

IMMIGRATION IN THE CAYMAN ISLANDS - Permanent residency applications

Permanent Residency & Arrangements for Current Long-Term Residents

The coming into effect of the new Immigration Law 3002 on January 1, 2004 means that there are now four categories of persons who may apply for the right to reside permanently in the Cayman Islands.

These are:

- ✓ persons who have been legally and ordinarily resident here for at least eight (8) years;
- ✓ persons married to Caymanians;
- ✓ wealthy retirees; and
- ✓ entrepreneurs or investors.

The new provisions lengthen the time residents have to live in the Islands in order to be eligible on the grounds of residency from the minimum of five (5) years under the previous law. However, for the first time, the law sets out the factors the Board must consider in deciding whether to grant a long-term resident the right to reside permanently.

The law also does away with the provision of an initial six-month residency period for persons of independent means who intend to apply for permanent residency. However, it speeds the application process for such persons by empowering the Chief Immigration Officer to deal with applications falling in the category of wealthy retirees, and entrepreneurs or investors.

An important revision for persons who currently live in the Islands and have done so for more than eight (8) years but who do not possess permanent residency. Such persons have three (3) years from January 1, 2004 in which to apply if they wish to gain the right to permanent residency. The law specifies that, of those persons, anyone applying who has lived here for more than fifteen (15) years will be granted the right to permanent residency unless there are exceptional circumstances.

Persons resident eight years and spouses of Caymanians

The Caymanian Status and Permanent Residency Board will deal with applications from persons resident for at least eight (8) years and those married to Caymanians. Successful applicants in these two categories will be granted a Residency and Employment Rights Certificate. This certificate will entitle spouses of Caymanians to work for any employer in any occupation. People in the eight (8) year residence category, will be entitled to work for any employer within a particular occupation or occupations listed on their application and ratified by the Board.

Factors that the Board will consider in assessing the overall suitability of a person here eight (8) or more years are his or her skills, qualifications, finances, character and health; the need to attract people of admirable characteristics to become a permanent part of the community; how much the person demonstrates that he or she knows about the Cayman Islands and has contributed to it; and how much he or she is willing to become part of the community.

Spouses of permanent residents may also apply for a Residency and Employment Rights Certificate and, if granted, they will be entitled to the same employment rights as their spouses. Such persons may choose instead to apply for a work permit. A certificate granted to the spouse of a Caymanian will be valid for seven (7) years and will not be limited to a particular occupation. After seven (7) years the holder will be eligible to apply for the right to be Caymanian on grounds of marriage.

Wealthy retirees, entrepreneurs and investors

Applications under the categories of "wealthy retiree" and "entrepreneurs or investors" will be made to and decided by, the Chief Immigration Officer. In the case of wealthy retirees, a successful applicant will be granted a certificate valid for twenty-five (25) years permitting him and his dependants to reside in the Cayman Islands without the right to work. This certificate is renewable. Persons meeting the criteria for the "entrepreneurs or investors" category will also be issued a certificate valid for twenty-five (25) years (renewable), and this permission will carry the right to work in the licensed business or businesses in which they have invested.

Current permanent residents

Persons who already possess permanent residency without the right to work can now apply to the board for a variation of their residency status to enable them to work. Successful applicants will be issued a Residency and Employment Rights Certificate.