

WORK PERMIT APPLICATIONS IN THE BAHAMAS

The archipelago's immigration policy remains that no expatriate may be offered a position that a suitably qualified Bahamian is able to fill. Whenever there is a job position, the Bahamian should be given the position in preference to anyone and that the Bahamian must be given that job on the same terms and conditions as his expatriate counterpart. Consequently, a non-Bahamian is not permitted to engage in any gainful occupation in The Bahamas unless he is in possession of a valid work permit in respect of such occupation.

Notwithstanding its policy to safeguard the employment interests of Bahamians, the Government of The Bahamas welcomes expatriate employees with specialist qualifications and skills not immediately available, especially when employment of such persons would increase the employment prospects of Bahamians.

An employer may apply for a work permit on behalf of a non Bahamian under the Immigration Act, 1967 to the Director of Immigration. The permit that will be granted can be expected, on initial application, to be limited in duration to a period of up to three years and in most cases to a period of one year. Employers may obtain permits for longer periods than the standard one-year period in respect to certain key personnel on contract. Applications can subsequently be made for one or more renewal (usually for a one year term), depending upon the needs of the employer. The renewal of a permit on expiration is not automatic, and no expatriate may be continually employed in the country in any capacity for more than five years.

The employer is required to advertise in the newspapers for three consecutive days stating that he or she has a position available and provide notice of the available position to the Department of Labor.

The employer will then be required to fill out a Notice of Vacancy application with which the applicant will receive a certificate upon completion of the application process. The Notice of Vacancy normally takes in or around six weeks to be processed by the Department of Immigration. If the Labor Department does not have a Bahamian to fill the position they would then provide the employer with a certificate.

The employer may then apply to the Department of Immigration for permission to recruit outside The Bahamas. Before he can apply he must submit the following documents on behalf of his employee to the Immigration Department:

- Application form 1, Section A completed and notarized with a \$4.00 Bahamian stamp affixed;

- A cover letter from the prospective employer stating reasons for the application, the position, and period of time needed;
- Two passport sized photographs with signature on reverse of prints;
- Police certificate covering a period of five years residence immediately preceding the application or a sworn affidavit in lieu of same;
- Medical certificate dated no more than 30 days prior to submission;
- Financial reference;
- Two character references from persons knowing the applicant two or more years;

- Written reference letter from the Employer giving full details of the position which the applicant is to fill, stating duties, required qualifications, etc.

- Certificate from the Labour Department. A separate application is made for this locally after the description of duties is supplied. There is a fee of \$25.00 for the Certificate.

- Copies of local newspaper advertisements with replies thereto that a Bahamian is not available to fill the position;
- A processing fee of \$25.00.

Fees for work permits to range between B\$650.00 to B\$10,000 depending on the seniority of the employee. Each person granted a work permit is required to place a bond to repatriate the employee and his dependents and to pay any public charges, including medical expenses, incurred by the employee. Traveling salesman planning to do business in the Bahamas must obtain a work permit from the Dept. of Immigration, and a license from the local Licensing Authority.

Normally an application will not be processed if the prospective employee is already in The Bahamas, having entered as a visitor. Where the company has a career structure whether here or abroad, the Bahamian employee must be given the opportunities for advancement as would be afforded to other employees.

Additional requirements where the Employer is a newly incorporated Company:

- Copy of the Certificate of Incorporation.
- Letter of verification as to the identity of the Beneficial Owner; their status as Bahamian or Non-Bahamian; the Directors and the issued share capital.

Requirements for renewal applications

- Letter to the Director of Immigration requesting a renewal of the permit upon its expiration. We recommend that this is done at least three months prior to the expiration of the present permit.

- Certificate from the Labour Department. This is necessary if one was submitted on the initial application. There is a fee of \$25.00 for the Certificate.
- Position of applicant has to be advertised in the local newspaper for two runnings. This is necessary if it was submitted on the initial application.
- 2 x black and white passport-size photographs.
- Police Certificate.
- Medical Certificate.
- \$25.00 processing fee.

Where an applicant (the Primary applicant) wishes to have a spouse and dependent children or any of them reside with the Primary applicant then an annual residence application must be separately submitted in respect of each of the dependents so involved. On a renewal of a work permit, the dependent's residence permit may similarly be renewed.