



GOVERNMENT OF BERMUDA

Department of Immigration

Physical Address:

30 Parliament Street, Government Administration Building (First Floor), Hamilton, Bermuda HM 12

Mailing Address:

P.O. Box HM 1364, Hamilton HM FX, Bermuda

Telephone/Facsimile

(441)295 5151 / Fax (441)295 4115

Website:

www.gov.bm

ACCESS TO INFORMATION STATEMENT

Department of Immigration

April 1, 2015

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INTRODUCTION:

Description of general purpose of Public Access to Information Act 2010:

The Public Access to Information Act became law on the 10th of August 2010. It is intended to foster a culture of openness in government. The Act establishes a right of access to all types of "recorded" information held by public authorities and imposes obligations on public authorities to disclose information, subject to a range of exemptions. The Act must be brought into full force by the 1st of April 2015.

The Department of Immigration is committed to promoting and actively developing a culture of openness, transparency and customer focus. Our aim is to help the public and our partners to understand and be involved in our work.

The Department of Immigration will:

1. Pro-actively publish and release information. We will review what we publish and take account of demand for information. We will publish information electronically and in other cost effective ways appropriate to the needs of the intended audience. In order to make it as easy as possible to find information, we will continue to improve our website to enable people to find the information they want quickly and easily, and we will, when necessary, draw attention to publication information using other media as appropriate (For example: Press releases).

It is important to note that (subject to the Public Access to Information Act 2010) any person who is a Bermudian or a resident of Bermuda may apply for, and receive, information held by the Department of Immigration.

2. Encourage better information management. As budgets permit, we will continue to create and store records in digital formats.

3. Consult openly and widely wherever appropriate and practical. We will inform stakeholders as quickly as is practical about the reasons for our action, keep them fully informed of progress, seek feedback and consult and involve them in the longer term as practical. However, there may be times when actions will need to be taken quickly for wider public interest reasons to enable this to happen.

4. Strive to answer requests that are reasonable and specific. We will treat all requests fairly and without prejudice taking into account the public interest in making information available wherever possible. As legislatively required to do under the Public Access to Information Act 2010, we will:

- a. Acknowledge receipt of a request within five (5) working days after receipt of the request and inform the requester of the process for dealing with the request and of the requester's rights under the Act;
- b. No later than 6 weeks after receipt of the request, decide whether to grant or refuse the request in whole or in part;
- c. Notify the requester of any extensions if responding within the original 6 week period is not reasonably practicable.

5. **Give a clear explanation of our** decision if information cannot be published or released. We will also tell people how to submit a complaint if they do not agree with any decision not to release information.

FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS:

The Minister responsible for Immigration is Senator the Honourable Michael M. Fahy, JP (“Minister”) and the Permanent Secretary is Mr. Randy Rochester (the “Head” per the Schedule of the Act).

Mission:

The Department of Immigration is committed to serve travelers and to conserve and protect Bermuda for the benefit of its people; residents and visitors.

In pursuit of our mission, we will work as a team and exercise sound judgment in the performance of our duties to ensure that we respond to the needs of our customers in an efficient, effective and timely manner in accordance with the laws of the land, the policies of the Ministry and the procedures of the department.

We will act sympathetically, courteously and impartially to accomplish our mandate.

About Us:

The Department’s authority is derived from the Bermuda Immigration and Protection Act 1956 (together with its related policies, rules and regulations) which replaced the earlier Act. The Department also administers the British Nationality Act; the Accord between the Governments of Bermuda and Portugal; and the Diplomatic Service Procedures.

Under the direction of the Chief Immigration Officer, the Department is comprised of 42 employees who have been assigned to three (3) core/operations divisions, which include the Corporate Services Division, the Personal Services Division, and the Compliance Division, together with the support divisions, the Finance & Administration Division and the Policy and Planning Division.

Head of Department

Dr. Danette Ming, Chief Immigration Officer

Head of Operations

Mr. Steven Lambert, Assistant Chief Immigration Officer

Core/Operations Divisions

The Corporate Services Division – This Section is committed to working as a team in the performance of its duties to ensure that it responds to the needs of its customers in an efficient, effective and timely manner.

More specifically, the Section is responsible for administering Part V (Regulation of Engagement in Gainful Occupation) of the Act and the policies for processing work permits and permissions to reside while seeking employment or attending school or college. To this end, the Section is responsible for processing a wide range of applications (including related landings). The Corporate Services Manager, Industry Relationship Officers and Customer Service Representatives liaise directly with employers and work in conjunction with the Board, the Permanent Secretary and the Minister to make recommendations on each application.

Head of Section

Ms. Michelle White, Corporate Services Manager

Finance & Business

Ms. Darlene Smith, Industry Relationship Officer

Ms. Nekia Richardson, Customer Service Representative

Ms. Marilyn Cupidore, Customer Service Representative

Hospitality

Ms. Jannell Burgess, Industry Relationship Officer

Ms. Karen Bean, Customer Service Representative

Ms. Meladene Harris, Customer Service Representative

Other

Ms. Zelia Paulos, Industry Relationship Officer

Mr. Russell Lister, Customer Service Representative

Ms. Sanshae Morrissey, Customer Service Representative

The Personal Services Division – This Section liaises directly with the individual customer. The Customer Service Representatives in our reception area are available to answer all individual enquiries. The Personal Services Manager and Client Services Officers are responsible for the following areas: travel documents; the acquisition of Bermudian Status; Naturalisation as a British Overseas Territories Citizen; Permanent Resident's applications; issuance of related certificates; licenses to purchase land; permission to reside; permission to seek employment; permission to attend school; letters for spouses of Bermudians; landing permits; and airline ticket validations.

Head of Section

Mrs. Marita Grimes, Personal Services Manager

Travel & Land

Mrs. Angela Seaman, Client Services Officer, Travel Documents & Land

Customer Service

Mrs. Carla Smith, Customer Service Representative

Ms. Christine Joell, Customer Service Representative

Mrs. Sonia Wilson, Customer Service Representative

Status, Naturalisation & Long-term Residence

Administration

Ms. Georgette Bailey, Processing Administrator

Ms. Pamela Tuzo, Processing Administrator
Ms. Sharikah Muhammad, Processing Administrator

The Compliance Division – This division is overseen by the Compliance Manager who, together with the Principal Compliance Officers and Inspectors, is responsible for the inspection and investigation of potential breaches of Immigration law, regulations and policy. They conduct compliance audits; enforce work permit conditions/restrictions; and maintain control over Bermuda's border. Staff members in the division are assigned to both Immigration headquarters and the L.F. Wade International Airport.

Head of Section

Mr. Ron-Michel Davis, Compliance Manager

Supervisors

Mr. Mikkel Harris, Principal Compliance Officer
Mr. Beldwin Smith, Principal Compliance Officer

Administration

Administrative Assistant

Inspection & Investigation

Mr. Shawn Furbert, Senior Immigration Inspector
Ms. Wendy-Sue Ingham, Senior Immigration Inspector
Mr. Marshall Iris, Senior Immigration Inspector
Mr. Gavin Lee, Senior Immigration Inspector
Ms. Kewanna Swan, Senior Immigration Inspector
Mr. Don Philip, Senior Immigration Inspector
Mr. Diallo Sharieff, Senior Immigration Inspector
Mrs. Julita Simmons, Senior Immigration Inspector
Ms. Patricia Simmons, Senior Immigration Inspector
Ms. Shawnea Lewis, Acting Senior Immigration Inspector

Support Divisions

The Finance and Administration Division – Under the direction of the Chief Immigration Officer, this division is overseen by the Finance and Administration Manager who, together with the Administrative Assistant, Processing Clerk/Cashier, and the Records Management Clerk, is responsible for Department's accounts, budget, financial records/reporting, annual budget preparation, administrative support services and personnel administration functions.

Head of Section

Ms. Dawnette Bean, Finance & Administration Manager

Administration

Ms. Ezara Todd, Administrative Assistant

Mailroom

Ms. Rochea Darrell, Processing Clerk/Cashier
Mrs. Erica Jones, Processing Clerk/Cashier

File Room

Mrs. Claire Bean, Records Management Clerk

Collections Desk

Ms. Chesney Govia, Processing Administrator

The Policy and Planning Division – This division is overseen by the Chief Immigration Officer who, together with the Business Systems Officer is responsible for the management, administration, control and implementation of the Minister's and Department's policies and procedures and strategic planning processes and for the development, implementation and maintenance of information systems.

Mr. Gregory Todd, Business Systems Officer

PATI Responsibilities:

All managers will ensure that:

- Their staff are aware of this **Access to Information Statement**;
- Their staff are aware of the law and the guidance available on accessibility issues;
- Information is managed in accordance with best practice to facilitate retrieval and disclosure;
- Material for the Publications Scheme and website is regularly updated and improved;
- The content and style of documents produced internally is such that they are suitable for disclosure;
- Requests for information are dealt with fairly and promptly;
- Requests for and decisions on release of information are recorded;
- Decisions not to release information are properly taken and clearly communicated; and
- Complaints about refusal to release are reviewed impartially.

The **Chief Immigration Officer** and the **Assistant Chief Immigration Officer** are the Department of Immigration's Information Officers and are responsible for promoting this statement, ensuring it is consistent with new legislative and other requirements, producing and reviewing regularly the Department of Immigration Publication Scheme, providing corporate monitoring, processing any complaints and providing advice on Public Access to Information issues and coordinating and monitoring requests and responses.

The Finance and Administration Section will, through the Manager of Finance and Administration and the Business Systems Officer, encourage best practice for records management.

SUMMARY OF SERVICES PROVIDED AND ASSOCIATED FEES:

Note: All fees are effective as of the 1st of April 2016

Work Permits

Description of Fee

Work Permits

One-year standard or periodic work permit	\$874.00
Two-year standard or periodic work permit	\$2,184.00
Three-year standard or periodic work permit	\$3,276.00
Four-year standard or periodic work permit	\$4,368.00
Five-year standard or periodic work permit	\$5,624.00
One-year global or new business work permit	\$1,690.00
Two-year global or new business work permit	\$3,000.00
Three-year global or new business work permit	\$4,092.00
Four-year global or new business work permit	\$5,184.00
Five-year global or new business work permit	\$6,441.00
Global entrepreneur work permit (one-year)	\$1,690.00
Short term permit – up to 3 months	\$608.00
Short term permit – 4 months	\$712.00
Short term permit – 5 months	\$816.00
Short term permit – 6 months	\$920.00

Emergency permit **\$520.00**

Note: This fee is in addition to the short term application fee. Where applications are submitted for more than one expedited short term permit, the additional fee of \$520 will not exceed \$2,600, provided all applications are submitted at the same time by the same applicant.

Any permit either part-time, temporary or for 1 year or more for the care-giver or house-keeper of anyone who is over the age of 65 years. **\$249.00**

Late application fee of any temporary or 1 to 10-year work permit whereby a charge is levied for each month or part of a month that elapses between the expiry date of a permit and the date of receipt of an application to renew the permit **\$241.00**
(per month or part of a month)

Waiver of Advertising **\$520.00**

Advertisement Extension **\$260.00**

Appeal against the Minister's decision **\$260.00/per appeal/per person**

Applying under section 60 for permission to employ: **\$96.00**

- (i) a part-time permit (where-under the Minister may grant such permission for a period of one year or less in respect of persons engaged in activities (e.g. instructors or private tutors) already resident in Bermuda, engaged for not more than 9 hours in any one week)
- (ii) a part-time occasional permit (where-under the Minister may grant such permission for a period of one year or less in respect of casual part-time models who are lawful residents of Bermuda engaged for not more than 100 hours in any twelve-month period) **\$374.00**

Short-term permit for a person to be engaged for a single period of 14 days or less, in professional sport or entertainment:

(a) per person (up to 5 persons) **\$341.00**

(b) per group of more than 5 person in addition to the fee at (A) above, for each person beyond the fifth	\$171.00
One-year permit in respect of a child care worker engaged to provide child care services in his or her home	\$249.00
	(in respect of each child cared for)
Apply for permission to employ a person without Bermudian status who is one of the following: (1) the parent or lawful guardian and has legal custody of a person with Bermudian status who is under 18 year of age and resides with him	\$96.00
Granting an additional permit to a person, who holds a work permit, to engage in part-time work as an artist	\$96.00
A letter of permission (where under the Minister may grant such permission for a period of time specified in the letter not exceeding 1 year to not-for-profit organisations including registered charitable organisations for the employment of coaches, teachers of sports and recreation, clergy, speakers and musicians) (Note: For applications submitted for 6 or more persons, a group fee of \$520 will apply)	\$104.00
Issuing -	
<i>A multiple re-entry permit under section 53 for non-Bermudian property owners</i>	
(a) for 2 years for visits up to 6 months	\$260.00
(b) for 5 years for visits up to 6 months	\$520.00
<i>Landing Permits</i>	
For each member of the crew joining or leaving a yacht in Bermuda	\$31.00
For any other person	\$54.00
For each passenger landed in Bermuda at any point of entry without sufficient travel, work permit or re-entry documents	\$225.00
<i>Granting permission to a travelling salesman --</i>	

- | | |
|--|-----------------|
| (a) to engage in local business as a self-employed travelling salesman | \$374.00 |
| | (per month) |
| (b) to work with a local sole representative | \$832.00 |
| | (per annum) |

Transfers, Promotions or Job Title Changes

- | | |
|---|-----------------|
| (a) to transfer a person with a valid work permit to another company within the same group of companies or on merger or takeover where his duties remain the same | \$374.00 |
| (b) to promote such a person on a work permit from his current job to another, in the same business | \$374.00 |
| (c) to change the job title of such a person whose employer and duties remain the same | \$374.00 |

Permission to reside

- | | |
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| Granting permission to reside in Bermuda up to one year | \$161.00 |
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Duplicates

- | | |
|---|----------------|
| Issuing, within the period of the original validity, a duplicate copy of a work permit or any other document granting permission to reside in Bermuda | \$33.00 |
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Work Permit Card

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| Issuing a secure personalised card to allow immigration clearance at the L.F. Wade International Airport for the holder of a valid work permit or any other document granting permission to reside in Bermuda | \$151.00 |
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British Overseas Territories Citizen Passport

Description of Fee

Passports

Issuing a standard size passport to a British Overseas Territories Citizen [BOTC]--

- | | |
|---|-----------------|
| (a) an adult (including persons over the age of 65 years) | \$160.00 |
|---|-----------------|

(b) a child (under the age of 16 years)	\$80.00
Issuing temporary passport of restricted validity to a British Overseas Territories Citizen [BOTC] (processing time is 8 working days)	\$127.00
Providing express service for a temporary passport (within 1 – 7 days) to a British Overseas Territories Citizen (fee is refundable only if deadline of less than 8 working days is not met)	\$166.00

Bermuda Status, Naturalisation and Permanent Residence

Description of Fee

Bermudian Status

Applying for grant of Bermudian status under section 19 or 19A	\$534.00
Applying for grant of Bermudian status under section 20 or 20B	\$150.00
Issuing a certificate of Bermudian status under section 21	\$150.00
Confirmation of Bermudian status under section 16, 17 or 18	\$150.00

Bermudian Status Register

Issuing under section 3(3)(b)--	
An extract of an individual's detailed record from the Bermudian Status Register	\$14.00
An extract from the Register by page--	
Up to 15 pages	\$14.00
More than 15 pages	\$0.87
	(per page)
Issuing a certified copy of an extract or a letter confirming an individual's detailed record from the Register under section 3(3)(c)	\$72.00

Permission to let	\$260.00
Application for residency for non-Bermudian dependents of persons who have ex-spouse's employment rights	\$154.00
Application for residency for non-PRC spouse of a PRC holder	\$154.00
Administration for repatriation assistance under section 130	\$208.00

Permanent Resident's Certificate

On application for a permanent resident's certificate under section 31B	\$2,000.00
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Naturalisation

Applying for British naturalisation	\$250.00
Applying for registration as a BOTC where: the application is made in conjunction with an application for Bermudian status; OR the applicant already has Bermudian status; OR the applicant is deemed under section 16 to have Bermudian status and is potentially entitled to obtain Bermudian status under section 20; OR the applicant will be deemed under section 16 to have Bermudian status on registration as a BOTC and will be potentially entitled to obtain Bermudian status under section 20.	\$250.00

Permission to Enter, Visit or Reside in Bermuda

Description of Fee

Spouses of Bermudians

Issuing confirmation of spouse's employment rights under section 60 or residence rights under section 27 or 27A	\$161.00
Duplicate confirmation of spouse's rights	\$33.00

Permission to reside on an annual basis

On application under section 32(1) for up to one year	\$161.00
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Residential Certificates

On issue of a residential certificate under section 32(5) to--

Persons who own the freehold premises or are the lessees of such premises where the leases have 25 years or more to run, or have entered into binding contract to purchase the freehold of such premises or to take a lease of such premises for 25 years or more and the spouses of such persons	Nil
Such other persons who are eligible for a residential certificate and their spouses	\$2,000.00
Issuing identification cards to holders of residential certificates	\$158.00

Visitor Extensions

Granting extensions to visitors for--

A total stay not exceeding 3 months (other than those arriving by yacht)	\$57.00
A total stay of more than 3 months but not more than 6 months	\$112.00

Alien Land Licence

Description of Fee

Land Licence for a restricted person

Considering an application by a restricted person or a trustee for the benefit of a restricted person for a licence to hold or acquire land	\$1,546.00
Registering the acquisition of land by a restricted person under Part VI	\$178.00

Certifying Documents and Searching Records

Description of Fee

Certifying documents

Certifying residence and employment in Bermuda and related matters	\$72.00
Searching records, certifying amendments to, or duplicate copies of, certificates and other official documents	\$72.00

CLASSES OF RECORDS HELD:

Policies:

- Work Permit Policy (found at www.immigration.gov.bm)

Application Forms:

- Application for a British Passport Bermuda (Child under 16 years)
- Application for a British Passport Bermuda (Person over 16 years)
- Application for a Confirmation Letter of Bermudian Status
- Application for Naturalisation as a BOTC
- Application for Permanent Resident's Certificate (PRC)
- Application for Permission to Extend Visit
- Application for Residence
- Bermudian Status
- Bermudian Status 5(2)
- Extension of Spouse's Employment Rights to the Divorced Parent of a Bermudian
- Global Work Permit
- Global Entrepreneur Work Permit
- Lost or Stolen Passport Notification
- Land License Application
- Landing Permit
- Letter of Permission
- New Business Work Permit
- Periodic Work Permit
- Short-Term Work Permit
- Standard Work Permit

Registers:

- Register of Bermudians

POLICIES, RULES AND GUIDELINES USED FOR DECISION MAKING:

The Department of Immigration's authority is derived from the Bermuda Immigration and Protection Act 1956 (together with its related policies, rules and regulations) which replaced the earlier Act. The Bermuda Immigration and Protection Act 1956 and the Regulations can be found at bermudalaws.bm. The Department also administers the British Nationality Act; and the Accord between the Governments of Bermuda and Portugal.

The **Regulations/Amendments** associated with Bermuda Immigration and Protection Act 1956 are:

- Bermuda Immigration and Protection (Rental and Use) Regulations 2007;
- Bermuda Immigration and Protection (Minimum Annual Rental Values) Regulations 2007;
- Bermuda Immigration and Protection (Territorial Restrictions) Regulations 2007;
- Bermuda Immigration and Protection (Licence Application) Regulations 2007;

- Bermuda Immigration and Protection (Designation of Eligible Condominium Units) Regulations 2007;
- Bermuda Immigration and Protection (Land-Holding Charges) Regulations 2007;
- Bermuda Immigration and Protection (Tourist Accommodation and Hotel Residences) Regulations 2010
- Bermuda Immigration and Protection (Land Holding Charges) Amendment Regulations 2010
- Bermuda Immigration and Protection (Rental and Use) Amendment Regulations 2010
- Bermuda Immigration and Protection (Land Holding Charges) Amendment Regulations 2013
- Bermuda Immigration and Protection Amendment Act 2013
- Bermuda Immigration and Protection Amendment (No. 2) Act 2013

The Bermudian status by Birth or Grant Register Act, 1992 – which establishes the register of Bermudians

The British Nationality Act, 1981 which governs various citizenships, namely:

- British Overseas Territories citizenship - for former citizens of the United Kingdom and Colonies associated with Bermuda and the remaining British overseas territories;
- British citizenship - for former citizens of the United Kingdom and Colonies associated with the United Kingdom and for British Overseas Territories citizens from qualifying British Overseas Territories;
- British Overseas citizenship - for former citizens of the United Kingdom and Colonies who do not qualify for either of the above categories;
- British Nationals (Overseas) - for former British Dependent Territories citizens associated with Hong Kong.

SUBMISSION OF REQUESTS FOR INFORMATION:

All PATI requests must be submitted in writing and can only be submitted at the Department of Immigration, 30 Parliament Street, Government Administration Building (First Floor), Hamilton, Bermuda, HM12 (not at the L.F. Wade International Airport). Requests should be submitted at the Front Counter (only), Monday to Friday, from 8:30a.m.-5:00p.m.

INFORMATION THAT CANNOT BE RELEASED:

The Public Access to Information Act 2010 sets out exceptional circumstances in which a request for information may be refused. From an Immigration standpoint, we cannot release information that affects other legal rights or processes, particularly where personal privacy may be breached.

Additionally, we cannot release information where it is likely that doing so could lead to the release of commercial information (For example: Trade secrets or contractual negotiations).ⁱ

INFORMATION OFFICERS:

Dr. Danette Ming, the Department of Immigration's Chief Immigration Officer and **Mr. Steven Lambert**, Assistant Chief Immigration Officer, serve as Information Officers for the purposes of Public Access to Information requests.

Contact Details:

Dr. Danette Ming
Tel: (441) 295-5151 (Ext. 1444)
dwming@gov.bm

Mr. Steven Lambert
Tel: (441) 295-5151 (Ext. 1385)
slambert@gov.bm