



MINISTERIAL STATEMENT

By:

THE HON. JASON P. HAYWARD, JP, MP

THE MINISTER LABOUR

REMOVAL OF REQUIREMENT FOR AFFIDAVIT OF DOMICILE FOR CHILDREN BORN OVERSEAS

22 March 2021

Mr. Speaker,

I rise today to announce to this Honourable House that this Government has amended the policy for proving domicile in Bermuda to simplify the process for persons seeking to repatriate home to Bermuda to obtain Bermudian Status.

In support of the Repatriation & Mixed Status Families legislation, with particular focus on the repatriation of Bermudians born overseas to a Bermudian parent, the Ministry has removed the requirement for the production of an **Affidavit of Domicile**.

Current Process

Mr. Speaker,

Currently, in order for a child born overseas to a Bermudian parent to obtain Bermudian Status, the Bermudian parent must produce an Affidavit of Domicile sworn before a Commissioner for taking oaths or a Notary Public. Submission of the application is required before the

child can be placed on the Register of Bermudian Status, thereby providing evidence that the child possesses Bermudian Status.

Prior to submitting the Affidavit, the Department of Immigration often assists the applicant with preparing the required evidence to determine the facts pertaining to the person's domicile.

The Issue

Mr. Speaker,

This current process of requiring an Affidavit can be costly and complicated for the parents. In addition, it can be extensive and time-consuming on behalf of both the applicant and the Department of Immigration because at times the applicant must seek documentation which goes back several generations.

Consequently, this process was a barrier for parents to pursue obtaining Bermudian Status for their child. The Repatriation & Mixed Status Families Amendment that was brought into force on September 1, 2020 did not fully address this problem.

New Process

Mr. Speaker,

To address this issue, we have simplified the process by adjusting the requirement to produce an Affidavit of Domicile by including a declaration with regard to domicile in the Bermudian Status Application Form.

This new process will make it easier for children born to Bermudian parents while abroad to obtain Bermudian Status prior to the enactment of this Act (i.e. for persons born prior to 1st September 2020), enabling them to repatriate to Bermuda in the future.

Mr. Speaker,

Overall, this change will:

- i. Simplify the process for children who were born abroad to obtain Bermudian Status;
- ii. Help increase the residential population; and
- iii. Encourage individuals to reside and invest in Bermuda.

Background

Mr Speaker,

By way of background, on August 31st, 2020 I announced the Commencement date of Tuesday, September, 1st 2020, for the Repatriation & Mixed Status Families amendments to the Bermuda Immigration and Protection Act 1956 to be brought into force.

One of the primary aims of that legislation was to correct the fact that Bermudians experience difficulty obtaining Bermudian Status for their loved ones, who are born overseas.

From the commencement of the legislation in September 2020 moving forward, for children born overseas to a Bermudian parent, the parents of these children are **not** required to prove that they were domiciled in Bermuda at the time of the child's birth for up to two

generations of children born overseas. This means that if a Bermudian has a child born overseas, that child is automatically Bermudian **at birth** without the need to fulfil any other requirement. And if that child born overseas in turn has a child of his or her own, that second generation born overseas will also be Bermudian from birth.

Mr. Speaker,

To address the issue retroactively, the legislation was not changed. However, for a child born overseas prior to the commencement of this legislation, although the requirement remains for the Bermudian parent to prove that they were domiciled in Bermuda at the time of the birth, the Department of Immigration has now streamlined the application process to make it less burdensome.

This is what was promised in August 2020, and I stand here today to confirm that we have completed this work.

Application Form

Mr Speaker,

The application form for Bermudian Status will be updated. A declaration will be inserted that defines the term domicile as follows:

“The country in which a person is domiciled is the country that the person regards as home. Therefore, to be domiciled in Bermuda, a person must regard Bermuda as home (i.e. the place to which he eventually intends to return) regardless of the country in which he is temporarily or ordinarily resident at the time.”

The declaration will require applicants to attest to the accuracy of their statement. The form will also be revised to reinforce that false statements on applications are liable to both fines and imprisonment.

The revised and updated application for Bermudian Status will be posted on **April 5th, 2021** on the Department of Immigration's website, located at: <https://www.gov.bm/online-services/apply-bermudian-status>.

Persons seeking to apply for Bermudian Status must:

1. Complete the application form and gather all supporting documentation;
2. Pay the application fee online via online banking and retain evidence of payment;
3. Submit all documentation, including the fully completed application, supporting documents and proof of payment in the drop box at the Department of Immigration, located on the 1st Floor of the Government Administration Building.

Application Fees and Online Banking Information for the Department of Immigration may be found on the Immigration website at: <https://www.gov.bm/department/immigration>.

Alignment with Ministry Vision

Mr. Speaker,

The mandate of the Ministry of Labour is to drive economic growth & job creation. The Government seeks to increase the number of persons living and working in Bermuda, and particularly focus on the

repatriation of Bermudians. These changes align with that mandate, while reducing red-tape and a decades old headache for many. This change assists persons to more easily and efficiently repatriate to Bermuda to contribute to our community and help rebuild our economy.

Thank you, Mr. Speaker.