



## **Ministerial Statement**

**By**

**The Hon. C. Walton D. Brown, Jr., JP, MP**

**Minister of Home Affairs**

**Friday, September 15, 2017**

### **The Next Wave of Changes to Immigration Policies and Procedures**

---

**Mr. Speaker**, as the new Minister of Home Affairs, it is my view that certain Immigration policies and procedures must be immediately addressed so that the Department of Immigration (“the Department”) will continue to be effective and efficient in achieving the Ministry of Home Affairs’ mandate, *“to improve the economy by addressing the needs of the local and international business community and the career aspirations of Bermudians.”* As such, I rise today to communicate that the following changes are in train:

- enhancements to the Musician/Entertainer Policy;
- careful assessments of Statements of Employment;
- closer monitoring of the recruitment processes by employers; and
- effecting a plan to return the full processing of British Overseas Territories Citizen (BOTC) (Bermuda) passports to Bermuda.

**Mr. Speaker**, the abovementioned list comprises the next wave of changes to Immigration policies and procedures. I take care in using the phrase “*the next wave of changes*” on the premise that on August 25, 2017, via a Press Statement, I indicated that employers are now required to ‘submit’ police certificates to the Department. For the sake of clarity and before I elaborate on the next wave of changes, I wish to remind the Honourable Members of this House that the press release emphasized the following key points:

- that the request for employers to submit police certificates applies to **first-time residents only**;
- that employers should **already** have police certificates on record; and
- that employers had **one business day** to submit police certificates for work permit applications which have already been submitted, but where a decision has not yet been made

**Mr. Speaker**, the deadline for the submission of police certificates for work permit applications that had already been submitted to the Department, but for which no decision has been rendered, was set at August 28, 2017. This deadline was aggressive because the 2015 Work Permit Policies already mandated that employers had to obtain police certificates and keep them on record in the event that the Department of Immigration requested to review them.

**Mr. Speaker**, I am pleased to report that by August 30, 2017, the technical officers of the Department confirmed that they had already received an influx of police certificates, that inquiries by employers were minimal, and that employers who did contact the Department, did so primarily to give assurance that they would be submitting their police certificates or that they had already done so.

**Mr. Speaker,** I personally have received varied feedback with respect to the request that employers now need to submit police certificates. Some feedback suggested that a grace period should have been given. However, the quick actions by many employers (as just stated) suggests that the request has not at all, been burdensome to employers, or to prospective first-time residents, for that matter. I hesitate to think that employers who have not yet submitted police certificates for work permit applications which are in process, have provided false information in the application form (checklist) for work permits and are therefore in breach of the Bermuda Immigration and Protection Act 1956.

**Mr. Speaker,** the submission of police certificates is a step in the right direction; particularly in consideration that for the L.F. Wade International Airport Redevelopment Project, individuals (including Bermudians) are heavily scrutinized and those with a criminal record are deemed the most unlikely to meet the security clearance process and/or are prevented from working in certain areas. The point here is that an individual's criminal record is 'directly' assessed by Bermuda Skyport Corporation Limited and its associates. It is therefore unfair that for other organizations, criminal records are not directly assessed by the Department. It is unfair that non-Bermudians could enjoy an advantage over Bermudians by securing employment in Bermuda. So, the requirement to submit police certificates to the Department and allow for direct assessment by the Board of Immigration and technical officers applies to all employers and all job categories.

**Mr. Speaker,** I will now communicate the four **new changes** that the Department is working on. First, the policy relating to **musicians/entertainers** is being enhanced to ensure that Bermudian musicians and entertainers are given fair opportunities for employment. The policy will:

- address the recruitment process for all forms of possible employment for non-Bermudian and Bermudian musicians/entertainers throughout Bermuda;
- ensure advertisements are not tailor-made;
- judiciously review work permit applications where one genre of music is appropriate for an occasion/event;
- support tourism initiatives aligned with the Hotel Concession Act 2000; and
- mandate that Bermudian musicians/entertainers are included in all promotional campaigns with their non-Bermudian musicians/entertainers.

**Mr. Speaker,** the Bermuda Entertainment Union (BEU) will be actively involved in the new processes. In fact, all non-Bermudian musicians/entertainers will be required to maintain an active membership with the BEU by paying travelers' dues to the BEU before work permits will be granted.

**Mr. Speaker,** many Bermudians are either unemployed or underemployed. As such, the second new process change relates to **statements of employment** which complement all work permit applications. Just over two weeks ago, I met with the Board of Immigration and instructed that the members carefully assess statements of employment to determine whether employers are proposing to pay non-Bermudian workers less than the market rate. If this is the case, it means that employers are engaging in cheap labour practices and that Bermudians are unlikely to be offered employment and/or to accept employment, even if offered. Where there is evidence of the market rate for job categories; ie.g. with the Bermuda Industrial Union for certain blue collar jobs, the Board of Immigration will benchmark the

statements of employment against this, or, with the breadth of expertise amongst the members, they will give input in the absence of evidence, and will determine whether, by way of the statements of employment, Bermudians are being disadvantaged.

**Mr. Speaker,** the closer scrutiny of statements of employment dovetails nicely to the third process change which also deals with the work permit application process. The third change specifically encompasses **the recruitment process**. In the first instance, the technical officers will be required to highlight Bermudian applicants for posts. As a carry-on from the actions by the technical officers, the Board of Immigration, will, in the second instance, be required to carefully vet the qualifications of all Bermudian applicants against information provided in the recruitment disclosure section of the application form, the job advertisement, and each applicants' résumé, to determine whether the Bermudian applicants are suitably qualified. If Bermudian applicants are deemed to be suitably qualified and where they have not been interviewed, work permit applications will be refused. Also, where it is uncovered that employers have failed to disclose Bermudian applicants, the work permit will be refused and where the work permit has already been approved and issued, consideration will be given to revoking it.

**Mr. Speaker,** employers must do right by Bermudians by giving Bermudians a fair chance at employment opportunities. It is not acceptable that Bermudians who meet all or most of the key requirements for jobs are dismissed without the courtesy of an interview. It is not acceptable that some employers will hide or fudge information just to hire a non-Bermudian.

**Mr. Speaker,** I will also add that the Department relies on complaints from the general public. Given this, the internal review of the recruitment process is not the only means of uncovering whether employers have fairly considered Bermudians for jobs. Detailed complaints from the general public have never been frowned upon by the Department; this information gives weight to the internal process. I am therefore encouraging the general public to work with the Department to stamp out unfair recruitment practices by employers.

**Mr. Speaker,** the last change is not specific to policy. Rather, it is a change relating to procedures for the **processing of BOTC (Bermuda) passports**. As you are undoubtedly aware, Her Majesty's Passport Office (HMPO) introduced a new design for BOTC passports in 2016. With the new design, BOTC (Bermuda) passports are not as easy to identify as they were prior to the change (they are being confused with other BOTC passports which do require a visa).

**Mr. Speaker,** Bermudians who hold a BOTC (Bermuda) passport are being told by authorities of various countries that they need a US visa to enter the US – this applies to travel by air and sea. This issue, which came to the Ministry's attention in January 2017, is as a result of the code "GBR" (BMU is no longer included on the passport data page). With the new passport book design, passport books are held at HMPO because printing has also been centralized at HMPO. This has taken complete control of the process out the hands of Bermuda (and the other British Overseas Territories). Discussions with HMPO have not yet resulted in a resolution to address the issue with the code. To this end, the Ministry is working to return the full processing of BOTC (Bermuda) passports to Bermuda. Currently, the Department of Information and Digital Technology is preparing a request for information to ascertain costs.

**Mr. Speaker**, the wave of changes communicated today, are for the betterment of the economy, businesses, and Bermudians. I am hopeful that the results with their intended aims, will be positive. The Honourable Members of this House and the general public can expect further changes in Immigration policies and procedures, in the coming months.

Thank you, **Mr. Speaker**.