

Commission of Inquiry
Position Statement
Chief Immigration Officer

Commissioner your requested Position Statement of 31st May, 2021 refers. I am pleased to assist with the below answers to your questions posted to me in my capacity of Chief Immigration Officer, as to assist with the Commission of Inquiry (COI) through my views on the posed matters. My responses are as follows:

1. How is the system of immigration organized in the BVI?

- a. The BVI's Immigration Department (the "Department") is governed by Immigration and Passport Act, Cap 130 (the "Act") and the Immigration and Passport Regulations, 2014 (the "Regulations"). Administratively, the Department falls under the Ministerial umbrella of the Ministry of Natural Resources, Labour & Immigration. The Chief Immigration Officer is the advisor to Government on matters relative to Immigration.

2. What processes and systems are in place to monitor the effectiveness of the immigration system in the BVI?

- a. The effectiveness of the immigration system or processes are monitored through the legislative arm of government which allows for members of the House of Assembly to question any policy, process and procedure that is being undertaken by the Department. Further to this, Regulations allow any procedural issues to be readily addressed in support of the requirements of the legislation. Another system in place to monitor the effectiveness of the immigration system is the Immigration Board. Although the Board has no executive or administrative functions in respect of the day to day operations of the Department, it can give advice to matters within the control of Immigration. The function of the Board is detailed in section 14 of the Immigration Act.

3. What particular responsibilities do you have, as the Chief Immigration Officer, in the BVI?

- a. As the Chief Immigration Officer, I am responsible for maintaining the security of the Territory's borders in so far as it relates to the proper processing of persons entering and exiting those borders, with a view to ensuring that undesirable persons or person whose

presence in the Territory is not deemed conducive to the public good are not given leave to enter or remain.

- b. ensuring the smooth and efficient operation of the Department.
- c. providing advice and guidance to the Government of the Virgin Islands on the review of national immigration policy and legislation.

4. What particular responsibilities do you have, as the Chief Immigration Officer, in respect of detecting and investigation corruption, abuse of office or other serious dishonesty that may have taken place in public office within the immigration system in recent years?

- a. As stipulated in Section 12 of the Act I am responsible for the administration and discipline of the Department. In respect of the latter, this includes in the investigation of any suspected corruption, abuse of office, or dishonesty. Where any such an allegation is made, an internal investigation is to be executed. However, in keeping with General Orders I am expected to report such suspected misconduct to the parent ministry by way of the Human Resources Department for further consideration by the Public Service Commission. Thereafter, the necessary action would be determined in accordance with the Virgin Islands Constitution Order 2007 as well as the Service Commissions Act and Regulations.

5. What processes and systems are in place to detect and investigate matters relating to corruption, abuse of office or other serious dishonesty that may have taken place within the immigration system in recent years?

- a. The structure of the Department is set so that all officers report to a supervisor who then reports up the chain to a Unit Head/Manager, thereafter following the chain upward to the Deputy Chief Immigration Officer and then the Chief Immigration Officer. These layers allow for checks and balances to take place at each level, thus resulting in the detection and investigation of any suspected wrongdoing.

6. What, if any, challenges have there been/are there in relation to detecting and/or investigating matters relating to corruption, abuse of office or other serious dishonesty that may have taken place within the immigration system in recent years?

- a. During my tenure as Chief Immigration Officer I have not encountered any challenges in detecting and investigating any suspected corruption, abuse of office or serious dishonesty.

This is due to the swift implementation of internal investigations where any suspected wrongdoing is reported.

7. What do you, as the Chief Immigration Officer, consider to be the strengths and weaknesses of the immigration system in the BVI?

- a. The strengths of the Immigration Department are as follows: (1) The ability to properly detect and manage migration in the Territory; (2) Having a highly skilled and trained officer complement thus allowing for efficient execution of tasks; and (3) Benefits from working jointly, both locally and regionally, with other law enforcement agencies to mitigate any form of migration related risk.
- b. The most evident weaknesses faced by the department are as follows: (1) The current technological limitations, as it relates to the full implementation of technology across all of our services offered to the public; and (2) Limited staffing.

8. What steps do you, as the Chief Immigration Officer, consider should be taken to ensure that the strengths and weaknesses you have identified can be maintained or remedied respectively?

- a. As Chief Immigration Officer I believe the strengths listed previously can be maintained by continued training of staff and the continued strengthening of relationships with other local and regional law enforcement agencies. Recent attempts to strengthen the effectiveness of the Department include the introduction of the new Border Management & eVisa System (the “BMS”_ which will increase the efficiency of the Department. The BMS is currently in phase II of its implementation and is expected to be fully operational by the first quarter of 2022. This system allows for proper tracking of individuals travelling to and from the BVI and facilitates seamless data management within the Department. Further to this, the BMS allows the Department to receive advance passenger information for persons travelling to the BVI.