

Pathways to Status

◀ INFORMATION SHEET ▶

This Legislative session, the Government of Bermuda will seek to amend the *Bermuda Immigration and Protection Act 1956* to provide pathways to Permanent Residency and Bermuda Status for some of our long-term residents.

1. Why is Government amending the law to provide new pathways to permanent residency and Bermudian status?

- It's the right thing to do.
- Past immigration policy in Bermuda has allowed large groups of individuals to call Bermuda their home with no real hope or expectation that they can ever achieve the full rights associated with being Bermudian. It has also divided families.
- Blanket bans currently applying to long-term residents are not consistent with the *European Convention on Human Rights* and other international legal standards.
- An immigration policy that offers no pathway for protection of private and family life is incomplete and also fails to meet international baseline standards.
- Bermuda is one of the only places in the world that does not offer a Pathway to Status.
- Bermuda faces a decreasing working population, and we need our long-term residents to stay and pay into our social safety net.

2. What specifically will the new reforms mean in terms of providing pathways for Bermuda Status?

- Any permanent resident who is ordinarily resident in Bermuda for 20 years will be eligible to apply for Bermudian status.
- In addition, such a person will need to be a Commonwealth citizen and must be of good conduct and character throughout the period of residency in Bermuda.
- Persons in Bermuda for 20 years at the time of commencement will have special transitional provision made for them.

3. What specifically will the new reforms aim to do for adoptive children of Bermudians?

- At present, children adopted by Bermudians are deemed to be Bermudians until they turn 22 years-old. Upon turning 18, they can apply to the Minister to convert their deemed Bermudian status to **actual** Bermudian status provided the applicant is of good conduct and character throughout the period of residency in Bermuda and is ordinarily resident in Bermuda for five years.



- However, there is still some uncertainty in this application process, as any interruption in five years of ordinary residence can jeopardize the legislation.
- Therefore, the legislation will rectify this by allowing the adoptive children of Bermudians domiciled in Bermuda to automatically obtain Bermudian status, provided they are also a Commonwealth citizen and were less than 12 years of age when they were adopted and the adoption is recognized in Bermuda law.

4. What specifically does the legislation aim to do in terms of providing pathways for Permanent Residency?

Pathway to PRC – General

- Any person who is ordinarily resident in Bermuda for 15 years will be eligible to apply for permanent residency.
- In addition, such a person will need to be ordinarily resident in Bermuda for two years immediately prior to his or her application and must have been a person of good conduct and character throughout the period of residency in Bermuda.

Pathway to PRC – Young person

- Any person who was born in Bermuda, or who arrived before his or her 16th birthday, will be eligible for permanent residency after ten years of ordinary residency in Bermuda upon reaching their 18th birthday.
- In addition, such a person will need to be ordinarily resident in Bermuda for two years immediately prior to his or her application and must have been a person of good conduct and character throughout the period of residency in Bermuda.

Pathway to PRC – Bermuda connection

- Any person who has a ‘Bermuda immediate family connection’ will be eligible for

permanent residency after ten years of ordinary residency in Bermuda upon reaching their 18th birthday.

- In order to qualify for a PRC under this pathway, the applicant must be –
 - the brother or sister of a person who possesses Bermudian status where that brother or sister does not qualify for such grant;
 - the natural parent of a person who possesses Bermudian status where that parent does not qualify for such grant;
 - the brother or sister of a permanent resident where that brother or sister does not otherwise qualify for such grant;
 - the natural parent of a permanent resident where that natural parent does not otherwise qualify for such grant;
 - the son or daughter of a permanent resident where that son or daughter is above the upper limit of compulsory school age (currently 18); or
 - the spouse of a permanent resident where that spouse does not qualify for such grant or for the grant of Bermudian status.
- In addition, such a person will need to be ordinarily resident in Bermuda for two years immediately prior to his or her application and must have been a person of good conduct and character throughout the period of residency in Bermuda.

5. What will be some of the direct benefits to Bermuda as a result of this Legislation?

- People who would be eligible are our friends, neighbours and work colleagues. The reforms will help to keep intact the social fabric of many families and communities in Bermuda.

We all stand to benefit when long-term residents are given the security of knowing Bermuda as their own.

- This legislation will bring Bermuda in compliance with international legal standards and keep Bermuda from being out of step with competing jurisdictions.
- Greater security for long-term residents will help to stabilize and increase the size of Bermuda’s working population; we have many more Bermudians who are getting older and fewer younger Bermudians who are able to pay into our social insurance, pension and health insurance systems. This will help put our social safety net on a firmer, more sustainable footing.
- New Bermudians, with their newfound security, could seek to purchase real estate or inject capital into Bermuda companies as directors and shareholders. This leads to an economic multiplier effect and feeds back into positive movement in Bermuda balance of payments and increased Government revenue.
- Those who are ideally placed to benefit Bermuda in the long run are those who have already demonstrated their commitment to Bermuda through their long-term presence, such those who would be eligible for PRC or Bermuda Status under this new Legislation.

6. What is the current law for anyone wishing to obtain PRC status or Bermudian status?

PRC

Right now, PRC status is only available in the following circumstances:

- to senior executives who are job-makers and who have been exempt from immigration provisions regarding work permits for at least 10 years; and

- to the adult children and spouses of PRCs, and those PRCs were in Bermuda on or before 31st July 1989.

Bermudian status

Right now, Bermudian status can be obtained by non-Bermudians in the following main circumstances:

- Where an applicant has been married to a Bermudian for ten years, with seven of those years ordinarily resident in Bermuda;
- Where an applicant is the adopted child of a Bermudian, makes an application after turning 18 but before turning 22 and has lived in Bermuda ordinarily for five years;
- Where an applicant has been ordinarily resident in Bermuda for 10 years and has a qualifying Bermudian connection; and
- Where an applicant is a PRC and has lived in Bermuda ordinarily since at least 31st July 1989.

7. Under what circumstances would the Minister have the right to deny an application for Status?

- Where a potential applicant does not meet the residency requirements or where any period of absence from Bermuda has not been authorized. This would not include work or education-related absences.
- In addition, no applicant will be successful if they have been convicted, whether in Bermuda or elsewhere, of offences showing immoral behavior or their character or conduct otherwise should disqualify them from a grant of Bermudian status.
- The Minister will have the power to strip any one of Bermudian or PRC status following any application which was obtained by means of fraud, false representation or the concealment of any material fact.