



**Falkland Islands Government**

**Policy Unit**

# **Findings from Immigration Reform Consultation**

*February 2014*

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## 1. Introduction

- 1.1. In August 2013 the Falkland Islands Government (FIG) published the consultation document "Immigration Reform: An Immigration System Fit for the Future of the Falkland Islands". The document contained proposals put forward by an independent advisor regarding possible changes to the immigration system to ensure that it is fit-for-purpose to meet the future needs of the Islands – including the need to address constraints on the labour market and other issues that may constrain investment and place undesirable barriers to more permanent settlement in the Islands. The proposals were compiled by an FIG appointed immigration policy specialist who spent 6-months on the Islands researching and consulting on the Islands' current immigration system.
- 1.2. The overall aim of the proposals that were put forward was to ensure that the Falkland Islands has an immigration system that is efficient and effective to respond to economic development ambitions, and to be robust and flexible regardless of any future decision that might be taken on immigration policy – whether this be for the population to rise, to fall, or to remain static.
- 1.3. The consultation document sought to gather views on a number of possible changes to the immigration system and to gauge public opinion on whether there is a need for change in a number of related issues without, at this stage, putting forward any detailed proposals.
- 1.4. This report provides a summary of the responses to the consultation, drawing on replies to the questionnaire and additional qualitative views gathered through a series of public debates on the content of the proposals.

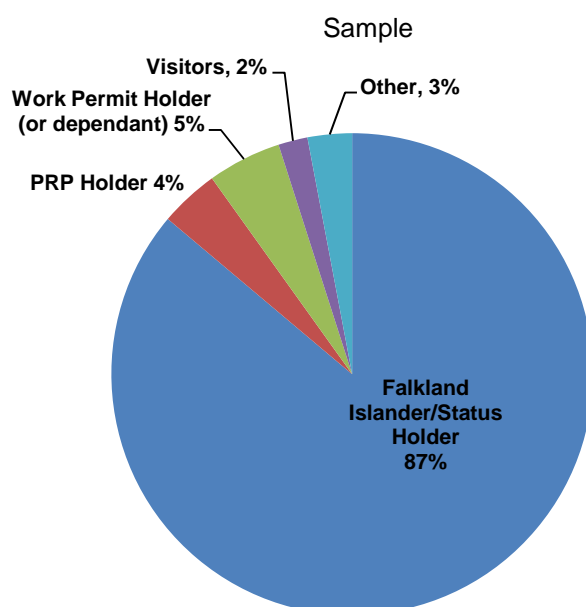
### The Consultation Process

- 1.5. An extensive consultation and publicity campaign was conducted over an 8-week period between 5th August and 27th September 2013. Individuals and organisations wishing to respond had the option of submitting the questionnaire online or by post.
- 1.6. The consultation process included a series of public events during which the proposals were presented and discussed. A total of 73 people attended these events:
  - Two public meetings in Stanley (7<sup>th</sup> and 14<sup>th</sup> August)
  - Meeting with the Chamber of Commerce (5<sup>th</sup> August)
  - Three public meetings on West Falkland (Port Howard 11<sup>th</sup> August; Hill Cove and Fox Bay 12<sup>th</sup> August)
  - Two public meetings on East Falkland (Hope Cottage and Goose Green on 9<sup>th</sup> August).
- 1.7. In addition, a number of other informational and promotional activities were undertaken:
  - A live phone-in debate on the proposals took place on Falkland Islands Radio Service in the evening of 21<sup>st</sup> August;
  - A series of explanatory articles were placed in the Penguin News covering different topics in three separate editions during August;
  - Links to the survey and instructions on how to complete it were posted on Facebook;
  - Posters and copies of the consultation document were made available at various locations around Stanley, including the Post Office, Standard Chartered Bank and the library.

## Profile of Respondents

- 1.8. A total of 113 individual responses to the questionnaire were received, of which more than half (55%) were received online. A number of additional responses were received from individuals and organisations (either by letter or email) that did not follow the structure of the questionnaire – narrative from these responses has been analysed, with findings presented at appropriate points in this report.
- 1.9. The vast majority of responses (87%) were received from persons who were Falkland Islanders or who held Falkland Islands Status. The remainder included a number of other types of immigration status: 4% were Permanent Resident Permit Holders; 5% Work Permit Holders (or their dependants); 2% Visitors; and 3% specified themselves as 'Other'.
- 1.10. **This report details the findings from Falkland Islanders and those who hold Falkland Island Status (FIS) only.** Any differences in responses from persons or groups of persons other than FIS holders are presented at relevant points in the analysis for illustrative purposes only.
- 1.11. On this basis the survey provides 95% confidence plus or minus 9%. This means that if the survey were to be repeated 100 times, statistically we would expect to see the same results 95 times out of 100, within a range of 9% of the figures quoted in this report. For example, if the figure quoted is 80% we can be confident that the true figure across the whole population of Falkland Islanders/Status Holders lies within the range of 71% to 89% i.e. the true figure could be nine percentage points higher or lower than the stated figure. This margin of error should be borne in mind when interpreting the results<sup>1</sup>.

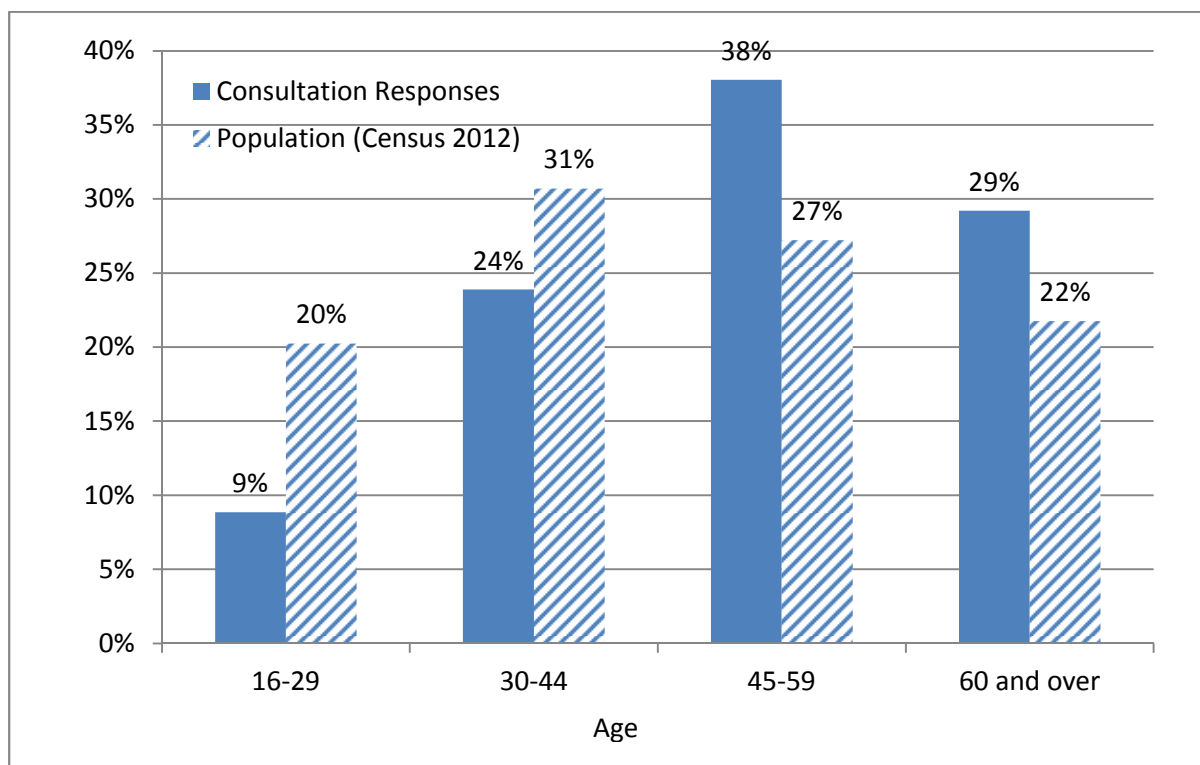
*Figure 1.1: Immigration Status of Respondents*



<sup>1</sup> Most surveys of this type aim to achieve a margin of error of 5% or less. However, the small population of the Islands makes this difficult to achieve – more than 300 responses (or more than 20% of the total population of Status Holders) would be required to achieve this. This in no way invalidates the results of the survey – it simply means that the margin of error is greater than researchers would prefer.

- 1.12. In terms of location, 19% (21) of respondents stated their main place of residence as Camp, with 79% (90) respondents resident in Stanley. This is broadly in line with the distribution of population as a whole - the 2012 Census recorded 86% of the population in Stanley and 14% in Camp<sup>2</sup>.
- 1.13. The consultation generated responses across all age groups (16 and over). Those aged 45 and over provided almost two thirds of all responses – meaning their views are slightly over-represented in the results (as they make up only 49% of the Islands total population). Consequently, the views of younger people are slightly under-represented, as shown in Figure 1.2 below. Given the small number of responses within each age band no analysis has been undertaken to ascertain how responses to individual questions vary by age.

*Figure 1.2: Age of Respondents*



### Structure of the Report

- 1.14. The remainder of the report is structured as follows:
- Section 2 discusses the findings on proposals regarding visitors to the Islands;
  - Section 3 presents the responses to proposals regarding Work Permits and how the migrant population is managed;
  - Section 4 presents the findings on issues related to living in the Islands (issues regarding the rights of partners/dependents and PRP and FIS);
  - Section 5 discusses other issues raised in the consultation (including views on whether rules regarding land ownership should be revisited).

<sup>2</sup> Percentages based on population excluding MPA as recorded in Census 2012.

## 2. Visiting the Falkland Islands

- 2.1. The consultation proposed a number of changes with regard to visitors to the Islands – in order to ensure that visitors are just that: persons coming to visit the Islands for tourism, family visits, or business trips. The proposals were intended to address potential weaknesses in the current system whereby the visitor route can be a ‘back door’ or a temporary measure whilst an individual moves to an alternative status, and concerns regarding the potential for speculative migration by persons who are actually seeking work.

### Length of Visitor’s Permits

- 2.2. Currently the Immigration Ordinance 1999 allows visitors to come to the Falkland Islands for up to twelve months in any consecutive twenty-four month period. This category includes people coming on holiday, on business or transiting through the Islands.
- 2.3. The current system involves visitors being granted an initial period of stay of up to 30 days, with the ability to then apply for an extension for up to 12 months. This places an extra administrative burden on the immigration service (as opposed to setting the length of stay at the point of entry) and has the potential to lead to unofficial residency (e.g. persons conducting business here on a recurring basis whilst not actually being resident). Given potential levels of growth and demand for employment, a further reason for the proposal to limit the time period is to prevent speculative migration i.e. persons who may come to the Islands on a Visitors permit for up to a year whilst seeking work. That is at odds with the purpose of the Visitor route and undermines the integrity of the Work Permit route.
- 2.4. For these reasons, the consultation proposed that a standard period of four months in any twelve month period be applied to visitors. This would accommodate most visitors whilst also allowing flexibility to family members and visiting business people to stay for a longer period.
- 2.5. The majority of respondents (68%) agreed with the proposal that the cumulative period of stay for visitors should be limited to four months out of twelve. Some respondents added a caveat that whilst four months should be the standard maximum, there should be provision for extensions in particular circumstances (e.g. persons on visiting yachts who may wish to stay for longer periods/over winter/undertake repairs etc.).

Do you think that the cumulative period of stay for visitors should be limited to four months out of twelve?



Q1a. Base: 98

- 2.6. Views differed amongst those who disagreed with this proposal – some felt there should be no change to the current system and that limiting the period of stay to four months would disadvantage visitors on yachts who currently are able to stay for extended periods of time and contribute to the local economy while they are staying on the Islands (this view was echoed by visiting yachters who attended one of the public meetings). Others felt that the period of stay should be limited to 6 months, or that there should be no time limit provided the visitor could fully support themselves both financially and medically during their stay.
- 2.7. A number of individuals clearly held the view that the Visitor route was an opportunity for individuals to spend time in the Islands and ‘get to know the place’ before deciding on a more permanent

residency or to spend time here whilst seeking work. One of the reasons behind the proposal to limit the time period was precisely to guard against this form of speculative migration – on the basis that visitors should be visitors, and those seeking work should go through the established routes for this to avoid a potential pool of ‘visitors’ effectively living in the Islands and seeking work over an extended period of time.

### Additional Provisions for Family Visitors

- 2.8. Views were also invited on the creation of a sub-category of visitor for a Family Visitor. This was proposed as a special variant of the Visitor Permit that would allow close family members (not dependents) to stay in the Islands for longer periods with family living in the Falkland Islands, but are not intending to settle permanently (e.g. people who may wish to stay for a longer period to help look after a sick relative, assist with childcare etc.).
- 2.9. Over six in ten respondents (63%) felt there would be a benefit in creating a Family Visitor route, while 31% disagreed. Those who disagreed expressed concern about potential abuse of such provisions by distant family members, and raised concerns about the potential burden that such individuals might place on public services in the Islands<sup>3</sup>.

Do you think there is benefit in creating a Family Visitor route?



Q1c. Base: 98

- 2.10. In response to the question of who should be included in the category of a Family Visitor, almost half stated this should be limited to immediate family only, including parents, siblings and children - thus avoiding the potential for abuse of the system as highlighted by some of those who were opposed to the proposal. Just over a quarter felt this should be extended to wider family including cousins, aunts, uncles, nieces, nephews and grandparents or grandchildren.

### Visitors' Rights to Work

- 2.11. Under the current Immigration Ordinance, visitors are allowed to apply for 'Temporary Work Permission' enabling them to work for a limited period of up to three months – the intent being that this allows for urgent labour needs to be met by those visiting the Islands for a short period of time. With many individuals who obtain Temporary Work permission later going on to obtain a Work Permit (through the established procedure for this) it was proposed that visitors should be restricted from working in the Islands to avoid a potential 'back-door' to longer term residency.
- 2.12. Just over half of respondents (53%) felt that visitors should be restricted from working in the Islands whilst 44% disagreed and 3% did not offer an opinion.

<sup>3</sup> Currently all visitors must make provision for their own healthcare/insurance to avoid this problem. No proposal was put forward to change this requirement for either Visitors or the proposed new category of Family Visitors i.e. it was not intended that holders of such permits would have entitlement to benefit from the Islands public services.

Do you think that those visiting the Falkland Islands should be restricted from working here?



Q1e. Base: 98

- 2.13. Of those that responded 'Yes', some felt the only exception to visitors being restricted from working should be in the case of an emergency situation where it would be in the interest of the Falkland Islands for them to undertake work (e.g. a medical emergency); and some felt visitors should not be restricted from carrying out voluntary work. A number of respondents raised concerns that those granted Temporary Work Permission would be living and working in the community without having been subject to the checks on criminality that are applied to those seeing Work Permits, possibly presenting a risk to safety and security in the Islands.
- 2.14. Amongst those who felt visitors should not be restricted from working there was a prevailing view that this allowed urgent labour needs to be met and should not be restricted as there is a general shortage of labour in the Islands at the present time. Some qualified this by stating this should only be the case if the job couldn't be filled by local residents or those who already hold valid Work Permits, having gone through the established procedures for these. Many saw the use of temporary work permission as a valid stepping stone to potential longer term settlement in the Islands and suggested that people who begin with temporary work permissions should be able to apply for a full Work Permit (with all the checks that entails) from within the Islands.



### 3. Working in the Falkland Islands

- 3.1. The consultation proposed a number of changes to the current system of Work Permits – changes intended to encourage workers to come to the Islands to meet employment needs that cannot be met locally. They also seek to address aspects of the current system that pose difficulties for employers and that are a disincentive to attracting people who may wish to settle in the Islands in the longer-term. This section of the report reports on the responses to this aspect of the consultation.

#### Period of Work Permit

- 3.2. At present Work Permits are generally limited to a maximum period of two years but may be extended – meaning that in most cases the maximum length of contract that can be offered to an individual is two years in the first instance. It was proposed that the initial work permit period could be extended to a maximum of four years to enable employers to commit to longer term planning (if a sufficient case is made and it is relevant for that post). It was proposed that Work Permits should be applied for the period required for the post (whether that is six months, two years or four etc.) – hence not all permits would be issued for four years.
- 3.3. This would also act as an incentive for migrants to look at the Islands as a longer term prospect i.e. jobs could be offered with the potential for long-term residency as individuals could progress to PRP without necessarily having to secure a contract extension. This has the potential to attract migrants who may wish to make the Islands their home, rather than just presenting an attractive short-term opportunity.
- 3.4. In response to the question, 75% of respondents felt that the maximum period for a Work Permit should be four years.

Should the maximum period for a Work Permit be four years?



Q2a. Base: 98

- 3.5. Many of the qualitative responses expressed the view extending the work permit period would increase the attractiveness of the Islands to migrants. Comments reflected that the proposal would make it more attractive to, and appeal to more committed migrants, as well as giving families more time to decide if they wanted to stay in the Islands. Some also felt that, from a work perspective, four years for certain jobs would be better as this would enable migrants to make more progress in their roles. Many businesses welcomed the proposal in that it would avoid repeatedly having to train individuals in a role only to have to find a replacement after two years and repeat the process. Some respondents indicated that Work Permits should have the flexibility to be revoked during this time if a crime is committed by the migrant<sup>4</sup>.

<sup>4</sup> A provision already exists within the current Immigration Ordinance such that Work Permits can be revoked if the holder is convicted of an offence that is punishable by imprisonment.

- 3.6. Amongst those who disagreed with a four year maximum period, most indicated that the current 2-year limit was sufficient, and was a mechanism to ensure that positions are available for local people. Some also stated that the current limit ensured that employers are provided with an option to remove unsuitable employees after two years if necessary<sup>5</sup>.

### Categories of Work Permit

- 3.7. Under the current Work Permit system, a separate Work Permit is required for each job done by a migrant, with some individuals holding multiple permits for different jobs. This places additional administrative burden on the Immigration Service and also has time and cost implications for the individuals and their employers.
- 3.8. The proposals suggested a revised system of four categories of Work Permit where individuals can move within Work Permit categories if they are suitably qualified and a vacancy arises. This was intended to create a system that has the flexibility to meet labour market needs, to better manage the working migrant population, and address some of the commonly voiced concerns about the current system. It was proposed that the different categories of Work Permit would confer different rights and obligations on the permit holder representative of the different requirements of workers.
- 3.9. The vast majority of respondents (92%) felt that there should a revised approach to Work Permits.

Should there be a revised approach to Work Permits?



Q2b. Base: 98

- 3.10. Whilst there is broad support for change, there was a range of views on the specifics of the proposal for four categories of work permit as set out in the consultation document:
- A large number of respondents indicated that the current system was too restrictive and inflexible and that a single permit to cover multiple jobs should be sufficient: 75% of respondents felt the creation of a 'pool' of unskilled and semi-skilled workers with a single work permit to cover multiple jobs would be of benefit;
  - Some felt that the proposals were over-complicated and that there was no need to distinguish between different categories of worker i.e. that the single permit approach could apply to all workers;
  - Queries were raised as to circumstances in which someone may be granted a particular type of permit but then also undertake additional work (e.g. if the holder of a specialist work permit wished to undertake additional work as, say, a tourist driver);
  - Some business people suggested that there would be merit in passing the responsibility for issuing work permits to employers, rather than the Immigration Service;

<sup>5</sup> There is nothing to prevent employers removing unsuitable employees under the current system, subject to their own contractual arrangements with the employee i.e. work permits can be revoked when the individual ceases to be employed by the employer. The issuance of a work permit does not require the employer to retain the employee for the duration of that permit.

- 84% of respondents felt that there should be a separate category of Seasonal Worker Work Permit – again offering a single work permit that would allow the holder to undertake several different jobs for the duration of that permit – but would be restricted so that family members were not allowed to accompany the permit holder and would be valid for a maximum of 9 months.
- Consultations in Camp also revealed a desire for greater flexibility with regard to the employment of student/gap year workers<sup>6</sup>.

### Promoting Business Growth: Business/Investor Permit

- 3.11. Proposals were put forward to create a specific route for Business/Investors to create the flexibility and security for individuals to invest directly in the future of the Falkland Islands through the creation of new businesses. The idea was to provide sufficient security and opportunity for investors or entrepreneurs to come to the Islands, whilst at the same time ensuring that the best interests of the Islands are protected. The current system of work permits is not an attractive offer to would-be entrepreneurs, and offers little security over their investment. If the Islands wishes to attract more investors and entrepreneurs it was proposed that a specific route be created to enable this.
- 3.12. 63% of respondents felt a specific Business/Investor Permit should be created, whilst 32% disagreed.

Do you think that a specific Business/Investor Permit should be created?



Q3a. Base: 98

- 3.13. Those that were supportive of the proposal highlighted the need to be supportive of business development in the Islands - particularly small businesses – however most emphasised that it must be accompanied by stringent checks on applicants. In a number of cases, the proposal for a specific Business/Investor Permit was supported but with a caveat that it should not apply to franchised businesses (e.g. the likes of McDonalds).
- 3.14. Of those that disagreed, the primary concerns raised were around ensuring and protecting business opportunities for Islanders, and concerns regarding the impact that new investors might have on levels of competition in the Islands – whether competing with existing businesses or creating new monopolies.
- 3.15. Those who felt a specific Business/Investor Permit should be created were asked about the benefits that those on a Business/Investor Permit should receive. 85% stated they should be able to

<sup>6</sup> The current Immigration Ordinance has special provisions that allow the Principal Immigration Officer to issue Temporary Work Permissions for students and young people (aged under-25) such that they can be issued for periods longer than three months, and are not subject to a requirement to demonstrate that there is a Falkland Islander that can undertake the work.

sponsor/employ migrants on Work Permits; 66% felt they should be able to own or lease land or property<sup>7</sup>; and 71% felt they should gain extra 'points' for having a business based in Camp.

3.16. The proposals also suggested that any Business/Investor route would include a number of stringent checks and criteria which migrants must meet before they can come to the Islands. This was intended to provide mechanisms to protect against the issues that many people raised in the consultation. Of those who felt a specific Business/Investor Permit should be created:

- All felt that a realistic business plan should be provided as part of the application process and that evidence of suitable funds should be provided as part of the application process;
- Almost all (96%) felt that the applicant must provide evidence that the business will be of value to the Falkland Islands as part of the application process;
- 86% felt the applicant should be able to demonstrate a proven track record as part of the application process;
- Two thirds (67%) felt the applicant must provide something further – a wide array of suggestions were put forward most commonly:
  - = Applicants must be subject to same criminal record, health and character checks as required under the existing permit system;
  - = Applicants must demonstrate an ability to integrate with the local population;
  - = Applicants must demonstrate an understanding of/be empathetic to the Islands;
  - = Applicants must be able to demonstrate long term commitment;
  - = Checks must be applied to ensure the company is not being funded by a larger international company/investor trying to 'get in through the back door';
  - = Applicants must be able to demonstrate they are self-funded/have access to accommodation;
  - = Applications must not be at the detriment of existing businesses – views varied with some advocating any competition for existing businesses should be prevented, with others advocating that only unfair competition be prevented;
  - = Applicants must commit to using a specified minimum number of local staff.

3.17. Less than half (40%) of those who felt a specific Business/Investor Permit should be created felt a minimum investment level should be set. Of these, few specified a figure at which the amount should be set, although most commented that it should depend on the nature, size and scale of the business.

## **Managing the Working Migrant Population**

### ***Creation of a Skills Assessment Council***

3.18. Proposals were put forward for a Skills Assessment Council to be created which would be a professional, independent, informed and transparent standing Council of experts to assess and review current and future employment and skills requirements for the Islands. The purpose of this proposal was to create a formal mechanism to identify labour and skills needs across the Islands – and to enable the Islands to be pro-active in responding to these needs through the immigration system by

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<sup>7</sup> The consultation asked for views on own whether the permit should allow holders to "own/lease" land and property as a single question. A number of respondents suggested that the right should initially be to lease land, with ownership an option that should only be offered after the business has been successfully operating in the Islands for a number of years, and perhaps tied into the permit holder acquiring more permanent residency status in the Islands (PRP).

creating a Workforce Shortage List that would identify the Islands' needs that cannot be met from the domestic labour force and inform the Immigration Service as to which work permits are to be afforded priority.

- 3.19. Two thirds (67%) of respondents felt there should be a changed approach to managing migrant labour needs through the creation of a Skills Assessment Council.

Should there be a changed approach to managing migrant labour needs through the creation of a Skills Assessment Council?



Q4a. Base: 98

- 3.20. The consultation proposed that the Council could include a core membership of an Economic/Policy Advisor; FIG Immigration Officer; private sector representatives and FIG Education/Training Advisor. Of those who felt a Skills Assessment Council should be created, 60% felt the proposed membership was appropriate. Additional suggestions for membership included:

- FIG Human Resources Department
- Chamber of Commerce
- Member of the Legislative Assembly
- Representation from the rural sector and oil industry
- More employers generally
- Falkland Islands Development Corporation
- Members of the public.

- 3.21. Respondents were also asked about the Skills Survey and the frequency with which such a survey should be undertaken: 30% felt the survey should take place on an annual basis, 24% every six months, 6% quarterly; 7% as and when required; and 3% less than once a year. Almost a third (30%) of respondents did not offer an opinion on this question. Employers highlighted that the survey would need to be undertaken regularly enough to ensure that short-term changes in labour requirements could be accommodated.

### ***Registered Employer Sponsor Scheme***

- 3.22. As part of a potential revised approach to Work Permits, proposals were put forward for employers to become 'Registered Sponsors' with the Immigration Service. Such a scheme would be important if the system were to be changed to allow work permit holders to undertake multiple jobs under the same permit – in order to ensure that the Immigration Service can track the migrant population, ensure that those holding work permits are actually working (and not breaching the conditions of their work permit), and to verify this with knowledge of which employers work permit holders are working for. This would be important in circumstances where a person needed to be removed from the Islands to

ensure that responsibility for that rests with the right employer (and to avoid employers being liable for workers who are no longer in their employ).

- 3.23. Over three quarters (76%) of respondents felt there should be a Registered Sponsor scheme for employers of migrants, citing the benefits of better management of the working population and the focus placed on getting employers to commit to good employment practices (though some comments were made on the definition of “good practices” – see below). Of those opposed to the idea, the primary concern was that it would add additional bureaucracy to the system.

Should there be a Registered Sponsor Scheme for employers of migrants?



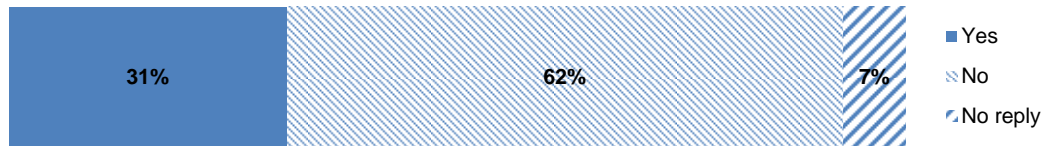
Q5a. Base: 98

- 3.24. The proposed Sponsor Scheme would require employers to adhere to good employment practices – suggestions put forward in the consultation were that this would include giving preference to local applicants and compliance with the Minimum Wage. The need to ensure that preference given to local staff and a requirement for notification of changes in the employment status of migrants were echoed in the responses to the consultation. A small number of respondents also suggested that additional criteria such as provision for maternity leave; fair working hours; and guarantees that the employer has funds to repatriate individuals should the need arise.
- 3.25. The proposals also suggested that penalties should be imposed on employers who failed to comply. The most common suggestions for the types of penalty that should apply were:
- Financial penalties/fines;
  - Imposing a ban from employing migrant workers (views varied on the length of such a ban - from a period of months through to permanently);
  - A system of incremental warnings and fines leading to a ban as the ultimate sanction.

### ***Creation of a Central Bond Fund***

- 3.26. The consultation also put forward the concept of a Central Bond Fund whereby employers could pay into a Government administered fund to cover repatriation costs for migrants who need to be removed from the Islands. This was put forward in response to concerns raised by some smaller businesses about the cost involved in recruiting from overseas and the potential risk involved in having to cover full repatriation costs.
- 3.27. The majority of respondents (62%) felt that a Central Bond fund should not be considered. There was a strong feeling amongst both individuals and employers that employers should retain direct responsibility for the cost of the repatriation of an employee (though discussions at the Chamber of Commerce also found some members saw merit in the proposal in reducing risk and cost for small businesses and new start-ups). The potential for abuse of the system by employers was also raised – whereby employers with bad practices could benefit at the expense of other businesses that would effectively subsidise the repatriation costs of others.

## Should a Central Bond Fund be considered?



Q5d. Base: 98

- 3.28. If such a Fund was to be introduced, most of those in favour indicated that it should be managed from within FIG Treasury, and in terms of contributions, the most favoured approach was that employers should pay a percentage of costs based on how many migrants they employ.
- 3.29. One consultee suggested that if there was a demand for such an initiative amongst small businesses, then there is a role for business organisations to create and administer such a fund on behalf of their members on an opt-in basis (hence those employers that chose not to opt in would retain full liability).

## 4. Living in the Falkland Islands

- 4.1. The consultation explored a number of possible changes to the immigration system that could affect the rights and obligations of migrants seeking to settle in the Islands in the longer term. This was to ascertain views on ways in which the current system might be changed to encourage and support those migrants who wish to make a longer term commitment to the Islands (and whom the Islands consider will be of value to the community as permanent residents). This section presents the findings of this aspect of the consultation.

### Partners and Dependants

- 4.2. Currently those coming to marry or live with partners who hold PRP or FIS are placed in the same category as those accompanying Work Permit holders under a specific Residence Permit Category.
- 4.3. It was proposed that there would be benefits to the Islands from measures that encouraged and supported partners and dependants of PRP and Status Holders to settle in the Islands – and if such benefits were desired then a different approach would be required; and one which differentiated between the rights of partners/dependants of PRP and Status Holders and the rights afforded to partners/dependants of Work Permit Holders. Proposals were put forward that the Residence Permit be replaced by distinct categories to allow for different tests to be applied to different types of migrant.
- 4.4. Over three quarters of respondents (79%) felt that the Resident Permit should be replaced with a more defined immigration route, and more than two thirds (71%) felt a separate route for partners/dependants of PRP/FIS holders should be created.

Should the Resident Permit be replaced with more defined immigration routes?



Q6a. Base: 98

Should a separate route for partners/dependants of PRP/FIS holders be created?



Q6b. Base: 98



- 4.5. In terms of criteria that should be attached to a Partner/Dependent Permit were it to be introduced, the most frequently mentioned were:
- A requirement of the main permit holder to be responsible for any associated costs of dependent(s);
  - A requirement for a 'relationship test' to verify that there is a genuine and continuing relationship between the dependent and the permit holder, that might include a minimum time requirement for the relationship and evidence of the relationship (e.g. marriage certificates, photos, etc.);
  - A requirement that the dependent(s) should be subject to the same criminal/health/character checks as other migrants.
- 4.6. Respondents were asked if partners/dependents should be given a permit for a limited period of time. Most respondents (81%) felt that it should be time limited though views varied on the appropriate length - the majority (55%) felt that it should be for either two or three years in the first instance (and in the case of Work Permit holders (see below), should be linked to the length of work permit issued).
- 4.7. Almost half (47%) felt that partners/dependents of PRP/Status holders should be given permission to work with unrestricted access to the labour market, 32% felt they should have restricted access to the labour market and 3% felt they should not have permission to work until they have obtained PRP status in their own right (18% did not respond).
- 4.8. Over two thirds (69%) of respondents felt that there should be a separate category of permit created for accompanying dependents of Work Permit and Business/Investor Permits (should the latter be introduced). This would confer different rights on partners/dependents accompanying these types of permit than those accompanying PRP or Status holders.

Should a separate category of Permit be created for Accompanying Dependents of Work Permit and Business/Investor Permits?



Q6f. Base: 98

- 4.9. With regards to permission to work, 45% felt that adults accompanying Work Permit holders should go through the Work Permit process in their own right; whilst 20% felt they should receive automatic permission to work; and 15% felt they should get automatic but limited permission to work<sup>8</sup>.
- 4.10. In terms of type of employment that such dependents might undertake, almost half of respondents (47%) felt that adult accompanying dependents of Work Permit holders should be able to take up any employment, whilst 28% felt they should be able to take up employment in shortage occupations only. Only 4% felt accompanying dependents should be able to set up their own business.
- 4.11. When asked whether there should be restrictions on employment for accompanying dependents, 63% felt there should be no restrictions in terms of working hours, earning capacity etc. whilst 11% felt they should be restricted to a limited annual earning capacity, and 5% for a restricted number of hours.

<sup>8</sup> 15% of respondents did not provide an answer to this question.

## Settling in the Falkland Islands

### *Permanent Resident Permit (PRP)*

- 4.12. The consultation sought high-levels views on the current points system attached to applications for Permanent Resident Permits. The purpose was to ascertain views on whether there was an appetite for change before any detailed proposals were developed.
- 4.13. The current system places a high value on educational attainment, high earnings, high responsibility jobs and experience, and assets. Whilst all of these are valuable considerations, the consultation proposed that these do not necessarily reflect the types of persons that the Islands may wish to welcome to stay longer-term. For example, there may be individuals who do not have high-level qualifications or significant financial assets who nonetheless may be able to demonstrate their commitment to the Islands and offer skills, abilities and experience that are currently lacking.
- 4.14. It was therefore proposed that the PRP points system be re-visited to place a higher value on skills and contribution to the Islands, and less on financial assets and educational qualifications. Further simplification of the PRP process, with potentially fewer points categories, was also suggested.
- 4.15. More than nine in ten respondents (91%) felt the points system underpinning PRP should be revisited.

Should the points system underpinning PRP be revisited?



Q7a. Base: 98

- 4.16. Nine in ten (90%) felt there should be more points available for those with skills, those working in shortage occupations and those who could demonstrate commitment to the Islands, rather than qualifications and assets. Other attributes that respondents suggested be taken into account as part of the assessment/qualification of PRP included:
- Providing satisfactory references from employer(s);
  - Personal references from existing Falkland Islands Status Holders;
  - Evidence of commitment to the community e.g. through voluntary work, involvement in community activities etc.;
  - Evidence of existing family connections in the Falkland Islands.

***Falkland Islands Status (FIS)***

- 4.17. Whilst the consultation did not seek to explore issues of Falkland Islands Status in detail, it was proposed that greater clarity and simplicity be brought to the immigration system, which currently allows multiple different routes to achieving FIS. At present there is no clear path to progress to FIS and in fact it is possible to circumvent PRP and move directly to FIS by remaining lawfully resident in the Falkland Islands for seven years (on a work permit for example). It was suggested that migrants and Islanders should be able to see a linear pathway to FIS which tests and measures skills, talent and commitment at each stage.
- 4.18. The majority of respondents (86%) felt that only those holding PRP should be able to progress to FIS.

Should only those holding PRP be able to progress to FIS?



Q8a. Base: 98

- 4.19. Most respondents (78%) also felt that it should remain a requirement for individuals to hold PRP for a minimum of four years before being eligible to progress to FIS, though a small number also suggested that the 7-year requirement for FIS should remain, regardless of how long the individual has held PRP. Comments were made suggesting that once gained, FIS should not be revocable if a person leaves the Islands for a period of time, especially if it is to gain work experience. It was also suggested that if someone committed criminal offences then it should be possible to remove their FIS. Some respondents suggested clarification around the issue of residents who gain FIS through marriage would be useful.

## 5. Other Issues

### Land Ownership

- 5.1. As a factor that was identified in the Review as a potential barrier to immigration, settlement and investment in the Islands, the consultation sought to ascertain opinions on whether current rules around land ownership should be reviewed. No specific proposals for change were proposed at this stage – the question was intended to ascertain whether there was public support for change before any detailed proposals were developed.
- 5.2. At present, land and property ownership is restricted to those with PRP and FIS and anyone else who wishes to acquire property or land, or leasehold, can apply to ExCo for a licence. For potential investors or migrants this places an additional hurdle, causes uncertainty, and, for investors, places a level of risk that discourages investment. It was proposed that if there was a desire to encourage inward investment and for migrants to view a move to the Falkland Islands as a longer term option, then a changed approach to land ownership could be taken – whilst ensuring that all appropriate safeguards are in place.
- 5.3. 56% of respondents agreed that the current approach to land and property ownership by migrants should be reviewed.

Should the current approach to land and property ownership by migrants be reviewed?



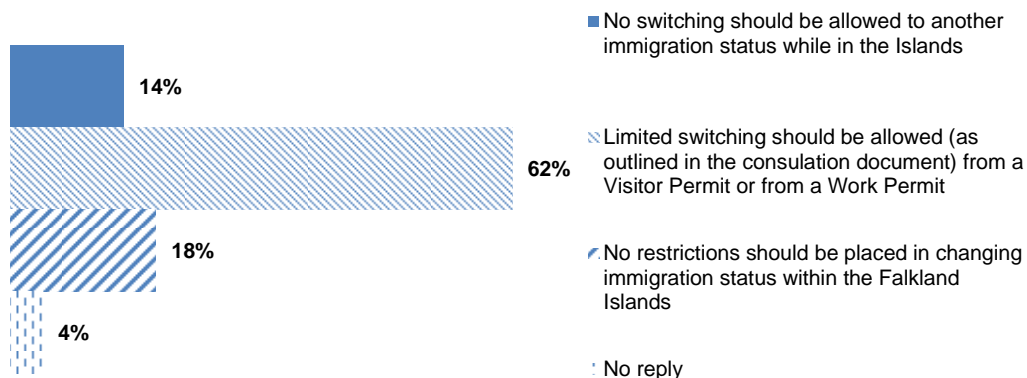
Q9a. Base: 98

- 5.4. A broad range of issues were raised by respondents when asked to identify concerns they may have regarding any possible changes to the rules of landownership that might confer rights on non-PRP and non-FIS holders. The most common issues raised were in relation to:
- Concerns over absentee landlords (and hence a desire that anyone owning/leasing land be resident in the Islands and making productive use of that land/property);
  - A desire for provisions such that FIG should be able to compulsorily purchase land in the case of owners no longer being resident in the Falkland Islands for a period of time (suggestions varied between one and ten years);
  - A desire to ensure that there are restrictions on the number of properties or the volume of land that any one person/business can buy;
  - A view that in the first instance more flexibility could be given in terms of leasing land/property, with the right to buy linked to longer term settlement in the Islands;
  - A view that businesses should be able to buy land/property if it aids their start-up;
  - A view that Islanders should have priority in terms of buying property in the event of competing bids/applications.
  - With regard to housing in particular, concerns were raised that opening up rights to buy housing would place upward pressure on house prices given the limited supply of housing at the current time.

### Switching between types of Status

- 5.5. Proposals were put forward with regard to rules about switching between different types of immigration status whilst in the Falkland Islands. In order to manage migrants in the community and to ensure the integrity of the immigration system, it was suggested that there should be limited switching between types of statuses.
- 5.6. The consultation document proposed that:
- Visitors may switch into Partner/Dependant Permit: the rationale being that these are individuals who may be seeking to establish a life in the Islands and wish to 'test' the experience before going to the expense of securing a longer term Permit;
  - Work Permit holders may switch into Business/Investor Permit: the rationale being that those working here may be in a position to identify and establish business opportunities of benefit to the Islands;
  - Work Permit holders may progress to PRP and PRP holders can progress to FIS following the established processes.
- 5.7. When asked, 62% of respondents stated that limited switching should be allowed, as set out above. 18% felt there should be no restrictions placed on changing immigration status within the Falkland Islands i.e. individuals would be free to change from any type of status to another; whilst 14% felt that no switching should be allowed at all.

### Switching between types of status



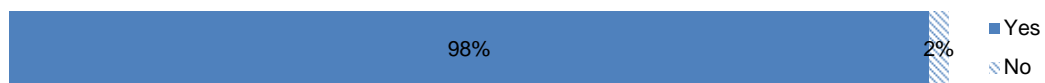
Q10a. Base: 98

- 5.8. Most respondents felt that where any change took place, the usual checks and processes should be followed. There appeared to be mixed opinion on whether visitors should remain resident or leave the Islands in order to change status to a Work Permit, although some respondents questioned why the usual checks and processes couldn't happen whilst the person remained in the Islands.

## The Immigration Service

- 5.9. In terms of supporting future development of population and economic growth, there will need to be a strong, well trained and effectively supported Immigration Service. The Immigration Service will be the first interaction many migrants will have with the Falkland Islands and so needs to be strong, credible and the welcoming face of the Islands. Investment would need to be made in developing appropriate policies, procedures and guidance to respond to the potentially changing nature of migration. An overwhelming majority of 98% agreed that FIG should commit the resources to develop the Immigration Service to deliver a streamlined, robust immigration control.

Should the Falkland Islands Government commit the resources to develop the Immigration Service to deliver a streamlined, robust immigration control?



Q11a. Base: 98

- 5.10. Comments included that Customs and Immigration Officers should receive the training they need, visiting countries overseas if necessary to complete the training. Some respondents made reference to improving technology at the airport (passport readers for example) although others were cautious that it must be done correctly in light of cases overseas where poor implementation of new systems have caused more problems than they have solved.

## 6. Conclusion

- 6.1. The aim of the consultation was to invite comments and suggestion about proposed changes to the system of immigration for the Falkland Islands. The findings of the consultation indicate there are some strong preferences among Falkland Islanders/FIS holders to introduce changes to some aspects of the current immigration system – though there is clearly more work to be done to define the detail of any such changes.

## 7. Appendix 1 - Qualitative Comments from Public Meetings

7.1. Presented below are a range of comments received at the various public meetings conducted during the consultation. To protect the anonymity of participants, no names or locations have been included.

- Would any change to the route to FIS require a change in the constitution?
- Naturalisation not included on the diagram.
- Important to protect the Falkland Islander and they should come first with any jobs.
- Not just skills and qualification important, but the willingness to do the job.
- A case where a farmer brought an overseas worker in and could only get a two year work permit. The first year was spent training and when the two years was up, a local candidate applied and got the job so the worker went to work on another farm and the local left after a month or two. Therefore the first farmer lost out on all the time and money training the worker for someone local who didn't last.
- Feel that Falkland Islanders should have to compete for jobs – have to be good job for the job, not just automatically get it if they are the only local.
- For four year work permits, what about students going away studying and then coming back? Also, what about Falkland Islanders who have been away for 10 years or so?
- If you require 3 years residency to apply for PRP, then why not change the maximum work permit to 3 years?
- Central Bond – Don't want to be paying and costs (like repatriation) for other companies/employers.
- Feel a Central Bond would be a case of bad business practises being supported by those with good employment practices.
- Think different types of work permit are a lot of work and that this single, lengthy single work permit system is the way to carry on.
- No criminals here, more difficult to get rid of someone who is already here, think the problem arises when people look for different opportunities.
- Ability to lease/purchase land - this may open up so people buying up land and if they didn't use the land for agriculture, this would have a knock-on effect for FIMCo and others.
- Opening up to buy land will drive house prices sky high (others commented that this is happening anyway and the oil industry will do this as well). Need more houses!
- Key issue, who will be assessing this and making the decisions as there is not much opportunity to expand in certain areas. Can't complete in fuel and telecommunications.
- In regards to having PRP for 4 years before applying for status, don't feel that we should discriminate from those who didn't apply for PRP at the first available opportunity.
- How long do you have to spend in the Falklands for each year to make it count?
- If there are boom times ahead, concerned about the amount of people coming back, never having paid any tax in the Falkland Islands and being a drain on health and social services.
- Think that we have to welcome back all Falkland Islanders as it's their country.
- A lot of this work has been done before, but hasn't been taken forward by council and administration.

- Key element is that we need to invest in the Immigration Service. Think that Immigration needs stronger guidelines on how to implement the policy. The policy needs to come from MLAs/administration.
- The points system needs to not just be about qualifications, need people who have skills and experience as well.
- Fast-tracking for *Specialist Workers* could be seen as positive discrimination, it is not just *Specialist Workers* who need to be fast-tracked. There is a greater justified need for fast-tracking *Seasonal Workers* as this can be more of an immediate requirement (i.e. farm hand leaves during the summer without notice), whereas *Specialist Workers* are often pre-empted in advance.
- Work Permits should be limited to 2 years in the first instance but when this work permit is due for renewal, it could then be granted for 4 years if necessary.
- There could also be a cap on the number of work permit renewals approved, so people don't keep renewing to increase gratuity, therefore if they wanted to stay, they would be required to commit to staying in the Islands long term and apply for PRP.
- Issues raised around how FI Status Holders do not require a work permit to take up employment in the UK but UK citizens are required to apply for a work permit in the Falkland Islands.
- Is there going to be a need to prove English speaking ability? Language should be a key component of the points system, yet problems with this were identified if a couple were to come to the Falkland Islands, one of the individuals could speak English whereas the other couldn't, would it be possible for them to qualify for PRP?
- The responsibility of repatriation should remain with the employer; it shouldn't be the responsibility of FIG to cover repatriation costs. If multiple work permits are issued to one individual then the costs need to be split amongst the relevant employers.
- The option to issue time limited work permits to volunteers who may want to come and work in agriculture for work experience i.e. gap year students. This has been done previously and perhaps needs to be revisited.
- Is there a non-working route, if you wish to come and settle for the long-term? For example, someone with FIS marries someone from overseas and wishes to bring any dependents to the Islands who did not wish to work, what will the stance be on this?
- People who want to retire in the Islands could be problematic if they draw on the health and pension system without contributing.
- Fitness testing will need to be introduced, i.e. a medically fit checklist should be clearly defined. An age limit should also be applied as in other countries therefore reducing the risk of people becoming a drain on the state.
- A visitor who came down with a shearer who then wanted to work as a wool handler had to leave the country before getting a work permit – think if someone is here who can do work, surely we should let them have a work permit?
- It's not good if land is being bought up and not used.
- Think there should be a tax on land that is owned and not used.
- Aging population has been an ongoing concern for a while.
- Think the population is not rising as it's almost too strict to get here.
- Heads of Service - think that they should be on contracts as well as if a local gets the job and are no good, can't get rid of them.



- Against local preference - locals should be encouraged to compete as well.
- Visitors having to fly out of the country and come back in to work doesn't make sense, especially if there is shortage of labour in that area (such as a woolhandler) and there is someone in the Islands who is good and willing to do the job. Someone taking visitors out of the FI Zone in their boat and bringing them back to get around this is crazy.
- PRP points system as it stands, very few get in. Perhaps people could take an exam or get references to prove their abilities.
- Need more attention to people with practical skills. Hard to get people to work in Camp.
- Volunteers – how do they fit into this scheme?
- People who come here as a visitor and then decide they want to stay and work are the people that we need here.
- Visitors should go through the same protocols as everyone else.
- For some work permits/PRP, if kids are sent away to college, they often have no rights or residency. In some families, some children were born here while the others have no rights.
- Important not to allow buying land for the sake of it, don't want people buying up all the houses.
- What about people who want to buy a couple of acres of land in camp for a summer house?
- What about people who buy land/farms and decide to stay overseas but get a manager and workers in, like Sea Lion Island?
- What about absentee landlords already in place?
- Need to guard against Falklands Conservation buying more land and not doing anything with it.
- How would the WP/PRP work with arranged marriages?
- Do you have to have a work permit before going through PRP?
- Could there be a clause or something added to make it easier with people with families, to make things easier for their children to stay here? FIG pays for some children to go to college/university and then won't allow them back.
- If you go through the PRP process before FIS, it must make it easier for FIG to assess you.
- Could you apply for FIS at the same time as PRP, but you don't automatically get it unless you have been here for another 3 or 4 years, showing a commitment to the Islands? Perhaps give people assurance when applying for PRP about getting FIS.
- People can't get good jobs here without getting experience and they often can't get the experience without going away, in which case they often lose their rights.
- Visitors – do they have to leave and come back for jobs?
- Will family visitor permit also allow them to get local airbridge flight rates?
- Seasonal WP - will greatly help shearers and squidders.
- Five years would be better for a WP as it's the same time for getting a pension.
- For any change in employer on the proposed Sponsor system, would there be a reasonable notification period between jobs?
- Know of good people who are committed to working here, but it's too difficult for them to set up their own business. People often come down to work, then spot a business opportunity.

- When can you buy a house, at PRP?
- Think if you are a dependant of someone who has been here and you haven't been working, you should still qualify for FIS. You shouldn't be able to lose FIS once you have it.
- Tourist permit – international standard is these are issued for three months then possible to extend by a further three months, changing this may deter sailors from visiting Falklands.
- Surprised going to do away with visitors being able to apply for temporary work permits.
- You are either a visitor or want to stay and work, one or the other.
- Need a set policy that can't be deviated from. All for local preference but it isn't good when people are forced to take people who are no good.
- People are advertising jobs that ask for silly things, obviously angling for someone on a work permit.
- People go away and study for a job, which is then given to a work permit holder.
- Permit for Business Investors – need to try not to saturate small market.
- What about control over business permits expanding into different areas/markets.
- Can see the point of a visitor just filling in as a stop-gap measure. There needs to be a policy, but have some flexibility.

## 8. Appendix 2 – Penguin News Articles

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Penguin News, August 2, 2013

### Statement on oil development

ROBUST regulation, supply chain support and long-term benefits for Islanders are at the heart of a new policy statement for hydrocarbons development.

The policy principles were agreed at the July 24 meeting of Executive Council.

Included in eight statements it is noted: "Hydrocarbons in Falkland Islands waters belong to the people of the Falkland Islands and their exploitation must be to the benefit of the people of the Falkland Islands, both those of today and future generations."

The statement notes that government's constant control over activities will be maintained and petroleum discoveries, "must be efficiently managed and exploited to maximise economic recovery and to ensure the development of a long-term industry presence..."

Also, protection and conservation of the Falkland Island's environment and biodiversity must be ensured and development must take into consideration existing commercial activity and promote the development of local business capacity.

The full statement can be seen at <http://www.falklands.gov.fk/assets/158-13P.pdf>.

# Immigration reform consultation planned

By FIG Head of Policy  
Jamie Fotheringham

THE Falkland Islands Government will next week launch a consultation exercise on proposed changes to the immigration system. The proposals that will be put forward seek to ensure that the Islands has an immigration system that enables growth in the population to facilitate economic expansion whilst ensuring that all the appropriate checks and balances are in place to protect and preserve the Falkland's way of life.

The Falkland Islands needs to build and expand its population to create a labour force and population that will ensure its future economic wellbeing. There are ambitions to expand the tourist and agriculture sectors and the emerging oil industry will bring a host of new opportunities for businesses and local people - potentially creating hundreds of new jobs.

This will create a need for an increased labour force which the Islands may not be able to fully meet from its current population. The Falkland Islands has a near zero unemployment rate and one

in five people have more than one job. While commendable, this also means a lack of capacity in the labour market to support development ambitions, even on the smallest of scales.

The current immigration system does little to encourage and promote retention of those highly skilled and educated workers who initially come on shorter term Work Permits, nor does it encourage investment and new business creation. The proposed reforms are intended to address these (and other) issues - but in a measured and managed way. There is absolutely no suggestion of an open-door policy on immigration - instead the reforms propose an approach that will enable carefully managed immigration, with the needs of the needs of the Islands being paramount.

The Falkland Islands has a proud and long tradition of welcoming newcomers, and there is also a strong sense of community and identity. What is needed is an

immigration policy which supports a strong economic future but does not stifle or destroy the unique Islands way of life.

Immigration should be viewed as a tool to support the delivery of a sustainable future for the Falkland Islands, providing a skilled labour force, creating and supporting enterprise, whilst continuing to build a rich, varied society committed to maintaining and enhancing the Islands way of life.

The consultation will explore these issues and explain the reasons behind the changes are being proposed.

The exercise is being conducted by the Policy Unit and will include a series of public meetings in Stanley and across Camp. Full details of the various consultation events and how to obtain the consultation documents is provided on PN Page 4. The consultation launches on Monday August 5.

Further articles will appear in forthcoming issues on specific aspects of the immigration review: 'Living in the Falkland Islands' and 'Working in the Falkland Islands'.

Penguin News, August 9, 2013

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# Working in the Falkland Islands

## Immigration reform proposals By FIG Head of Policy Jamie Fotheringham

LAST week the Government launched a consultation exercise on proposals to reform the immigration system. This week's article explores some of the proposed changes that would affect working in the Falkland Islands, and specifically Work Permits.

The consultation proposes a number of changes to the current system of Work Permits. This is considered necessary to encourage workers to come to the Islands to meet employment needs that cannot be met locally. Crucially, the proposals also seek to address weaknesses in the current system that pose difficulties for employers and that are a disincentive to attracting people who may wish to settle in the Islands in the longer-term.

The Falkland Islands needs people to come and work here to reinforce its labour market and help build and expand its skills and knowledge. Supporting this, the Islands also needs its population to grow and, therefore, the Islands has to be an attractive, long term prospect for those migrants which the Islands would wish to have here.

At present those coming to work here have to apply for a Work Permit and they must have already secured employment – this would continue; however changes are proposed regarding the length of work permits and different types of work permit are suggested.

First, it is proposed that Work

Permits can be granted for a maximum period of up to four years, instead of the current two. This will allow employers to commit to longer term planning, and provide greater surety in their labour force. Extending the maximum period of the Work Permit will also create an incentive for migrants to look to the Islands as a longer term prospect and seek to set down roots, bringing their families with them and integrating with the community. It will enable a smoother progression to PRP (linking in with the three years lawful presence required). At present, workers coming to the Islands on a two year work permit would need to secure a further Work Permit if they wished to remain on the Islands. This creates uncertainty and is a disincentive for migrants to look to the Islands in the longer term – indeed the current system promotes a constant 'churn' of contractors who come to the Islands with no intention or prospect of making the Falklands their home.

Second, it is proposed that different types of work permit be issued for different types of worker. The changes would enable fast-track processing for workers who have very specialised skills that are not present in the Islands, and would also eliminate the need for

workers to hold a separate work permit for every job that they do – at present there are workers who hold ten, fifteen, and even over twenty separate Work Permits. This is difficult to manage and makes little economic or administrative sense.

Four categories of Work Permit are suggested to cover the main areas of migrant labour the Falkland Islands will need in the future:

- **Specialist Work Permit:** These will be international professionals with a high degree of experience, training, and qualifications. Their skills/knowledge may be unique to a field, be in high demand and be unavailable within the Islands. Individuals coming under this category could benefit from fast track, priority processing of applications – but will be subjected to the same scrutiny as all other applications.

- **General Work Permit:** These will be individuals with an expertise, experience and qualifications in a particular field. This will be a category of worker where there is potential to invest in training for Falkland Islanders to take some posts in coming years (but where there are currently no skills in the Islands).

- **Worker Work Permit:** A worker will be an individual filling a

role which requires little or no specialist training or experience. This category is designed to create a flexible 'pool' of semi- and un-skilled workers, for example agricultural labourers, hospitality staff, shop workers, who can be deployed across sectors without the need for multiple Work Permits. Migrants will be issued with a single 'Worker Permit' covering the semi- and un-skilled sectors and there will be no need to secure a separate work permit for each separate job.

- **Seasonal Worker Work Permit:** This will be a more restricted Permit to cover the seasonal labour requirements of the Islands – commonplace in the agricultural, fishing and tourism industries. These permits will be time-limited to a maximum of nine months. The worker would not be able to bring any dependants with them and must leave at the end of the Permit. The labour will be able to be shared between employers in the sector so, for example, three farmers could employ the same shearer who would only require a single work permit.

All members of the public are invited to attend the various consultation events that are planned. Anyone wishing to complete the consultation document should contact the Policy Unit, or can take part online at [www.survey.gov.fk](http://www.survey.gov.fk)

Next week's article will explore proposals regarding living in the Falkland Islands.



# Living in the Falkland Islands

THIS week's article explores some of the proposed changes to the immigration system that could affect the rights and obligations of migrants seeking to settle in the Islands in the longer term. The reforms being put forward by the Immigration Review Group are currently the subject of public consultation and feedback is invited on all of the proposals.

In reviewing the immigration system, in addition to ensuring the Islands can manage an increased migrant workforce, attention was given to ways in which the current system might be changed to encourage and support those migrants who wish to make a longer term commitment to the Islands (and whom the Islands consider will be of value to the community as permanent residents).

The 2012 Census identified that the population of the Falkland Islands has remained static in the six years since the last Census, and the population of Camp has continued its long-term decline. When combined with a declining birth rate and an aging population, the static population is a matter for concern, particularly as the Islands is seeking to grow and expand economically. For these reasons, the review has sought to identify ways in which the immigration system could be changed to make the Islands more welcoming for people who wish to make a longer-term commitment to the Islands, and to make the process of their integration into the Falkland Islands more straightforward – whilst at all times ensuring that the interests of the Islands are protected.

A number of changes are pro-

**Immigration reform proposals  
by FIG Head of Policy Jamie Fotheringham**



**Falklands line-up but more people needed for economic development**

posed to simplify the process and to make the system more accessible to those who may wish to remain longer term. Specific feedback is sought on proposals to replace the current Residence Permit with distinct categories to allow for different tests, benefits and requirements to be put in place to better differentiate between dependants of Falkland Islands Status (FIS) holders and Permanent Residence Permit (PRP) holders; and dependants of Work Permit holders to enable faster integration of the dependants of FIS/PRP holders into society, and to make the Islands a more attractive option for those who may be put off coming here due to the restrictions placed on their dependants' rights to work in the Islands.

It is also proposed that greater

clarity and simplicity is brought to the immigration system, which currently allows multiple different routes to achieving FIS. At present there is no clear path to progress to FIS and in fact it is possible to circumvent PRP and move directly to FIS by remaining lawfully resident in the Falkland Islands for seven years (on a work permit for example). Migrants and Islanders should be able to see a linear pathway to FIS which tests and measures skills, talent and commitment at each stage.

It is proposed that all individuals wishing to acquire FIS should be subject to the same tests and checks to establish their 'worth' to the Islands. Hence it is proposed that PRP should be the testing ground for those who want to make a long term commitment

to the Falkland Islands ie. anyone seeking to acquire Falkland Islands Status should first have obtained PRP. PRP is the immigration status at which skills, background, worth and investment in and to the Islands should be thoroughly tested - and anyone seeking to acquire status should have demonstrated their commitment and value in this way prior to achieving FIS.

Changes are also proposed regarding the PRP points system. The current system places a high value on educational attainment, high earnings, high responsibility jobs and experience, and assets, which while all valuable considerations, do not necessarily reflect the types of persons that the Islands may wish to welcome to stay longer-term.

There may be individuals who do not have high-level qualifications or significant financial assets who nonetheless may be able to demonstrate their commitment to the Islands and offer skills and abilities that are currently lacking. It is therefore proposed that the PRP points system is re-visited to place a higher value on skills and contribution to the Islands, and less on financial assets and educational qualifications.

Further simplification of the PRP process, with potentially fewer points categories, is also proposed.

All members of the public are encouraged to take part in the consultation. Paper copies are available from the Policy Unit and the survey can be completed online at [www.survey.gov.fk](http://www.survey.gov.fk). The deadline for responses is 13th September 2013.