

Recent updates to the Work Permit Policy in Bermuda

Briefing Summary: Effective 1 May 2026, Bermuda's Department of Immigration has made further significant revisions to the Work Permit Policy last updated in November 2025. This briefing highlights the most important updates and their implications for employers and work permit holders.

Service Area: Employment, Pensions and Incentives

Location: Bermuda

Created Date: 15 May 2026

Compliance and enforcement

Appealing a decision (Section 1.2)

Any appeal against a refusal to grant a work permit must be submitted within 14 working days of receipt of the refusal notification. Note, in addition, within the same time frame a notice of intention to appeal must be submitted in letter form to the Department of Immigration marked for the attention of the Chief Immigration Officer and marked Immigration Appeal.

Any appeal against a decision to revoke or withdraw a work permit must be submitted within seven days of receipt of the revocation/withdrawal notification to the Immigration Appeal Tribunal. If the appeal is granted the work permit fee must be paid again before the work permit will be issued. Note that one appeal is permissible per application.

Penalties for non-compliance (Section 1.4)

The revised work permit policy provides further clarity for employers and work permit holders on the specific penalties which can be imposed for breaches of the work permit policy and Bermuda Immigration and Protection Act 1956 (BIPA) including:

- Unauthorised work:** Individuals and employers will face civil penalties of up to \$10,000 for working after the expiry of their work permit or working outside of the scope of their work permit. Any penalty will need to be satisfied before a new work permit will be considered by Immigration. Individuals may be placed on the Bermuda Stop List, directed to settle their affairs and leave Bermuda, and will not be considered for a new work permit for a minimum of 12 months from the date of departure.

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- **Misconduct or gross misconduct terminations:** Individuals terminated for misconduct or gross misconduct must settle their affairs and leave Bermuda and will not be granted a new work permit for a minimum of 12 months from the date of departure. There is no statutory concept of gross misconduct under Bermuda law (our closest equivalent being "*serious misconduct*"). This penalty flows from the new requirement to notify immigration if the reason for termination was "*unsatisfactory performance; i.e. misconduct or gross misconduct*" (see Section 3.13). This new requirement is not entirely clear because a "*misconduct or gross misconduct*" dismissal is not the same under Bermuda law as a termination for unsatisfactory performance. The penalty provision does not expressly apply to terminations for "*unsatisfactory performance*" although we assume the intention is to treat both reasons for termination the same. The individual will not be granted further permission to reside or seek employment.
- **Visitors:** Visitors found to be engaging in employment will be instructed to immediately depart and may face civil penalties of up to \$10,000 (for the applicant and employer) and may be placed on the Bermuda Stop List. Any penalty must be paid before the visitor can return to Bermuda or be removed from the Bermuda Stop List. Any failure by an employer to pay a penalty immediately may affect future work permit applications.
- **Divorce from a Bermudian:** Following a final decree of divorce, ex-spouses have 90 days to regularise their status via an application for a work permit where employed, apply for permission to reside and seek employment where unemployed, or apply for an ex-spouse's employment rights (under Section 6.1).

Changes to hiring processes

Responsibilities of the employer for filling job vacancies (Section 1.6)

The Work Permit Policy has been revised to expressly include reference to consideration of Belongers or Spouses of Belongers (i.e. Naturalised British Overseas Territory Citizens (BOTCs)) when considering work permit applications. Belongers or Spouses of Belongers have also been added to the following requirements, including, but not limited to, under Sections 1.12 (Notification of outcome of applications); 1.13 (Advertising Criteria); 3.11 (Application Process for Standard Work Permit); 3.12 (Consulting with Statutory Body Regulating Profession); 4.4 (Transferring to Another Employer); and 7.16 (Lay-offs). Essentially, Belongers or Spouse of Belongers now have the same rights as Bermudians, Spouses of Bermudians and PRC holders under the revised Work Permit Policy.

English proficiency (Section 1.8)

Required proof of English language proficiency has been extended to apply to all types of work permit including: Short-Term, Standard, Global, Intra-Company Transfer, New Business, Fintech, and Family Office Permits. Accepted tests include IELTS, TOEFL, Duolingo English Test, TOEIC and PTE Academic, and the policy now provides accepted minimum scores. Note exceptions apply where the applicant is from a country where English is a native language (see Appendix 1 for list of countries) and applicants with a degree or a professional qualification completed in English.

Advertisements (Section 1.13)

Where employers are using other recruitment platforms (including any in-house company website portal or equivalent), other than the Government Job Board at www.bermudajobconnect.bm or the local newspaper, the result of job advertisements must be provided to the Department of Immigration together with the work permit application.

Photos (Section 1.19)

Passport-sized photos are required, but the requirement for photos specifically sized 2x2 inches has been removed. Additionally, photos are no longer required for dependents.

Changes to entry requirements

Visiting Bermuda while application is pending (Appendix II Q.2)

The prohibition on visiting Bermuda whilst a work permit application is pending has been removed. Therefore, applicants can now visit Bermuda whilst their work permit applications are pending provided that they do not engage in gainful occupation and visitors may not seek work. Note applicants would be permitted to undertake certain business activities (as per Section 2.1) as a business visitor (such as attending board/board committee/director meeting) whilst a work permit application is pending.

Changes to requirement for existing work permit holders

Seeking alternative employment (Section 1.10)

Work permit holders will now not be considered for a job change within the first six months (reduced from one year) following issuance of a new work permit and within the first three months (reduced from six months) after issuance of renewed work permits. This is in addition to the general prohibition from changing employers within the first two years of employment with an initial employer in Bermuda (note this restriction is eighteen months for accountant roles) save for where the work permit has been made redundant or has lodged a complaint against their employer in which case the Minister has discretion to waive this requirement. Persons wishing to seek alternative employment may request permission from the Department of Immigration within 14 days after the last date of employment.

Promotions (Section 4.2)

Whilst employers may only promote work permit holders following an internal advertising process there is no longer any prohibition on promoting a work permit holder within a set period following a work permit renewal. Note, no promotions will be considered within the first year of a new work permit for a new joiner. No internal advertising will be required if the position would qualify for an automatic advertising waiver (under Section 1.14). If internal advertising is required, this can consist of a job posting on an employer's intranet page containing the applicable job description or an email to all eligible and suitably qualified employees inviting applications for the role. We would recommend that any promotion applications remain open for at least eight days reflecting the standard advertising criteria for external advertisements. A copy of the internal job advertisement should be included with any promotion application.

Notice of termination (Section 3.13)

There is now an additional obligation on employers to inform the Department of Immigration if the reason for termination was "*unsatisfactory performance; i.e. misconduct or gross misconduct*" (see Section 1.4). This new requirement is not entirely clear because a "*misconduct or gross misconduct*" dismissal is not the same under Bermuda law as a termination for unsatisfactory performance. The reason for termination will now have broader implications for work permit holders given the penalties include that a work permit holder dismissed for "*misconduct or gross misconduct*", although not expressly *unsatisfactory performance*, will not be considered for a work permit for at least 12 months from date of departure and will not be granted permission to reside and seek employment. There is no carve out for where a work permit holder disputes that the reason for termination is legitimate and/or issues a complaint with the Department of Labour Relations.

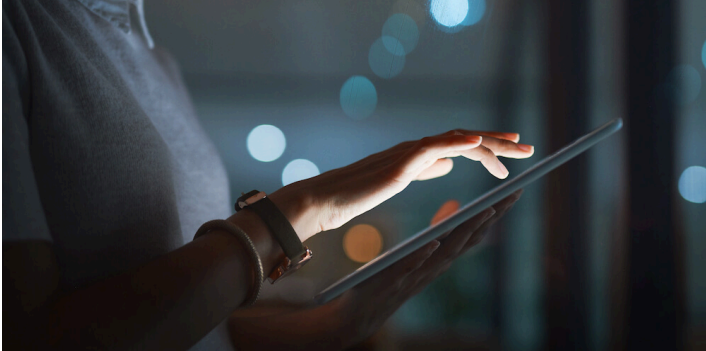
Conclusion

We are currently seeking further clarification from the Department of Immigration in relation to several of the recent changes and will provide further updates if and when such guidance is received. We also note that there is an expectation that the Work Permit Policy will continue to evolve in light of feedback and that it is anticipated that further changes will be implemented in or around October 2026.

For tailored advice or assistance navigating these changes, please contact our team. We are here to help you ensure compliance and adapt your workforce planning strategies effectively.

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