tested by the Medical Officer of Health for the Covid-19 virus and shall remain in isolation until the Medical Officer of Health determines that it is safe for the person to leave isolation.
- (2) A person who is recruited from overseas shall not be permitted to bring any of his or her dependants to the Islands for the duration of a contract under these Regulations.



Exemption from Part 7 of the Law- local recruitment

5. (1) Where an exempted person was employed in the Islands immediately prior to being recruited —
- (a) the work permit prior to recruitment may, with the consent of the exempted person and the employer under the work permit, continue in force and regulation 9 of the *Immigration Regulations (2019 Revision)* shall not apply; and
 - (b) the exempted person's employment and work permit prior to the recruitment shall not be deemed to have been terminated and may continue after the expiration of the contract under these Regulations, subject to any agreement between that person and the relevant employer.
- (2) Where the exempted person's employment and work permit prior to recruitment are terminated by the relevant employer, regulation 9 of the *Immigration Regulations (2019 Revision)* shall apply, but the same dependants under the work permit of the exempted person shall be provided for under the contract of the exempted person.
- (3) A permanent resident may be recruited under these Regulations and shall not be deemed to be working outside the terms of his or her Residency and Employment Rights Certificate.

Offence of engaging in work not permitted by contract

6. Unless the work permit of an exempted person is continued in accordance with regulation 5(1), an exempted person shall not engage in any other employment while subject to a contract issued pursuant to these Regulations and a person who contravenes this paragraph commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for one year.

Duration of regulations

7. (1) These Regulations cease to have effect at a date as may be specified by Cabinet and notified in the *Gazette*, in any other official Government website or official means of communication.
- (2) Where the Health Services Authority or the private hospital wishes to continue to employ an exempted person beyond the expiration of these Regulations, the provisions of Part 7 of the Law shall apply and the Health Services Authority or the private hospital shall apply for a work permit for the person no later than thirty days after the expiration of the Regulations; and the person may continue to be employed by the Health Services Authority or by the private hospital until the person's work permit is determined by WORC.

Termination of employment of exempted person

8. On the termination of the employment of an exempted person, the Health Services Authority or the private hospital shall advise WORC of that termination as soon as reasonably practical and the contract shall automatically expire on the date of termination of employment.

Made in Cabinet the 21st day of April, 2020.

Kim Bullings
Clerk of the Cabinet

