



MINISTERIAL STATEMENT

By:

Senator

ARIANNA HODGSON, JP

JUNIOR MINISTER OF LABOUR

Immigration Reform Strategic Priorities

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Madam President, I wish to inform Senate Colleagues of the Government's plans for immigration reform which seeks to modernize the Country's Immigration laws and supporting policies, and create operational efficiencies through process improvement.

Immigration reform initiatives consist of the following strategic priorities:

1. Achieve a simplified, fair, and modern immigration legislative framework.
2. Leverage technology to improve operations which will lead to greater levels of efficiency, process consistency, and sustainability.
3. Strengthen enforcement of laws and policies.
4. Support economic growth and the expansion of job opportunities in Bermuda.

It is envisioned that these strategic priorities will provide the required restructuring to rebuild and strengthen our immigration system. The new system is also intended to allow this Government

to provide the necessary protections and opportunities for current and future residents of Bermuda.

Madam President, the goal of immigration reform is to ensure that the big picture is one that benefits all of Bermuda. In the past, we have discussed reforms to immigration in a very myopic way, such as, work permits, permanent residency or the emotive and politically divisive issue of granting status.

Unfortunately, that dialogue has overshadowed the immediate need to overhaul and completely revise the laws, policies, systems and resources required to ensure that Bermuda has an immigration system that is unbiased and beneficial for today's Bermuda.

Madam President, no matter what side of the political compass one sits on there should be an honest and general acceptance that our current system simply is not efficient. Successive Government administrations have failed to adequately invest time and capital in the reforms and resources required. Therefore, there should be a consensus that we need to achieve the strategic priorities of the Government's reform strategy.

Madam President,

Strategic Priority #1: Achieve a simplified, fair, modern immigration legislative framework.

Amongst other purposes, the Bermuda Immigration and Protection Act 1956 ("the Act") was enacted to provide Bermuda Status to British Subjects deemed to be domiciled in Bermuda under the Immigration Act 1937. There have been over 100 amendments to the Act since it came into operation. Some of those amendments have resulted in negative unintended consequences such as the creation of many mixed status families and the granting of status to individuals outside of the intent of the legislature.

Up until 1989 provisions in the Act gave unreserved discretion to the Minister of the day. The Act is based on a construct and a way of thinking from a different era.

Madam President, over time, many legal challenges have allowed the act to be widely interpreted in conjunction with court rulings. Former Chief Justice Ian Kawaley, once stated “The 1956 Act is a classic instance of uniquely local legislation. Navigating through it often gives the experienced judge or practitioner an unnerving sense of what it must be like to “fly blind”.

Madam President, the Ministry will conduct a top down review of the Act and associated policies. The aim will be to have an immigration legislative framework that is simplified, fair and modern. In the future, members of the public will not require a specialist immigration lawyer to understand immigration laws and policies.

Madam President,

Strategic Priority #2: Leverage technology to improving operations leading to a greater levels of efficiency & effectiveness, process & system consistency, predictability & sustainability.

Our current system is cumbersome, understaffed, and supported by outdated IT systems that lack integration and inhibit the effective and efficient processing of all application types.

The current state of most of the Department of Immigration’s IT systems is subpar. Bermuda is not getting value for money with the processes, procedures and systems currently in place. Work has already been completed to map the existing workflows and to design re-engineered processes.

In addition, some implementation work has already occurred, with the most notable being the July 2020 launch of the new Border Management System – and the December go live of the E-gates at the L.F. Wade International Airport. However more must be done to ensure efficient operations.

Employers and the public have long encouraged the improvement of processes, turn-around times, and quality in the Department. Moving forward, the Department will need to invest more to

upgrade and replace antiquated systems and will look at innovative partnerships to achieve this goal.

Work is also underway on the online submission of applications, online payment of fees, electronic workflow within the Department and distribution of digital application approvals.

Madam President,

Strategic Priority #3: Strengthen enforcement of Immigration laws and policies.

As you would be aware, the Department of Immigration's Compliance Section has the responsibility of enforcing the Bermuda Immigration and Protection Act 1956, and its related policies. These duties include, but are not limited to, compliance checks of businesses, investigations of potential breaches to laws and policies, deportations, and managing the Border Management System. The Compliance Section continues to perform its role with respect to investigations to a limited capacity.

However, in order to effectively carry out their mandate and strengthen the enforcement of Immigration legislation and policies, the appropriate resources need to be sourced and allotted to ensure that Bermuda's Immigration laws are adhered to and persons who break laws are held accountable. Additionally, a review of the current compliance framework needs to be analyzed to determine if there is a need to increase the deterrents set out in our current laws.

Madam President,

Strategic Priority #4: Support economic growth and the expansion of job opportunities in Bermuda

It should be noted that immigration has been used globally as a lever to develop societies by welcoming in the right people at the right time. In order to combat the realities of a declining and ageing population we must achieve positive net immigration. That is, we need less emigration, or people leaving the country, and more immigration, or people returning to and entering the country to reside.

Madam President, the economic output from new residents contributes to the overall economy and is just one of the potential gains that could be achieved from a coherent immigration system designed to serve the needs of the Bermudian people and businesses.

There are genuine concerns in the community about how non-Bermudians affect local culture and impact opportunities for Bermudians. Many jurisdictions have had to grapple with the very same concerns and recognized that there must be a balance as the benefits of economically sound immigration policies which promote economic sustainability are clear.

Madam President, it is evident that we need a system that promotes and supports the growth of our local residential population. A system that supports expansion and allows businesses to source the skilled labour it requires from the global workforce.

To that end, the Ministry of Labour will continue its work to use immigration as a lever to support the local economy.

Madam President, in conclusion, this Ministry is steadfast in ensuring that the goal of immigration reform is one that all of Bermuda benefits. As we progress towards achieving economic recovery, immigration policies will be a key component to achieving these outcomes.

We should do better! We must do better! We have started on the work to achieve our strategic priorities, which is essential to transform immigration. It is not simply 'one' thing that must be done, but it is a combination of many coordinated actions that are required to fix a complex system and process.

The Ministry of Labour has commenced the production of an Immigration Reform Strategic Plan centered on the four strategic priorities previously outlined, with achievable goals and SMART objectives. The end result of the steps we are taking will lead to overall improvements in Bermuda's Immigration System.

Thank you **Madam President.**