

## Mixed Status Families

### Frequently Asked Questions & Other Information

1. What is a Mixed Status Family?

Ans: A *Mixed Status Family* is a family where one or more parents has Bermudian Status or holds a Permanent Resident's Certificate but their son, daughter, or spouse does not have either Bermudian Status or hold a Permanent Resident's Certificate.

2. What does a Mixed Status Family look like?

Ans: Here are four examples, which in no way cover all the possible combinations, of Mixed Status Families:

I. **Bermuda domicile requirement for parents of children born or adopted overseas.**

Michael Lambert is a Bermudian Status holder who worked for a fund administration company in Bermuda. In 2000 the company Michael worked for relocated to Canada. In order to keep his position at the company Michael agreed to be relocated to Canada.

While in Canada Michael married and had a child, Anthony.

Michael's family has strong historic connections to the island. However, under the current legislation there is a requirement that in order for Michael's son to gain Bermudian Status at birth, his Bermudian father must both possess Bermudian Status and be domiciled in Bermuda at the time of the birth.

Given Michael's employment with a Canadian company, residency in Canada, and marriage to a Canadian national, Michael's domicile was determined to be that of Canada at the time of Anthony's birth.

Therefore despite a long historic family connection to Bermuda, Michael's son Anthony does not possess permanent Bermudian Status at birth.

Anthony is "deemed" to possess Bermudian Status until he reaches 22. If Anthony reaches the age of 22 and has not resided in Bermuda for the 5 years immediately preceding his 22 birthday, he will lose his Bermudian Status.

II. **Ineligible for Bermudian Status due to time restrictions**

Bill and Melinda Smith came to Bermuda in 1982, when Bill accepted a job offer at a local bank. The couple were in their 20s when they arrived and in 1997, the Smiths had a daughter Jane. In 2000, the Smiths had a second daughter named Lucy. Both children were born in Bermuda. Bill and Melinda hold PRC, but are unable to pass their PRC to their children.

Jane and Lucy both grew up in Bermuda attending public school.

In 2014, when Jane was 17, and Lucy was 14, Bill and Melinda Smith were granted Bermudian Status. As a result Jane and Lucy both had/have deemed status until they are 22. However, due to age restrictions in the Act, Jane cannot qualify for Bermudian Status, while Lucy will satisfy the requirements and be able to apply for Bermudian Status.

Jane is now 22 and has lost her deemed status. The family is now mixed status. Jane will have no long term rights to remain in Bermuda, the only home she has known, despite both her parents and her sister having Bermudian Status.

### III. **Mixed status siblings**

Wayne and Margaret Jones both arrived in Bermuda in 1987 to work at the hospital. In 1987 the Jones' had their first child Ted. In 1993 the Jones' had their second child, Tina. Both children were born in Bermuda and attended local school, however the Smiths did not qualify for a 31A PRC before the 2010 deadline, due to an extended absence from the island.

As Ted was born in Bermuda prior to 1989 and was resident in 1989 and 1994, he qualified for and was granted status under the 1994 Amendment to the Act.

Both Wayne and Margaret were able to qualify as permanent residents based upon their child Ted's Bermudian Status. Wayne and Margaret have the permanent right to live, work and buy property in Bermuda. Bermuda has been their home for 32 years.

As Tina was born in Bermuda after 1989 she did not qualify under the 1994 Amendment. In addition Wayne and Margaret are unable to pass down their permanent residency status.

The family has become mixed status, with Tina having no long-term rights to live in Bermuda while her brother and parents are able to permanently reside and work on the island.

### IV. **Inability to Pass on Permanent Residency**

Brian and Elaine Perry arrived in Bermuda in 1980, with Brian working as an engineer. In 1990 the Perrys had a son, Patrick.

In 2009, Brian was granted permanent residency, and his son Patrick was subsequently granted permanent residency in 2010 on the basis of being Brian's son.

Patrick is now 29, married to a Permanent Resident certificate holder, and has a child Ian, who was born in Bermuda. However, under current legislation Patrick will not be able to pass on his permanent residency to his children, despite the child being born in Bermuda to a Permanent Resident.

3. What did the legislative changes address?

Ans: The following chart outlines the problems and the changes in law that address the issues.

| Mixed Status – Problem  | Changes in Law   |
|---|--|
| Person born overseas to a parent who possessed Bermudian status, but was deemed not to be domiciled in Bermuda.   | Domicile requirement is removed for the first generation born overseas to a Bermudian Status holder  |
| Families where at least one parent qualified for Bermudian Status under 20B(2)(b) of the Act.<br><br>Children born after 1989 who would have been eligible to inherit status from these parents, but are no longer able to apply due to <b>being too old</b> .  | Children of parents who have been granted Bermudian Status or qualify under section 20B(2)(b) able to apply for Bermudian Status once they reach 18, and subject to a 10 year aggregate residency requirement.   |
| Families with at least one child who qualified for Bermudian Status under the Amendment Act 1994; however, siblings residing in Bermuda (including those in university overseas but Bermuda residents) do not qualify because they were <b>too old or too young</b> .   | Siblings of individuals who qualified for status under the 1994 Amendment to the Act are able to apply for Bermudian Status once they reach 18, and subject to a 10 year aggregate residency requirement.  |
| Families with at least one member qualifying for PRC under 31A and other members gaining PRC under 31B, where those PRC 31B individuals have children resident in Bermuda, who are not <b>eligible for Bermudian Status or PRC</b> .<br><br>Spouses of PRC 31B individuals <b>who are not eligible to apply for PRC 31B</b> . | Children of permanent resident certificate holders are able to apply for a Permanent Resident Certificate upon reaching 18, and subject to a 10 year aggregate residency requirement.<br><br>Spouses of permanent certificate holders are able to apply for a Permanent Resident Certificate, after 10 years of marriage and 7 years of residency. |

4. Where do I obtain application forms for Mixed Status Families

Ans: Application forms can be downloaded from the Department of Immigration at <https://www.gov.bm/department/immigration>

5. What is the process for applying under Mixed Status Families?

Ans: Steps in the process are as follow:

- I. Applications must be downloaded from the website and fully completed.
- II. All supporting documents are compiled.
- III. Applicants must pay through online banking and print the transaction for proof of payment.
- IV. The application, all supporting document, and proof of payment must be submitted to the drop box located at the Department of Immigration, 1<sup>st</sup> Floor Government Administration Building.

6. How do I contact someone if I have questions?

Ans: Information required

For your convenience, all the Bermuda Status, Naturalisation and Permanent Residence fees and payment options are provided below:

| Description of Fee   | Fees                 |
|--|----------------------|
| <b><i>Bermudian Status</i></b>   |                      |
| Applying for grant of Bermudian status under section 19 or 19A   | \$593.00             |
| Applying for grant of Bermudian status under section 20  | \$263.00             |
| Applying for grant of Bermudian status under section 20B   | \$315.00             |
| Issuing a certificate of Bermudian status under section 21   | \$168.00             |
| Confirmation of Bermudian status under section 16, 17 or 18  | \$168.00             |
| <b><i>Bermudian Status Register</i></b>  |                      |
| Issuing under section 3(3)(b)--  |                      |
| An extract of an individual's detailed record from the Bermudian Status Register   | \$16.00              |
| An extract from the Register by page--   |                      |
| Up to 15 pages   | \$16.00              |
| More than 15 pages   | \$1.00<br>(per page) |
| Issuing a certified copy of an extract or a letter confirming an individual's detailed record from the Register under section 3(3)(c)  | \$84.00              |
| Permission to let  | \$368.00             |
| Application for residency for non-Bermudian dependents of persons who have ex-spouse's employment rights   | \$263.00             |
| Application for residency for non-PRC spouse of a PRC holder   | \$263.00             |
| Administration for repatriation assistance under section 130   | \$231.00             |
| Extension of Spouse's employment rights  | \$263.00             |
| <b><i>Permanent Resident's Certificate</i></b>   |                      |
| On application for a permanent resident's certificate under section 31A  | \$50,000.00          |
| On application for a permanent resident's certificate under section 31B  | \$3,150.00           |
| <b><i>Naturalisation</i></b>   |                      |
| Applying for British naturalisation  | \$525.00             |
| Applying for registration as a BOTC where: the application is made in conjunction with an application for Bermudian status; OR the applicant already has Bermudian status; OR the applicant is deemed under section 16 to have Bermudian status and is potentially entitled to obtain Bermudian status under section 20; OR the applicant will be deemed under section 16 to have Bermudian status on registration as a BOTC and will be potentially entitled to obtain Bermudian status under section 20. | \$525.00             |

When making payment please note that all payments of application fees will be via online banking. The Department of Immigration will no longer accept cash or credit card payments.

The banking details are:

**Banking Details**

Account Name: Department of Immigration

Bank Name: HSBC Bermuda

Account Number:

BMD – 010125243001

USD – 010125243501

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, DOB, application type

e.g. John Doe Jan 12 1965 passport

e.g. Jane Doe Jan 12 1965 status