



# BERMUDA BAR ASSOCIATION

## BAR COUNCIL

### **BERMUDA BAR COUNCIL GUIDELINES WHEN SEEKING IMMIGRATION PERMISSION FOR WORK PERMITS TO EMPLOY FOREIGN ATTORNEYS**

In accordance with the **Bermuda Immigration and Protection Act 1956 s. 61(4)**, when an application is received by the Bermuda Government for a work permit for an attorney to practise law in Bermuda **the Minister must consult Bar Council for its views and comments.**

The Bar Council traditionally meets on the second Thursday of each month at which time all work permit applications are considered. All applications are to be made in a timely manner, at least two months prior to the need. Renewal applications must also be made two months prior to the expiration of the existing work permit. Applications to be considered at the Bar Council meeting must be submitted by the first Thursday of the month. Only in exceptional cases will “rush” applications be considered at any other time.

To expedite permit applications, a copy of the application is to be submitted to Bar Council at the same time as it is sent to the Department of Immigration. Applications may be delivered to the Bar Association office, or scanned and emailed to [bdabar@logic.bm](mailto:bdabar@logic.bm) If using this electronic method please ensure that you receive acknowledgment of receipt of application from the Executive Secretary.

Included in the package to Bar Council should be the following:

- (a) Cover letter as provided to the Department of Immigration.
- (b) Section 9 - Department of Immigration Referral to Statutory Council (Form)
- (c) Section 5 - Department of Immigration Details of Recruitment Process (Form)
- (d) Section 8 - Department of Immigration Disclosure and Declaration (Form)
- (e) Bermuda Job Board (Department of Workforce Development) print out showing breakdown of applicants if any.
- (f) Copy of the advertisement (if not seeking waiver)
- (g) Foreign Attorney’s résumé (applicant)
- (h) Copies of Bermudian/Spouse/PRC holders’ résumés (applicant(s))

Additionally, in the application, if not already disclosed in the cover letter to the Department of Immigration, please disclose whether any Bermudians or spouses of Bermudians applied, and if so, their names and item (f) a copy of their résumés should also be supplied, together with a statement as to why they were not suitable, or confirm they were offered the position on the same terms and conditions as the non-Bermudian including emoluments, and declined it. Incomplete applications will not be reviewed. The names of the attorneys involved must be included.

Bar Council will be particularly concerned to satisfy itself that the advertisement and the resume of the employee show that the employee meets the minimum qualifications stated to be required to fill the post. Equally, Bar Council will be alert to advertisements which appear to be “tailor made” for a particular applicant.

As a matter of general policy the Bar Council is reluctant to support applications for which the advertisement requires more than 5 years post-qualification experience unless special circumstances are shown to exist in a particular case. In applications where special circumstances are shown the Bar Council may support applications for individuals with more than 5-years’ post-qualification experience to a



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maximum of 10-years' relevant experience. Bar Council will not generally support applications for full-time attorneys with less than three years post-qualification experience. Please note that temporary permits are not generally issued to law firms unless the post has already been advertised. Additionally, periodic work permits are not generally approved for law firms and "permission in principal applications" in advance of submission to the Department of Immigration will not be considered by Bar Council.

In considering the application, Bar Council will take into account matters such as the complexity of the legal matters to be advised upon and the importance of the particular post to the organization as well as the matters specified in s. 61(4) of the Bermuda Immigration and Protection Act 1956, to the extent relevant

As a general rule Bar Council will not support any application seeking a work permit for a period longer than 3 years, unless the person is designated a "key" person.

### **Promotion & Changing Job Title applications to also be submitted to Bar Council for consideration:**

- a. In the case of **any job promotion**, Bar Council will need to see that the post has been advertised internally or reasons why this may not be applicable. There is no requirement to advertise externally. Once a copy of the internal advertisement or reason otherwise has been submitted to the Minister of Immigration (\*before the promotion takes place and before any press release is made), a copy of the request is to be included in the bundle submitted to Bar Council. (*Ref. S.4.2. Ministry of Home Affairs, Department of Immigration Work Permit Policy - 1 March 2015 version*).
- b. In the case of **any job title application**, provided that the job duties, remuneration and benefits remain unchanged, although not required to be advertised internally or externally, Bar Council will need to see the cover letter provided to the Minister. (*Ref. S.4.3. Ministry of Home Affairs, Department of Immigration Work Permit Policy - 1 March 2015 version*).

Included in the package to Bar Council should be the following:

- (a) Copy of cover letter to the Minister of Immigration outlining promotion/title change/waiver from internal advertising request etc.
- (b) Copy of the internal advertisement (required for promotion application only).
- (c) Foreign Attorney's résumé (applicant)
- (d) Section 9 -Department of Immigration Referral to Statutory Council (Form)

Failure to provide adequate information to Bar Council will result in a delay in consideration and/or the Minister being informed that Bar Council were unable to carry out their statutory Council function.

BAR COUNCIL

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