

Bermuda Bar Council Guidelines, when seeking immigration permission for full-time attorneys

In accordance with The Bermuda Immigration and Protection Act s.61(4), when an application is received by the Bermuda Government for a work permit for a non-Bermudian attorney to practise law in these Islands the Minister must consult Bar Council for its views and comments.

The Bar Council usually meets on the second Thursday of each month at which time all work permit applications are considered. Only in exceptional cases will “rush” applications be considered at any other time.

To expedite an application, a copy of the application to the Department of Immigration together with a copy of the advertisement **and the attorney’s resume** should be directed to the Bar Council. In the letter it should be specified whether any qualified Bermudians or spouses of Bermudians applied, and if so, their names and a copy of their resumes should be supplied, together with a statement as to why they were not suitable, or confirm they were offered the position on the same terms and conditions as the non-Bermudian including emoluments, and declined it.

Bar Council will be particularly concerned to satisfy itself that the advertisement and the resume of the employee show that the employee meets the minimum qualifications stated to be required to fill the post. Equally, Bar Council will be alert to advertisements which appear to be “tailor made” for a particular applicant.

As a matter of general policy the Bar Council is reluctant to support applications for which the advertisement requires more than 5 years relevant experience unless special circumstances are shown to exist in a particular case. In applications where special circumstances are shown the Bar Council may support applications for individuals with more than 5-years experience to a maximum of 10-years relevant experience. Bar Council will not generally support applications for full-time attorneys with less than three years post qualification experience.

In considering the application, Bar Council will take into account matters such as the complexity of the legal matters to be advised upon and the importance of the particular post to the organization.

The initial work permit is generally granted for one year. Bar Council will not support any application seeking a work permit for a period longer than 3 years, unless the person is designated a “key” person.

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