



# BERMUDA GOVERNMENT

## IMMIGRATION APPEAL TRIBUNAL

### PATI Information Statement

**Name of Public Authority:** Immigration Appeal Tribunal

**Introduction:**

The Public Access to Information 2020 (PATI) legislation was designed to make central Government, and the larger public section, more open and accountable by giving the public the legally enforceable right to request and access information subject to limited and prescribed exemptions. Each public authority is required to produce an information statement that gives the public an overview of the types of information accessible through the public authority.

This information statement provides information on the functions and services of the Immigration Appeal Tribunal and the classes of records held.

**Section A: Structure, Organization and Legislation [s5(1)a]**

The Immigration Appeal Tribunal was established under the Bermuda Immigration and Protection Act 1956 (The principle Act) and the Bermuda Immigration and Protection (Appeal) Rules 2013.

Section 13A (1, 2abc & 3) of the Act informs of the Constituents comprising the Board:

The Board shall consist of a pool of not less than nine members nor more than 14 members appointed by the Minister. Here are some other key structure and organization elements of the Immigration Appeal Tribunal:

- Two barristers and attorneys with no less than 5 years standing who possess Bermudian status to act as a Chairman and Deputy Chairman.
- Two barristers and attorneys of not less than three years standing who possess Bermudian status; and
- Any other persons with such experience or expertise as the Minister deems necessary from time to time

The Chairman shall appoint a panel to hear and determine any appeal made to the Immigration Appeal Tribunal consisting of the Chairman or Deputy Chairman and two other members, S.13B

For the purpose of conducting a hearing, the Immigration Appeal Tribunal has all the powers of a court of summary jurisdiction in relation to the summoning of witnesses, their

examination on oath or otherwise and compelling the production of any document or thing relevant to the subject matter of the proceedings. IS. 3E (1-2).

The Immigration Appeal Tribunal is aided by the Clerk who is assigned by the Permanent Secretary, S. 3 of the Rules.

The Minister is represented by counsel from the Attorney General's Chambers.

### **Legislation**

The Bermuda Constitution Order 1968, the Bermuda Immigration and Protection Act 1956 (together with its related policies, rules and regulations) and the Bermuda Immigration and Protection (Appeal) Rules 2013 govern the establishment of the Immigration Appeal Tribunal and its duties. The Bermuda Immigration and Protection Act 1956 and the Regulations can be found at [www.bermudalaws.bm](http://www.bermudalaws.bm). Additionally legislation that also administers are the British Nationality Act; and the Accord between the Governments and Bermuda and Portugal.

### **Section B: 1) Functions, powers, duties of the Authority [s5(1)b]**

- An Appellant has from within 14 days to file a notice of appeal with the Clerk.
- Appellants will have both a direction and substantive hearing.
- For the purpose of conducting a hearing, the Immigration Appeal Tribunal has all the powers of a court of summary jurisdiction in relation to the summoning of witnesses., their examination on oath or otherwise and compelling the production of any document or thing relevant to the subject matter of the proceedings.
- After the hearing, all parties notified of the Tribunal's ruling which may be published on the Immigration Appeal Tribunal webpage on the Government Portal. ([www.gov.bm](http://www.gov.bm))

### **Section B: 2) Obligations under PATI Act [s5(1)b]**

To provide an **information statement** for the public and promulgate it [s5],

- To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
  - General information, e.g. activities of the Authority
  - Log of all information requests and their outcome
  - Quarterly expenditure (upon request) [s6(5)]
  - Contracts valued at \$50,000 or more.
- To **respond to information requests** in a timely manner [s12-16]
- To **track information requests**, and provide this data to the Information Commissioner
- To respond to requests from the Information Commissioner [s9]
- To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19]

- To conduct an **internal review** if formally requested [part 5]
- To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
- To provide an **annual written report** to the Information Commissioner of the status of information requests [s58 (3)].
- **To do anything else as required** under the PATI Act and subsequent Regulations [s59, 60], including:
  - **Fees** for Requests for information
  - Management and maintenance of **records**
  - **Procedures** for administering the Act
- To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
- To **designate one of its officers** to be the person to whom requests are directed [s62]

**Section C: Services and Programmes [s5(1)c]**

The Immigration Appeals Tribunal does not offer any direct programmes and services to the public.

**Section D: Records and documents held [s5(1)d]**

Records held by the Immigration Appeals Tribunal include:

- General Administration Records
- Tribunal Hard Copy files

**Section E: Administration (all public access) manuals [s5(1)e]**

Tribunal rulings can be found on the Government Portal. ([www.gov.bm](http://www.gov.bm))

**Section F: Decision-making documents [s5(1)f]**

All Acts can be found at [www.bermudalaws.bm](http://www.bermudalaws.bm).

**Section G: The Information officer [s5(1)g]**

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**Section H: Any Other Information [s5(1)h]**

**Section I: Any Other Information To be Provided? [s5(1)i]**

**Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]**

Every public authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times by [s5(1-5), PATI Act]:

**Date Information Statement was updated:** February 2023

**Locations of Information Statement:**

*Copies of this Information Statement are available at the following sites:*

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|---|---|
| • Ministry of Economy and Labour Headquarters   | Y |
| • The Bermuda National Library;   | Y |
| • The Bermuda Archives;   | Y |
| • Available electronically,   | Y |
| • Website for public authority ( <a href="http://www.gov.bm">www.gov.bm</a> ).  | Y |
| • Have you published a notice in the Gazette indicating the places where the information statement is available for the public? | Y |
| • With the Information Commissioner.  | Y |

**Sign and Date:**  2.1.23