



GOVERNMENT OF BERMUDA

**Department of Immigration**

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# ACCESS TO INFORMATION STATEMENT

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Board of Immigration

January 30, 2024

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## **INTRODUCTION:**

### **Description of general purpose of Public Access to Information Act 2010:**

The Public Access to Information Act became law on the 10<sup>th</sup> of August 2010. It is intended to foster a culture of openness in government. The Act establishes a right of access to all types of "recorded" information held by public authorities and imposes obligations on public authorities to disclose information, subject to a range of exemptions. The Act must be brought into full force by the 1<sup>st</sup> of April 2015.

The Department of Immigration is committed to promoting and actively developing a culture of openness, transparency and customer focus. Our aim is to help the public and our partners to understand and be involved in our work.

### **The Board of Immigration will:**

**1. Pro-actively publish and release information.** We will review what we publish and take account of demand for information. We will publish information electronically and in other cost effective ways appropriate to the needs of the intended audience. In order to make it as easy as possible to find information, we will continue to improve our website to enable people to find the information they want quickly and easily, and we will, when necessary, draw attention to publication information using other media as appropriate (For example: Press releases).

It is important to note that (subject to the Public Access to Information Act 2010) any person who is a Bermudian or a resident of Bermuda may apply for, and receive, information held by the Department of Immigration.

**2. Encourage better information management.** As budgets permit, we will continue to create and store records in digital formats.

**3. Consult openly and widely wherever appropriate and practical.** We will inform stakeholders as quickly as is practical about the reasons for our action, keep them fully informed of progress, seek feedback and consult and involve them in the longer term as practical. However, there may be times when actions will need to be taken quickly for wider public interest reasons to enable this to happen.

**4. Strive to answer requests that are reasonable and specific.** We will treat all requests fairly and without prejudice taking into account the public interest in making information available wherever possible. As legislatively required to do under the Public Access to Information Act 2010, we will:

- a. Acknowledge receipt of a request within five (5) working days after receipt of the request and inform the requester of the process for dealing with the request and of the requester's rights under the Act;
- b. No later than 6 weeks after receipt of the request, decide whether to grant or refuse the request in whole or in part;
- c. Notify the requester of any extensions if responding within the original 6 week period is not reasonably practicable.

5. **Give a clear explanation of our** decision if information cannot be published or released. We will also tell people how to submit a complaint if they do not agree with any decision not to release information.

**FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS:**

The Minister responsible for Immigration is The Hon. Jason P. Hayward, JP MP (“Minister”) and the Permanent Secretary is Ms. Jennifer Attride-Stirling (the “Head” per the Schedule of the Act).

**About Us:**

The Board’s authority is derived from the Bermuda Immigration and Protection Act 1956 (together with its related policies, rules and regulations) which replaced the earlier Act.

Under the direction of the Chairman, the Board of Immigration comprises 12 members, including:

1. Mr. Scott Simmons, Chairman
2. Mr. Brian Holdipp, Deputy Chairman
3. Mr. Charles Dunstan
4. Mr. Claredon LaMel Burch
5. Mr. Kevin Grant
6. Mrs. Donna Harvey-Maybury
7. Ms. Norma Trott
8. Ms. Cindy-Lee Weeks
9. Ms. Crystal Caesar JP
10. Ms. Daina Casling
11. Ms. Michelle Scott Outerbridge
12. Ms. Tanya Esdaille

**PATI Responsibilities:**

All Board members will:

- be aware of this **Access to Information Statement**;
- be aware of the law and the guidance available on accessibility issues;
- ensure information is managed in accordance with best practice to facilitate retrieval and disclosure;
- ensure requests for information are dealt with fairly and promptly;
- ensure requests for and decisions on release of information are recorded;
- ensure decisions not to release information are properly taken and clearly communicated; and
- ensure complaints about refusal to release are reviewed impartially.

**CLASSES OF RECORDS HELD:**

**Policies:**

- Work Permit Policy (found at [www.gov.bm](http://www.gov.bm))

**Application Forms:**

- Extension of Spouse's Employment Rights to the Divorced Parent of a Bermudian
- Global Work Permit
- Global Entrepreneur Work Permit
- Landing Permit
- Letter of Permission
- New Business Work Permit
- Periodic Work Permit
- Short-Term Work Permit
- Standard Work Permit

### **POLICIES, RULES AND GUIDELINES USED FOR DECISION MAKING:**

The Board of Immigration's authority is derived from the Bermuda Immigration and Protection Act 1956 (together with its related policies, rules and regulations) which replaced the earlier Act. The Bermuda Immigration and Protection Act 1956 and the Regulations can be found at [bermudalaws.bm](http://bermudalaws.bm).

- Bermuda Immigration and Protection Amendment Act 2013
- Bermuda Immigration and Protection Amendment (No. 2) Act 2013
- Bermuda Immigration and Protection Amendment (Adoption) Act 2016
- Bermuda Immigration and Protection (Permanent Resident's Certificate) Order 2018

### **SUBMISSION OF REQUESTS FOR INFORMATION:**

All PATI requests must be submitted in writing and can only be submitted at the Department of Immigration, 30 Parliament Street, Government Administration Building (First Floor), Hamilton, Bermuda, HM12 (not at the L.F. Wade International Airport). Requests should be submitted at the Front Counter (only), Monday to Friday, from 9:00a.m.-4:00p.m.

### **INFORMATION THAT CANNOT BE RELEASED:**

The Public Access to Information Act 2010 sets out exceptional circumstances in which a request for information may be refused. From an Immigration standpoint, we cannot release information that affects other legal rights or processes, particularly where personal privacy may be breached.

Additionally, we cannot release information where it is likely that doing so could lead to the release of commercial information (For example: Trade secrets or contractual negotiations).<sup>i</sup>

### **INFORMATION OFFICERS:**

**Dr. Danette Ming**, the Department of Immigration's Chief Immigration Officer and **Ms. Marita Grimes**, Assistant Chief Immigration Officer, serve as Information Officers for the purposes of Public Access to Information requests.

### **Contact Details:**

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