

Ministerial Statement By Senator, the Hon. Michael M. Fahy JP Minister of Home Affairs Wednesday December 2nd 2015

Revised Residential Certificate Policy Bermuda Immigration and Protection Act 1956

Madam President, I would like to take a few minutes this morning to apprise Senate Colleagues of revisions to the Residential Certificate Policy.

Madam President, the removal of the schedule of properties in the Bermuda Immigration and Protection Act 1956 ("the Act") that could be purchased by non-Bermudians has given rise to the need to amend the Residential Certificate Policy.

Madam President, in accordance with Section 32 of the Act, where a person is granted permission to reside in Bermuda and that permission is unlimited in duration the Minister may grant that person a residential certificate. Upon application and subsequent approval by the Minister responsible for Immigration, the residential certificate entitles a person to reside in Bermuda without the right to work.

Madam President, I would like to briefly run through the old policy, which was quite short and vague at best, which I believe clearly highlights why the revisions were necessary. More to the point, this policy has not been amended since April 4th

2003 and is reflective of different economic circumstances which no longer apply in 2015.

The Old Policy:

Residential certificates - no fee for property owners, otherwise \$1800.00

- a) Check application for completeness
- b) Prepare/retrieve file if land owner
- c) Record in Residential certificate book take next available number
- d) Prepare recommendation memo/certificates
- e) Signed by Minister
- f) Photocopy certificate for file
- g) Seal applicant's photo and Minister's signature on 19A certificate
- h) Call for collection
- i) Prepare file for the archive process

A Residential Certificate (RC) is issued by the Minister under Section 32(5) of BIP A 1956 which states:-

Where a person is granted permission to reside in Bermuda under this section and that permission is unlimited in duration the Minister may grant that person a residential certificate setting out that that person has such permission and resides in Bermuda.

There are three groups of people, who are eligible to apply for RC (last amendment 4 April, 2003):

- Group A Those who own residential property in Bermuda (no fee required the current fee for a miniature certificate is \$152.00)
- Group B Those who have been gainfully employed in Bermuda for the last five years (current fee is \$1,800.00 which is not inclusive of the miniature certificate fee of \$152.00)
- Group C Those married couples of whom one partner qualifies in one of the above groups

Groups A and B

- must be retired (reached the minimum age of 50 years and must not be engaged in gainful occupation as defined in section 57 in BIPA 1956);
- be of substantial means and of good character.
- have no more than two dependent children.

Madam President, the amendments to the Act now clearly specify that non-Bermudians can purchase condominiums over the \$32,400.00 Annual Rental Value (ARV) but they must have a residential certificate.

Madam President, salient points relating to the revised policy require that for eligibility that a person:

- be at least eighteen years of age;
- not have been convicted, whether in Bermuda or elsewhere, of an offence which, in the Minister's opinion, shows moral turpitude on the applicant's part;
- not have been convicted in Bermuda or elsewhere, of an indictable offence in Bermuda or have been convicted of an offence outside Bermuda which if committed in Bermuda, would have been an indictable offence;

- be of good character and conduct;
- possess adequate health insurance coverage;
- be free of turberculosis (TB) if they have ever resided in a high risk TB jurisdiction for a period of three (3) months or more (based on the World Health Organization's Yearly Report on TB); and
- have substantial means and have a continuous source of annual income without the need to engage in gainful occupation pursuant to Section 57 of the Act.

Madam President, other pertinent points are that:

- dependents (a spouse or partner or dependent children) of a residential
 certificate holder that are listed in the application and who are approved by
 the Minister responsible for Immigration will also be granted a residential
 certificate permitting them to reside in Bermuda without the right to work;
- the Minister responsible for Immigration may vary or amend a residential certificate to add or remove a spouse, partner or dependent children), after a formal application has been made;
- the Minister responsible for Immigration can revoke a residential certificate for a number of reasons including, but not limited to, the holder failing to maintain the necessary financial means to reside in Bermuda without the need to engage in gainful occupation; the residential certificate was obtained by fraud, false pretence or the concealment of a material fact;
- holders of a residential certificate have a continuing duty to advise the
 Minister responsible for Immigration via a letter to the attention of the Chief
 Immigration Officer of any change in circumstances under which the
 residential certificate was granted;

- notification should be immediate or as soon as is practicably possible after the change in circumstances;
- failure to notify the Minister responsible for Immigration of any change in circumstances may result in revocation of the residential certificate; persons should be mindful of Sections 134 and 141 of the Act; and
- the current fee for a residential certificate for each eligible person is \$1,800.00.

Madam President, for Bermuda to remain competitive and assist a relatively depressed housing market, it is important that policy changes appropriately. Not only does this policy achieve that aim but it is far more robust in terms of the requirements relating a residential certificate.

I take the opportunity to remind the public that this does not affect in any way the overall acreage of land available to purchase by nonBermudians. This policy is now consistent with other Immigration policy.

Madam President, the above points are only a small sampling of the broader policy provisions and guidelines. Persons seeking full details on eligibility of and the process for applying for a residential certificate should contact the Chief Immigration Officer, Dr. Danette Ming (dwming@gov.bm) or the Assistant Chief Immigration Officer, Mr. Steven Lambert (slambert@gov.bm).

Madam President, the revised policy will come into effect on December 15th 2015 and will be available on the Immigration website by weeks end.

Thank you Madam President.