

Select Committee Review of the Constitution 2023

19 September 2023, 13.30

Court & Assembly Chambers Town Hall

Agenda Topic 2 Falkland Islands Status

1. Confirmation of the Record of the Select Committees 29 June and 20 July 2023
2. Introduction to Topic 2 Falkland Islands Status
3. Consideration of Written Evidence and Debate
4. Next Topic: Role of the Legislative Assembly 26 October 2023

Deadlines for Written Submission – 13 October

Deadline for Oral Submissions – 18 October

Written Evidence

Alison Inglis

Michael Betts

Deborah James

Craig Lewis

Emma Brook

Teslyn Barkman

Naomi Cordeiro

Gail Steen

Joost Pompert

Ken Passfield

Patricio Garces

Maggie Battersby

Gerby Green

Zane Hirtle

Kelly Moffatt

Rosemarie King

Stuart Wallace

Robin Goodwin

Caroline & Pedro Villegas, Georgina Anderson-Smith & Andrew Smith, Arlene & Garret March, David Benjamin, Robyn Berntsen, Jenny & Tony Anderson

Falkland Islands Constitutional Review – 2023

PUBLIC RESPONSE FORM

FALKLAND ISLANDS STATUS

Name: *Alison Anne Mackenzie Inglis*

Falkland Islands Status

1. **Having read the guidance document (in particular pages 3-15), who do you think should have Falkland Islands status automatically under the Constitution?** (we suggest that you put aside what the Constitution currently provides – we want to know what you think the policy should be?)

Should this be dependent on any of the following factors?:

- where you were born
- how long you have lived in the Falkland Islands
- your citizenship/nationality
- your parent's citizenship/nationality
- your parent's residence
- whether or not your parent has Falkland Islands status
- who your spouse is
- if you are widowed, who your spouse was before you were widowed
- whether you had Falkland Islands status in the past

Please provide your comments and give reasons below:

(1) Anybody who has FIS at the date the new Constitution comes into force, as it would be unfair to deprive anybody of their FIS simply by virtue of a new Constitution being enacted.

(2) Anybody born inside or outside the Falkland Islands from the date the new Constitution comes into force who has at least one parent who at the time of the birth:

- *Was a British national (any category of British nationality)*
- *Had FIS or PRP*
- *Was domiciled in the Falklands*

"Parent" in this context means a parent named on the child's birth certificate, unless the child is adopted, in which case it means a parent named in the adoption order. So usually FIS would be acquired automatically at birth, but it could also be acquired automatically on adoption before age 18 where an adoptive parent meets the criteria above, or conversely lost automatically on adoption before age 18 where the adoptive parent/s do not meet the criteria above.

This proposal emphasises links with both the UK and the Falklands.

It encourages those who have obtained PRP to make their permanent home in the Falklands.

FIS would not be acquired automatically (as at present) by the child of a status-holder born in the Falklands where the status-holder either left the Falklands permanently as a child or as an adult has chosen to make their permanent home elsewhere. (Hence domicile, not residence.)

The present rules (a) create an arbitrary and unjustifiable distinction between children born in the Falklands and those born overseas for medical reasons, (b) perpetuate the idea that those born in the Falklands are in some way "better" than other status-holders which is completely at odds with the concept of growing the population and welcoming permanent settlement by those who share our values, and (c)

creates a large, artificial diaspora of status-holders who have no connection with the Falklands beyond it being the place of birth of one of their parents – even though said parent may have left the Falklands as a very young child and retained no connections to the Falklands.

We should not revert to the 1997 Constitution, and FIS should not be acquired automatically through marriage or widowhood (whether such terms are defined as legal spouse / civil partner or simply as life partners) – but see note above about not removing FIS from anyone who does have it under one of the older Constitutions.

2. Should the Constitution set out any requirements for a person to be granted Falkland Islands status, OR should those requirements be decided under a law made by the Legislative Assembly? (the Constitution is a UK law, so it is not made by the Legislative Assembly).

The Constitution is the bedrock of our law and it should contain all the most important legal definitions that structure our society, including the definition of who is a permanent member of our community, in other words a Falkland Islands Status Holder.

2.1 If the Constitution should set out requirements for the grant of status, what should they be?

Ordinarily resident in the Falklands for at least 5 years,

AND

British national (any category) at the time of application for status,

AND

Not been convicted of an imprisonable offence in Falklands or overseas during the 5 years preceding application,

AND

Never been sentenced to at least 3 years imprisonment in Falklands or overseas (including a suspended sentence),

AND

Swears allegiance to the Falkland Islands and its people (N.B. not the British Crown).

A parent applying for the grant of status for themselves should be able to include in the application any of their children (provided they are named on the child's birth certificate or adoption order) if the child also meets the criteria above.

If the child does not meet the criteria – for example, because they arrived in the Falklands later than the parent – then the parent who has been granted status should be able to make a later application on behalf of a child still under age 16 at the time of the application, and a child who reaches age 16 should be able to make an application in their own name.

The oath of allegiance should be sworn by the child if they have reached age 16 by the date of the Status Ceremony, and by a parent on behalf of a younger child.

2.2 If the Constitution should include a period of residence for the grant of status, what should it be and why?

5 years – anybody who has stayed in the Falklands for that length of time has become a member of the community in fact and should be able to also become a full member of the community in law with all the advantages that brings.

In my view 7 years is too long. We should be dismantling arbitrary disincentives to permanent settlement.

2.3 If the Constitution should include citizenship as a requirement for the grant of status, what should it be and why?

Any category of British nationality, to retain the link between the Falklands and the UK.

2.4 If you have listed any other requirements above for a person to be granted Falkland Islands status because you believe they should be set out in the Constitution, why?

FIS should be both a privilege and the gateway to full membership of our community. Anybody who has committed a recent or a very serious criminal offence should not be granted FIS. Recent offenders should be required to complete a period of time without getting into trouble to demonstrate that they are unlikely to reoffend. Very serious criminal offenders should not be welcomed into our society.

Swearing an oath of allegiance to the Falklands and its people is a public statement of commitment and emphasises the significance of acquiring FIS. I say this as somebody who acquired FIS automatically through marriage after less than 3 years' residence in the Falklands, but who many years later chose to apply for FIS in my own name to mark 20 years in the Falklands because I wanted to demonstrate how important the Falklands are to me. I gave the idea of committing myself in marriage to one individual a profound amount of thought, but at the time didn't really think about how privileged I was to also be acquiring FIS – I am fortunate that almost 2 decades later I was able to rectify that omission, and I found my Status Ceremony incredibly moving.

3. Should the Constitution set out the circumstances in which the grant of Falkland Islands status to a person under an Ordinance may be revoked, OR should those circumstances be decided under a law made by the Legislative Assembly? (the Constitution is a UK law, so it is not made by the Legislative Assembly)

If the Constitution should set out any circumstances for revocation of the grant of Falkland Islands status, what should they be, and why?

The Constitution should provide that FIG has the ability to revoke the grant of FIS to individuals, or to remove FIS from individuals who hold it automatically, in accordance with the provisions of an Ordinance.

The grounds of revocation or removal should not be set out in the Constitution itself, because circumstances may change and it may become appropriate to revoke or remove FIS for reasons that cannot be foreseen at this time. Putting the provisions into the Ordinance provides more flexibility to adapt to changing circumstances, and also to rectify any errors.

I believe FIG should have the power to revoke the grant of FIS in two circumstances:

- (1) Where the individual is sentenced to imprisonment in the Falklands or overseas for 3 years or more (including a suspended sentence) – as previously stated serious offenders should not be welcome in our community*

(2) Where the individual swears allegiance (including applying for a passport or registering as a voter or enrolling in the military or making any overt and public show of support) to any country which at the time the individual swears allegiance (a) makes territorial claims on the Falkland Islands or (b) is at war with the UK (as officially declared by either the UK or that other country) – anybody swearing allegiance in such circumstances is a traitor and should not be welcome in our community

If the individual is in the Falklands or can be contacted, they should be notified of the proposed revocation and given the opportunity to make representations before a final decision is made by Executive Council.

4. Should anyone who automatically has Falkland Islands status under the Constitution be able to lose it if their circumstances change? If yes, what are the circumstances, and why?

I believe FIG should have the power to remove FIS from an individual who automatically has FIS in two circumstances:

(1) Where the individual is sentenced to imprisonment in the Falklands or overseas for 3 years or more (including a suspended sentence) AND they have been ordinarily resident outside the Falklands for at least the past 5 years

(2) Where the individual swears allegiance (including applying for a passport or registering as a voter or enrolling in the military or making any overt and public show of support) to any country which at the time the individual swears allegiance (a) makes territorial claims on the Falkland Islands or (b) is at war with the UK (as officially declared by either the UK or that other country)

As with the proposed revocation of FIS, if the individual is in the Falklands or can be contacted, they should be notified of the proposed removal of their FIS and given the opportunity to make representations before a final decision is made by Executive Council.

5. Provision relating to children and spouses of persons who have Falkland Islands status:

5.1 Should the Constitution make different provision in relation to a child of a person who has Falkland Islands status? (such children under 18 are currently entitled to a permanent right to remain, but not to Falkland Islands status). If so, what should that provision be and why?

Children under 18 of any person with FIS – provided that person is named on the birth certificate or adoption order – should be entitled to a permanent right to remain (unless they are convicted in the Falklands or overseas to detention for a criminal offence for a period of at least 3 years).

This should be done by the parent applying for PRR for the child. It should not be the default outcome of an application for FIS where FIS cannot be granted because the child has not yet been here for the specified period.

In addition the child should also be able to acquire FIS once they have been resident in the Falklands for 5 years. As suggested above at 2.1, this would be on application by the parent if the child is under 16, and on application by the child if they have reached age 16, with the oath of allegiance to the Falklands and its people being sworn by a parent for a younger child and by the child themselves if they have reached age 16 by the date of the status ceremony.

5.2 Should the Constitution make different provision in relation to the spouse, widow or widower of a person who has Falkland Islands status? (such persons are currently entitled to a permanent right to remain, but not to Falkland Islands status)

As with the child of a person with FIS, the spouse of a status-holder should be entitled to a permanent right to remain (unless they are convicted in the Falklands or overseas to detention for a criminal offence for a period of at least 3 years).

This should be done by the spouse applying specifically for PRR. It should not (as at present) be the default outcome of an application for FIS where FIS cannot be granted because the spouse has not yet been here for the specified period.

Once the spouse has been here for the specified period, they should then apply for FIS.

A spouse who has been granted PRR, and who is then widowed, should continue to hold PRR for the rest of their life (they should not lose it on remarriage) unless they apply for and are granted FIS.

The grounds for revocation of PRR should be the same as for those of revocation of FIS.

5.3 How should “spouse”, “widow” and “widower” be interpreted under the Constitution? For example, should it be made clearer that a person who was not legally married can be treated as a widow if their partner dies?

Steps should be taken by FIG to ensure that the definition of “spouse” is the same in all Falklands legislation including the Constitution. It should be an inclusive and gender-neutral definition which encompasses:

- *Persons who are married to somebody of the same or the opposite sex*
- *Persons who are in a civil partnership with somebody of the same or the opposite sex*
- *Persons of the same or the opposite sex who have been living together as partners for at least 3 years*

Where somebody is married or in a civil partnership to person A, but has been living as partners with person B for at least 3 years, then for all purposes it is person B who should be treated as their spouse.

“widow” would mean a person of either sex whose spouse (under the definition above) has died.

6. What rights and benefits do you think someone with Falkland Islands status should have under the Constitution, and why?

I do not understand what is meant in this context by the qualifier “under the Constitution” but in general I believe anybody with FIS (and only persons with FIS) should have the following rights:

- *The right to be registered as a voter (see my further comments in section 9 below)*
- *The right to stand for election as a member of Legislative Assembly (see my further comments in section 9 below)*
- *The right to be appointed a Justice of the Peace*
- *The right to sit on the Mental Health Tribunal*
- *The right to sit on the Tax Appeal Tribunal*
- *The right to sit on the Public Accounts Committee*
- *The right to be appointed a Complaints Commissioner*
- *The right to be appointed to the board of any of the statutory corporations (FIDC, FLH, FITB, FIMNT, Media Trust) (excluding any ex officio positions)*
- *The right to funding for higher education, provided they have been ordinarily resident in the Falklands for the preceding 3 years*
- *The right to hold shares in a company holding Individual Transferable Quota in the Falklands Fisheries*

7. Do you have any comments about the grant of Falkland Islands status under the Falkland Islands Status Ordinance 1998? (this is not a key part of the Constitutional review, but there are linked issues)

No, except to say that I am not convinced about the new requirement for somebody to hold a PRP before they are granted FIS, and I believe that ought to form part of the constitutional review given the importance of status. The fact there was a lengthy delay in implementing this new requirement suggests that the situation may not be clear-cut.

8. Do you believe that “belonging to the Falkland Islands” and “Falkland Islands status” are the right terms to use under the Constitution? (or, for example would you like to see “Falkland Islander” or another term used?)

Yes, I believe they are the correct terms to use. It is important to be precise. For example, overseas media will often refer to anybody living in the Falklands as “Falkland Islanders” – it is easy to see why they do so, but when it comes to legal concepts there should be no confusion.

9. Please write anything else you would like to add here:

I do not believe anybody acquiring FIS (whether automatically or through application) should be required to renounce any nationality they hold in addition to British nationality.

This also means anybody who is entitled to hold a second nationality through descent or because they were born in a foreign country should be able to take any steps to hold a passport or exercise the rights of that other nationality without losing their FIS or any of the rights which go with FIS.

The Electoral Ordinance should require anybody registering as a voter or completing the annual paperwork to remain on the Register of Electors to confirm they are not also registered as a voter overseas (including in the UK).

Registration as a voter including remaining on the Register each year should depend on (1) British nationality (any class), (2) holding FIS, (3) being domiciled in the Falklands (which is not compatible with being registered as a voter elsewhere), and (4) having been ordinarily resident in the Falklands for at least the past 6 months.

Anybody who is registered as a voter should be eligible to stand for election to Legislative Assembly, except that they should have been ordinarily resident in the Falklands for at least the past 5 years.

From: [Michael Betts](#)
To: [Constitutional Review](#)
Subject: Constitutional Review - Falkland Islander in UK
Date: 30 May 2023 08:07:57

Dear MLA Pollard,

In September 2017, I moved to London to join the Falkland Islands Government Office as the Deputy Representative. It is a role I thoroughly enjoy and I relish the opportunity to represent my home in the UK.

This opportunity has provided me with a platform, as a proud Falkland Islander to meet with a Prime Minister, the current Leader of the Opposition, a number of Secretaries of State, Ministers, backbench MPs and Peers to discuss the Falkland Islands. I have also had the pleasure of discussing the Falkland Islands with Parliamentarians from Scotland, Wales, Northern Ireland, Europe and other Overseas Territories. In addition, on many of these occasions, I have carried out these discussions alongside yourself, or one of your fellow Members of Legislative Assembly.

However, despite carrying out this role for the Falklands Islands Government and the people of the Falkland Islands, I am no longer on the Falkland Islands Electoral Register. I recognised this possibility when I made the decision to work in FIGO, however it has impacted me more significantly than I initially imagined.

It was clear to me that I would lose my right to vote, however I have also missed out anything that has used the Electoral Register to define eligibility. This is the case despite being an employee of the Falkland Islands Government and holding Falkland Islands Status.

I believe exemptions should be made in special circumstances to allow Falkland Islands to retain their status on the Electoral Register. There are also examples of Falkland Islanders that have accepted advice to gain career experience abroad to further their career in the Falkland Islands who have in turn lost their status with their home.

Granting the right to vote to citizens of a country when living overseas is not a new idea and is practiced by the UK: [Voting if you move or live abroad - GOV.UK \(www.gov.uk\)](#). Currently, the right to vote is afforded to Falkland Islands students despite living the vast majority of their time overseas, demonstrating the possibility it could be extended.

Specific to my circumstances, I have the honour of representing the Falkland Islands and its Government in the UK, however it has come at a cost. I am no longer able to have a say in the future direction of my home despite representing the Islands overseas while being an employee of the Falkland Islands Government.

I truly hope this can be considered and possibly rectified. Thank you for your time.

Thanks,

Michael Betts

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From: [Deborah James \(Teacher of Food Technology\)](#)
To: [Constitutional Review](#)
Subject: Constitutional review feedback
Date: 11 September 2023 14:00:36

Good afternoon,

I hope you are well.

I would like to submit my views on the Falkland Islands Constitutional Review 2 – Topic “: Falkland Islands Status

Please find below my responses to the different bullet points.

Who should have Falkland Island Status automatically under the constitution?

I believe that everyone who come to the Falklands and contribute positively to the community – not just from work to home but also get involved in community activities aimed at bringing people together or making the community a better place - should be given Falkland Islands status but not automatically as their contributions could not be proven automatically. I think after 5 years - having had PRP for a year then people who have decided to make their home here in the Falklands should then be given Falkland Islands Status.

What rights and benefits should someone with Falkland Islands status have under the constitution?

The same rights as someone who is a Falkland Islander

- The right for their children to study overseas. This year a caveat has been added in and come contractors have had to make payments towards their children studying in the UK – this in addition to the fact that they do not receive the monthly £120.00 allowance.
- Being able to access the £1 a day to help make travel more affordable. I know that this also affects Falkland Islanders who leave the island and return after two years and this will also affect their spouses. Some may be in low income households and therefore might not be able to travel and see their families until they begin to benefit and also have some form of savings.

Should the constitution set out any requirement for a person to be granted Falkland Islands Status or should that be decided under a law made by the Legislative Assembly?

I think the constitution should set this out - sometimes when things are voted on it is not done objectively as opinions can be skewed. This will allow more flexibility when considering different cases.

Are Falkland Islands status and belonging to the Falkland Islands the right terms to use under the constitution?

I think belonging to the Falkland Islands is not an inclusive term and can make people feel ostracized. I know for myself and my daughter when we came here in January 2019 – she had a lot of ‘Belonging to the Falklands’ statements being made which made her feel really uncomfortable. There is a difference between saying Falkland Islander and saying Belonging to the Falklands. One is less inclusive. Since we have been here my daughter has thrown herself into a number of things such as working at the junior school, working at the radio, helping with other clubs and things because she feels a part of the islands. I am on several committees and

volunteer with different things – again – because I feel a part of the islands. Being told that I do not belong to the Falkland Islands is neither helpful nor welcoming. The Cambridge dictionary defines Belong as: [BELONG | English meaning - Cambridge Dictionary](https://dictionary.cambridge.org/dictionary/english/belong)
<https://dictionary.cambridge.org/dictionary/english/belong> - to be in the right place, or (of a person) to feel that you are in the right place.

Kind regards

Debbie

Kind regards

Deborah James

Teacher of Food Preparation



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Falkland Islands Constitutional Review – 2023

PUBLIC RESPONSE FORM

FALKLAND ISLANDS STATUS

You can use this form to give your views about the Constitutional Review, or you can make a submission in writing using any style that suits you.

You don't have to answer every question on this form in order to submit a response – you are free to comment on any or all of the questions presented here.

Anybody can make a submission. You don't have to have any particular status; everybody is entitled to have their say. Government employees don't have to ask permission to make a submission; you are also encouraged to give your views.

For more information about the review and about making written submissions **see the guidance document** "Falkland Islands Constitutional Review 2023 – Falkland Islands Status". We recommend that you read the guidance document before responding to the questions.

The guidance document is available online: www.falklands.gov.fk/assembly/the-constitution/select-committee

(or contact Gilbert House for a copy: e-mail constitutionalreview@sec.gov.fk or telephone 27451)

To see a **copy of the Constitution**, go to: www.legislation.gov.fk/view/whole/2023-06-12/uksi-2008-2846

Your submission should be received by 5 September 2023 to enable the Select Committee to consider your submission at its meeting of 19 September (the Committee may consider any submission received after this date at the meeting on 19 September, but that cannot be guaranteed).

See the end of this form for details of how to make your submission.

Name: *Craig Lewis*

Falkland Islands Status

1. **Having read the guidance document (in particular pages 3-15), who do you think should have Falkland Islands status automatically under the Constitution?** (we suggest that you put aside what the Constitution currently provides – we want to know what you think the policy should be?)

Should this be dependent on any of the following factors?:

- where you were born
- how long you have lived in the Falkland Islands
- your citizenship/nationality
- your parent's citizenship/nationality
- your parent's residence
- whether or not your parent has Falkland Islands status
- who your spouse is
- if you are widowed, who your spouse was before you were widowed
- whether you had Falkland Islands status in the past

Please provide your comments and give reasons below:

Firstly, it would be morally wrong to deprive anyone who already holds Falkland Islands Status of their status when the new constitution comes into force. Their Status should be preserved regardless of any changes.

I believe that someone should be granted Status automatically upon birth or adoption provided that:

i) A parent has Falkland Islands Status

AND

ii) A parent was born in the Falkland Islands

OR

A parent is ordinarily resident in the Falkland Islands

It is also of my belief that a child (under 18) of someone who acquires Status after the birth or adoption of the child should gain Status automatically if:

The child was born in the Falkland Islands

OR

The child has been ordinarily resident in the Falkland Islands for the minimum time that it would take to acquire Falkland Islands Status (currently 7 years)

I do not think that someone should gain citizenship automatically through any other scenario than the situation of their birth (or adoption) which relies heavily upon their parents in having Status. It encourages people to gain status so that their children may have status and the benefits that arise from it, and also protects those that are born outside of the Falkland Islands for reasons such as medical emergencies.

There should be no reason to consider the nationality or citizenship of the parents or child when automatically acquiring Status. We are a broad and diverse community of over 60 nationalities, and to restrict Status to only those who hold some form of British Citizenship is inherently wrong as there could be a plethora of reasons why someone may not want to get British Citizenship. And their children should

certainly not be denied the opportunities that arise out of having Status because they or their parents don't have some form of British Citizenship.

2. Should the Constitution set out any requirements for a person to be granted Falkland Islands status, OR should those requirements be decided under a law made by the Legislative Assembly? (the Constitution is a UK law, so it is not made by the Legislative Assembly).

Whilst I disagree that the Constitution is a UK law, its importance in our law and society means that the important definitions such as Falkland Islands Status and who is eligible should be included.

2.1 If the Constitution should set out requirements for the grant of status, what should they be?

Ordinarily resident in the Falklands for at least 7 years,

AND

Not having been imprisoned either in the Falkland Islands or overseas whilst being ordinarily resident in the Falkland Islands (up to 10 years prior to application)

AND

Passes a citizenship test (Similar in style to that of the United Kingdom that demonstrates a basic knowledge of the Falkland Islands history, people, and politics and in doing so would also demonstrate a basic grasp of the English language)

AND

Swears an oath of allegiance to the Falkland Islands (Not the British Crown)

2.2 If the Constitution should include a period of residence for the grant of status, what should it be and why?

7 Years is an appropriate amount of time, although if PRP was to be removed, then arguments could be made to lower the requirements to 6 or even 5 years. It demonstrates a commitment to the Falkland Islands and a desire to make the islands a permanent home.

2.3 If the Constitution should include citizenship as a requirement for the grant of status, what should it be and why?

There should not be any requirement to have any form of nationality or citizenship to be granted Falkland Island Status. We are rightly proud of and frequently celebrate the 60+ nationalities that have made this corner of the South Atlantic Ocean their home. Who are we to say to people from Zimbabwe or the Philippines that they must acquire the citizenship of a country 8,000 miles away that they themselves have no link to, to even have the possibility of making the Falkland Islands their home.

There are a plethora of reasons that people may not want to acquire some form of British Citizenship, particularly for those who come from nations that reject dual nationality. Accepting a British passport could make it incredibly difficult for people to return to their homes to visit family.

Or in a case where someone is accepted for a form of British nationality, but doesn't become a full British Citizen, has to give up their birth nationality, and is rejected from Falklands Status, that person has no right to reside anywhere in the world. And whilst not legally, would become in effect stateless.

2.4 If you have listed any other requirements above for a person to be granted Falkland Islands status because you believe they should be set out in the Constitution, why?

Criminals who have committed crimes severe enough to be imprisoned should not be welcomed into our society without at the very least having served a period of time without reoffending to prove they have become a better person.

A citizenship test would prove further commitment to the Islands, and should it cover areas of knowledge such as our history, our politics, and the benefits that arise from having status, an applicant can have a greater sense of understanding of what it means to be a Falkland Islander. Because we are still a majority English speaking nation, I think the test should be conducted in the English language so that the applicant is able to prove that when receiving status they have a grasp enough of the English Language to participate in Falklands Society without much hindrance.

An oath of allegiance is a simple demonstration of commitment and allegiance to the Falkland Islands themselves.

3. Should the Constitution set out the circumstances in which the grant of Falkland Islands status to a person under an Ordinance may be revoked, OR should those circumstances be decided under a law made by the Legislative Assembly? (the Constitution is a UK law, so it is not made by the Legislative Assembly)

Yes. If the definition of Falkland Islands Status and how Falkland Islands Status is granted is set out in the constitution, then the revocation of Falkland Islands Status should also be included.

If the Constitution should set out any circumstances for revocation of the grant of Falkland Islands status, what should they be, and why?

At the discretion of the Falkland Islands Government, the grant of Falkland Islands Status should be revoked if the Status holder:

Is sentenced to imprisonment for three or more years in the Falkland Islands or abroad,
OR

Obtains citizenship of or swears loyalty to a nation (not the United Kingdom) that makes territorial claims over the Falkland Islands after being granted Status.

We do not want criminals in the Falkland Islands community, and if someone is found to have committed a serious offence, they should not have the right to live in the Falkland Islands. It is important however to make this at the discretion of the Falkland Islands Government as people can be sentenced to long sentences in foreign countries because of their nationality, their job, their desire for free speech, etc. It is important that the Falkland Islands Government is able to make an informed decision and compare the charges to Falklands law before considering stripping someone of Status.

And given the precarious nature of the Falkland Islands in the global setting, should someone obtain citizenship of a foreign power that claims the Islands, such as Argentina, they should rightly be shunned and no longer expect to have the rights they had before.

There should naturally be an appeals process and a right to be heard before the final decision is made if they are able to be contacted.

4. Should anyone who automatically has Falkland Islands status under the Constitution be able to lose it if their circumstances change? If yes, what are the circumstances, and why?

At the discretion of the Falkland Islands Government, Falkland Islands Status should be revoked if the Status holder:

i) Has not ordinarily been resident in the Falkland Islands for 7 years

AND

ii) Is sentenced to imprisonment for three or more years in the Falkland Islands or abroad,

OR

Obtains citizenship of or swears loyalty to a nation (not the United Kingdom) that makes territorial claims over the Falkland Islands

Same reasoning as above. But it is important that they have not ordinarily been resident in the islands for the same duration required to acquire status. If the Falkland Islands is their home and the only home they have known, then it would be wrong to remove status from that person.

5. Provision relating to children and spouses of persons who have Falkland Islands status:

5.1 Should the Constitution make different provision in relation to a child of a person who has Falkland Islands status? (such children under 18 are currently entitled to a permanent right to remain, but not to Falkland Islands status). If so, what should that provision be and why?

If a child is under the age of 18, has a parent who has Falkland Islands Status, and has been ordinarily resident in the Falkland Islands for 7 years, they should automatically be granted Status. As I set out earlier.

5.2 Should the Constitution make different provision in relation to the spouse, widow or widower of a person who has Falkland Islands status? (such persons are currently entitled to a permanent right to remain, but not to Falkland Islands status)

A spouse of a Status holder should be allowed an automatic right to abode in the Falkland Islands but must apply for Falkland Islands Status and should not be given any special consideration to this regard.

A widow or widower that has not resided in the Falklands should be stripped of their right to abode upon the Status holder's death, but **if they had been ordinarily resident in the Falkland Islands, they should be given the opportunity to remain and apply for Falkland Islands Status within an appropriately set time window before being stripped of the right of abode.**

5.3 How should "spouse", "widow" and "widower" be interpreted under the Constitution? For example, should it be made clearer that a person who was not legally married can be treated as a widow if their partner dies?

Spouse should be defined as someone who is either married or in a civil partnership with somebody of the same or opposite sex, or has lived with somebody as partners for at least three years.

Widow or widower would be a person where the spouse (as defined above) has died.

6. What rights and benefits do you think someone with Falkland Islands status should have under the Constitution, and why?

The rights that should be granted under the constitution should include the right to vote, the right to stand in elections to be a member of the Legislative Assembly, and the right to be appointed a Justice of the Peace.

All other rights and benefits should be considered in various pieces of legislation.

The aforementioned rights are the most important and crucial to the Falkland Islands in having status and should be reflected as such be being included in the constitution. There are plenty of other benefits and rights that rightly come out of having Falkland Islands Status, but these should be considered under the various legislation that concerns them as they are far more likely to change and be more dependent on multiple variables.

7. Do you have any comments about the grant of Falkland Islands status under the Falkland Islands Status Ordinance 1998? (this is not a key part of the Constitutional review, but there are linked issues)

8. Do you believe that “belonging to the Falkland Islands” and “Falkland Islands status” are the right terms to use under the Constitution? (or, for example would you like to see “Falkland Islander” or another term used?)

9. Please write anything else you would like to add here:

Permeant Residence Permits should be gotten rid of and in its place Falkland Islands Status should have a shorter period required to acquire it, of maybe 5 or 6 years.

Please submit your response form:

- by emailing it to: constitutionalreview@sec.gov.fk (this is strongly recommended)
- by placing it in the box provided in the Post Office in Stanley, or
- by sending by post to Gilbert House, Stanley

From: Emma Brook <emma.brook@horizon.co.fk>
Sent: 24 May 2023 17:33
To: MLA Gavin Short <GShort@sec.gov.fk>
Cc: MLA Leona Roberts <LRoberts@sec.gov.fk>; MLA Peter Biggs <PBiggs@sec.gov.fk>; MLA Roger Spink <RSpink@sec.gov.fk>; MLA John Birmingham <JBirmingham@sec.gov.fk>; MLA Mark Pollard <MPollard@sec.gov.fk>; MLA Ian Hansen <IHansen@sec.gov.fk>
Subject: select committee chair for the Constitutional Review

Dear MLA Short,

The Constitution is a very important document for the Falkland Islands. I sadly was only able to hear snippets on the radio and was waiting for the transcript to be released, which unfortunately only came out this morning for a meeting that is happening tomorrow.

I fear you are going to rush this process and that shouldn't happen. The people on the electoral role must be properly consulted in this and any decisions taken, I hope, will be made via a referendum put to the people on the electoral role.

It has been a hot topic of discussion at work and in the home, but sadly a select committee does not allow the public to have a hot topic of conversation with you, the elected members. I fear you are not in tune with the quiet Falkland Islanders, who feel they do not fully understand the document, but know that it is important. Speaking to many, they fear they will not be heard, so what is the point in writing.

For my two pennies worth, the most important part of the document for me, is that if you want to call yourself a Falkland Islander, you also have to be British; if you don't, what is the point of 1982. I honestly don't care where anyone is from in the World, but if they want to commit to the Islands, then they need to proudly say they are British. I am a Falkland Islander first, but also proudly British. I know of Chilean's, French, and people of many different heritages, who proudly call themselves Falkland Islanders and British. I feel that people who come from non-British territories, who have made the huge decision to become a Falkland Islander and to apply for naturalization are truly committed to become part of the family. I though cannot support anyone who wishes to change the constitution to allow someone Falkland Islands Status, but not enforce they also gain naturalization and hold a British Passport. If we do this, we will lose the support of the people of Britain and undermine, what it means to be a Falkland Islander. The Islands is a melting pot of nationalities, but the things that pulls us together is being able to say that Falkland Islanders are British. Don't water this down.

Personally, I don't have a problem if someone holds dual nationality, but I do worry that our neighbours beyond West Falklands might one day worm their way in to Gilbert House. I understand why the original constitution stipulates you cannot hold dual nationality and stand for election; I hope you will think long and hard about keeping this clause in the Constitution. I want people who are truly committed to these Islands and I don't think you can be if you've a boot in different camps. A law shouldn't be changed for one individual.

I truly worry about what is happening in the Islands today. I think we need to be more careful with our immigration policy and more selective about who is coming into the Islands. I worry that not everyone can be treated the same, simply because of where they come from. It's not being racist; I'm trying to be realistic. I worry about how people can access VISA's should they become ill and if they become ill, the potential extra cost this will have on the tax payer. I worry that some nationalities

will find it terribly difficult to get Student VISA's. Already children with PRP and having to apply for Student VISA's to go to College in the UK, are told that they will realistically need to wait a year before they can go. I don't want to see discrimination, but I can see it happening and it will get worse.

I worry that many people are coming to the Islands, in middle age, from countries that do not have pensions and how are we going to look after them when they retire? I know our pension pot already has a rather large hole in it.

In the last Census, Falkland Islanders are the endangered species on these Islands. How can the Constitution ensure the culture of the Islands is preserved? Personally, I hate what is currently happening. I worry though that if we are not careful now, we will live to regret it and the next generation will be speaking Spanish and holding an Argentine Passport, because the voice of the Islander is lost to incomers. Maybe that is what the FCDO has hoped will happen all along.

Don't rush this, talk, consult and allow all the major issues to be voted on through a referendum,

Thank you, Emma Brook.

Cherie Clifford (Clerk of the Legislative Assembly)

From: MLA Teslyn Barkman
Sent: 08 May 2023 13:16
To: Constitutional Review; MLA Mark Pollard
Cc: Editor; Penguin News; News @ FITV; Traighana Smith
Subject: FW: Notice of removal from register of electors and Notice of addition to disqualification list
Attachments: Teslyn Barkman.pdf

Dear Select Committee, Mark,

As a Falkland Islander from birth I believe it is abhorrent that the current constitution has been interpreted for a Falklands born dual citizen to be discriminated against, and have the fundamental right to vote in their country of birth removed.

The discrimination is two-fold: Falkland Islands born with one passport, and Falkland Islanders who are dual citizens but have emigrated here and obtained status by grant have the right to vote but those in my position do not.

This highlights a severe human rights imbalance amongst Falkland Islanders that must be addressed by this government with urgency. I attach my notice of disqualification from the registers of electors as evidence of this gross injustice that the current constitution has caused.

Falkland Islanders must be able to access the democracy of their country. It also discriminates against me having access to the travel credit scheme.

After being made aware of this matter last October the select committee has still not given its view on whether Falkland Islanders in my position should be allowed to vote in their own country. An answer to this is fundamental. Personally, I feel the lack of urgency to address it is shameful and the lack of Government action or support has been damaging to my health.

I have copied in the media as I feel there is public interest in this matter. As a note to them, I shall be appealing the decision and have had it confirmed by the AG that I remain an MLA until the Supreme Court judge on whether my seat is vacant.

Best wishes,
Teslyn

From: Beth Dent (Registrar General) <registrargeneral@townhall.gov.fk>
Sent: 28 April 2023 10:48
To: MLA Teslyn Barkman <TBarkman@sec.gov.fk>
Subject: Notice of removal from register of electors and Notice of addition to disqualification list

Dear Teslyn

Please see letter attached, a hard copy will be in the post today.

Yours sincerely
Elizabeth J Dent

Registrar General for the Falkland Islands
Registrar General for South Georgia and the South Sandwich Islands
Registry Services | Stanley | Falkland Islands | FIQQ 1ZZ



Falkland Islands Government

Registry Services

Law & Regulation Directorate

Registrar General's Office Town Hall Stanley Falkland Islands FIQQ 1ZZ

Telephone: (500) 27271

Facsimile: (500) 27270

E-mail: registrargeneral@townhall.gov.fk

Teslyn Siobhan Barkman
23 Rex Hunt Road
Stanley
And by email to: TBarkman@sec.gov.fk

28 April 2023

Dear Miss Barkman

RE: ELECTORAL ORDINANCE 1988, PART II

**NOTICE OF REMOVAL FROM REGISTER OF ELECTORS AND NOTICE OF ADDITION TO
DISQUALIFICATION LIST**

I have concluded the annual canvass of electors. I have determined, in light of known facts, and having taken legal advice, that you have ceased to satisfy the conditions for registration under section 8 of the Electoral Ordinance 1988 in that you are disqualified from registering as an elector under section 32(2) of the Constitution, specifically section 32(2)(e). This relates to your having registered your New Zealand citizenship, and having obtained a New Zealand passport.

I am required at the conclusion of the canvass of electors to make such alterations to the register as fall to be made, and am therefore required to remove your entry from the register.

If you are dissatisfied with my decision you may appeal to the Magistrate's Court by notice in writing to the court setting out the grounds of your appeal.

In addition, I am also required to compile a disqualification list, of such persons who appear to me to be otherwise qualified to be registered who are by virtue of section 32(2) of the Constitution disqualified from being so registered.

Again, there is a right of appeal to the Magistrate's Court against the decision to include your name on the disqualification list.

Yours sincerely

Elizabeth J Dent

Registration Officer – Stanley Constituency

Cherie Clifford (Clerk of the Legislative Assembly)

From: MLA Teslyn Barkman
Sent: 10 May 2023 19:48
To: MLA Mark Pollard
Cc: Constitutional Review; Editor; Penguin News; news@fitv.co.fk; Traighana Smith
Subject: Re: Notice of removal from register of electors and Notice of addition to disqualification list

Thank you Mark,

You have personally dedicated time to get the constitutional review engaged and pursued with increased pace. As you note, on this matter a majority of colleagues have decided to wait until after the court ruling to choose a way forward on the matter.

I do not believe that is a satisfactory position as they have not indicated that the position they will choose is one that will end the discrimination this has caused.

The second reason is that this has caused discrimination. I have been removed from the electoral role. I have had to suffer the mental anguish of watching government decide how it will deal with me. I have been removed from participating fully in my democracy. Others are also likely affected and will no doubt be intimidated to share their circumstances for fear of being in the same known position.

I thank you for your comprehensive response and for clarifying your position. You are tied by the majority and I understand that. I am raising awareness as I do not think the current response of the majority is appropriate given the severity of the issue. I hope that other members will follow your example and step into a public position on this matter.

I'm unable to join the committee meeting as I am Chairing the JMC on Friday. However, I hope you will see a renewed urgency behind this review and the priority recommendations it discovers.

Best wishes,
Teslyn

On 10 May 2023, at 16:49, MLA Mark Pollard <MPollard@sec.gov.fk> wrote:

Dear Teslyn,

Thank you for writing to the Select Committee. As I'm sure you are aware, the first meeting of the Select Committee is due to take place this week. I know you are currently overseas working, do you intend to join the meeting virtually? If so, I'm sure we can facilitate this.

I believe you know my personal opinion on this constitutional issue, as should the media. I have been consistent with yourself, colleagues, media and anyone else who has asked. I am very concerned, not just for your position, but that the interpretation of these clauses may adversely affect a large number of people across our Islands. I do not wish to see status holders lose the right to vote and I'm even more concerned that they may not be able to stand. If you hadn't qualified to stand at the last election for Camp, there wouldn't have been an election.

What steps have I taken so far. We all sought advice from the Attorney General to understand the potential ramifications of this question. I do not believe anyone knows with certainty the number of individuals that may be affected and to what extent. If there are, in so far as I am aware, they haven't put themselves forward. My initial thoughts from reading through every Constitutional

review for the last 50 years was that I had never seen this subject broached. I was corrected by our Attorney General and indeed this clause was looked at in the review preceding the new Constitution, albeit not in this context. I sought advice from the Chair of that review as well as other members present at the time and none can remember looking at it in this context. It would appear that the clause is not there to enforce the situation you find yourself in, but rather for other purposes.

Understanding how long it takes to tackle these issues I pressed our colleagues to address this issue with some urgency. Insisting in fact that "it should be one of the highest issues on our MLA agenda". My opinion at the time was that we do not need the judge's interpretation to be able to discuss with the general public what the Constitution should actually say. That way if the subsequent interpretation and decision went against what the people of the Falklands believe our Constitution should say, then we could set the wheels in motion to amend the text. I knew at the time it was unlikely that we would get it all done before the deadline, but knew the sooner we started, the sooner we would finish. Unfortunately, whilst I got some support from colleagues, I did not manage to get majority support. Their argument, I believe, was to wait until after the ruling.

The Select Committee hasn't met despite being set up in December 2021. I proposed the motion to set it up and have pushed continuously to get it moving. It would appear not to be as high on others lists of priority as it is on mine.

I will continue to seek to address issues such as this and will ensure it is put forward at the Select Committee this week as one of the subject specific areas to tackle. I hope you can see from my previous actions that I have already pushed harder than anyone other than yourself to address these issues and have supported you fully during the whole time. Perhaps understanding the potential ramifications may cause others to get involved in the process. Would you like this submission to be accepted as written evidence? We haven't formally agreed to opening it up for evidence yet, but I'm sure we will on Friday and if we do then I would be very surprised if there was not acceptance for this to be received as such.

For the media – Please contact Gilbert House if you wish to clarify anything contained within this message and I will endeavour to find a time to meet. I am also more than happy to discuss anything else around the Constitutional Review either before or after the Select Committee. You are also invited to attend the meeting, there will be no closed section.

Kindest regards,
Mark

From: MLA Teslyn Barkman <TBarkman@sec.gov.fk>
Sent: 08 May 2023 13:16
To: Constitutional Review <constitutionalreview@sec.gov.fk>; MLA Mark Pollard <MPollard@sec.gov.fk>
Cc: Editor <editor@penguinnews.co.fk>; Penguin News <newsdesk@penguinnews.co.fk>; News @ FITV <news@fitv.co.fk>; Traighana Smith <newseditor@radio.co.fk>
Subject: FW: Notice of removal from register of electors and Notice of addition to disqualification list

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The discrimination is two-fold: Falkland Islands born with one passport, and Falkland Islanders who are dual citizens but have emigrated here and obtained status by grant have the right to vote but those in my position do not.

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Best wishes,
Teslyn

From: Beth Dent (Registrar General) <registrargeneral@townhall.gov.fk>

Sent: 28 April 2023 10:48

To: MLA Teslyn Barkman <TBarkman@sec.gov.fk>

Subject: Notice of removal from register of electors and Notice of addition to disqualification list

Dear Teslyn

Please see letter attached, a hard copy will be in the post today.

Yours sincerely
Elizabeth J Dent

Registrar General for the Falkland Islands
Registrar General for South Georgia and the South Sandwich Islands
Registry Services | Stanley | Falkland Islands | FIQQ 1ZZ

Tel: +500 27271

Public service counter opening hours: **9.30am – 11.30am and 1.30pm – 3pm**

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*** please allow up to 3 working days for a response to your email***

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From: [Naomi Cordeiro](#)
To: [Constitutional Review](#)
Subject: Falkland Islands Status
Date: 31 August 2023 14:08:52

Hi there,

I just wanted to submit my views on the constitution:

- If you are granted FI status, you should have the right to vote in the Falklands Islands, there should not be two 'levels' of status where some can vote and some (with commonwealth passports, for example) cannot. Everyone with status (and over the voting age) should have the right to vote.
- Having two stages to get to status (applying first for PRP then FI status) is burdensome and expensive for people who want to live here. I think there should be only one 'status' application, which people should be eligible to apply for sooner than 7 years, 4 years for example.
- I feel 7 years residency is too long to be in the country before being able to vote (i.e. being able to apply for status), this timeframe should be shortened.
- As for my own circumstances, I have been living in the Falklands for 6 years now, so should, under the current regulations, be able to apply for status in a year's time. However, due to the rules about the first 180 days of the time counted towards those seven years having to be physically in the islands, I will have to wait another few years before I can actually apply. The 180 days seems like an arbitrary amount of time and should be shortened. When you first move to a country it is reasonable to expect that you will have ties in another country and need to visit regularly.
- For contract officers who come down for 2-3 years I don't feel there is currently any incentive for them to stay at the end of their contract as they typically would be moved onto local terms (less money) and lose their flights home. If they want to stay and they are deemed suitable for the role, they should be granted status as an incentive to stay.
- The cost of naturalisation, which you currently must undertake before getting FI status if you are not British, is far too high. Could FIG subsidise this or allow full status (including being allowed to vote) to be awarded without first being British.
- Could the Falklands consider allowing dual citizenship with certain countries? As in Spain, who allow dual citizenship with some select countries.

Thanks,
Naomi

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TO THE SELECT COMMITTEE FOR THE CONSTITUTIONAL REVIEW

PREAMBLE

I have now read the Constitution of the Falkland Islands – a weighty tome. I am dismayed how much power the Governor, the Secretary of State and His Majesty appear to have; even our judicial system is overseen by the Foreign & Commonwealth Development Office.

The governors and the reserved power they have to over-rule and the Executive Authority being vested in HM has strong colonial connotations. Any provision that smacks of colonialism should be abolished, at the least reformed, as even a hint of colonialism plays into Argentina's narrative. And the colonial tone reverberates in countries that were truly colonised; countries that we should be looking to for support in our right of self-determination.

HMG is responsible for defence and foreign affairs - that should be as far as their powers extend.

HMG must: "protect UK interests and to ensure the overall good governance of the territory" that is, presumably, initially, in the power of governors. The words that unsettle me are "protect UK interests" this might not always mean sovereignty; several times in the past the UK government have waived in their legitimate claim in favour of Argentina. There is still residual scepticism about our security. We are at the behest of whoever is in power in the UK.

In practise some of the powers of the governor or HM or the UK government may well be titular but if it came to it the Falkland Islands could be abandoned or some other arrangement if, at some time in the future, the FI were of "no interest". HMG have the power to do that. At the moment we seem secure but what of the future?

Who is really in charge of our country? We are told we are, but reading the Constitution does not give one confidence in that statement. The relationship between the Falkland Islands and HMG could be viewed simplistically as a "parent" and increasingly maturing "child" who can say if or when we will cut the apron strings or forever be "children".

I hope the Falkland Islands will become independent or some form of greater independence, freely choosing which countries to be affiliated and associated with, if we could become more autonomous now, we would be enabling our evolution as a country. Probably would not be in my lifetime but for my descendants.

To me the Constitution is the embryo of our future – in a rudimentary sense.

I want the Constitution and the Legislature to achieve greater autonomy, strengthen our identity as a nation and lead us into a strong independent country in the future, having in the Constitution caveats and provisions to that end.

more follows...

OPINION on SPECIFIC ISSUES CURRENTLY UNDER PUBLIC DISCUSSION

PASSPORTS

My passport certifies my nationality, it does not identify my citizenship which I consider as being a citizen of the city of Stanley in the Falkland Islands. It says I am a British citizen, which legally I am, but apart from having my place of birth as the Falkland Islands there is no reference to the Falkland Islands. I resent this as it weakens our identity as a nation.

We need more recognition as a country, symbolised on our passport.

I understand the political ramifications of not having a British Passport in a worldwide context especially living with such an aggressive avaricious neighbour as Argentina.

Your passport should be separate from your voting rights, it should be irrelevant what passport you hold or how many. Does everyone born and living in the Falkland Islands have a passport – presumably if not they can still vote? I have never been asked if I have a passport when voting. Or have we been vetted in some other way?

Essentially this is a travel document that in the dark ages gave one a pass into a city presumably as you were no threat, now it appears to mean more than that.

ALLEGIANCE

I do not think a passport signifies your allegiance. Allegiance comes from your core beliefs – who or what you are loyal to, for example I would not swear allegiance to King Charles. Having a British Passport does not necessarily signify allegiance to the British King or Britain, even if the assumption is that it does, yet it can do, if it concurs with your beliefs.

While I value my British ancestry and historic ties with that country my allegiance is to my family, to the Falkland Islands and its people.

FALKLAND ISLAND STATUS

I am jealous of people who attain Falkland Island Status, they have a nice ceremony get a certificate and can pledge their loyalty to the Falkland Islands. When us older islanders received our first passport - that was it – no trumpets or fanfare, just the vague inference of “you should be grateful”. The granting of Falkland Island Status is to be commended, building our community for the long-term.

Once Falkland Status is granted a person should immediately be eligible to vote and stand for election, the pool of those standing for election seems to be decreasing especially in the camp, for the good governance of our country a person considered a Falkland Islander should be eligible regardless of the passport they have. Any anomalies should be addressed at the application stage, once the status is achieved the status should take precedence.

more follows...

ARGENTINA

I am not bothered by a few old men waving their flag about atop a mountain that clearly does not belong to them, it does upset many people though and perhaps something could be done in local law to stop it, perhaps under public order laws. Maybe it is a small price to pay for Argentina not cancelling the agreement that gives them access to the Falkland Islands and the LAN Flight.

More importantly there appears to be some belief that Disqualification for Election 29 1 (a) of the Constitution, was/is a safeguard against Argentine nationals being able to vote or stand for election, which, if it is, is very ambiguous and, if they have Falkland Island Status – unfair, and undemocratic.

We are a savvy people in the FI, we have had to be and we have long memories, it will be a long way into the future before any take-over of our home could be done by voting of candidates, if that ever happened it would show that steps taken now were the wrong ones and nobody really cared anymore - that after all - is democracy.

BUT - if FIG/HMG are suspicious of Argentina mounting a Trojan Horse type infiltration then, because of Argentina's continued claim and harassment, it is justified (without ambiguities or open to interpretation) to have a provision in our Constitution preventing Argentine immigrants from voting or standing for election until Argentina relinquishes their claim. It could be viewed as a rebuttal to Argentina's constitutional clause which makes the 'recovery' of the FI law.

Such a provision would be in self defence of Falkland Islanders right to self-determination. In my opinion a more justified and less discriminatory act than the discrimination toward other holders of Status who are still waiting to be eligible to vote. The wording would need to emphasise the threat from Argentina as the need for such a provision rather than towards the individual and be clear in meaning.

Argentina caused this situation by invasion and over 40 years (and before) of abuse and harassment.

The Argentine Government's hostile agenda towards the Falkland Islands needs to be dismantled piece by piece, one small but significant step was the recently planned seminar in Canada which was, I believe, effectively stopped and the recent debate in the UK Parliament was very positive for all the British Overseas Territories and bodes well for the Falkland Islands aspirations and ambitions. Another telling example was that James Cleverly did not include Argentina in his recent Latin American tour, or if he did it has not been reported. I also hope our status from a non to self-governing territory is adopted in the UN.

Argentina has about exhausted all avenues and strategies to hinder the development of the Falkland Islands and have failed. They just keep banging the same old drum – unless China is their last tune!

According to them people born in the Falkland Islands are Argentine nationals!

Apparently about 18 Argentine nationals have Falkland Island Status.

Argentina does not allow their people to renounce their nationality.

more follows...

DISQUALIFICATION for ELECTION 29 1 (a)

Every country evolves their citizenship regulations and constitutions befitting their situations.

A similar case is that of Harry Duihoven of New Zealand, who had dual nationality, now referred to as Harry's Law. A retrospective change in their Constitution enabled him to continue in his position in government.

If you break this provision down to the meaning of each word it could mean an act other than having two passports, maybe a political agitator harassing people to the point of riot, by preaching anarchy or some other traitorous act. An act of treason.

If it specifically means 'dual nationality' it would or should have those words in the provision. This provision is ambiguous, the precise meaning is unclear and subsequently legal disputes are ongoing in other countries, if it was clear nobody would be debating it.

An interesting concept is that of DOMINANT and EFFECTIVE NATIONALITY.

International Law recognises this as: "under which a dual national will hold only one dominant and effective nationality for the purposes of International Law to one nation that holds their primary national allegiance, while any other nationalities are subordinate".

The International Court of Justice defines effective nationality as a 'legal bond having at its basis a social fact of attachment, a genuine connection of existence, interests, and sentiments, together with the existence of reciprocal rights and duties'.

It should be within the power of the Legislative Assembly to make a ruling on this that would be lawful and relevant. This provision is so debateable that being acquiescent to one opinion (the Supreme Court) is probably too easy an option. Make it say what we need it to say do not lose good people in our community by ill thought-out legislation or ambiguities within the legislation, or Constitution.

The right to vote should be more widely debated and scrutinised for inclusivity, and, in my view, be separate from your passport or if you have dual nationality.

To grow our population the Falkland Islands needs to be attractive to people as a life alternative to their previous or present situation. If FIG make living here a viable choice, they will come but they will not stay if they are met with too many obstacles, if their choice is made too difficult will it be worth the bother or cost to them? Immigrants need to feel more valued, which is inherent in their right to vote. I think seven years is too long a period to wait to apply for status.

The Falkland Islands are advancing despite the turmoil in the world, to continue to do so we need people to emigrate here for the long-term the continual short-term is not the best solution.

more follows...

BRIEF COMMENTS/QUESTIONS ON THE CONSTITUTION (This document is not easy to understand for a lay person. I may have not understood or misinterpreted parts of it for which I apologise, it would perhaps be wider read if one's eyes did not glaze over in incomprehension).

Chapter 1 **Protection of Fundamental rights and freedom of the individual.**

8. Protection of freedom of movement: I do not think we are as free as this implies. It certainly does not feel as free as when I was younger.

11.(4) Protection of freedom of conscience: If you want a certain job/career you have to make oath whether you want to or not, for example to join the police or become a politician.

16 Protection from discrimination: Voting rights are discriminatory.

Chapter 111 **The Legislature**

29 1 (a) Disqualifications for election: see above

30 (d) In what circumstances would a person cease to have Falkland Island Status?

32(5) c. There seems to be a certain privilege attached to being born in the Falkland Islands (I am not disagreeing I am lucky to have been) and a dilution of Falkland Status, elsewhere it says once you have status you are considered to be a Falkland Islander (it is like being a little bit pregnant, you either are or you are not) belonging to the Falkland Islands must mean you are a Falkland Islander and rights should be equal and immediate.

Chapter 1V **Powers and Procedures of the Legislative Assembly**

48 Privileges of legislative assembly members: What is the relevance of 'no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the UK or of members of that House?'

52 Assent to Bills: Bills passed by the Legislative Assembly should become law without assent from the Governor or His Majesty or Secretary of State. This is colonial regression.

54 Disallowance of Laws: Colonial regression.

55 Governors reserved power: Too much power. Colonial power.

Chapter V **The Executive**

56 (2) The executive authority of the Falkland Islands is vested in His Majesty: Another colonial power.

64 Oaths: Secrecy – a person whose conscience impels them to break this oath would probably do so in a heartbeat if circumstances warranted (I remember the many broken on 2 April 1982), I think the secrecy oath should be discretionary I consider a person's integrity is questioned if compelled to take this oath. Is it in conflict with 11 (4) of protection of freedom of conscience?

more follows...

66 (2) (3) a-f The Governor to consult the Executive Council: This needs change it indicates absolute rule by the UK .

67 The Governor may act against advice of the Executive Council: Too much power, it is colonial and needs to change. Who oversees our country?

71 (1) Powers of Pardon: This could come under the Attorney General with consultation of relevant officials. AG has power to institute criminal proceedings why not pardon?

73 Grants of Land: As it reads it seems land may be lawfully granted or disposed of by His Majesty? If so, this is a colonial power no longer needed in the Falkland Islands. If it does not mean that it should be clearer.

Chapter V11 **The Public Service**

82 ,83. Too much power vested in the Governor.

84 If the Chief Executive appoints people is the vestment by the Governor necessary?

85 Discipline and removal of officers: All of this should be dealt with by the Chief Executive and/or Attorney General not the Secretary of State.

CONCLUSION

I wish you well with this important undertaking and look forward to any 'explainers'.

The AG spoke of "elephants" the biggest elephants I can see in the room is the overall power HMG has over FI as a country and how to counteract the harassment from Argentina with the troubling aspect of interference from China in the South Atlantic. These are our long-term threats. Alongside those the changes needed to enable dual nationals to vote and stand for election pale significantly, and I have every confidence you will come to a fair and equitable solution.

The Privy Council takes an inordinate time to give approval for change, if some of those colonial powers were removed it would be quicker and easier to be in control of our own decisions and country. If it took nearly six months for the simple 'virtual meeting' change I guess I might never know the outcome of any changes this review may propose!

To the question in the Penguin News "Why does the Constitution matter to me?" My answer is it matters because it is the bedrock of our country, how we want to be perceived, should reflect our values and what we want to be and become as a country. I hope it will show a country that is modern, welcoming, aspirational, and empathetic to all peoples.

Gail Steen,

Paragon House, Lafonia,

Falkland Islands.

23 May 2023.

Falkland Islands Constitutional Review – 2023**PUBLIC RESPONSE FORM****FALKLAND ISLANDS STATUS**

You can use this form to give your views about the Constitutional Review, or you can make a submission in writing using any style that suits you.

You don't have to answer every question on this form in order to submit a response – you are free to comment on any or all of the questions presented here.

Anybody can make a submission. You don't have to have any particular status; everybody is entitled to have their say. Government employees don't have to ask permission to make a submission; you are also encouraged to give your views.

For more information about the review and about making written submissions **see the guidance document** "Falkland Islands Constitutional Review 2023 – Falkland Islands Status". We recommend that you read the guidance document before responding to the questions.

The guidance document is available online: www.falklands.gov.fk/assembly/the-constitution/select-committee

(or contact Gilbert House for a copy: e-mail constitutionalreview@sec.gov.fk or telephone 27451)

To see a **copy of the Constitution**, go to: www.legislation.gov.fk/view/whole/2023-06-12/uksi-2008-2846

Your submission should be received by 5 September 2023 to enable the Select Committee to consider your submission at its meeting of 19 September (the Committee may consider any submission received after this date at the meeting on 19 September, but that cannot be guaranteed).

See the end of this form for details of how to make your submission.

Name:Joost Pompert.....

Please give your full name above (and if the submission is made on behalf of an organisation, also state their name eg Jane Smith on behalf of the ABC Association)

The Select Committee will not consider any anonymous submissions

Submissions will ordinarily be published, but **if you do not wish your submission to be published, please explain why:**

If you would also like to make an oral submission to the Select Committee please provide your contact details below so we can speak to you about that and arrange a time for you to appear before the Select Committee:

I would like to make an oral submission and I can be contacted on (telephone or e-mail):

.....

If you are filling in this form electronically, please feel free to expand the box sizes to fit your comments.

If you are filling in this form manually, feel free to add extra sheets (please staple/clip them to the form).

Falkland Islands Status

1. **Having read the guidance document (in particular pages 3-15), who do you think should have Falkland Islands status automatically under the Constitution?** (we suggest that you put aside what the Constitution currently provides – we want to know what you think the policy should be?)

Should this be dependent on any of the following factors?:

- where you were born
- how long you have lived in the Falkland Islands
- your citizenship/nationality
- your parent's citizenship/nationality
- your parent's residence
- whether or not your parent has Falkland Islands status
- who your spouse is
- if you are widowed, who your spouse was before you were widowed
- whether you had Falkland Islands status in the past

Please provide your comments and give reasons below:

Having read all the detail, and the various clauses in the constitution, on the whole the balance of who receives Status seems right.

My only concern is really with not awarding status to minors of parents that have achieved status for themselves. As I understand, these children do have a permanent right to remain, even after the age of 18. FIG invests in both the parents and the children, more so after status has been awarded, I guess. FIG is funding secondary and higher education, so would it not make sense to also award them the same full rights that their parents achieved on gaining status. Perhaps dependent children should be included in the status application(s) of their parent(s)?

This above change may be quite straightforward when parents are British, but perhaps less so when not? If parents are not British and apply for status, and obtain it, along with their children, then what would the implications be? Presumably those children would still need to also become naturalised to be able to go qualify for further education in the UK?

2. Should the Constitution set out any requirements for a person to be granted Falkland Islands status, OR should those requirements be decided under a law made by the Legislative Assembly? (the Constitution is a UK law, so it is not made by the Legislative Assembly).

2.1 If the Constitution should set out requirements for the grant of status, what should they be?

2.2 If the Constitution should include a period of residence for the grant of status, what should it be and why?

Whatever the qualifying period of residence is now would be fine (5-7 years). It is sufficient time for applicants to judge whether they want the Falklands to be their permanent home, and it will also allow for the community to support them in their choice of settling here permanently. I also think that it is fine to include the clause that within that period you cannot be away from the islands for more than a given period (1.5 months per year, which would be ~30 days holiday) I don't think the time period of 5-7 years is excessive either.

2.3 If the Constitution should include citizenship as a requirement for the grant of status, what should it be and why?

It would be easier if it was one and the same I guess, but is it not the case that the Falkland Islands decide on granting status, and to apply for Citizenship this application needs to be approved by the UK authorities too?

2.4 If you have listed any other requirements above for a person to be granted Falkland Islands status because you believe they should be set out in the Constitution, why?

3. Should the Constitution set out the circumstances in which the grant of Falkland Islands status to a person under an Ordinance may be revoked, OR should those circumstances be decided under a law made by the Legislative Assembly? (the Constitution is a UK law, so it is not made by the Legislative Assembly)

If the Constitution should set out any circumstances for revocation of the grant of Falkland Islands status, what should they be, and why?

4. Should anyone who automatically has Falkland Islands status under the Constitution be able to lose it if their circumstances change?

If yes, what are the circumstances, and why?

5. Provision relating to children and spouses of persons who have Falkland Islands status:

5.1 Should the Constitution make different provision in relation to a child of a person who has Falkland Islands status? (such children under 18 are currently entitled to a permanent right to remain, but not to Falkland Islands status)

If so, what should that provision be and why?

Once parents have gained status, then it would make sense in my view to also grant this to their dependent children (<18 years of age)

5.2 Should the Constitution make different provision in relation to the spouse, widow or widower of a person who has Falkland Islands status? (such persons are currently entitled to a permanent right to remain, but not to Falkland Islands status)

Perhaps there should just be an automatic awarding of status, if it is held as a spouse. But perhaps after a qualifying period (of the same 5-7 years). Until such time, they would just have permanent right to remain.

5.3 How should "spouse", "widow" and "widower" be interpreted under the Constitution? For example, should it be made clearer that a person who was not legally married can be treated as a widow if their partner dies?

Marriage or other legally binding partnership is what should be required to be treated as a widow when partner is deceased. Couples that are in a long-term relationship should consider making this legally binding to avoid the above issue

6. What rights and benefits do you think someone with Falkland Islands status should have under the Constitution, and why?

All rights (voting, owning property, etc.).

Except perhaps for standing for MLA, as this I think should also require citizenship (British, British Overseas Territory Citizenship, etc.).

I am thinking that anyone having taken the step to gain status, but not British nationality per se, have still committed to a large extent. They should be allowed to vote and thereby almost fully take part in public life. If sometime down the track they also wish to put themselves forward for election, then I think they should also become a naturalised Falkland Islander.

7. Do you have any comments about the grant of Falkland Islands status under the Falkland Islands Status Ordinance 1998? (this is not a key part of the Constitutional review, but there are linked issues)

8. Do you believe that “belonging to the Falkland Islands” and “Falkland Islands status” are the right terms to use under the Constitution? (or, for example would you like to see “Falkland Islander” or another term used?)

This issue is perhaps more about identity too? Some folk here identify as British first Falkland islander second, others as Falkland Islander first and whatever other secondary-previous nationality, some identify as just British. I would say “Falkland Islander” to define identity and legal status would be fine, rather than “belonging to...” or FI Status. Personally I feel I am a Falkland Islander (having naturalised as such, well, British Overseas Territory Citizen), but also Dutch, and that is how I identify. The term status holders sounds a bit tedious and not very aspirational, yet “Falkland Islander” does in my view. On the other hand, I guess I am correct in thinking that you can be a status holder without having been naturalised, so you would then “just” be a status holder.

9. Please write anything else you would like to add here:

All the issues raised in this form as well as in the relevant chapter of the constitution, and in the guidance documentation, are not straightforward nor necessarily easy to interpret. But it is excellent that this special committee is making the effort to reach out to the public and asking for feedback.

Lastly, I wonder whether it would make sense to include on this form, where you fill in your name, a question or tickbox to show what the legal status the respondent has is (i.e. FI status holder with British passport, British & PRP holder, PRP holder without British passport, FI status holder with Commonwealth Citizen's passport, etc.).

I appreciate that the constitution is for all people present in the islands. And therefore, all should be welcomed to make comment if they so wish. But would it not also be right to know the status of all respondents? In the end it is up to the Select Committee and I suppose MLAs to make recommendations for change to the Constitution. But if changes are mainly suggested by non-status holders, then the public's view should once again be sought before changes are implemented. I'm not sure it would be right if the forms (like the one I am now filling in) are the only consideration. I'm sure they're not, but still.

Please submit your response form:

- by emailing it to: constitutionalreview@sec.gov.fk (this is strongly recommended)
- by placing it in the box provided in the Post Office in Stanley, or
- by sending by post to Gilbert House, Stanley

Ken Passfield
2a Brandon Road West
Stanley
27 July 2023

Comments on Falkland Islands Status for Select Committee on Constitutional Review 2023

1. When I applied for FI Status several years ago, I was asked how much money I had, and details of any property I owned, whether in the Falklands or overseas. I found this disgusting, the only thing that FI status gives you over and above PRP is the right to vote, so I was being asked to prove how much money I had before being allowed to vote. This doesn't tally with the vibrant democracy that we supposedly live in. I think the Constitution should be amended permanently to make sure that these questions are never again asked of a status applicant and would be voter.
2. The seven year qualifying status is far too long, it should be 3 years, the same as for PRP. After all when you get PRP you are entitled to live here for the rest of your life and buy property. Why wait another four years to get the vote? A Falkland Islander can of course move to the UK, get an address and vote the following day, so it does seem very two faced to make British citizens live here for 7 years before they can apply to vote.
3. The fact that status can be revoked after a mere two year's absence from the Islands makes it, in my view, a very second class form of 'citizenship'. I feel this period should be more like 10 years.

Patricio Garces
13 Jeremy Moore
Stanley
Falkland Islands

MLA Mark Pollard
Gilbert House
Stanley

Dear Mark,

I would like to take this opportunity to express our thoughts with regard to FI Status applications as per the current Constitution.

My wife Dani and I have been living and working in the Falklands for the last 7 years. We first embraced the idea of coming to the Islands as an adventure and to add more experiences to our lives, therefore it wasn't painful to leave our careers and families behind in Chile to start something new here in the Islands.

Time passed and 7-years later we have settled in with full-time jobs, we have got married and have our 2-year-old daughter Dominga. In that time we have always strived to follow immigration legislation pathways: we applied for PRP after 3 years' residency, naturalization after 6 years and we have applied for FI status after 7 uninterrupted years of residency. Our application is included for consideration in July 2023.

We are now facing the fact due to current Constitution, our daughter Dominga, who was born in the UK following referral from the KEMH, is not eligible to receive FI Status with our application but will have to apply only when she turns 7.

This is something we believe should change in the Constitution because the Falkland Islands is her home. She holds a Chilean passport because she is our daughter, but she is also a Falkland Islander, she will grow here, receive her education here, make friends here, and experience life the same way as any Falkland Islander would do.

As I mentioned before, she was born in the UK due to KEMH safety recommendations, to avoid or minimise any complications during birth. We are infinitely grateful for the care, but we believe that circumstances like ours, where the decision was out of our hands for the safety of both mother and baby' should be considered when a child is included in the parent's application for FI Status.

Thank you for taking the time to consider this and should you require any further information on our particular situation, please get in touch.

Yours sincerely

From: [Maggie Battersby](#)
To: [Constitutional Review: Simon Young \(Attorney General\)](#)
Subject: Evidence submission for select committee
Date: 23 May 2023 10:21:29

Hi Mark, I hope that you are fully recovered. I submit the following for consideration by the committee. My previous letter was not in the format that the AG suggested at the meeting.

Firstly, I feel I should state that the select committee on May 12th was an eye-opening experience for those members of the public in attendance. It is not surprising that the public rarely attend. The meeting took 1.5 hours and nothing was decided during that time except for a date of another meeting without even a clear decision on how the agenda would be itemised. What a waste of public time and money! No one in the private sector would be able to justify that as time worth being paid for. Very disappointing. I would also like to note that as all members of the committee were not in attendance that the absences were not all stated for the minutes. (which is not appropriate at any official meeting).

I only hope the next one being chaired by yourself in person is not another session of the group patting each other on the backs for saying nothing.

I really hope that I will see from you, as chair, a more decisive and directed meeting that asks for opinions on the points not for each member to nod and agree with each other, taking up time to just say nothing!

The AG's report was clear not anyone appeared to have read it, in that they had nothing to say on the points he raised. You would expect that opinions on each point raised would have been prepared for discussion.

In fact the person in the chair skimmed over the section on the agenda which he had indicated would raise some discussion it would also appear that not one of those in the committee had bothered to find out what work you had already done to consult the public as they had no idea of the email that was set up. The whole thing was farcical. The only other MLA apart from yourself in the room who appeared to want to get something done was Leona.

I think it is essential that the committee does not delay on those big issues as The AG 's suggested and actions something 'immediately' to eliminate the issue and actions being taken against Falkland Islanders to remove their right to vote. It is recognised that the intention of the clause 32 2(e) is not to discriminate against those born and resident in the Islands and that it was kept in the constitution in 2008 by some xenophobic MLAs with misplaced idea's about protecting us from the neighbours.

As no order of agenda was decided yet you are asking for public comment on a whole list of things. I am assuming you are not expecting everyone to cover every aspect in one go. So I have below the areas in my mind addresses the 'elephant' as AG put it.

The first items on the agenda for this review needs to be the structure of the constitution regarding Falkland Islands Status and the rights of those status holder and should include actions that can be taken to remove clause 32 2 e.

Prior to doing that (as it is noted that that is a long process) it is essential that the public have reassurance that action is taken to protect them from losing their rights.

[The structure and content of the constitution](#)

- Falkland Islands Status

Many islanders are now very concerned that they contravene the law of the islands in some way. I know of whole families that are affected by this. I am not willing to name those people as they will undoubtedly find themselves losing their £1 a day, (which concerns most people more than the right to vote.) it is definitely of note that a lot of 'sworn in' status holders or those who have been with us for 20 to 30 years are now concerned that they or their children are at risk of losing some of their rights too. Clarity if what is permitted is needed and it needs to be in the ordinance.

- **Immigration Ordinance can be adjusted without any UK permissions as it is not changing the constitution. This can be done as quickly as any ordinance change.**
- **The immigration policy and ordinance MUST surely reflect the current practice of allowing those who become status holders to maintain their original passport and in addition recognise that those born in the Falklands who hold status by right of birth are also able to maintain any passports that they hold as a right from birth. Including this in the ordinance should protect our status holders fairly and be clear as to what is legal and what is not.**

This is not in contravention of the 2008 constitution clause 32. 2 (e) as it involves no swearing of allegiances by any party other than those sworn by new status holders to the F.I.

Doing this will alleviate the concerns in the public and the current discrimination that has been highlighted. It will acknowledge that the MLAs have taken some action and give everyone the breathing space to address the clause that is causing the issue.

The recent immigration review led to changes in how British Citizens access holding FI status. However, no work was done to ensure that those who already hold status from birth are protected. No work was done to acknowledge officially that status holders once sworn in can continue to hold their country of origin passport.

- **Born Falkland islanders & sworn status holders, whether holders of multiple passports or not, if resident in the islands for over 6 months should have the right to vote. Unless they have broken laws which prevent them doing so.**

The islands are now multicultural and the idea that those new status holders, children will not be able to maintain the right to keep the links with their cultural backgrounds is abhorrent. People who choose to live and work and pay taxes in the Falklands should be able to vote and not be being asked to give up their passports. It is understood that currently Immigration does not do this. However, once children born of dual parents in the FI apply to maintain that cultural link it appears to be in breach. Having this clause in the constitution is therefore discriminating against those born here.

- **Dual nationality should be recognised in the Falklands.**

Many, in fact I would say, most, Falkland Island status holders hold dual nationality whether they have recognised the fact by holding more than one passport or not.

It is acknowledged that those swearing allegiance when applying for status are permitted to hold their previous passport and are eligible to vote. (no one asks them to give these up or prove they don't hold one at election time.) Officially, the Falkland Islands are not on the list of countries that permits dual nationality.. yet it still happens. Either we do or we don't, it would be a disaster to the population and immigration policy to make a constitutional statement that

removed the rights of those individuals to be dual nationals. However, it currently means that they have more rights than those born here and this anomaly is as a result of some malicious person misinterpreting the constitution to the detriment of Falkland Islanders. Currently many status holder who have sworn in hold 2 passports and many who were born here also do as they can reapply during any visit to a country they have the birthright to hold that passport in, and are under no obligation to notify any department in the Falklands of that passport. Every person recently acquiring status are now doubting why they did it if they plan to have a family those children are at risk of losing it. A long and expensive process for them.

Qualifications for electors/ disqualification

-As above all status holders should have the right to vote and that includes those with dual nationality – currently permitted (unofficially as not written in the ordinance) and also have the right to stand for election.

- Those with a permanent resident permit should be eligible to vote

This should be reviewed and the risks of inclusion weighed up against the risks of exclusion. Many good people who have contributed to the islands are lost due to not accessing fundamental rights such as this. I am unclear as to the requirements of PRP but understand that checks are made to ensure we issue these to those of value in our community and therefore they should be able to vote.

-The right to stand for election and disqualification

We are 'supposedly' a democratic country and to demonstrate that we need to allow anyone who holds status to be able to stand for election. Regardless of where their family origins lie or whether they have political agendas that not all of us may agree with. It is the 'fundamental right' of that individual to stand and if they do get voted into council then we need to support that that is the will of the people.

We do not have the right in a democratic country to dictate who can stand and to put barriers in the ways of any status holders.

• Having a criminal record should prevent and disqualify you from holding legislative office.

When sworn into office MLAs swear to uphold the laws and constitution of the Islands. An MLA if found to have broken those laws should be removed from office. The seat should become vacant and a election held to fill that seat. By having a criminal record you have not abided by the law and so are in contravention of the oath made. (currently this is very unclear and should be made much clearer. The public sees one example of a blatant breaking of the law being supported by MLA's as OK and that person not only retain their role but do so with no repercussions.

While another is vilified, loses her right to vote in her own country for acknowledging her birthright and accidentally breaching a little known clause in the constitution – The coming to light of which was not through a court case but by a malicious letter from someone who has their own reasons for bringing this to everyone's attention. Questions should be asked of that person why they have done this?

Fundamental rights and freedoms

• The Human rights act should be embedded in the constitution.

It appears that this act is currently picked through but is not written into the constitution for fear of civil servants having to do more work on it.

• The Principal Complaints Commission requires a post to be created as a part-time one – possibly 15 to 20 hours per week and an office space to work from.

Having recently held this position and discovered that no resources are allocated to this. I feel this office needs some attention. The post needs to hold a budget that enables it to call upon others to carry out work when needed. The budget should not be part of another FIG department but held under the wing of the FCO. The PCC would have full control of that budget. Time and work is needed in writing the procedures and in marketing to ensure more public awareness. The PCC should be working to meet the standards of the Ombudsman Association to demonstrate that the country is democratic and supports rights and freedoms.

- Falkland Island status holders should not be able to lose the right to vote unless they have broken laws that have been deemed to be in breach of their right to vote.

Being born here should come with some benefits and not subject us to discrimination. Falkland Islanders were 2nd class citizens to EX Pats prior to the 1980's. This is now happening again, we need to protect all our status holders regardless of where they originate from and whether or not they hold dual nationality. We don't have enough people as it is.

• The Data Protection Act 2010 (GDPR in the EU) should be adopted by the FI constitution to protect the sharing of personal information inappropriately.

People in the FI are not protected by the Data Protection Act and civil servants often keep information and use it inappropriately in accordance with the DP Act 2010. Understanding within FIG that the information held on a person (I.e. KEMH) that is gained by one department for one purpose should not be shared to another unless there is Health & safety or legal requirements to do so. FIG also need to understand that the information held is the property of the individual not the property of FIG. Work needs to be done in FIG to establish just how much of an issue this is.

• As above status -Falkland Islanders hold British Citizenship and therefore should be able to hold multiple passports as all British residents are entitled to.

We hold British Citizenship and as British Citizens we are entitled to vote in UK after 6 months of residency. However due to clause 32 2e we are unable to vote in our own country if we recognise our dual nationality

Other sections I hope will be addressed in the latter part of the review and the public will be consulted.

Maggie Battersby

Sent from [Mail](#) for Windows

From: [Gerby Green](#)
To: [Constitutional Review](#)
Subject: My views
Date: 26 July 2023 09:32:16

Good morning
I thought I will share my views and
Participate on these matter

1. I think people who lived here in the Falklands islands should automatically have Falklands island status if they lived longer as 15 years
2. It's either way the constitution should set out any requirements to the person to be granted Falkland island status and these requirements should be decided under a law made by the legislative assembly

Thank you very much

Ma gerby green
55 sandy wood ward
Stanley

[Sent from Yahoo Mail on Android](#)

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

From: [Zane Hirtle \(Level 1 Helpdesk Engineer\)](#)
To: [Constitutional Review](#)
Subject: RE: Review 2023
Date: 17 August 2023 12:50:09
Attachments: [image001.png](#)

Hello Cherie,

So are Falkland Islanders automatically given Falkland Island Status was my query as I see no reason for this as we are already Falkland Islanders?

The other part of the query was who does get automatically Status?

If the answer to the first part is yes then what I said before stands.

"I ask as a "*Falkland Islander*" and as such have no need, or desire, to be so tagged.

I was a Falkland Islander long before this term was invented and if it's applied to Falkland Islander's I find that offensive and dangerous."

As to the second question.

Outside of SAMA I would object to any immigrant automatically getting Status.

If I'd immigrated to this country and worked to get FI Status then I would be proud to use that title but as a born Falkland Islander I object as a/ unnecessary and b/ it's a barely veiled attempt to unrecognize actual Falkland Islanders and fiddle statistics and opinion polls.

Ask Gavin about the conversation he had with a relative of mine, last time he was in office, about official forms not having "Falkland Islander" on them. I think the term they used is "whitewashing us out of existence".

Depending on answers to the above then to the second part I would say that Status holders should be afforded all rights and benefits except where it has a negative impact on Falkland Islanders their freedoms, traditions, principles and values.

In answer to question three although I know it should be a legal decision I've also seen a case where someone who had done much for and devoted many years to the Falklands was refused status for a long time therefore, since constitutions are *supposed to be* a firm statement of principles maybe there's a place for it to take part.

Again depending on the answers to the query's about the first question then my answer to the last one is a/ Yes and b/ No

No problem with using the content and giving my name.

From: Constitutional Review <constitutionalreview@sec.gov.fk>

Sent: 16 August 2023 08:46

To: Zane Hirtle (Level 1 Helpdesk Engineer) <zhirtle@sec.gov.fk>; Constitutional Review <constitutionalreview@sec.gov.fk>

Subject: RE: Review 2023

Good morning Zane

Thank you for your contribution which will be discussed at the meeting on the 19 September, please can you advise if you are content for your email to be made public along with any other evidence we receive.

Kind Regards

Cherie

Cherie Clifford
Clerk of the Legislative Assembly and Executive Council



Falkland Islands Government

Office of the Legislative Assembly, Gilbert House

PO Box 754, Ross Road, Stanley, Falkland Islands, FIQQ 1ZZ

Tel: 00(500)27451 | Email: assembly@sec.gov.fk | www.falklands.gov.fk/assembly

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From: Zane Hirtle (Level 1 Helpdesk Engineer) <zhirtle@sec.gov.fk>

Sent: 09 August 2023 09:03

To: Constitutional Review <constitutionalreview@sec.gov.fk>

Subject: Review 2023

Morning,

Who has automatic "Falkland Island Status" currently?

I ask as a "Falkland Islander" and as such have no need, or desire, to be so tagged.

I was a Falkland Islander long before this term was invented and if it's applied to Falkland Islander's I find that offensive and dangerous.

Kind Regards

Zane Hirtle

Level 1 Helpdesk Engineer

Falkland Islands Government

I.T. Office, Ross Road, Stanley (+500) 27050

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Dual Nationalities

We are part of a Global Community – by working and living in different countries before returning to the Falklands, this helps to enrich our local community culturally and with a much increased skill set. It is unrealistic, discriminatory and unfair to effectively limit people, to only residing in UK before returning.

We cannot expect students to live away for 2 years post-graduation, and have sufficient experience to undertake their role in our community – very commonly professionals are stand-alone rather than being part of a larger department, and so mentorship and professional development is limited. You are commonly expected to be a ‘specialised generalist’ which can only come from experience working in these different areas. For other ‘quality of life’ aspects, our community wouldn’t have Yoga, Pilates, and many other organised clubs if our people had not lived away for a period of time in order to receive the appropriate training and experience. The skill-set in many sports clubs that feed into the clubs training strategies and development often come from those that learnt these skills while living away from the Islands.

By limiting persons to having just 1 nationality and citizenship, you are also potentially reducing the available workforce to be recruited internationally.

To have passports or citizenships for 2 countries does not explicitly detract from any long term commitments someone might have in the place where they reside.

To ‘pledge allegiance’ is a formality you have to go through to get citizenship – but not necessarily the reason you apply in the first place. You may be living in that country to gain further necessary work experience and training before returning to the Falklands, and therefore acquire that country’s citizenship to negate any issues with red tape in living there for an extended period.

Furthermore, before this issue was raised, the Constitution was not easily available, or widely understood. The Constitution is lengthy and confusing, even as an English speaker. And so previous to this date, if a person was to acquire dual nationality, they would not have realised that there might be any future implications like potentially losing the right to vote or stand for council when they permanently return ‘home’. It therefore cannot be considered an ‘intentional act’ (to gain citizenship) when we are not taught the Constitution in school, or have it easily accessible (in an easy to read format), and so are not making an informed choice, when seeking another country’s citizenship in addition to our own.

You might also have the situation where a Falkland Islander has had children in another country, let’s call this country ‘A’ (incidentally the children will then also have dual nationalities by birth); should the relationship with the other parent break down and the Falkland Islander want to return to the Falklands with the children, commonly there are family court proceedings to decide this.

In these proceedings, court orders commonly include that the parent who has moved from country A, is required by law to a) maintain valid passports for the children (for country A)

and b) return with the children every 1-2 years so that the parent in country A has opportunity to spend time with the children.

By law, if a person has citizenship for a country, they are required to use that country's passport to enter and exit the country on, and so the parent who is taking the children back for a trip to see the other parent in country A, will also therefore need to maintain a valid passport for that country. While you are able to renounce your citizenship to another country, the Falkland Islands parent then risks issues at customs and immigration when entering and leaving country A, as their children would have to use the passport for the country A, while the parent would be on a British passport.

As a parent in a foreign country, you do not want any doubt around your rights regarding your children at customs and immigration, as child trafficking is understandably taken extremely seriously and you could all be detained, questioned and potentially miss flights along with the extreme anxiety caused by the situation. The only proof that you are their parent and they have the right to live with you internationally is a print out of court orders. The Falklands parent having a passport from country A helps reduce the risk of this happening. It does not mean that person has any intentions of living in country A again.

Falkland Islands Status

I agree that this section of the Constitution should be it's own section, for clarity and ease of access. I agree that there needs to be more clear wording on the eligibility for Falkland Islands Status, who can receive it automatically, and who can acquire it.

I was born in England, but moved to the Falklands when I was 8 months old. I lived all of my childhood here, then was sponsored through College and University by the Falkland Islands Government. At the time, the physiotherapy position was a lone post, requiring you to have substantial experience in all areas of physiotherapy to cover the military and civilian population.

I struggled with the crowded cities of England, but knew that I was required to accrue 5 years of post-graduate experience before returning to the Falklands to work in my profession. I therefore applied for permanent residence in Australia due to these reasons. I ended up living there for 13 years, and in that time, specialised in disability and paediatrics, then worked in private practise, and had my own clinic. I self-funded many invaluable professional development courses, which has enabled me to hugely expand the Falklands Women's Health service, and also support athletes in competing at international level.

I would not be the physiotherapist I am today, without those extra years training and working away from the Falklands. I have now been a physiotherapist for 21 years. To have in post, 2 extremely experienced Falkland Islanders that are planning to live here permanently, has meant the physiotherapy service has been able to expand, and be dependable.

As a returning Islander, I can also appreciate the beauty and magic of the Falklands, in a much stronger way, having lived in different countries prior to returning.

There are many like me, who need time away from the Falklands to grow as a person and as a professional. Currently the ability to be a Falklands Status holder, feels extremely fragile when you weren't born here. In other countries, once you are a citizen, that cannot be taken away from you (apart from with certain criminal acts). My children, who again were not born here, but will remain here with me as long as they wish to (and as long as they are minors), are not currently eligible for Falklands Status.

To have the stability of knowing that we have Falkland Islands Status, and that this is permanent, would be a huge relief, and would show that the Falkland Islands is as committed to us as we are to the Falklands.

I understand that if you are not a Status holder, but married to one who is, if they die (or the couple separate), the non-Status holder would not be guaranteed residence in the Falklands. This would be incredibly distressing and relevant in many cases – there may be a widow with children, who has lived here for 20 years, faced with not being eligible to remain. Incredibly de-stabilising for the whole family.

The Right to vote or stand for council

I agree that this be returned to rules in an ordinance rather than being part of our Constitution.

As I've previously stated, I lived the whole of my childhood here, and have returned to the Islands with the intention of living here permanently. I am very much involved in the community, as a physiotherapist aiding recovery, maximising function and mobility in older age, and providing a breadth of women's health services that has not previously been seen in the Islands.

I am the chairperson for the Falkland Islands Volleyball Club, and have assisted in organising 3 military concerts for the local community, which have raised around £1500 or more in donations to charities. I also support the Falklands athletes at international competition, on a voluntary basis. I hope that I would be seen as an asset to the local community. I am not the only one. Many people that were not born in the Islands, dedicate much of their time and energy to supporting the local community. And we do it for love, and because we are invested in the local community.

However, potentially because of an 'interpretation' in the constitution, some face the possibility that if they hold dual citizenships, they lose the right to vote and stand for the locally elected council. If this happens, the voting population will potentially not reflect and represent the demographics and both local and international populations that reside here.

It may also mean that the Falklands loses valuable intelligent, knowledgeable, well-travelled people to represent them in council. Again, it may also mean that the populations of international residents that have chosen to make the Falklands their home, and encouraged family members to move from their mother countries to do the same (which is then

enriching our local culture and assists our children in growing up with racial equality and diversity) do not have the opportunity to represent their demographic at council level, should they have dual citizenship.

Waiting Period to Vote

Falklands Status holders currently have to wait 2 years after returning before they have the right to vote and return to the electoral role. This is much longer than Australia (1 month at a residential address), UK (no waiting period) and New Zealand (1 year).

The more eligible voters, the better representation from the whole population. Isn't that what democracy is about? We should not have such restrictive legislation surrounding the right to vote.

Holiday Credits

On a leg of the register of voters, is the fact that you need to be eligible to vote to receive from the Holiday Credit scheme. This is illogical and from my perspective, an irrelevant tie. Holiday credits should be attached to being resident in the Falklands (for a certain amount of time, e.g. 1-2 years) and a local tax payer.

To speak at public meetings

I am happy to speak publicly about my opinions on these matters, should this be required.

From: Rosemarie King
Sent: 02 September 2023 22:00
To: MLA Mark Pollard
Subject: Constitutional Review

Dear Mark,

I hope you are doing well.

Just a very brief piece re the Constitution Review, (I had meant to write more info but circumstances have dictated that time is short and I've lots of family here).

But, really I just wish to again put the point that has been said by others –

That the Constitution is our business, ie that of the electorate, those eligible to vote. When I hear the subject being discussed by the Review Committee, it comes across that there is a keenness to broaden this to PRP holders, work permit holders, ie a free for all. This is ridiculous and will inevitably end up with unintended consequences. I look forward to hearing that there is a grip on the subject.

We are a country with a reducing pie, I've no idea what the theory is around bringing other than workers in for capital projects because we cannot currently afford to expand our public services. Just maybe the closing of the fishery six weeks early will give thinking a nudge in the necessary direction.

I shall look forward to hearing the next session of the Constitutional Review.

Kindest regards
Rosie

Falkland Islands Constitutional Review – 2023

PUBLIC RESPONSE FORM

FALKLAND ISLANDS STATUS

You can use this form to give your views about the Constitutional Review, or you can make a submission in writing using any style that suits you.

You don't have to answer every question on this form in order to submit a response – you are free to comment on any or all of the questions presented here.

Anybody can make a submission. You don't have to have any particular status; everybody is entitled to have their say. Government employees don't have to ask permission to make a submission; you are also encouraged to give your views.

For more information about the review and about making written submissions **see the guidance document** "Falkland Islands Constitutional Review 2023 – Falkland Islands Status". We recommend that you read the guidance document before responding to the questions.

The guidance document is available online: www.falklands.gov.fk/assembly/the-constitution/select-committee

(or contact Gilbert House for a copy: e-mail constitutionalreview@sec.gov.fk or telephone 27451)

To see a **copy of the Constitution**, go to: www.legislation.gov.fk/view/whole/2023-06-12/uksi-2008-2846

Your submission should be received by 5 September 2023 to enable the Select Committee to consider your submission at its meeting of 19 September (the Committee may consider any submission received after this date at the meeting on 19 September, but that cannot be guaranteed).

See the end of this form for details of how to make your submission.

Name:Stuart Barrett Wallace

Please give your full name above (and if the submission is made on behalf of an organisation, also state their name eg Jane Smith on behalf of the ABC Association)

The Select Committee will not consider any anonymous submissions

Submissions will ordinarily be published, but **if you do not wish your submission to be published, please explain why:**

If you would also like to make an oral submission to the Select Committee please provide your contact details below so we can speak to you about that and arrange a time for you to appear before the Select Committee:

I would like to make an oral submission and I can be contacted on (telephone or e-mail):

.....

If you are filling in this form electronically, please feel free to expand the box sizes to fit your comments.

If you are filling in this form manually, feel free to add extra sheets (please staple/clip them to the form).

1. Having read the guidance document (in particular pages 3-15), who do you think should have Falkland Islands status automatically under the Constitution? (we suggest that you put aside what the Constitution currently provides – we want to know what you think the policy should be?)

Should this be dependent on any of the following factors?:

- where you were born
- how long you have lived in the Falkland Islands
- your citizenship/nationality
- your parent's citizenship/nationality
- your parent's residence
- whether or not your parent has Falkland Islands status
- who your spouse is
- if you are widowed, who your spouse was before you were widowed
- whether you had Falkland Islands status in the past

Please provide your comments and give reasons below:

Where you were born: I think if a person is born in the Falkland Islands to parents who are Falkland Islanders and resident in the Falkland Islands then status should be automatic and they are Falkland Islanders. If a person is born elsewhere to Falkland Islanders who are resident I think they should equally receive status.

How long you have lived in the Falkland Islands: I think this should continue to be an important consideration in the criteria for any grant of status. The current seven year term should be maintained.

Your Citizenship/Nationality: As I understand it persons holding British Citizenship have some advantages in the current system. I think this should continue, but any grant should not be solely dependent upon citizenship.

Your parent's citizenship/nationality: As above, if parents are resident Falkland Islanders then status should be automatic.

Your parent's residence: Except with regard to them being Falkland Islanders and resident in the Falklands at the time of birth I cannot see where were they reside as being a necessary consideration.

Whether or not your parent has Falkland Islands status: I think yes, automatic status depends on whether or not parents are Falkland Islanders.

Who your spouse is: I think if a person marries a Falkland Islander then after a given number of years that person should be eligible to apply for Falkland Status.

If you are widowed, who your spouse was before you were widowed: I think that if you have been married for a given number of years and your spouse, who was a Falkland Islander dies, then you should, if you have met the criteria regarding the number of years, be eligible to apply for status.

Whether you had status in the past: I think if you have been granted status (other than as a person born in the Falkland Islands of Falkland Island status holders) and then choose not to reside in the Falklands for a given period then the status should fall away.

2. Should the Constitution set out any requirements for a person to be granted Falkland Islands status, OR should those requirements be decided under a law made by the Legislative Assembly? (the Constitution is a UK law, so it is not made by the Legislative Assembly).

I think there needs to be a balance, as perhaps is the case now, with the principles stated in the Constitution, with key matters such as the seven year requirement. And other enabling/administration matters dealt with in FI law.

2.1 If the Constitution should set out requirements for the grant of status, what should they be?

They should include the key requirement that the applicant must have resided in the Falkland Islands for a minimum of seven years.

No grant should be automatic, the eligibility to apply for a grant should be available but Exco must have full discretion.

Criteria to include such as no serious criminal activity, no burden on public funds, of good character etc to apply.

2.2 If the Constitution should include a period of residence for the grant of status, what should it be and why?

The period should be a minimum of seven years. The applicant will in this time have opportunity to get to know the society and demonstrate commitment to it. Most small Island states in reality offer a much more limited pathway to status. In the Falklands vulnerable situation, remote, limited resources, small population, subject to a menacing sovereignty claim there is all the more reason to maintain the confidence of Falkland Islanders and do nothing that could undermine or devalue Falkland Islands status and increase the risk of untended and potentially very harmful consequences.

2.3 If the Constitution should include citizenship as a requirement for the grant of status, what should it be and why?

I am unsure why this condition has been necessary, I think it may be to do with complications around having been granted FI status and the position then in UK immigration processes. Or perhaps it is related to our connection with the UK. I think that being a UK citizen should continue to be a positive.

2.4 If you have listed any other requirements above for a person to be granted Falkland Islands status because you believe they should be set out in the Constitution, why?

3. Should the Constitution set out the circumstances in which the grant of Falkland Islands status to a person under an Ordinance may be revoked, OR should those circumstances be decided under a law made by the Legislative Assembly? (the Constitution is a UK law, so it is not made by the Legislative Assembly)

I think any revocation criteria should be under a law made by the Legislative Assembly.

If the Constitution should set out any circumstances for revocation of the grant of Falkland Islands status, what should they be, and why?

- a. If a person having been granted Falkland Status subsequently becomes an Argentine citizen.
- b. If such a person is found guilty of a crime above a level set by FIG.

To an extent I feel that the FI should be prepared to take responsibility for the behaviour of anyone we grant status to. Our process should surely be aimed at making sure that only suitable people receive status. But that is probably a council of perfection and so it does seem sensible to have appropriate revocation provisions.

4. Should anyone who automatically has Falkland Islands status under the Constitution be able to lose it if their circumstances change?

No.

If yes, what are the circumstances, and why?

5. Provision relating to children and spouses of persons who have Falkland Islands status:

5.1 Should the Constitution make different provision in relation to a child of a person who has Falkland Islands status? (such children under 18 are currently entitled to a permanent right to remain, but not to Falkland Islands status)

If so, what should that provision be and why?

I am unsure of the reasoning for granting a permanent right to remain, rather than Falkland Status, I presume it is related to the privileges which follow on having status. I would like to understand more before advancing an opinion.

5.2 Should the Constitution make different provision in relation to the spouse, widow or widower of a person who has Falkland Islands status? (such persons are currently entitled to a permanent right to remain, but not to Falkland Islands status)

I cant see why it should not, but again I would like to understand the implications of any change.

5.3 How should "spouse", "widow" and "widower" be interpreted under the Constitution? For example, should it be made clearer that a person who was not legally married can be treated as a widow if their partner dies?

I do think that should be done, but I have no suggestion regarding how the 'seriousness' of the non married relationship could be defined. Perhaps that a straightforward matter in law today.

5. What rights and benefits do you think someone with Falkland Islands status should have under the Constitution, and why?

In addition to all current rights provided under the present constitution it should make clear that Falkland Islanders may have priority with regard to the use of all Falkland Islands natural and other resources.

7. Do you have any comments about the grant of Falkland Islands status under the Falkland Islands Status Ordinance 1998? (this is not a key part of the Constitutional review, but there are linked issues)

8. Do you believe that “belonging to the Falkland Islands” and “Falkland Islands status” are the right terms to use under the Constitution? (or, for example would you like to see “Falkland Islander” or another term used?)

I like to see “Falkland Islander” being used. (it is noticeably not used in FIG documentation...)

9. Please write anything else you would like to add here:

I am grateful for a conversation I had with MLA Pollard and the AG. Despite this and much reading I feel very unprepared to contribute properly to this important process. I have input some ideas above but in reality almost every clause or idea about what is to be done needs to be tested and discussed and I don't feel we have made this possible. My overall I am concerned that nothing is done to undermine or undervalue what it is to be a Falkland Islander. I worry that because of recent immigration policies there is pressure to do so and I think that should be resisted. I think confidence in our political support from HMG, confidence in our military defence and confidence in our place in our society are what sustains our country and it would take very little to undermine any of these pillars.

I do think we can all see the limitations of this stage of the Review process. I think it would be helpful if Exco could set out more of how these complex issues, which in my view really do lend themselves to face to face discussion with available expertise (and with not large groups) can be further considered and concluded. A firmer idea of how the Committee see process developing would be appreciated.

Please submit your response form:

- by emailing it to: constitutionalreview@sec.gov.fk (this is strongly recommended)
- by placing it in the box provided in the Post Office in Stanley, or
- by sending by post to Gilbert House, Stanley

From: [Robin](#)
To: [Constitutional Review](#)
Subject: Thoughts on status
Date: 08 August 2023 11:20:06

Having status is like having a birth right to be allowed to live somewhere. Our History , indeed our very existence was built on immigration in the early years. Free from the need of status. But as we have grown and legalised much of how and what we do today to exist here has changed. Status was introduced to act as a form of control over who may or may not be eligible for such privileges.

Since the Falklands invasion in 1982 , the need to control who should and who should not be allowed to reside here and gain status became quite important.

We certainly needed an influx of new people and it was hoped that most would settle here and raise the next generation of falkland islanders.

The methods being applied is however rather degrading to anyone wishing to become a local status holder.

First the length of time, I believe is currently five years before anyone can even apply for status then of course the crippling cost for some to go through the process.

To ensure we get the most suitable people and at the same time keep control of our potential neighbours, the process to some is bordering on or near discrimination.

What I find very odd is that any genuine British subject also has to go through this assessment.

I wonder ,are we actually discriminating against the British people who, had it not been for them, we would not be here today and more importantly not have the right of automatic abode in England as British subjects , yet ee were not born there, or even have to apply for status as our British counterparts have to.

Given we chose to remain firmly a part of the British overseas territories surely making genuine British immigrants who want to stay here go through that process is discriminating against them.

While fully understanding the need for checks and balances of those coming here, I am not sure this legislation is entirely done correctly.

Coming now to dual passport holders not just choosing to have them as status holders already born here, but arriving here on the islands with two or more status declarations can still , after their probation of five years apply for Falkland Islands Status and be allowed to register on the electoral register to be able to cast a vote. I understand it states you must declare if you are a dual status or passport holder when voting or possibly standing for elections.

Of course there could be those that choose not to disclose that knowledge. Therefore those persons arriving here with dual nationality must be fully researched no matter where they come from.

In the case of a person born in the islands acquires a dual status, then yes they have to declare that interest but does not necessarily mean they should be barred from the register to vote or stand. They should sign an understanding of where their allegiance lies.

Children born to falkland island status holders, even if born in another country due to medical advice, should also be able to hold Falkland Islands status.

It would be seen as discrimination not to allow them this right.

The question asked was, who should have automatic status under the constitution. I believe everyone who wants to come and live here should be given subject to the correct checks should get automatic status , governed by our local legislation.

That way we control how the status can be awarded to foreign nationals. But as already said British people are NOT foreign nationals, they are our extended family. If they are bonafide British born and bred, they surely should have an automatic right to local status, equally as we have been granted that right in England.

The constitution should be written to include anyone seeking Falkland Islands Status should be by the legislature laws of the Falklands local legal service, that can be amended by elected legislation members as and when required.

That way the Falkland Islands can make the rules of immigrants applying for status, irrespective of whether you hold one or two nationalities.

Yes there will always be the need to protect ourselves from the undesirables and that can only be achieved by our local laws. It should not be fixed in the constitution, because immigration and status is a very live and changing system and something that we must have absolute control over.

The term status and belonging are in my opinion two very different things. We should not be promoting belonging.

There is one other piece that needs changing. Currently we are all classified as status holders. People born on the islands are not status holders they are simply Falkland Islanders. Every form that is sent out only has status holders and is very insulting to genuine born and bred Falkland Islanders.

Having a status means that a power has the right to revoke that right. But having a birth right that cannot be revoked.

In whatever system we choose to include in the constitutional review, we must ensure that everyone is treated fairly regardless of their nationality.

Regards

Robin Goodwin

5th generation Falkland Islander.

Legislative Assembly
Gilbert House
Stanley

16.06.2023

Dear MLA'S,

We feel that the Constitution is an extremely important document for the Falkland Islands. With this in mind we feel that this process of making changes is being very rushed and would like to see a good public consultation on this and any decision should be made via a referendum.

We feel very strongly that a Falkland Islander is also British and rightly so. We are all very proud to be Falkland Islanders, (most of us are born here), and the ones who were not have become so.

If you wish to become a Falkland Islander and make the commitment to get yourself naturalised then that's fantastic. We feel very strongly that the constitution should NOT be changed to allow someone Falkland Islands status, having not gone through the naturalisation process, and to gain a British passport. This would most certainly undermine what it means to be a Falkland Islander, we are Falkland Islanders and British so let's keep it this way. Some of us were here in 1982 and feel strongly that the United Kingdom sent their troops to fight for our rights to remain British, to change this would be an insult to the British people who fought for us, those who gave their lives for our freedom and those who still suffer today because of the war.

We have spoken to MLA's who were involved in the original constitution that stipulates that you cannot vote or stand for election to Legislative Assembly if you hold dual nationality. We believe that this should not be changed, if you are truly committed to the Falkland Islands you would be a Falkland Island status holder and hold only a British passport to be eligible to vote and/or stand for council.

Please do not rush this process, consult with the people of these Islands (who have committed to it), and make sure any decision is voted with a referendum.

Yours Sincerely



CAROLINE VILEGAS



GEORGINA ANDERSON-SMITH



ARLENE MARCH



ROBYN BERNTSEN



JENNY ANDERSON



TONY ANDERSON



ANDREW SMITH



PEDRO VILEGAS



GARRET MARCH

