



## FALKLAND ISLANDS

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### **Falkland Islands Status Guidance Notes 2024**

## **APPLYING FOR FALKLAND ISLANDS STATUS**

### **GUIDANCE NOTES (MAY 2023)**

#### **What is Falkland Islands status?**

A person who enjoys Falkland Islands status is, under the Constitution of the Falkland Islands, a person regarded as belonging to the Falkland Islands. Falkland Islands status can be granted under section 4 of the Falkland Islands Status Ordinance 1998 by the Governor of the Falkland Islands on the advice of the Executive Council.

#### **Who may apply for Falkland Islands Status?**

Anybody who is a British citizen, a British Overseas Territories citizen or a British Overseas citizen who has been ordinarily resident in the Falkland Islands for at least seven years at the time of application may be granted Falkland Islands status.

A person who is granted Falkland Islands status will, provided they continue to meet the residence qualifications under the Electoral Ordinance 1988, be entitled to have their name placed upon the Electoral Register for the constituency in which they live (Stanley or Camp).

**Foreign nationals should not apply for Falkland Islands status under the FI Status Ordinance 1998** and should instead follow the naturalisation pathway under the provisions of the British Nationality Act 1981. Information, guidance and a British Overseas Territories citizen (naturalisation) application form can be requested from the Customs & Immigration Service – [admin@customs.gov.fk](mailto:admin@customs.gov.fk) or 27340.

#### **Can Falkland Islands status be Revoked?**

Falkland Islands status granted under the Falkland Islands Status Ordinance 1998 may be revoked if one or more of the following grounds apply:

- the status holder, or somebody on their behalf, made a materially false or misleading statement in or in connection with their application;
- the status holder, or somebody on their behalf, provides a document with an application

knowing that the document contains a false or misleading statement;

- the status holder is convicted of an offence by a court in any country for which the status holder has been imprisoned for 12 months or more;
- the status holder is absent from the Falkland Islands for a period of at least two years, other than for medical or educational purposes, or as a member of His Majesty's armed forces, or for any other reason appears no longer to be ordinarily resident in the Falkland Islands;
- the status holder is no longer a British citizen, a British Overseas Territories citizen or a British Overseas citizen.

## **COMPLETING THE APPLICATION FORM**

### **Section (a): Personal Details and Relationship Status/Details of Partner**

Please enter your full personal details.

Whilst your relationship status will **not** form part of the Governor's decision-making process in respect of awarding Falkland Islands status it is of great assistance administratively to the Customs & Immigration Service if this information is included in order for applications of partners to be processed simultaneously.

The Customs & Immigration Service ask that the individual applications of partners are submitted at the **same time**. If submitting an application by email please ensure both partners' forms are **attached to the same email**, and if submitting by post please ensure the partners' applications are included in the **same envelope**. Applications of partners submitted in this way will only be subject to a single application fee of £130.

### **Section (b): Permanent Residence Permit (PRP)**

Please indicate whether or not you hold a PRP, if you do please enclose a copy with the application form. Those who hold a PRP and have been ordinarily resident for at least 7 years immediately before making the status application are eligible for Falkland Islands status.

Applicants who do not hold a PRP can still be successful in their application for status provided they meet certain specific requirements:

- the applicant previously held Falkland Island status under the former Falkland Islands Constitution;
- the applicant does not hold Falkland Island status under the new Falkland Islands Constitution; and
- the applicant is in the Falkland Islands and is ordinarily resident on the date of the application.

Those applicants who do not hold a PRP are advised to seek independent legal advice prior to submitting their application.

### **Section (c) Residence in the Falkland Islands**

Please enter the date that you began living in the Falkland Islands. This information is required in order to assess whether you (and any dependents) have been ordinarily resident in the Falkland Islands for at least 7 years. You (and any dependents) must have been physically present in the Falkland Islands on the first day of your 7 years qualifying period.

### **Section (d) Absences from the Falkland Islands**

Please ensure **all** absences from the Falkland Islands in the 7 years **immediately prior** to the date of signing the Application Form are entered. Please include the duration and reason for any absence(s) such as holiday, attending an educational institution, service in the Armed Forces, compassionate reasons, or for medical treatment.

Only those individuals who are deemed to have been “ordinarily resident” in the Falkland Islands for at **least 7 years** immediately prior to their application are eligible for Falkland Island status. You must have been physically present in the Falkland Islands for the whole of the first 180 days, have not been absent for more than 90 days in aggregate in any one of the 7 years, and not been absent for more than 630 days in aggregate during the total 7 years (7 x 90 days).

**In assessing your application the Customs & Immigration Service will take into account the duration**

of absences and the reasons given for them.

### **Section (e): Dependent Details**

Please enter details of all dependents **under the age of 18**, including your children and/or others such as those for whom you have parental responsibility, who live with you as part of your household.

Any dependents over the 18, whether or not they live with you as part of your household, will need to complete their own application form in full should they wish to apply for Falkland Island status.

### **Section (f) Dependent Residence and Absences from the Falkland Islands**

Please enter the date that your dependent(s) as provided in section (e) of the application form began living in the Falkland Islands. This information is required in order to assess whether you or your dependents have been ordinarily resident in the Falkland Islands for at least 7 years.

### **Section (g): Criminal Convictions**

Any criminal convictions you and your dependents have, which you have entered under section (g) of the application form, may be taken into account by the Governor when considering your application. Please provide details of any criminal convictions you and your dependents have, both in the Falkland Islands and overseas. Please include details of convictions obtained whilst you (and your dependent(s) were juvenile(s)), as well as any convictions which may be deemed spent under the law of the country where the conviction was made.

You are **not** required to declare any driving offences except for those for which (i) resulted in a disqualification from driving, and/or (ii) resulted in a period of imprisonment.

You and your dependents(s) are required to provide Royal Falkland Islands Police certificates (enhanced disclosure) dated no earlier than 3 months prior to the date of your Falkland Island status Application.

The Falkland Islands Customs & Immigration Service will conduct independent checks on the information submitted in this section. If you fail to declare *any* criminal convictions it may result in your application for Falkland Islands status being rejected. If it is discovered, after the grant of Falkland Islands status, that you or any of your dependents have not declared a criminal conviction (whether spent or not) on the application

form that information will be referred to Executive Council and your Falkland Island status may be revoked by the Governor.

Please note that whilst any criminal conviction will be considered it will not necessarily result in your application for Falkland Islands status being rejected.

### **Section: Declaration**

Please read the declaration carefully to ensure that you understand all of the statements contained within it, and if necessary seek clarification from the Customs & Immigration Service, or your legal representative. If a third party assists you in completing the Application Form please ensure that they provide their details and sign the declaration.

### **SUBMITTING YOUR APPLICATION**

Application forms are available from -

[www.falklands.gov.fk/customs/immigration-forms](http://www.falklands.gov.fk/customs/immigration-forms)

or from -

E-mail: [admin@customs.gov.fk](mailto:admin@customs.gov.fk)

You should return your application form together with any supporting documentation to the above email address. It will be considered as quickly as possible but please note that –

- you must answer every question on the form, paying careful attention to any further information/notes contained on it. If completing the form in handwriting then it must be legible in block capitals and in black ink;
- where appropriate, you should answer a question “not applicable” or insert “none” in the space provided;
- failure to answer a question may lead to delay in dealing with your application; and
- your application will be considered taking into account all the facts contained in it.

The Customs and Immigration Service ask that the individual applications of partners are submitted at

the **same time**. If submitting an application by email please ensure both partners' forms are **attached to the same email**, and if submitting by post please ensure the partners' applications are included in the **same envelope**.

### **Fees and how to pay**

A fee of £130 (non-refundable) is payable upon submission of your application for Falkland Islands status. Where partners submit separate applications at the same time as described above only one fee of £130 will be charged. Payment can be made by attending the Customs & Immigration Service Office, payment options are as follows:

- Credit card (Mastercard/Visa)
- UK debit card
- Falkland Islands SCB bank card
- Falkland Islands SCB transfer slip
- Falkland Islands cheque (made payable to "Falkland Islands Government")
- Cash in Falkland Islands Pounds or Pounds Sterling

Falkland Islands cheques should be made payable to "Falkland Islands Government".

UK cheques are not accepted. An application is not complete until payment is made.

### **When will my application be considered?**

The Executive Council considers applications for Falkland Islands status and advises the Governor in January, April, July and October each year. The time taken to obtain a final decision on your application will depend on factors such as when you submitted your application and the need for the Customs and Immigration Service to clarify and verify information you have provided such as conducting criminal background checks, which must be completed prior to your application being passed to Executive Council. The timeframe from submitting an application to being granted Falkland Islands status will therefore vary from application to application.

There is a requirement to give public notice of all applications for Falkland Islands status, so your application will not be considered until after the expiry of twenty-one days following the publication of notice of the application in the Gazette, and in a newspaper in general circulation in the Falkland Islands (currently the Penguin News), nor without taking into account any representations in writing received in relation to the application.

If representations are received, your application will not be referred to Executive Council without further investigation by the Customs and Immigration Service. It may be necessary for the Customs and Immigration Service to interview you, following which you would be given the opportunity to provide written responses to any points arising from the interview.

### **Disclosure of identity of objector**

If the Governor is contemplating refusing your application they are not required to disclose to you, either directly or indirectly, the identity of any objector to the grant of Falkland Island status to you, or any other or matter or document which it would be contrary to the public interest to disclose. It is sufficient for the Governor to disclose to you as much as is possible in all the circumstances, in accordance with the public interest, to enable you to make adequate representations against the refusal of your application.

### **Refusal of an application**

Section 4 of the Falkland Islands Status Ordinance 1998 provides that the Governor shall not refuse an application unless they have –

- (a) notified the applicant in writing of their intention to refuse the application and on the ground or grounds on which they intend to refuse it;
- (b) given the applicant a reasonable opportunity to make representations in relation to the intended refusal of the application on that ground or those grounds;
- (c) caused any such representations to be considered by the Executive Council.

### **Appeal Against Refusal of Application**

There is no right of appeal against a decision of the Governor to reject an application for Falkland Islands status.

### **When will a grant of Falkland Islands status come into effect?**

If your application is granted your Falkland Islands status will not come into effect until you have



made the Falkland Islands status pledge and received a certificate of Falkland Islands status at a Falkland Islands status ceremony. However, if there are, in your case, special circumstances the Governor may waive these requirements and issue your certificate of Falkland Islands status prior to a status ceremony.

### **Falkland Islands Status Ceremony**

A Falkland Islands status ceremony will take place within approximately one month of grant of Falkland Islands status and shall be presided over by the Governor or such other person as they may delegate for the purpose. If you cannot attend the first ceremony after the grant of Falkland Islands status you will be invited to attend future ceremonies until such time that you can attend and make the Falkland Islands status pledge. If you fail within twelve months after the grant of Falkland Islands status to make the status pledge the Governor may give notice that they intend to annul the grant of status unless, within six months of the service of that notice, you have made the status pledge at a Falkland Islands status ceremony.

Details of the arrangement and format of the status ceremony are attached at the end of this Guide.

### **Register of holders of Falkland Islands Status**

The Principal Immigration Officer will maintain a register of persons who have been granted Falkland Islands status and persons who have made the Falkland Islands status pledge. The register will be open to inspection during normal office hours. A fee may be charged for an inspection of the register.

## **Falkland Islands Customs & Immigration Service**

### **Action following approval of an application for Falkland Islands status by the Governor in Executive Council**

The Principal Immigration Officer will write to the grantee confirming that their application for Falkland Islands status has been approved by the Governor and will:-

- a) advise the date and venue of the next status ceremony at which the grantee may make the Status Pledge and be presented with a Status Certificate;
- b) advise the number of guests who may attend (8) and request that a guest list be delivered within 10 days;
- c) advise that the ceremony is a private event and that the media will not be present (however grantees are free to contact or discuss with media representatives elsewhere after the event);
- d) enclose the form of Status Pledge to be read out and signed at the ceremony;
- e) advise that Falkland Islands status will not be effective until the ceremony has been attended and the Status Pledge has been made;
- f) request that the grantee advises when they are likely to be able to attend a Status Ceremony if they are unable to attend on the date specified;

### **Guide to Ceremonies for the Grant of Falkland Islands Status**

#### **Venue**

Government House.

#### **Date and Time**

Normally a week day evening between 18.00 – 19.00.

#### **Who will attend?**

##### **President**

HE the Governor or such person as they may delegate for the purpose, and

- Grantee plus a maximum of eight guests (where married couples receive Status at the same time the maximum of eight people will still apply as only one application fee will be charged).
- MLA with Immigration portfolio responsibility.
- Principal Immigration Officer or their delegate.

#### **Frequency**

A Falkland Islands status ceremony will take place within approximately one month after any grant of

Falkland Islands status in the months of January, April, July and October and shall be presided over by the Governor or such other person as they may delegate for the purpose. Therefore status ceremonies are most likely to be held in February, May, August and November.

**Format of Ceremony (Duration 1 hour)**

(Representative) Introduction by HE the Governor

*Ladies and gentlemen*

*Welcome to this ceremony for the formal grant of Falkland Islands status to, and the making of the Status Pledge by, (names). Falkland Islands status is provided for by the Falkland Islands Constitution and is the final step in becoming a 'belonger' to the Falkland Islands. This is an important occasion for both the people being granted Falkland Islands status and for the Falkland Islands. I now invite you individually to come forward to make the Status Pledge and be presented with your Status Certificate/s.*

Grantee/s are invited individually to make the Status Pledge before the Governor and sign two copies of the Status Pledge (one for the applicant and one for immigration records)

HE the Governor presents the Falkland Islands status certificate/s.

Optional - Words by MLA with Immigration portfolio responsibility

Drinks – toast HM the King and the Falkland Islands

Ceremony Ends

**Form of Status Pledge (agreed by Executive Council in November 2006)**

I {name} pledge my loyalty to the Falkland Islands and will respect its rights and freedoms. I will uphold its democratic values. I will obey its laws and fulfill my duties and obligations under its Constitution.

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