

CAYMAN ISLANDS



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**THE CUSTOMS AND BORDER CONTROL LAW, 2018
(LAW 34 OF 2018)**

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LANDING) REGULATIONS, 2019**

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**THE CUSTOMS AND BORDER CONTROL (VISAS, ENTRY AND
LANDING) REGULATIONS, 2019**

The Cabinet, in exercise of the powers conferred by section 133 of the Customs and Border Control Law, 2018 makes the following Regulations -

1. (1) These Regulations may be cited as the Customs and Border Control (Visas, Entry and Landing) Regulations, 2019. Citation and commencement

(2) These Regulations shall come into force immediately after the commencement of the Customs and Border Control Law, 2018 and the Immigration (Transition) Law, 2018.

2. In these Regulations - Definitions

“Customs and Border Control” means the Customs and Border Control Service established under section 3 and includes any officer authorised to act on its behalf; and

“section” means section of the Law.

3. A form, notice, certificate, licence, permit, warrant, book, register or other document is in the prescribed form if it has been issued or approved for the purpose by the Director. Prescribed forms, etc.

4. Where permission is granted for a person to land, remain or reside in the Islands, an officer may endorse on the person’s passport or other document of identification in lieu of the person’s passport, the nature and duration of the permission, and impress, below the endorsement, the date and the officer’s signature, initials or identifying stamp. Prescribed passport endorsement

- Particulars to be kept by keepers of premises
5. The particulars in respect of each visitor or tourist to be kept by the keeper of premises to which section 103(1) applies are the -
- (a) date of arrival;
 - (b) name;
 - (c) nationality;
 - (d) names of any person accompanying him;
 - (e) permanent address;
 - (f) signature; and
 - (g) date of departure.
- Finger printing, etc., of persons in custody
(2017 Revision)
6. A person held in custody for any purpose of the Law, may be finger-printed, required to submit physical specimens, photographed or measured in the manner prescribed for the purposes of the Police Law (2017 Revision).
- Production of visas
7. (1) A national of any of the following countries is not required to produce a visa on landing in the Islands -
- (a) a country within the British Commonwealth of nations, with the exception of -
 - Bangladesh
 - Cameroon
 - Gambia
 - Ghana
 - India
 - Jamaica - in respect of its nationals who are 15 years of age or older but not older than 70 years of age
 - Nigeria
 - Pakistan
 - Sierra Leone
 - Sri Lanka
 - Uganda; and
 - (b) any of the following countries -
 - Andorra
 - Argentina
 - Austria
 - Bahrain
 - Belgium
 - Brazil
 - Bulgaria
 - Chile
 - China (People's Republic) provided holding Hong Kong (SAR China) passports
 - Japan
 - Kuwait
 - Latvia
 - Liechtenstein
 - Lithuania
 - Luxembourg
 - Malta
 - Mexico
 - Monaco
 - Netherlands

Costa Rica	Norway
Croatia	Oman
Cyprus	Panama
Czech Republic	Peru
Denmark	Poland
Ecuador	Portugal
Estonia	Romania
Finland	San Marino
France	Slovakia
Germany	Slovenia
Greece	Spain
Hungary	Sweden
Iceland	Switzerland
Ireland	Taiwan (Republic of China)
Israel	United States of America
Italy	Venezuela

(2) Notwithstanding paragraph (1), where a national of Jamaica, India or China (People's Republic) -

- (a) possesses a valid visa from the United States of America, Canada, or United Kingdom; and
- (b) arrives in the Islands directly from the country for which that visa was issued,

the national may be permitted to enter and remain in the Islands for a period not exceeding thirty days.

(3) A person to whom section 93(b) applies or who possesses a valid re-entry permit issued under section 104 is not required to produce a visa on entering the Islands.

(4) A transit passenger who is a national of any of the countries listed below is required to have a visa upon arrival in the Islands -

Afghanistan	Macedonia (F.Y.R. of)
Albania	Moldova (Republic of)
Algeria	Nepal
Angola	Nigeria
Bangladesh	Pakistan
Belarus	Palestinian Territories
Burma (Myanmar)	Rwanda
Burundi	Saudi Arabia
Cameroon	Senegal
China (People's Republic of)	Serbia and Montenegro

Colombia	Sierra Leone
Congo	Somalia
Democratic Republic of Congo (Zaire)	Sri Lanka
Ethiopia	Sudan
Eritrea	Syria
Gambia	Turkey
Ghana	Turkish Republic of Northern Cyprus
India	Uganda
Iran	Vietnam
Iraq	Zimbabwe
Ivory Coast	
Lebanon	
Liberia	

unless the transit passenger is arriving for any of the following purposes -

(2018 Revision)

- (a) to join a cruise ship as a crew member within twenty-four hours of arrival;
 - (b) to disembark from a cruise ship in the Islands in order to transfer to another cruise ship or to leave from the Islands by air within twenty-four hours of arrival;
 - (c) to repair equipment or carry out engineering services as referred to in regulation 11(2)(p) of the Immigration Regulations (2018 Revision) for a period of not more than twenty-four hours; or
 - (d) as an operational crew member of a commercial airline.
- (5) An application for a visa may be refused on the ground that the applicant -
- (a) is the subject of a deportation order;
 - (b) is a prohibited immigrant;
 - (c) has failed to satisfactorily establish the applicant's identity and nationality;
 - (d) has failed to establish that the applicant has sufficient financial resources or a qualified sponsor to support the applicant and his or her dependants for the duration of the applicant's stay;
 - (e) is suspected, on reasonable grounds, of not being of good character;
 - (f) being outside the Islands, has failed to provide requested information relevant to his or her application;
 - (g) has previously failed to observe any condition attached to an earlier grant of permission to enter and remain in the Islands;

- (h) has previously obtained, by deception, permission to enter or remain in the Islands;
 - (i) has failed to satisfy the visa issuing officer that the applicant will be admitted to another country after his or her departure from the Islands;
 - (j) has failed to satisfy the visa issuing officer that the applicant will leave the Islands at the end of his or her stay;
 - (k) is suspected of seeking to enter the Islands for the purposes of obtaining, or engaging in, employment where no permission has been granted to him or her to engage in employment;
 - (l) does not have a sponsor who is willing, if requested to do so, to give a written undertaking to be responsible for the applicant's maintenance and accommodation for the period of the permission granted;
 - (m) does not have a sponsor who -
 - (i) is able to satisfy the visa issuing officer that he or she has sufficient financial resources to support the applicant; and
 - (ii) has made arrangements for the applicant to be properly accommodated;
 - (n) where the applicant is a minor seeking a visa independently of the minor's parents or legal guardian, has failed to provide the visa issuing officer, if requested to do so, with the written consent of the minor's parents or guardian;
 - (o) is deemed, from information received by the visa issuing officer, to be a person whose presence in the Islands would not be conducive to the public good; or
 - (p) has a false document supporting the applicant's application, whether or not he or she is aware of this fact.
- (6) A person in possession of a valid visa seeking permission to enter the Islands may be refused permission only where the officer is satisfied that -
- (a) whether or not to the holder's knowledge, false representations were made or material facts were not disclosed, either in writing or orally, for the purpose of obtaining the visa;
 - (b) a change of circumstances since it was issued has removed the basis of the holder's claim to land; or
 - (c) the refusal is justified -
 - (i) on medical grounds;
 - (ii) on grounds of criminal record or bad character;
 - (iii) on the ground of the existence of a deportation order against the holder ; or
 - (iv) on the ground that the holder's presence in the Islands would not be conducive to the public good.

(7) A person whose application for a visa has been refused may not reapply until a period of twelve months has elapsed following the date of the person's last application, unless the visa issuing officer, in the discretion of the visa issuing officer, reduces that period.

Discretion of officer
under section 91

8. (1) In this regulation -

“British tourist” means a British citizen or a British Overseas Territories citizen who has arrived in the Islands on a tourist visit;

“Canadian tourist” means a citizen of Canada who has arrived in the Islands on a tourist visit; and

“United States tourist” means a citizen of the United States of America who has arrived in the Islands on a tourist visit.

(2) The requirements of section 91(1) may be waived by an officer in the case of a British, Canadian or United States tourist -

- (a) who produces on arrival in the Islands a return, round trip or through ticket showing to the satisfaction of the officer that, within six months, the tourist is entitled to proceed or return to some place in a country or territory by virtue of the tourist's citizenship or residence; and
- (b) who accepts the prescribed form presented to him or her by the officer on arrival and who complies with the conditions set out on the form.

(3) Notwithstanding section 91(1), a person resident in the United States of America who -

- (a) arrives directly from that country;
- (b) on landing, produces a valid United States Alien Registration Card; and
- (c) produces a return or round trip ticket to that country, may be permitted to enter and remain in the Islands for a period not exceeding thirty days.

(4) Notwithstanding section 91(1), a person resident in Canada who -

- (a) arrives directly from the United States of America or Canada;
- (b) on landing, provides proof that he is a permanent resident or landed immigrant of Canada; and
- (c) produces a return or round trip ticket to the United States of America or Canada, may be permitted to enter and remain in the Islands for a period not exceeding thirty days.

(5) Notwithstanding section 91(1), a person resident in the United Kingdom who -

- (a) arrives directly from the United Kingdom;
- (b) on landing, provides proof that the person is a permanent resident or landed immigrant of the United Kingdom; and
- (c) produces a return or round trip ticket to the United Kingdom,

may be permitted to enter and remain in the Islands for a period not exceeding thirty days.

(6) A tourist issued with a prescribed form in accordance with paragraph (2)(b) shall -

- (a) retain it until the departure of the tourist from the Islands;
- (b) produce it to a constable or an officer if called upon to do so; and
- (c) surrender it to an officer at the time of the departure of the tourist,

and a person who fails so to do commits an offence and is liable on conviction to a fine of two thousand dollars.

(7) A tourist may establish proof of citizenship or residence producing to an officer a photo identification together with a certified copy of one of the following -

- (a) a birth certificate; or
- (b) a naturalisation certificate.

(8) Where there are extenuating circumstances, the Director may waive the requirements of paragraph (7).

9. Unless a person arriving in the Islands is exempted from the requirements of the Law, the person may be refused permission to land by an officer if -

Power of officer to refuse entry

- (a) the person is without a passport, visa or other appropriate travel documents;
- (b) upon the person's arrival, the person provides false or misleading information to an officer;
- (c) the person fails to provide information required by an officer for the purpose of deciding whether entry should be allowed and on what terms;
- (d) the person has in the past -
 - (i) obtained a benefit by way of grant from Customs and Border Control or the previous immigration authorities by fraud or deception; or

- (ii) failed to observe a condition attaching to a customs and border control or a previous immigration grant;
- (e) the person is a prohibited immigrant;
- (f) the person fails to satisfy the officer that the person will be admitted to another country after the person's stay in the Islands;
- (g) the person's sponsor is unwilling to give, if requested to do so, an undertaking to be responsible for the person's maintenance and accommodation during the period of any leave granted;
- (h) the officer has information to the effect that -
 - (i) it will be conducive to the public good to refuse the person leave to enter; or
 - (ii) the person does not intend to leave the Islands at the end of the period of the person's visit;
- (i) the person intends, unlawfully, to engage in gainful occupation in the Islands;
- (j) the person has in the person's possession a forged, altered or irregular passport or other travel document;
- (k) the person intends, without having obtained the necessary student visa, to engage in formal studies in the Islands; or
- (l) the person has insufficient funds -
 - (i) to adequately maintain himself or herself and his or her dependants without recourse to taking up employment; or
 - (ii) to meet the cost of the return or onward journey.

Arrivals and departures
by air during abnormal
hours

10. (1) Where an aircraft is expected to arrive in or depart from the Islands before 7.00 a.m. or after 9.30 p.m., ("abnormal hours"), it shall be the responsibility of the airline concerned to so notify, as soon as possible, an officer, supplying the officer with details of the flight plan including -

- (a) the expected time of arrival or departure;
- (b) the number of passengers on board; and
- (c) any other information requested,

and the officer shall lodge such communication in the Custom and Border Control shift manager's report.

(2) A fee to offset the overtime salaries payable to officers shall be levied on the airline referred to in paragraph (1) at the following half hourly rates, except that the minimum charge shall be for a period of one hour.

Arrivals

No. of passengers	Fee per thirty minutes
(a) up to sixty	\$159
(b) more than sixty but fewer than eighty	\$198

- (c) eighty or more \$237

Departures

No. of passengers	Fee per thirty minutes
(a) up to sixty	\$82
(b) more than sixty but fewer than eighty	\$130
(c) eighty or more	\$159

(3) For the purposes of calculating the cost to the airline for the Customs and Border control services rendered under this regulation, account shall be taken of the fact that a team of officers shall be on duty to service the flights -

- (a) in the case of arrivals, thirty minutes before the indicated time of arrival until ten minutes after it is cleared; and
- (b) in the case of departures, one hundred and twenty minutes before the indicated time of departure until the flight leaves.

(4) Where there are multiple arrivals or departures during abnormal hours, the cost of the overtime customs and border control services to each airline shall be pro-rated based on the number of passengers arriving or departing on each flight.

11. (1) A person in the category mentioned in paragraph (2) is exempt from the requirements of section 98(1), when disembarking in or leaving the Islands, to complete and hand to an officer immediately on arrival or departure a disembarkation card or embarkation card in the prescribed form.

Exemption from the requirement to complete embarkation and disembarkation cards

(2) The category comprises any person who, when disembarking in or leaving the Islands, produces for the inspection of an officer a British Overseas Territories Citizen (Cayman Islands) passport which is valid for travel by that person.

12. (1) A person, except a professional employee, other than a person who is ineligible for the grant of a work permit by virtue of section 66(1) of the Immigration (Transition) Law, 2018, who -

Visitor's Work Visa

Law 33 of 2018

- (a) is employed full time by a company, individual or institution outside the Islands;
- (b) is coming to the Islands for up to five calendar days for the purpose of engaging in commercial activity with one or more persons or entities licensed to trade in the Islands under the Trade and Business Licensing Law (2018 Revision) or any other law;
- (c) would otherwise require a work permit for the activity referred to in subparagraph (b); and

(2018 Revision)

(d) is being sponsored in accordance with subparagraph (b),

may apply to an officer upon arrival at a port of entry for the grant of a visitor's work visa.

(2) An officer, upon being satisfied that the applicant under paragraph (1)-

(2018 Revision)

- (a) is formally sponsored by one or more persons or entities licensed to trade in the Islands under the Trade and Business Licensing Law (2018 Revision) or any other law by virtue of a letter or letters (in the event that the applicant is conducting business with more than one local entity) of sponsorship in the prescribed form having been received by Customs and Border Control prior to the applicant's arrival at the port of entry;
- (b) possesses a valid entry visa, if required;
- (c) is not a prohibited immigrant; and
- (d) has paid the prescribed non-refundable fee,

may approve the grant of a visitor's work visa valid for five days.

(3) A person granted a visitor's work visa under this section shall be entitled to engage in commercial activity only with the person's sponsor or sponsors.

(4) An application under subsection (1) may be refused on the ground that -

- (a) the applicant is required to have and does not possess a valid entry visa;
- (b) no letter or letters of sponsorship in the required form has or have been received by Customs and Border Control in respect of the applicant;
- (c) the applicant is a prohibited immigrant;
- (d) in the opinion of the officer, the sponsorship of the applicant is not genuine; or
- (e) in the opinion of the officer, the applicant's presence in the Islands is not conducive to the public good.

(5) A visitor's work visa issued under this section shall not be extended or renewed unless the Director is satisfied that there are exceptional circumstances and only then for a further five calendar days after which the holder shall leave the Islands unless authorised to remain under any other section of the Law.

(6) A person may not hold more than one visitor's work visa for the same sponsor or sponsors in the same calendar month.

(7) The fee for an application for the grant or extension of a visitor's work visa is one hundred dollars.

(8) In this regulation "professional employee" has the meaning given by section 2 of the Immigration (Transition) Law, 2018.

13. (1) Regulations 18 to 26 of the Immigration Regulations (2018 Revision) are repealed. Repeal
(2018 Revision)

(2) Schedule 1 of the Immigration Regulations (2018 Revision) is amended by repealing the provisions relating to the application fee for the grant or extension of a visitor's work visa.

Made in Cabinet the 21st day of January, 2019.

Kim Bullings

Clerk of the Cabinet.