



DEPARTMENT OF IMMIGRATION

Ministry of Labour, Home Affairs and Public Safety

W6 - Dependent Children of Non-Bermudians

POLICY: DEPENDENT CHILDREN OF NON-BERMUDIANS

REF: W6

- WORK PERMIT EXTENSIONS
- SPECIAL-NEEDS CHILDREN
- YOUNG OFFENDERS

Dependent Children of Non-Bermudians

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PURPOSE:

To define clearly those conditions that apply to dependent children of non-Bermudians.

STATEMENT:

Sons and daughters under eighteen years of age are classified as dependants of their parent(s). Where they are still at college, they continue to be classified as dependants up to the age of 25 years.

There is no guaranty that a dependent child will be given permission to reside with the work permit holder unless the latter submits proof that he or she can support the child. Proof can include:

- bank statement
- recent pay slips
- confirmation that they have suitable accommodation

Dependants over the age of sixteen years will not normally be permitted to enter Bermuda to reside.

Where a child is born in Bermuda to a work permit holder, or to a dependant of a work permit holder, proof must be provided to the Department of Immigration that the Bermuda-born child possesses the citizenship of one or other or both of his or her parents. Proof can take the form of:

- a valid passport for the child;
- a certificate of registration of the child as a citizen of a country; or
- a certified letter from the authorities of a country confirming that the child is a citizen of that country.

Without such proof, work permits will not be renewed and the family will be asked to leave Bermuda.

A dependent child, over sixteen years of age, may be permitted to work, provided all the normal requirements are complied with, namely:

- the dependent child must apply to the Department of Immigration for permission to seek employment;
- the job must be advertised in the usual way; and
- the prospective employer must apply for a work permit in the normal manner.

A permit will be granted only after the employer has satisfied the Department of Immigration that qualified Bermudians are not available.

The dependent child's work permit may extend beyond the termination date of the work permit of the parent who is the supporting work permit holder. However work permits are granted to dependent children on the condition that if the supporting work permit holder's permit is not renewed, then the dependant's work permit becomes void immediately.

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Before renewal of any work permit the job must be advertised and any qualified Bermudians given first preference.

A dependant who has his or her own work permit may not have his or her name placed on a parent's confirmation of employment/ re-entry letter.

Dependent children, on attaining eighteen years of age, (25 years if still at college) require permission in their own right to reside in Bermuda.

These requirements apply equally to a resident non-Bermudian student who wishes to obtain vacation employment.

The Minister of Labour, Home Affairs and Public Safety may waive the requirement to advertise in exceptional cases.

It is important to note that, in law, a non-Bermudian must have the permission of the Minister of Labour, Home Affairs and Public Safety to work, whether or not the work is being paid for.

Where a dependent child wishes to work, but not get paid, he or she must still obtain the Minister's permission but the job does not have to be advertised.

Work Permit Extensions

Dependants who wish to remain after the primary work permit holder has left Bermuda require special permission. If the dependant is a work permit holder, the case will be determined on its merits. Where the dependant is not a work permit holder, he or she will be expected to leave Bermuda with the primary work permit holder.

Special-Needs Children

At the time of the application for the primary work permit, the head of the household must advise the Department of Immigration of any special-needs child in the family. The Immigration Questionnaire Form contains a special section by which this advice can be given. If the work permit is approved, the information about the special-needs child will be forwarded to the Department of Education so that proper arrangements can be made for the child.

Young Offenders

Occasionally, the dependent children of work permit holders are convicted of criminal offences. The Department of Immigration considers each case on its merits, but in extreme cases, the child may be asked to leave Bermuda.

Where the child involved has spent most, or even all, of his or her life in Bermuda, there is a natural reluctance to be unduly harsh regarding permission to reside and seek employment. However, young non-Bermudian offenders must be made aware that their residence in Bermuda is a privilege and that their ability to remain in Bermuda is dependent upon their future good behaviour.

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Immigration policy is therefore, not only to show compassion, but also to take steps to ensure that the offence is unlikely to be repeated and that the young offender will not be a burden on the Bermuda taxpayer.

In cases in which the individual concerned is convicted in a court of Criminal Jurisdiction and he or she:

- came to Bermuda before reaching sixteen years of age;
- has no previous criminal conviction; and
- has lived in Bermuda for at least five years

The Minister will send a letter to the individual, or to the parents of that individual, asking for reasons why he or she should not be asked to leave Bermuda.

The response should include letters of support from three Bermudians commenting on the good character of the individual, the desirability of his or her continued residence in Bermuda and the degree of contrition shown by the child. At least one of these Bermudians should also make a written commitment to monitor the individual's behaviour for a two-year period and to guide and counsel him or her during that period.

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