

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

7 June 2012

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Bahamas and Haiti: Whether a citizen of Haiti who is married to a citizen of the Bahamas can obtain permanent residence in the Bahamas; conditions that can lead to the revocation of permanent resident status of a person in that situation, particularly whether that status can be revoked if that person leaves the Bahamas or if their spouse dies; the conditions to be met by a person in that situation to reacquire permanent resident status; whether a person who is a permanent resident of the Bahamas can renew a business license even if their spouse, a citizen of the Bahamas, is deceased

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Obtaining permanent residence

In a telephone interview with the Research Directorate on 24 May 2012, an officer from the Department of Immigration of The Bahamas explained that a citizen of Haiti or any other foreign country who has been married to a citizen of the Bahamas for at least five years can obtain permanent resident status in the Bahamas. The *Immigration Act* of the Bahamas stipulates that when a foreigner applying for a permanent residence certificate is "a husband, [he must have] lived continuously with the other party to the marriage for a period of not less than five years" (Bahamas 2010a, paragraph 14(1)(d)). In another telephone interview, the officer from the Department of Immigration nevertheless indicated that the gender of the person submitting an application is not taken into account and that the "government ensured to clarify that aspect of the law" (*ibid.* 4 June 2012). The website of the Department of Immigration of The Bahamas indicates that the category of persons who can apply for permanent residence include the "spouse of a Bahamian after 5 years of marriage, and whose marriage is subsisting and the couple cohabiting as husband and wife" (Bahamas n.d.a).

The website of the Department of Immigration also noted that "Haitian nationals who are able to provide documentary proof, exclusive of Haitian passports, that the department accepts as evidence under cover of an affidavit from a notary public, of their continuous residence in The Bahamas prior to January 1985" can obtain permanent resident status (*ibid.*). The officer of the Department of Immigration stated that this provision is not set out in the *Immigration Act* because it is "an exceptional measure that applies only to Haitians" (*ibid.* 4 June 2012).

The website of the Department of Immigration of The Bahamas lists the documents required when submitting an application for permanent residence as follows:

- A completed application form completed and notarized by a Justice of the Peace or a Notary Public with a B\$10 (B\$1 = CA\$1.03 [XE 30 May 2012]) Bahamian postage stamp attached;
- Two (2) passport-size photographs (in colour) with full name printed on the reverse side;
- Photocopy of the data page of applicant's passport (must be valid up to six months);
- An original birth certificate, Bahamian or notarized foreign copy* with a B\$10 Bahamian postage stamp affixed to the translation;
- An original Police Certificate*, issued not more than six (6) months prior to the submission of the application;
- An original Medical Certificate*, issued not more than thirty (30) days prior to the submission of the application;
- Two original character references, by Bahamian citizens who have known the applicant for at least five [sic];
- A financial reference, citing a figure range, and verifying economic worth from a reputable bank or financial institution;

- Parents' Birth or Marriage Certificates*, where applicable;
- If the applicant is/was married, he/she is also required to submit an original certified copy of the marriage certificate*, spouse's birth*/death certificate*, legal separation document* or final divorce decree*, if applicable; and
- A non-refundable processing fee of B\$100.

* Note: Notarized translation of all non-English documents (Bahamas n.d.b).

2. Revocation of permanent residence

According to an officer of the Department of Immigration, the death of a spouse or departure from the Bahamas does not "automatically" result in the revocation of permanent resident status (Bahamas 24 May 2012). The Bahamian *Immigration Act* sets out several circumstances in which permanent resident status can be revoked, including the following:

17. A permanent residence certificate shall remain in force during the lifetime of the person to whom it is granted, unless and until it is revoked under section 18.

18....the Board may revoke a permanent residence certificate on the ground that the person to whom it was granted-

...

e) subsequent to the grant of the certificate, has been ordinarily resident outside The Bahamas for a continuous period of three years; or

f) has obtained the certificate by means of fraud, false representation or the concealment of any material fact; or

g) being a person to whom section 14 applies-

1. is living apart from the other party to the marriage under a decree of a competent court or a deed of separation; or
2. has ceased by reason of the dissolution or annulment of the marriage to be married to the spouse with whom he lived when the certificate was granted;
3. subsequent to the death of the other party to the marriage, marries a person who is not a citizen of The Bahamas (ibid. 2010a).

However, the officer of the Department of Immigration stated that the people whose permanent resident status has been revoked can reacquire it by submitting an application like any other person would for the first time (ibid. 24 May 2012). Furthermore, *Country Reports on Human Rights Practices for 2011* published by the United States Department of State indicated that Haitians in the Bahamas "generally had difficulty in securing citizenship, residence, or work permits" (US 24 May 2012, 17). Additional information in this regard could not be found among the sources consulted by the Research Directorate.

3. Renewal of a business license

According to the *Business Licence Act* of the Bahamas, business owners must renew their business license every year (Bahamas 2010b, sec. 3; LXP Apr. 2011). The officer of the Department of Immigration explained that a person who is a permanent resident of the Bahamas can renew a business license even if their spouse, a Bahamian citizen, is deceased, by going to a Bahamas Investment Authority office (Bahamas 24 May 2012). Additional information in this regard could not be found among the sources consulted by the Research Directorate. However, the website of the Bahamas Investment Authority indicates that some sectors of economic activity are reserved for Bahamian citizens:

- Wholesale and Retail Operations.
- Commission agencies engaged in the import/export trade.
- Real estate and domestic property management agencies.
- Domestic newspapers and magazine publications.
- Domestic advertising and public relations firms.
- Security services.
- Domestic distribution of building supplies.
- Construction companies, except for special structures for which international expertise is required.
- Personal cosmetic/beauty establishments.
- Shallow water scale-fish, crustacean, mollusks and sponge-fishing operations.
- Auto and appliance service operations.
- Public transportation inclusive of locally solicited charter boat tours.
- Landscaping

** International Investors may engage in the wholesale distribution of any product they produce locally (Bahamas n.d.c).

Additional information on these restrictions or on how they are enforced could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Bahamas. 4 June 2012. Bahamas Immigration Department. Telephone interview with an immigration officer.

_____. 24 May 2012. Bahamas Immigration Department. Telephone interview with an immigration officer.

_____. 2010a. *Immigration*. <http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1967/1967-0025/ImmigrationAct_1.pdf> [Accessed 28 May 2012]

_____. 2010b. *Business Licence Act*. <http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1980/1980-0008/BusinessLicenceAct_1.pdf> [Accessed 4 June 2012]

_____. N.d.a. Department of Immigration. "Applying for Permanent Residence." <[_____. N.d.b. Bahamas Immigration Department. "Permanent Residence in the Bahamas: Who Can Apply, Requirements, Check List." <<http://www.bahamas.gov.bs/wps/wcm/connect/7aeb22ef-3e24-452f-b0ee-3cb065e0d938/Brochure+-+Permanent+Residence.pdf?MOD=AJPERES&CACHEID=7aeb22ef-3e24-452f-b0ee-3cb065e0d938>> \[Accessed 18 May 2012\]](http://www.bahamas.gov.bs/wps/portal/public/Permits/Permanent%20Residency/!ut/p/b1/vZTJbqNAFEW_xR_gUAYfYckUwAwGzLxBNjZmMFC2Y4b6-ra717UUKelNJ_VWJd37ju5dPCIIYltdkN12r1Vfbc7P_8pm9HqxnIhrM4luGBTvq2LisOrfr0Q5A8BOCTJ4A_fqBagvDbv376jY1h8gatkgwREFE6waJ000dF8bIpuG_06H7Rfcrou8qtrgWlt-188dTzjICbaff4iHp6T4kBWshJt_1AuhfGPhZdvttKoeA2GLUue_ByMcSqzB85vzvm-Xw1tWmeKDYNW1dbF2PQZwjnJ10LXXXAxq6OxnBP24lg3RSDVjDysgNK1B0dapUZ4GYbrophFHB1XXK3xXvuL4L9o7eISL-shoXvgi-qtBW-PRLJQ7b6bI_mQMInYs_Bk23pGOM6wV4MRWLJn3Gp3BAQYrGYV2kGD7TfbtUrQJBsK32TRsJsTvikj2_PKOcwi9QBSE0iuM7CNwQ_IPoESyRgDB1mW-G_ghIfxxIPntIRoU_QCatGIZEglo6qeB_z_hmkirffsy5u0LeGF5nmYBfHB4FnAkRYR1wvLy8wbodiEeQ7VFO6oIISJKqDLOpNuW8IKcEW3SK7VKml6ZNR7D32XTQ5MGa1kshRSGOHZ3og4ea2iXHAzi08kPuXKUQ-0ToOvFdBgmidi6FC8HOTH99mSW_eH1c13XnFRrzJ3slsgAEdploIxbv5Hd3Ffri3d-3J38HMBCcs1XTvLZ2VbCojsol1kq35SWch1jJo_01SuEPF6KTZDW00BTMWz9_cUGgNhhM1uPs4u9YwmLxCOcta-o!/dl4/d5/L2dBISEvZ0FBIS9nQSEh/> [Accessed 18 May 2012]</p>
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_____. N.d.c. Bahamas Investment Authority. "Areas Reserved for Bahamians." <[LennoxPaton \(LXP\). April 2011. "Business Licence Act 2010." *Client Briefing April 2011*. <\[http://www.lennoxpaton.com/media/29532/business_licence_act_april_2011.pdf\]\(http://www.lennoxpaton.com/media/29532/business_licence_act_april_2011.pdf\)> \[Accessed 4 June 2012\]](http://www.bahamas.gov.bs/wps/portal/public/Investment%20Opportunities/Reserved%20for%20Bahamians/Areas%20Reserved%20for%20Bahamians/!ut/p/b1/vdDJjptAEAbgZ5kHmKGhm4Y-sg07mMVvsFwvsMQbMYoN4enjUSIIIy_SXZKpOJf2qT1VURiVU1uX3qsynq_y8-ec4R1UXduTEG_zGBGg06Gjy8oGqhpHxVRSspPghj3qp6v7xIMZ--R6A2mSMoXcGNKW30zhsKtCKwqZgH3vWJYQmC1H9unpNPJrrS6cl9xXdYRvNauGudt33tJY6Wf2xOxfX26Wzi2HzqGn9WKY7hNoFNKuIPV3FZXNU_Cke_Asd3zgFKOeDuAv4m9arhde460ju-dKWKJrtkG19tz9Jsha3_SLt031JhJunIC1d_AOGx1VMxRVZ_cvz6PR5NPHNcDvP8m-R4BqC8IzorIAA327sYQNpzEuAj8CfyDSZ4D7ucFlwk9EorG5ZYHpYSqkEoB2Qb0M-tqsfr36brgFi13rEDSAduokcgp1Dp13x75uAZAjy171JSwi224e1kjCzSHyt6IgbTOM5D-DAct9LWh6Xw1i5r-DJgOf0AUth5fowMJfDbL_HDSorCrat3nfvoE3mm_EBi3keMgBABkOOiuoUc3JvCIoS7U5xZsK8m4Di132IPrzTuM5iyaT-LtO28g6WUWFHBYdytdL08SVf7pWDJAGt1e0QJ_EUukJINpnkVnI-C4UymEnGy3kck1dcF_KW9owPiWMIgZ2MT6E43oxp3O95V1IPxo_V1p4vYg2X_fsCcbsGor9spkU-LatWGvFrFNzFyN3LjGPC9sx9fX6bUhhJWu-Nw4S7fkQ0DOSZcjloaGD8OHcSMWg6KANczaNnL4WE70vExksMriQTIa335QQ3u3sM_TvzQshZeXb-zJkX0!/dl4/d5/L2dBISEvZ0FBIS9nQSEh/> [Accessed 6 June 2012]</p>
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<div data-bbox=)

United States (US). 24 May 2012. "Bahamas." *Country Reports on Human Rights Practices for 2011*. <<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>> [Accessed 4 June 2012]

XE. 30 May 2012. "Currency Converter Widget." <<http://www.xe.com/ucc/convert/?!language=fr&Amount=1&From=BSD&To=CAD>> [Accessed 30 May 2012]

Additional Sources Consulted

Oral sources: Attempts to reach representatives of the following organizations were unsuccessful: Bureau des avocats internationaux; Bahamas – Bahamas Investment Authority, Consulate General of the Bahamas in Miami, Consulate General of the Bahamas in New York, Consulate General of the Bahamas in Toronto, Embassy of the Bahamas in Port-au-Prince, Embassy of the Bahamas in Washington, High Commission of The Bahamas in London, High Commission of The Bahamas in Ottawa; Institute for Justice and Democracy in Haiti.

Internet sites, including: The Bahamas Guide, Bahamian Studies Online, Canada – Canadian International Development Agency, Catholic Relief Services, *Le Devoir*, Factiva, Freedom House, Global Legal Resources, Glorious Bahamas, Institute for Justice and Democracy in Haiti, Lawyers.com, Lowtax, *Le Matin*, Memoire Online, Migration Information Source, *Le Nouvelliste*, Radio Nouveau Monde, Reuters, Rights and Democracy, United Nations High Commissioner for Refugees, Voice of America.

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