



GOVERNMENT OF BERMUDA
Ministry of Labour

Securing Permanency for Long-Term Residents

July 2021

“Non-Bermudian Long-Term Residents (LTRs) are persons who do not have Bermudian status but have been ordinarily resident in Bermuda for an extended period of time, whether they were born in Bermuda or overseas.”

Bermuda's Long Term Residents: A Discussion Paper, Aug. 2000

Executive Summary



The Government 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.”

6 November 2020, Speech From the Throne

The problem for some non-Bermudian long-term residents (LTRs) is that no legal means currently exists to allow them to normalize their immigration standing. Over the last two decades, consecutive Governments have been challenged to effectively find avenues for LTRs to secure permanency in Bermuda.

For the purpose of this policy proposal, a LTR includes 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 continuously worked in Bermuda and seek to continue to contribute to the Bermuda community;
- c. A divorced parent of a Bermudian child;
- d. An unwed parent of a Bermudian child; and
- e. Children of 2nd Generation Permanent Residency Certificate (PRC) holders who have been ordinarily resident in Bermuda.

As a solution, the Government proposes expanding the eligibility criteria for persons to obtain a PRC as outlined below:

- **Proposal #1:** Expand the eligibility criteria for the granting of PRC to include any person who has been ordinarily resident in Bermuda for 20 years or more.
- **Proposal #2:** Expand the eligibility criteria for the granting of PRC to include a non-Bermudian parent of a child with Bermudian Status and who has been ordinarily resident in Bermuda for 15 years or more.
- **Proposal #3:** Expand the eligibility criteria for the granting of PRC to children born to 2nd Generation PRC holders and who have been ordinarily resident in Bermuda.

Providing LTRs with this level of security is beneficial as it supports both the retention of the current population and the expansion of the Repatriation and Mixed Status Families (MSF) framework, thereby enabling families to remain together. This policy solution will also provide a controlled means to regularizing the immigration status of children born to 2nd Generation PRC holders.

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Securing Permanency for Long-Term Residents

A. Background

1. Many non-Bermudian long-term residents (herein referred to as “LTRs”) have lived in Bermuda and have contributed to the local community for decades but have no means to obtain permanent residency. Over the last two decades consecutive governments were challenged to effectively address this issue.
2. As indicated in the November 2020 Speech from the Throne, the 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.”
3. The August 2000 Report entitled Bermuda’s Long Term Residents: A Discussion Paper and the October 2017 Report of the Consultative Immigration Reform Working Group both describe the situation of LTRs who have no legal way to regularize their immigration status.

B. Purpose

4. The purpose of this Position Paper is to create a fair, transparent and streamlined means for LTRs to secure a level of permanency. The policy proposals presented within seek to provide a sustainable solution for LTRs living in Bermuda to gain a Permanent Residency Certificate (PRC).
5. The policy proposals improve upon the Repatriation and Mixed Status Families (MSF) amendments made in 2020 and support the principle that families should not be separated. Additionally, the policy proposals seek to eliminate gender, racial and financial bias by giving equal opportunity and security of tenure to LTRs.
6. This policy solution is required because LTRs who do not have security of residency are not able to fully participate in the social fabric of the Bermudian community.
7. Providing LTRs with this level of security is beneficial as it supports the retention of the current population and the expansion of the MSF framework, enabling families to remain together. This policy solution will also provide a controlled means to regularizing the immigration status of children born to 2nd Generation PRC holders.



The problem is long-term residents have no legal means to secure permanent immigration standing.

C. Problem and Recommendations

8. A policy solution is required to provide guidance and consistency in the process of securing permanency for LTRs.
9. The problem is that some LTRs have no legal means to normalize their immigration standing. Over the last two decades, consecutive governments have been challenged to effectively address this issue. These LTRs include persons in a variety of different personal circumstances such as:
 - i. Persons who were born or arrived in Bermuda at an early age, and have been ordinarily resident in Bermuda;
 - ii. Long-term residents seeking to remain in Bermuda and who continue to contribute to the Bermuda community;
 - iii. A divorced parent of a Bermudian child;
 - iv. An unwed parent of a Bermudian child; and
 - v. Children of 2nd Generation PRC holders who have been ordinarily resident in Bermuda.

D. Definition

10. Permanent Resident Certificate (PRC) Holder – A PRC holder is one who has obtained a PRC by the Minister under section 31A or 31B of the Bermuda Immigration and Protection Act 1956 (“BIPA”, or the “Act”). The intent of the PRC is to provide a level of security to those persons who are so closely connected to Bermuda and who have been in Bermuda for such a long period of time that they warrant special benefits.
11. While not the same as possessing Bermudian Status (i.e., they have no right to vote, etc.), the non-Bermudian with a PRC is granted certain concessions. Most notably, the holder of a PRC has the right to reside and work in Bermuda and to acquire Bermuda property with a lower Annual Rental Value (ARV) than would otherwise be applicable in the case of a person who does not possess a PRC.

Problem #1: LTRs Generally

12. 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. These persons include but are not limited to:
 - i. Persons who were born or arrived in Bermuda at an early age, and have been ordinarily resident in Bermuda; and
 - ii. Persons who have continuously worked in Bermuda and seek to continue to make Bermuda their home.

Proposal #1

13. Expand the eligibility criteria for the granting of PRC to include any person who has been ordinarily resident in Bermuda for 20 years or more.

Long Term Residents Generally

Problem 1:

Non-Bermudian Long-term Residents (LTR) ordinarily resident in Bermuda for 20+ years can not normalize their situation



Problem #2: LTRs who are parents of Bermudian Children

14. 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 their child(ren) with them or is separated from their child(ren). This includes but is not limited to:

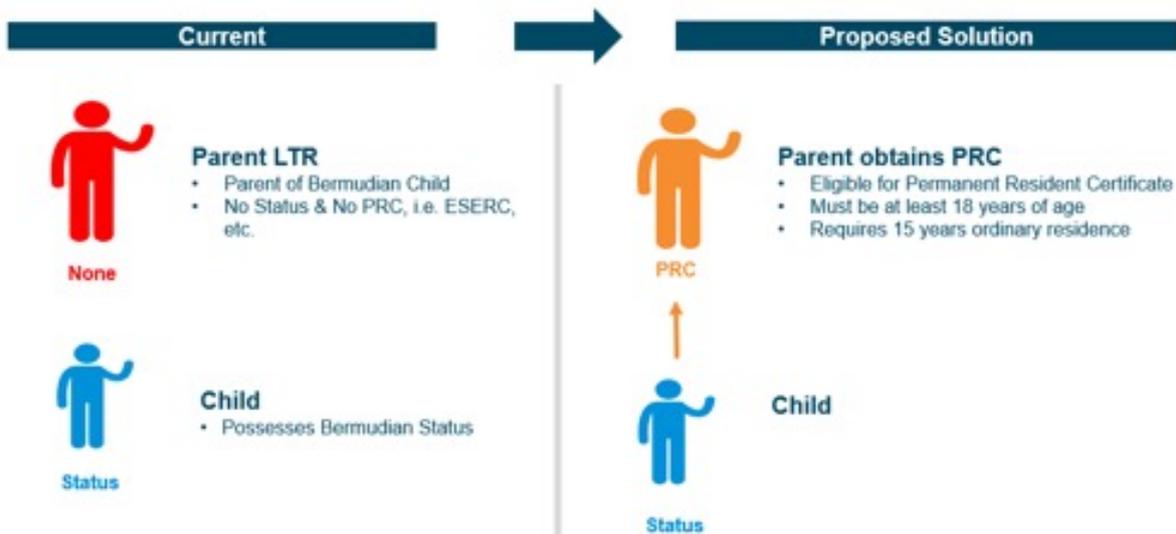
- A divorced parent of a Bermudian child; and
- An unwed parent of a Bermudian child.

Proposal #2

15. 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.

Parents of Bermudian Children

Problem 2:
LTR Parent of a child that Possesses Bermudian Status



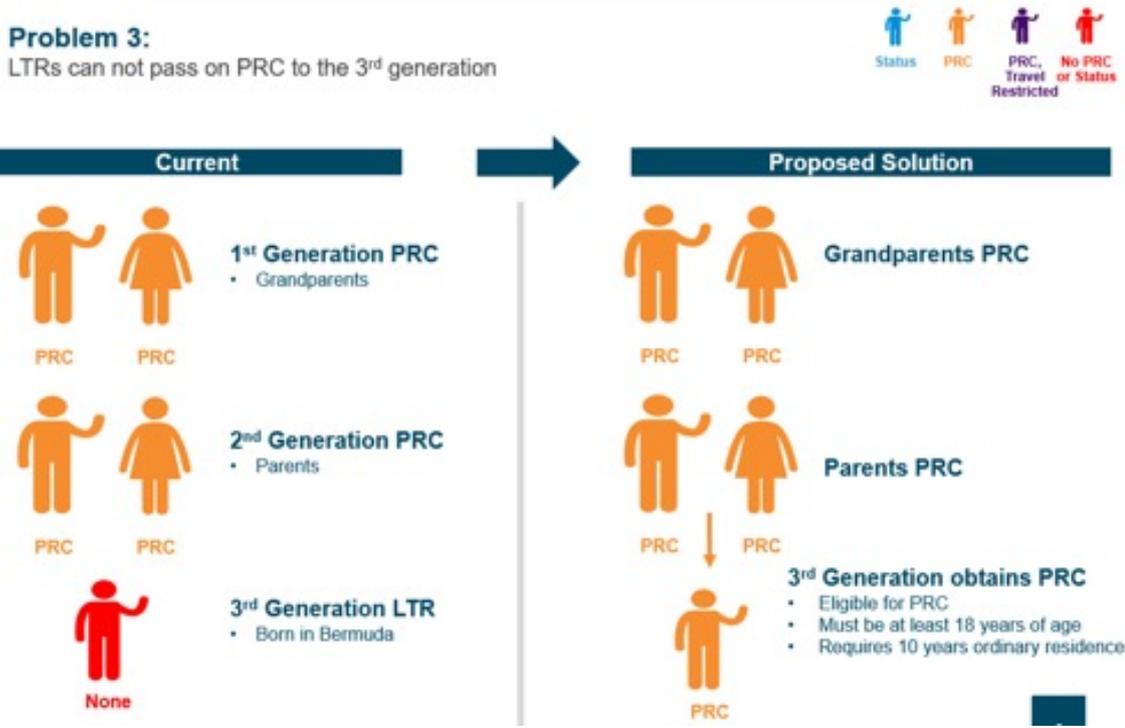
Problem #3: LTRs who are children of 2nd Generation PRC holders

16. Persons who obtained PRC under section 31A are able to pass that PRC on to their children (2nd Generation) by means of section 31B. However, the children of those 2nd Generation PRC holders (i.e., 3rd Generation children) do not have residency rights in Bermuda, despite (in some cases) being born in Bermuda. The exception to this is those persons in this category who are eligible to apply for PRC until 2022 (only) by means of the recent MSF legislation passed in 2020. Notably, in some cases, these 3rd Generation PRC holders are not eligible for citizenship or residency in any other country.

Proposal #3

17. Expand the eligibility criteria to allow the granting of PRC to children born to 2nd Generation PRC holders who have been ordinarily resident in Bermuda.

Children of 2nd Generation PRC holders



E. Considerations

Recommended Application Fee Structure

18. The Government believes the current application fee for PRC is not aligned with its principle of eliminating racial and financial bias as it perpetuates unequal access for persons seeking to normalize their long-term residency. Currently the application fee for PRC under section 31A of the BIPA is \$50,000 and the application fee for children and spouses of PRC holders under section 31B of the BIPA is \$3,150. It is proposed that the above PRC application fees remain the same and that the following new fees are introduced as follows:

- LTRs ordinarily resident for 20+ years \$10,000
- LTRs parent of a child that possess Bermudian Status \$10,000
- 3rd Generation LTRs born to a PRC holder \$3,150

A Measured Way Forward

19. The recommended time period required to grant PRCs to individuals who have been ordinarily resident in Bermuda is conservative as 96% of the 200+ jurisdictions examined have a time requirement for permanent residency that is significantly shorter.

20. The following chart shows the number of years required for permanent residency and the number of corresponding jurisdictions for each. The average length of time someone needs to live in a territory for a means to permanent residency is 5.8 years. The median length of time is 5 years.

21. The policy proposals of the Government aim to secure a balanced solution to the problems identified. This solution better positions Bermuda to address our long-standing residency challenges, thereby ensuring a sustainable future for Bermuda.

Pathway/Years to Permanent Residency	Number of jurisdictions	Percentage of total number of jurisdictions
4 years or less	10	12.7%
5 years	52	65.8%
6 to 9 years	8	10.1%
10 years	6	7.6%
11 to 14 years	0	0.0%
15 years	0	0.0%
20 years	3	3.8%

F. Conclusion

22. The Government is faced with numerous challenges but must remain undeterred in moving Bermuda toward a more sustainable future. While many have been challenged with the provision of Bermudian Status to long-term residents, the time has come for Bermuda to establish a policy that provides a means by which eligible LTRs can normalize their immigration status.

23. The policy proposals provide a sustainable means for LTRs to be granted permanent residency thereby keeping families together. In addition it allows LTRs to remain in Bermuda and to continue contributing to the social fabric of the Bermuda community as well as the local economy.