



Press Conference Remarks by:
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THE MINISTER OF LABOUR

Securing Permanency for Long-Term Residents
August 2nd, 2021

Good day to members of the media and the listening public.

Introduction

The Ministry of Labour wishes to inform the public of the Government's plan to make legislative amendments to address the long-standing challenge of providing a means for Long-Term Residents to secure permanency in Bermuda. This initiative is in direct alignment with the immigration reform strategic priority to achieve a simplified, fair, and modern immigration legislative framework.

As indicated in the November 2020 Speech from the Throne, this Government is committed to making, *"revisions to the Bermuda Immigration & Protection Act 1956 that will advance comprehensive immigration reform by providing a framework for persons to obtain permanent residency in Bermuda."*

In August 2000, a Report entitled **Bermuda's Long-Term Residents: A Discussion Paper**, was presented to the Legislature by the then Minister of Labour, Home Affairs & Public Safety, the Hon. Paula A. Cox JP. MP. The Report described the untenable situation of Long-Term Residents who have no legal way to regularize their immigration status.

Two decades later Bermuda still struggles with providing many long-term residents with a legal means to secure permanent residency in Bermuda.

Long-Term Residents include persons in a variety of different personal circumstances. For the purposes of the legislative amendments, the Government seeks to define Long-Term Residents to include the following:

- a. Persons who were born or arrived in Bermuda at an early age, and have been ordinarily resident in Bermuda;
- b. Persons who have been ordinarily resident in Bermuda seeking to remain and who have continuously contributed to the Bermuda community;
- c. A divorced parent of a Bermudian child;
- d. An unwed parent of a Bermudian child; and
- e. Children of 1st and 2nd generation Permanent Resident Certificate holders who have been ordinarily resident in Bermuda.

Problem Overview

In developing a policy and legislative solution for the issue of Long-Term Residents, the Government has identified three problems it is attempting to address.

1. Problem 1 addresses the issue of Long-Term Residents generally.

Many non-Bermudians have embraced, integrated into, and contributed to Bermuda for an extended period. These non-Bermudians should be afforded some level of security to enable them to remain. This includes but is not limited to:

- i. Persons who were born in or arrived in Bermuda at an early age, and have been ordinarily resident in Bermuda for an extended period of time;
- ii. Persons who have continuously worked in Bermuda for a significant period and seek to continue to make Bermuda their home.

The Government has heard the concern from members of our community. There are many individuals who were born in Bermuda or been in Bermuda from an early age, call Bermuda home, but have no way of normalizing their residency in Bermuda. The ability for some of these individuals to remain in Bermuda with their families is tied to their ability to secure a work permit. This issue must be addressed.

2. Problem 2 addresses the issue of Long-Term Residents who are Parents of Bermudian Children

Currently, non-Bermudian parents of children who possess Bermudian Status must leave the island after the child's 18th birthday. In this case the parent either takes the children with them or is separated from the children. This includes:

- i. A divorced parent of a Bermudian child; and
- ii. An unwed parent of a Bermudian child.

As the Minister of Labour, I have experienced first-hand the stress, anxiety and anguish that parents of children with Bermudian Status must face as their children turn 18. Currently, there is no clear provision that will allow a mother or father to remain in Bermuda after a certain age. It is never my intention as Minister, or the intention of this Government, to bring grief to a parent who simply wants to remain in Bermuda with their child. A parent should not have to choose between living with their child or leaving without their child.

3. Problem 3 addresses the issue of 2nd generation PRC holders who are unable to pass on PRC to their 3rd generation children

Persons who obtained a Permanent Resident Certificate, or PRC, under Section 31A of the Act can pass that PRC on to their children, who are the 2nd generation, by means of Section 31B.

However, the children of those 2nd Generation PRC holders, referred to as the 3rd generation children, do not have residency rights in Bermuda, despite, in some cases, being born in Bermuda. The exception to this general situation is those persons in this category who are eligible to apply for PRC until 2022 due to the recent Repatriation & Mixed Status

Families legislation passed in 2020. This problem also needs to be addressed.

Proposed Solutions

As a solution to all three problems identified, the Government proposes expanding eligibility for persons to obtain a Permanent Residency Certificate (PRC) outlined as follows:

1. Proposal #1 addresses Long Term Residents Generally

The Government proposes to expand the eligibility criteria for the granting of a PRC to include any person who has been ordinarily resident in Bermuda for **20 years or more**. This includes persons who were born in Bermuda or arrived in Bermuda at an early age and have been ordinarily resident in Bermuda, as well as persons who have continuously worked in Bermuda and seek to continue to make Bermuda their home.

2. Proposal #2 addresses Parents of Bermudian Children

The Government proposes to expand the eligibility criteria for the granting of PRC to include the non-Bermudian parent of a child with Bermudian status who has been ordinarily resident in Bermuda for **15 years or more**. This includes but is not limited to a divorced parent of a Bermudian child; and an unwed parent of a Bermudian child.

3. Proposal #3 addresses the children of 2nd generation PRC holders

The Government proposes to expand the eligibility criteria to allow Permanent Resident Certificates to children born to 2nd Generation PRC holders who have been ordinarily resident in Bermuda for **10 years** or more and are at least 18 years of age.

This Government's proposals seek to provide a more effective solution for Long-Term Residents living in Bermuda. This solution will enable Bermuda's Long-Term Residents to gain a Permanent Residency Certificate. It also improves upon the Repatriation and Mixed Status Families amendments made in 2020 and supports the principle that families should not be separated.

The Government's solution to this long-standing challenge will provide a more fair and consistent process of securing permanency for Long-Term Residents.

Additionally, the policy proposals eliminate gender, racial and financial bias by giving equal opportunity and security of tenure to Long-Term Residents.

The recommended time period required to grant Permanent Resident Certificates to individuals who have been ordinarily resident in Bermuda is very conservative. Approximately 96% of the 200+ jurisdictions examined have significantly shorter time requirements for permanent residency.

The current application fee for a Permanent Resident Certificate under Section 31A of the Act is **\$50,000**. The Ministry of Labour believes this fee is not in alignment with its principle of eliminating

gender, racial and financial bias as this fee perpetuates unequal access for persons seeking to normalize their long-term residency.

As such, the Ministry of Labour has reviewed the fee structure and has determined that the Permanent Resident Certificate application fee shall be reduced from \$50,000 to **\$10,000**.

The current application fee for a Permanent Resident Certificate under Section 31B of the Act that relates to spouses and children of PRC holders will remain unchanged at **\$3,150**.

Balanced Approach

This Government has taken the balanced approach needed to provide a simple and effective solution for Long-Term Residents to obtain a Permanent Resident Certificate in a fair and reasonable way and provides a sensible solution to the identified problems.

Although we are faced with many challenges, this Government will remain steadfast in moving Bermuda toward a more sustainable future. The policy proposals provide a more effective means for Long-Term Residents to be granted permanent residency thereby allowing families to remain together and allow individuals to continue contributing to the local economy, as well as the social fabric of the community.

Finally, the Government will shortly release a Position Paper on Long-Term Residents to formally articulate the Government's position as I have described today.

Simply put, the granting of Permanent Resident Certificates to Bermuda's Long-Term Residents is the right thing to do.

Thank you. The Minister of Finance will now discuss the economic realities facing Bermuda and the critical role of Immigration. After those remarks, we will take questions from the media.

-Ends-.