BERMUDA IMMIGRATION AND PROTECTION AMENDMENT ACT 1993

[Date of Assent 23 July 1993]

[Operative Date 23 July 1993]

WHEREAS it is expedient to amend the Bermuda Immigration and Protection Act 1956:

Be it enacted by The Queen’s Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:—

**Short title**

1 This Act may be cited as the Bermuda Immigration and Protection Amendment Act 1993.

**Amends s 16(1) of Act No 30 of 1956**

2 Section 16(1) of the Bermuda Immigration and Protection Act 1956 ("the Act") is amended—

(a) by inserting next after "section 18" in paragraph (b) the words "or 18A";

(b) by deleting "19 or 20" from paragraph (d) and substituting "19, 19A, 20 or 20A".

**Amends s 18 of Act**

3 Section 18 of the Act is amended—
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(a) by inserting in subsection (1) next after the word “if” the words “he is a Commonwealth citizen at the time of his birth and”;

(b) by deleting paragraph (a) from subsection (2) and substituting the following paragraph—

“(a) he must be a Commonwealth citizen at the time of his birth; and”; and

(c) by adding next after subsection (5) the following subsection—

“(6) Where—

(a) a person relies upon his mother’s domicile at a particular time for the purpose of deducing any rights of his under this section or section 18A at that time; and

(b) she was married at that time and the domicile of her spouse was other than Bermudian at that time,

her domicile at that time, instead of being the same as that of her spouse by virtue only of the marriage, shall be ascertained by reference to the same factors as in the case of any other individual capable of having an independent domicile.”.

Adds section 18A to Act

The following new section is inserted in the Act next after section 18—

“Bermudian status by virtue of birth in certain other cases

18A (1) Without prejudice to section 18, a person shall also possess Bermudian status if, being a Commonwealth citizen at the time of his birth—

(a) he is born in Bermuda on or after the commencement of the Bermuda Immigration and Protection Amendment Act 1993 and one of his parents possesses Bermudian status at the time of his birth; or

(b) he is born outside Bermuda on or after the commencement of that Act, and one of his parents is domiciled in Bermuda at the time of
his birth and that parent also possesses Bermudian status at that time; or

(c) he was born in Bermuda after 30 June 1956 and before the commencement of that Act and one of his parents possessed Bermudian status at the time of his birth; or

(d) he was born outside Bermuda after 30 June 1956 and before the commencement of that Act, and one of his parents was domiciled in Bermuda at the time of his birth and that parent possessed Bermudian status at that time.

(2) A person to whom paragraph (a) or (b) of subsection (1) of this section applies attains Bermudian status at the time of his birth.

(3) A person to whom paragraph (c) or (d) of subsection (1) of this section applies shall be deemed to have attained Bermudian status at the time of his birth.”.

Amends section 21 of Act

Section 21 of the Act is amended by deleting the expression “17 or 18” wherever it appears and substituting the expression “17, 18 or 18A” in every case.

Confirmation of certain acts done before commencement of this Act

(1) Notwithstanding the retroactive effect of anything in this Act, nothing in this Act renders invalid or unlawful any thing that was done before commencement day by, or to, or in relation to, a person whose personal status has been retroactively altered by this Act; and that thing remains valid and lawful on and after that day if—

(a) it was valid and lawful when it was done; and

(b) it remained valid and lawful until immediately before commencement day.

(2) “Commencement day” in subsection (1) means the day on which this Act comes into operation.

(3) The reference in subsection (1) to the doing of a thing includes a reference to the making of an omission.