



GOVERNMENT OF BERMUDA
Economic Development Department
Ministry of Economy & Labour

Incentives for Job Makers Guidelines for Employers

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Guidelines for Employers to make application for Incentives for Job Makers

as amended in the 2013 Act

When did the Incentives for Job Makers Act take effect?

The 2013 Act became operational on **December 17th 2013**.

What are the benefits?

- The Company will obtain the concessions of having their senior executives, who are responsible for the continued presence of jobs for Bermudians in Bermuda, exempt from needing a work permit.
- A successful applicant will be exempt from needing a work permit and his or her family granted permission to reside with the exempt employee, provided that (1) they continue to have a familial relationship, (2) live in the same household, and (3) their dependent children are under the age of 19 years old; or under 25 years of age if they are in college.
- Exempted executives can apply for a Permanent Resident's Certificate ("PRC") once they meet the eligibility requirements. Their spouse and children may apply immediately after the executive has received their PRC, provided each has met the requirements for eligibility.

What is the criteria that companies must meet to obtain concessions for work permit exemptions?

Companies are eligible if they meet the following conditions:

- (a) They have at least 10 Bermudian status employees on its staff;
- (b) they have Bermudians at all levels, i.e. entry, middle and senior levels, of the company, subject to the availability of suitably qualified Bermudians;
- (c) they have entry-level positions held by Bermudians graduating from high school or college;
- (d) they have programmes to develop and promote Bermudians; and
- (e) they employ fair employment practices.

Discretion may be provided to smaller companies and newly incorporated companies that may not have as many staff but are still making a tangible and significant contribution to Bermuda. Account can be taken of relevant factors such as:

- i. the size of the company;
- ii. the significance of the company to the economy of Bermuda;
- iii. the existing or likely economic situation in Bermuda;
- iv. the protection of local interests; and
- v. generally, the interests of the community as a whole.

Note: These factors will also be taken into account when calculating the maximum number of exemptions for a company.

- a. Each criteria listed in s.3B(3) is to be graded from 0 – 5
 - i. the size of the company;
 - ii. the significance of the company to the economy of Bermuda;
 - iii. the existing or likely economic situation in Bermuda;
 - iv. the protection of local interests; and
 - v. generally, the interests of the community as a whole,

These 5 (five) criteria are to be weighted for a maximum of 25 (twenty five) points.

- b. 70% minimum passing score (except in specific circumstance, as determined by the Minister).
- c. A maximum of (1) one exemption may be awarded to companies with no more than 10 Bermudian Status Employees, provided they meet the 70% threshold or qualify under specific circumstances as directed by the minister).

What is the maximum number of exemptions from work permits that can be provided at any one time?

The Minister responsible for economic development specifies the total maximum number of exemptions of senior executives in relation to the number of Bermudian status employees may be calculated using the following criteria:

- 1 to 9 Bermudian status employees up to 1 executives exempted, at any one time.
- 10 to 15 Bermudian status employees up to 3 executives exempted, at any one time.
- 15 to 25 Bermudian status employees up to 5 executives exempted, at any one time.
- Over 25 Bermudian status employees up to 5 executives exempted, at any one time.

Note: The phrase, "at any one time", means that if a person, who has been granted the exemption from needing a work permit, leaves the company or, alternatively obtains a Permanent Resident Certificate, the company can then apply for another person to obtain the exemption, provided he or she meets the requirements of the Act.

What are the criteria that an employee must meet to be eligible for an exemption from Part V of the Bermuda Immigration and Protection Act 1956?

- (a) the company in which the applicant is employed must be a company that has been designated under section 3B(2) of the Economic Development Act as being able to apply for the work permit exemptions under Section 5;

- (b) the applicant must be a person in a senior executive position in that company and will continue to be employed in the company for the duration of the exemption;
- (c) the applicant must be responsible for making decisions that are critical to the continuity of the company in Bermuda;
- (d) the continued presence of jobs with the company, being held by Bermudians in Bermuda, is dependent on the applicant remaining in Bermuda.

How and where does one apply?

Applications for the Incentives for Job Makers can be submitted to:

Incentives for Job Makers

c/o Brandon M. Sousa
Sofia House, 1st Floor
48 Church Street,
Hamilton HM 12, Bermuda.

What must be submitted?

Note: The application for a company to be designated to receive the concessions and the application for the exemptions from needing work permits can be submitted in the same package.

- (a) An application for a company to be so designated as eligible to receive the concessions must be submitted with the following information:
 - the number of staff that the company employs;
 - the number of Bermudians that are employed by the company;
 - the job categories that the Bermudians are employed in. Please provide an organisational chart that identifies the Bermudians at each level of the hierarchy;
 - the entry level jobs that are available to Bermudians, including internships and summer employment;
 - the programmes in place to develop and promote Bermudians and a summary of the number of Bermudians that have been promoted in the organisation;
 - details on any investigations by the Department of Immigration, Department of Workforce Development or the Human Rights Commission, with an explanation of the circumstances;
 - any other relevant information to assist the Minister in assessing the significance of the company to the Bermuda economy; and
 - a date when the company is believed to have first met the requirements under the Economic Development Act, i.e. the requirements outlined in Question 3.
- (b) An application for each senior executive to be exempted from needing a work permit must be submitted with the

following information:

- i. A fee of \$20,000 per application for each executive; Payment is to be made using the below bank details:

GOV OF BDA-ECONOMIC DEVELOP

HSBC

BMD – 010-687044-013

USD - 010-221125-514

Use the following methodology for providing the reference in the notes field of your online payment to ensure your payment is recorded properly:

Individual Applications: Name, etc.

e.g. John Doe Exemption – If it doesn't fit J Doe Exemption

- ii. 2 passport photos;
- iii. His or her job title and position in the organisation, as evidenced by the organisational chart; the date that they were first appointed as a senior executive to the company;
- iv. A brief summary of his or her role in employing, training and developing Bermudian staff.

Note: It is permissible for the information to be included as part of the company's application and not duplicated in each individual application, e.g. a company only needs to submit one organisational chart.

What is the process once an application is made?

1. Once the application has been received, the necessary checks will be done to verify that has been no complaints about the company or the relevant employee.
2. A recommendation will then be made to the Minister responsible for economic development. The recommendation will also be circulated to the Minister responsible for immigration for comment.
3. Once a decision is made, the company will be notified.

What is the anticipated turnaround for the processing of a company's concessions and/or exemption application?

The turnaround time for an application is approximately 8 weeks. It is expected that applicants will have a current work permit as the exemption application is being completed.

What does one receive?

Certificates will be issued to both the company and the applicant. The Company's certificate will note:

1. the number of exemptions that they can apply for at any one time;

2. the date that the designation took effect, i.e. if the Minister was satisfied that the company met the criteria between on or before 1 January 2002, then 1 January 2002 will be recorded on the certificate. Individuals will also be issued travel documents for use.

What about the spouses and children, what will they receive?

A spouse, once given permission to reside, can seek employment with no requirement for specific permission, although interested employers will continue to be required to obtain a work permit to employ the spouse. The spouses and children will also receive a re-entry document at the same time as the exempted employee receives their documents.

When does the exemption from a work permit expire?

The exemption does not expire provided the employee and the company continues to meet the criteria of the exemption. If the employee leaves the company, then he or she would no longer be eligible to hold the exemption.

Note: If he or she is employed in another company that is designated under section 3B of the Economic Development Act and has not exceeded the maximum number of exemptions, then the company may apply for that person. The exemption period when the executive was previously with another company can still be counted towards PRC requirements.

If a person thinks that he/she is eligible for the PRC but she or he and his or her company has not yet applied for the concessions or exemptions, can he or she make an application for the PRC?

A person may make application for the PRC at the same time as his or her company applies for the concessions and his or her exemption. The Incentives for Job Makers Administrator will first process the concessions and exemptions and, once the application has been approved and the certificates signed by the Minister responsible for economic development, the application for the PRC will be passed to the Department of Immigration for processing.

Who should questions regarding applications be addressed to?

Questions may be directed to Mr. Brandon M. Sousa at email: bmsousa@gov.bm or at 297-7551

Questions related to the application for a PRC can also be directed to the Chief Immigration Officer at email: dwmimg@gov.bm