



Clarification from the Bermuda Department of Immigration **Regarding Immigration Policies for Volunteers**

Question: Who can volunteer for a charity?

Referenced from W4 of the Work Permit Policies and is below.

The Minister's policy is that any resident non-Bermudian who undertakes volunteer work in the community has the Minister's tacit permission, under the law, to undertake such work.

Volunteers who undertake charitable work, or serve as officers, in registered charities or other not-for-profit organisations do not require the specific permission of the Minister. Examples of such organisations are:

- registered charities
- hospitals
- hospices
- service clubs
- sports clubs

Such organisations may be required to advertise any paid position and seek permission in the normal manner. Payment includes benefits in kind that may be given as a reward for such volunteerism. A volunteer who may have been working in such a position without payment will not necessarily be given permission to continue in the paid position

Not-for-profit organisations including registered charities can obtain, free of charge, a letter of permission for a non-resident to enter Bermuda to work as a coach, teacher of sports and recreation, speaker or musician.

Volunteers arriving in Bermuda to assist in archaeological work or other scientific field research will be permitted to land for periods up to three months as *bona fide* visitors.

If the object of the visit is unclear, Immigration Officers will land such persons for seven days while the matter is referred to the Chief Immigration Officer.

Provided other Immigration procedures or policies are complied with, permission to land will not be withheld.

For the avoidance of doubt, such volunteers are precluded from seeking other employment while in Bermuda.

Further, this policy does not mean that Bermudian students who are engaged in such scientific studies and wish to participate in such field work are to be excluded.

Clarification: Residents vs. non-residents

The Department's main consideration relating to whether Immigration permission is required is whether the persons who will be volunteering are residents or not. Residents are not required to seek permission to volunteer.

Work permit holders

If the volunteer has a substantive work permit no letter of permission is required. If the volunteer is the spouse or child of a work permit holder and is listed on the application as residing in Bermuda no letter of permission is required.

If a work permit holder has a temporary, periodic or representative work permit a letter of permission is required, since these classifications of work permit holders are deemed working visitors and not working residents.

Examples: Here are some examples to show how the policy might affect your organisations:

Example 1

Workshops and training

A non-Bermudian volunteer is willing to conduct a workshop and a training course in a voluntary capacity for a nonprofit. A Bermudian facilitator would receive payment for the same services. The nonprofit is charging a fee for this workshop but the non-Bermudian will not receive any compensation. The fees go to the nonprofit directly to defray other costs and then the remainder will be taken into operating revenues/funds raised in support of the nonprofit's programmes.

The Department has confirmed that it is permitted for nonprofits to have volunteer facilitators that are non-Bermudian in a situation where participants may pay a fee to attend but the facilitator receives no form of compensation.

Example 2

Non-resident groups attending conference/training/meeting in Bermuda

A large corporate group visits the island to take part in a conference being held at the Southampton Princess, and takes part in a community-service activity in partnership with a local nonprofit.

The Department has confirmed that a letter(s) of permission to the Department of Immigration would have to be submitted, as the person(s) in question are not residents of Bermuda. A collective letter listing all volunteers will be accepted by the Department of Immigration. To expedite the process, it would be prudent to include in the list the nationality of each person (to ensure that there are no visa requirements) and the dates of travel for each person, particularly where travel dates vary.

Example 3

Skills based volunteering

Members of a corporate IT department volunteer at a nonprofit to design, establish and train employees on a technology platform and website. Some of the corporate employees are work-permit holders and therefore have a specific remit for that company, but the volunteer work is outside the specifics of their job description.

The Department has confirmed that letter(s) of permission would have to be submitted if the work permit is temporary, periodic or representative, since these classifications of work permit holders are deemed working visitors and not working residents. If the employees hold a substantive work permit they are considered working residents.

Example 4

Volunteer replacing a paid position

Because of difficult economic times, a nonprofit has to eliminate a paid position from staff. The charity recruits a volunteer who is non-Bermudian to fill that position, because they no longer have funds to compensate anyone (Bermudian or non-Bermudian) for the role.

The Department has confirmed that the charity would be permitted to recruit a volunteer to fill the said position. If the volunteer is a non-Bermudian, he/she must be resident in Bermuda. If the non-Bermudian is not a resident in Bermuda; then specific permission from the Department of Immigration must be sought.

Example 5

Volunteers carrying out the same role as a salaried member of staff

A charity is running a youth development programme and is able to hire and pay one coordinator but requires three people to run the programme. These two other positions (with similar job requirements) are held in a voluntary capacity by non-Bermudians.

The Department has confirmed that provided the hired worker is a Bermudian (given the similar job requirements and skill sets) and provided that the non-Bermudians are residents of Bermuda no permission is required.

This statement has been reviewed and approved by:

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For further information or clarification of these policies please contact The Department of Immigration.