



REPORT FROM MINISTRIES



GOVERNMENT OF THE
VIRGIN ISLANDS
Premier's Office



Overview of Statutory Boards Review

The independent reviewer's report of Jamal Smith, a private legal practitioner classified as B25, was primarily in response to the *"recommendation that there be a review of the provisions under which statutory boards are established and maintained; and in particular, in respect of each, any powers that are exercised in respect of such boards by the executive government, with a view to identifying appropriate powers in statutory provision."* However, Mr. Smith exceeded the terms of reference and resulted in about 49 recommendations. Although extensive, the review clearly outlined the necessary implementation steps. The recommendations centered around the following:

1. establishing a clear legal definition of a Statutory Body;
2. necessity to rationalise the number of Statutory Boards within the Territory;
3. adopting the OECD Standards as a benchmark for the level of corporate governance that Statutory Boards in the Virgin Islands should demonstrate and benchmarked his recommendations against the same; and
4. Condensation of the OECD Guidelines into 28 specific standards to evaluate the standards of governance within specific Statutory Boards.

The OECD Standards aimed to elevate the local statutory governance to the level of internationally recognised statutory boards. Key components include reporting on performance linked to measurable objectives, structured annual and audited reports, and standardised staff and operational policies.

Statutory Board Policy: The Statutory Board Policy was designed to promote a more rational, organised and standardised approach to the establishment, development, management oversight and, if necessary, dissolution of Statutory Boards to ensure that they are functioning for their primary purposes in the public interest of the Virgin Islands. The policy provides the:

1. Purpose and Function of Statutory Boards Reason including the legal basis;
2. Process for Establishing and Reviewing Boards with a Decision-Making Matrix; and
3. Policy Standards for Boards incorporates the 28 OECD standards recommended by the independent reviewer.

Appendices include:

- a. Compliance checklist of standards and policies for evaluating Statutory Board compliance with the Statutory Boards Policy (Reference B24 and B25 Reviews).
- b. List of Boards required to report quarterly with a mandatory reporting template.
- c. Protocol for the Appointment and Removal of Statutory Board Members.

Development of the policy was a collaborative effort involving the technical expertise of the COI Implementation team with input, through a consultative process, from over 85% of Statutory Boards. June 2024 Cabinet approved the policy, less specific provisions related to statutory boards categorisation and stipends. There was a further amendment to include a section on Financial Governance Protocols for

Statutory Boards which was produced by the Ministry of Finance. Following implementation of the latest revision, the policy is to be evaluated within two years.

Statutory Board Stipend Evaluation: In response to concerns regarding stipend disparities among Statutory Boards the Permanent Secretary, Premier's Office directed that a preliminary analysis of statutory boards data be conducted and established an ad-hoc committee to systematically review and categorise stipends. The evaluation reviewed Boards' fiscal data, legislation, organisational information and current stipends paid to Members. The work spanned between November 2024 and January 2025. The Composition of Committee Membership was as follow:

1. Permanent Secretary, Premier's Office (Chairperson);
2. Permanent Secretary, Ministry of Health and Social Development;
3. Assistant Secretary, Ministry of Communications and Works;
4. Private sector representative: BVI Chamber of Commerce;
5. Statutory Board representatives:
 - a. BVI Hospital Authority: Acting Interim Chief Executive Officer/Acting Chief of Staff
 - b. BVI Ports Authority: Managing Director; and
6. Subject Resource: Strategy and Policy Development Lead, Premier's Office

Scope of Work Executed

1. Reviewed and agreed to the Evaluation Criteria.
2. Evaluated and weighed Statutory Boards using the Evaluation Criteria Matrix.
3. Used relevant information for decision-making.
4. Reviewed and agreed on stipend categories (ranges).
5. Placed Statutory Boards within the stipend categories (ranges).
6. Considered the periodic review of stipends and the inclusion of the boards' effectiveness and performance evaluations when considering future stipend increases.

The final report was produced in February and has been prepared for consideration of Cabinet.

Statutory Boards Legislative Amendments: During the fourth quarter of 2024, a gap analysis was conducted to amend legislation for statutory boards to improve their governance standards and operations. The proposed bills were presented to Cabinet and passed by the House of Assembly resulting in amendments to the BVI Ports Authority, Hamilton Lavity Stoutt Community College, BVI Health Services Authority and BVI Tourist Board. A schedule was established, with the Ministries, for quarterly amendments to Statutory Boards legislation in 2025.

In summary the good governance provisions included in the statutory boards legislations amendments in 2024 are summarised as follow:

- a. Board Membership Qualification Criteria- In appointing persons as members Cabinet must be satisfied that the person:
 - is a person of integrity;
 - has a track record of high levels of performance in their relevant fields;
 - has demonstrated an understanding of the objectives, roles, duties and obligations of membership;
 - has experience in, or knowledge of, general management or a relevant specialist field;
 - understands accountability relationships;

- has relevant commercial and business experience; or
- has the capacity to think and act strategically.
- b. Declaration of Interest- Members are required to declare their private interest by use of a provided form (within 3 months after appointment).
- c. Oath of Confidentiality- persons appointed to Boards are required to take the Oath of Confidentiality.
- d. Code of Conduct- Board Members will be held accountable to the Code of Conduct from the Integrity in Public Life Act, 2021.
- e. Membership Tenure and Transition:
 - No member of a Board shall hold an appointment on more than two Statutory Boards at the same time unless that person possesses a specialised skill set that is in limited supply in the Territory and the applicable legislation requires such specialisation to be a member of that Board; and
 - On the expiration of the period of appointment of a member, if a successor has not been appointed, that member may continue to hold office until the appointment of that person's successor of the expiration of three months, whichever occurs first.
- f. Resignation and Revocation of Appointment:
 - The Chairperson and Members may resign in writing; and
 - Cabinet may revoke the appointment of a member (other than an ex officio member) if Cabinet is satisfied that the member has met the conditions for removal as (as set out in the legislation and policy).
- g. Gender-neutral language (e.g., Chairperson instead of Chairman).
- h. Special Audits, Financial Audits and Financial and Annual Reporting requirements.
- i. Annual Performance and Self-Evaluation of Board Members.
- j. Prudent and Effective Management- Boards shall undertake operations in accordance with the criteria for sound and prudent management.
- k. Procurement - Notwithstanding the provisions of section 3 of the Public Procurement Act, 2021, No. 39 of 2021, Boards shall, within three months of the commencement of the Act, prepare procurement rules in accordance with industry best practices to govern their procurement processes. Such procurement rules prepared shall, prior to implementation, be forwarded to the responsible Minister for submission to the Minister of Finance for approval.
- l. Declaration of Interest- Board members are required to declare their interest using the Registration form for the declaration of interest- Registration of Financial Interests.
- m. Disclosure and Conflict of Interests: Board Members are to manage and disclose any private or personal interests that may influence, or appear to influence, the exercise of his or her official duties and take appropriate actions.
- n. Good Governance principles- in the exercise of Boards functions and duties by:
 - Efficient and effective oversight of the Board;
 - Ensuring the accountability of all persons who manage the resources of the public body;
 - Delivery of agreed public policy objectives;
 - Development of adequate information, evaluation, appropriate systems of control, risk management and reporting within the Board;
 - Development of financial and operational controls, and compliance with the law and international standards; and
 - Advise the Minister on matters of general policy in relation to the managing of the Board.
- o. Indemnification- the Board shall, where any action, suit or proceeding has been brought or threatened against a member of the Board in respect of any act done by that member in the performance or purported performance of his or her functions have specified protections and coverage of legal costs where eligible.

- p. Liability- A member of the Board shall not be personally liable in respect of any act done in the performance or purported performance of his or her functions if he or she acted in good faith, operates within his functions and execution of granted authority.

Conclusion

Mr. Jamal Smith and other reviewers emphasized the significant opportunity for the Virgin Islands to swiftly enhance Statutory Board governance. They outlined a detailed roadmap for this improvement, which was accepted, featuring comprehensive action plans, policies, and substantial amendments to Statutory Board legislation. These initiatives reflect the Government of the Virgin Islands' commitment to maximising the value of Statutory Boards for its customers. Ongoing efforts are poised to continue to transform Statutory Board governance within the Governance Reform plan for 2025.



GOVERNMENT OF THE
VIRGIN ISLANDS
Ministry of Tourism, Culture
and Sustainable Development

Recommendation B33 – Residence and Belonger Status

Joseph Smith Abbott, Permanent Secretary, Ministry of Tourism, Culture and Sustainable Development and Nadia Demming-Hodge, Chief Immigration Officer (Acting)

Background and Context

Recommendation B33: "I recommend that there should be a review of processes for the grant of residency and belongership status, and in particular the open discretion currently held by Cabinet to make grants. Any such powers should only be maintained where necessary; and, where any such powers are maintained, then they should be subject to clearly expressed and published guidance. This review could (and, in my view, should) be led by a senior public officer. As part of that review, the position with regard to the length of residence required for belongership applications based on tenure should be clarified and confirmed by statute."

Key Insights from the Report on Belongership and Residency

1. The report critically examined the existing processes for granting residency and Belonger status, highlighting areas where the discretion of Cabinet in making decisions had been overly broad. It was recommended that the open discretion previously held by Cabinet be reduced and replaced with more transparent, consistent, and clearly published guidelines.
2. The report recommended the creation of a clear statutory framework for granting Residency and Belonger Status, specifying the requirements and eliminating arbitrary decision-making. Legislative revisions were suggested to ensure that residency requirements, such as the length of time required for a person to be considered a resident, were explicitly defined by law.
3. The review emphasized the importance of establishing transparent processes for applications. It was recommended that a clearly published guidance document be created, outlining the criteria for residency and Belonger Status, as well as the procedures for how applications would be processed and evaluated.
4. The report strongly recommended a review of the discretionary powers previously held by Cabinet and public officers. It was advised that these powers be constrained by clearly defined regulations, with any exceptions explicitly justified.
5. The report underscored the importance of public consultation and engagement with key stakeholders, including residents, legal experts, and immigration authorities, in shaping future immigration policy. It stressed that any reforms should have taken into account the perspectives of the community.
6. The report also addressed the backlog of residency and Belonger Status applications, recommending the implementation of a more efficient, streamlined system for processing. It was advised that better resource allocation be provided to ensure that applications were handled promptly and that the system was responsive to growing demand.
7. The **Report on Belonger and Residency**, prepared by Kedrick Malone under the COI process, was tabled in the House of Assembly. The full report is available by following link: [Report on Belongership and Residency Tabled in the House of Assembly](#)

(<https://bvi.gov.vg/media-centre/report-belongership-and-residency-tabled-hoa>). The report provided a roadmap for implementing the recommendations under B33, including the drafting of new legislation, the establishment of a more transparent and accountable processing system, and the publication of guidelines for the grants of residence and Belonger Status. It further stressed the importance of ensuring that the revised residency and belonger process was fair and beneficial to the economy, particularly with respect to attracting skilled professionals and business investments while also protecting the interests of Virgin Islanders.

Process of Implementing Recommendation B33 from Review to Bringing into Force

In response to the **Report on Belongership and Residency** under Recommendation B33 from the Commission of Inquiry (COI), the Government of the Virgin Islands initiated a comprehensive review of the processes for granting residency and belonger status. This review aimed to address the open discretion previously held by Cabinet and to establish clear, published guidelines for such grants.

Review and Consultation Phase

The Government recognized the need for public engagement to ensure that any changes to immigration policies were transparent and aligned with the interests of Virgin Islanders. In July 2022, Premier Dr. the Hon. Natalio D. Wheatley emphasized the importance of public consultations in the reform process. He stated, "We are not going to make any legislative amendments without consulting the public." (<https://bvi.gov.vg/media-centre/statement-premier-wheatley-immigration-status-reform>)

To facilitate this engagement, the Government announced a series of public meetings aimed at gathering input from residents and stakeholders. These meetings were designed to discuss the existing immigration policies and to explore potential reforms that would balance the interests of the local population with those of long-term residents.

The process undertaken is laid out in a series of press releases, statements and actions taken by Government, as detailed in the Ministry of Tourism, Culture and Sustainable Development's webpage: <https://bvi.gov.vg/tags/immigration?page=3>. Summaries of the actions reported to the public, followed by the corresponding weblinks, web addresses and publication date follow:

1. The Board of Immigration held its first meeting and orientation session to discuss the reform process and enhance the efficiency of handling residency and Belonger Status applications. **Board Of Immigration Holds First Meeting And Orientation Session** (<https://bvi.gov.vg/media-centre/board-immigration-holds-first-meeting-and-orientation-session>) - Thursday, 7 September 2023
2. Premier Wheatley made a public statement on immigration reform, providing updates on the ongoing efforts to modernize the immigration system in the Virgin Islands. **Statement by Premier Wheatley on Immigration Reform** (<https://bvi.gov.vg/media-centre/statement-premier-wheatley-immigration-reform>) - Thursday, 7 September 2023
3. The report on Belonger Status and Residency was officially tabled in the House of Assembly, providing key insights and recommendations on improving the immigration process in the Territory. **Report On Belongership And Residency Tabled In HOA** (<https://bvi.gov.vg/media-centre/report-belongership-and-residency-tabled-hoa>) - Friday, 8 September 2023
4. An eFlyer was issued to highlight the Government's efforts in ensuring inclusion, with a focus on promoting equitable policies in all sectors, including immigration.

- eFlyer: Government Business At Its Best: Inclusion** (<https://bvi.gov.vg/media-centre/eflyer-government-business-its-best-inclusion>) - Friday, 22 September 2023
5. Feedback was invited on the report detailing the process for granting Residency and Belonger Status, with the Government seeking public input before moving forward with any revisions. **Feedback Invited On Granting Residency And Belongership Report** (<https://bvi.gov.vg/media-centre/feedback-invited-granting-residency-and-belongership-report>) - Thursday, 21 September 2023
 6. The Government held consultations to engage stakeholders on the application processes for Residence and Belonger Status, aiming to improve the system based on public feedback. **Public Consultations On Residence And Belonger Status** (<https://bvi.gov.vg/media-centre/public-consultations-residence-and-belonger-status>) - Friday, 6 October 2023
 7. A new appointment system was introduced by the Department of Immigration for the submission of Residence and Belonger Status applications. This system aimed to ensure that all required documents were thoroughly reviewed during in-person meetings, streamlining the process and enhancing the efficiency of application processing. **Appointments For Residence And Belonger Status Applicants** (<https://bvi.gov.vg/media-centre/appointments-residence-and-belonger-status-applicants>) - Tuesday, 10 October 2023
 8. The Government concluded its survey on the processes for granting Residence and Belonger Status, gathering input to refine the system and improve policy outcomes. **Survey On Granting Residence And Belonger Status To Close** (<https://bvi.gov.vg/media-centre/survey-granting-residence-and-belonger-status-close>) - Tuesday, 24 October 2023
 9. The Draft Immigration Policy was presented to the public to seek feedback. The Government of the Virgin Islands invited public feedback on proposed immigration policy changes, encouraging community engagement to shape the future direction of immigration laws. **VI Government Seeks Feedback On Proposed Immigration Policy** (<https://bvi.gov.vg/media-centre/vi-government-seeks-feedback-proposed-immigration-policy>) - Tuesday, 30 January 2024
 10. A further invitation for feedback was made regarding the proposed changes to immigration policies, emphasizing transparency and inclusivity in the decision-making process. **Feedback Invited on Proposed Immigration Policy** (<https://bvi.gov.vg/media-centre/feedback-invited-proposed-immigration-policy>) - Tuesday, 30 January 2024

On February 28, 2024, the Cabinet of the Virgin Islands approved the Belonger Status and Permanent Residence Policy. The policy addressed key issues such as eligibility criteria for Residence and Belonger Status, established guidelines and criteria governing the award of status by Cabinet, and outlined the process for determining quotas. It also included provisions for the path to Residence Status for children and the status of children born in the BVI to non-Belonger parents (<http://bvi.gov.vg/media-centre/cabinet-approves-new-immigration-policy>).

The policy aimed to balance economic growth, cultural integration, and social stability by recognizing the contributions of immigrants while safeguarding the interests and heritage of Virgin Islanders (http://bvi.gov.vg/sites/default/files/resources/immigration_policy_final_2.pdf). It established planning and decision-making processes that informed the sustainable management of granted statuses, focusing on labour market needs, population density, investment promotion, and resource availability.

Following the public consultations, the Government proceeded to amend the Immigration and Passport Act to align with the recommendations of the COI. These amendments sought to clarify the criteria for granting residency and Belonger status, reducing the discretionary powers previously held by the Cabinet.

The Immigration and Passport (Amendment) Bill, 2024 received its first reading in the House of Assembly on May 10, 2024 (<https://bvi.gov.vg/media-centre/immigration-and-passport-amendment-act-receives-first-reading>). This amendment introduced provisions addressing the periods of being ordinarily resident in

the Territory to be considered for the grants of Residence and Belonger status. It also enshrined policy directives resulting from extensive consultations that preceded the completion and adoption of the policy.

The Immigration and Passport (Amendment) Bill, 2024, received its Second Reading in the House of Assembly on May 24, 2024 (<https://www.bvibeacon.com/hoa-debates-20-year-path-to-belongership/>). The Third Reading and subsequent passage of the bill occurred on May 31, 2024 (<https://www.bvibeacon.com/immigration-bill-passes-with-amendments/>). The Act was assented to by Governor Daniel Pruce on November 1, 2024.

The scope of what was implemented versus what was recommended.

To compare what was recommended under B33 versus what was implemented for Residence and Belonger Status over the two-year period from June 2022 to August 2024, the recommendation specifically focused on the numbered actions detailed in the Weekly Ministerial detailed below in Table 1.

Table 1: Recommendation B33 Actions as per the Weekly Ministerial Matrix

Action Number	Action Description
B33.02a	Residency and Belonger Status Policy Approved by Cabinet and approval given for drafting instructions to be submitted to AGC
B33.02b	Residency and Belonger Status Drafting Instructions Approved by Cabinet
B33.02c	AGC Drafts Legislative Amendments required by new Residency and Belonger Status Policy
B33.02d	Cabinet approves Legislative Amendments required by new Residency and Belonger Status Policy
B33.03a	First Reading - Residency and Belonger Status Legislation
B33.03b	HOA Consultation - Residency and Belonger Status Legislation
B33.03c	Second Reading - Residency and Belonger Status Legislation
B33.03d	Second Reading - Continuation - Residency and Belonger Status Legislation (if necessary)

Specific implementation actions are outlined below in **Error! Reference source not found.**

Table 2: Comparison of What Was Recommended and What Was Implemented

Area	Recommendation	Action Number	Implementation
<i>Policy and Legislative Framework</i>	The COI recommended a clear statutory framework for granting Residency and Belonger Status, including criteria to replace the Cabinet's open discretion.	B33.02a	The Residency and Belonger Status Policy was approved by the Cabinet, setting a clearer legal framework for applications.
		B33.02b	Drafting instructions were prepared and delivered to the Attorney General's Chambers for action.
		B33.02c and B33.02d:	Legislative amendments were made to ensure that the process was more transparent and less discretionary.
<i>Legislative Readings and House of Assembly</i>	The legal amendments should be presented to the House of Assembly for consideration and approval (B33.03a and B33.03c).	B33.03a, B33.03b and B33.03c:	The Residency and Belonger Status Legislation underwent its first reading and second reading in the House of Assembly. This process included a consultation phase, which helped refine the legislative framework before approval.

The overall objective of Recommendation B33 was to reduce discretion in the immigration process and ensure a fairer, more transparent system for granting Residency and Belonger status. By August 2024, the Virgin Islands successfully introduced a statutory framework for these applications, moving away from arbitrary decision-making and creating a more consistent, transparent process. The implementation of these reforms led to a reduction in the overall number of applications, which was likely due to:

- Clarity in eligibility requirements
- Clearing of the backlog
- The normalization of applications based on legal timelines.

Analysis of the Data Related to Processing Applications for Residence and Belonger Status from June 2022 to August 2024:

A significant spike in Residence applications occurred from June to August 2022, reaching a peak in August with over 250 applications (**Error! Reference source not found.**).

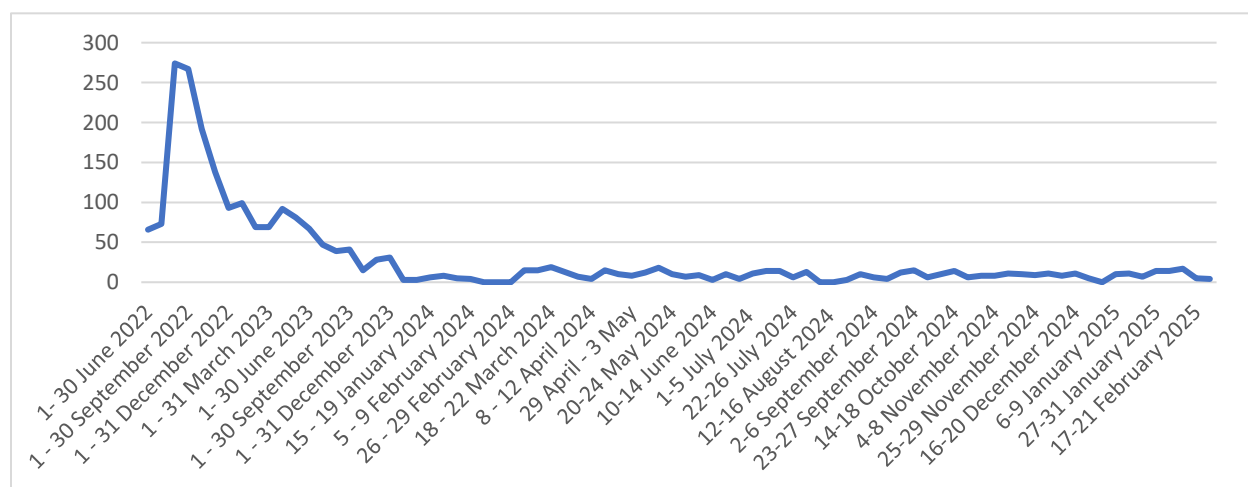


Figure 1: Weekly Number of Applications Submitted for Residence/Belonger Status

This surge coincided with the publication of the COI report and the subsequent legal changes around the application process and qualifying period for Residence Status, allowing individuals who met the 20-year residency requirement to submit their applications. Belonger and 4th Generation applications remained relatively stable and lower in comparison, with few changes during this period. After the initial peak in August 2022, the number of Residence applications submitted drastically dropped, reflecting the pent-up demand for the submission of applications from those meeting the 20-year residency requirement. As the process normalized post-2022, Residence applications continued at a much lower but steady rate, particularly reflecting applications based on the newly established 10-year residency requirement that became the legal basis for consideration after the COI report.

In 2024, applications for Residence were comparatively lower, with steady submissions each month. This trend continued as individuals meeting the 10-year residency period filed their applications incrementally. The legal change following the COI report significantly influenced the initial surge of applications but had since stabilised as individuals met the 10-year residency requirement. Residence applications formed the bulk of submissions across the entire period. Belonger and 4th-generation applications remain secondary in comparison but still contribute to the overall data. The Department of Immigration introduced a new requirement to hold appointments with new applicants to vet their submissions and ensure thoroughness and completeness. The practice aimed to increase compliance and efficiency in advancing documents to the Immigration Board and Cabinet.

Total Number of Applications Processed (June 2022 to August 2024)

A total of 3,193 applications were processed from June 2022 to February 2025, which include backlogged applications and those received, considered, and approved at various stages of the process as of June 2022. Table displays the breakdown of the processing status of applications received as June 2022.

The Cabinet's approval process included both backlogged applications (those awaiting action before June 2022) as well as more recent submissions. This accounted for the large number of applications approved in the Residence category, which reflected both historical and new applications. 769 outstanding applications are left to enter the processing queue as of February 2025.

Table 2 Number of processed applications for Residence and Belonger Status at varying stages from June 2022 to February 2025

CATEGORY	TOTAL APPLICATIONS	
Number of Applications Referred to the Board (Interviewed): Residency	561	
Number of Applications Referred to the Board (Interviewed): Tenure	158	
Number of Applications Referred to the Board (Interviewed): Marriage	82	
Number of Applications Referred to the Board (Interviewed): Total		801
No. of Applications Considered by the Board: Residency	691	
No. of Applications Considered by the Board: Tenure	154	
No. of Applications Considered by the Board: Marriage	80	
No. of Applications Considered by the Board: Total		925
No. of Applications Rejected by the Board: Residency	13	
No. of Applications Rejected by the Board: Tenure	3	
No. of Applications Rejected by the Board: Marriage	2	
No. of Applications Rejected by the Board: Total		18
No. of Applications Approved by the Cabinet: Residency	934	
No. of Applications Approved by the Cabinet: Tenure	279	
No. of Applications Approved by the Cabinet: Marriage	115	

CATEGORY	TOTAL APPLICATIONS	
No. of Applications Approved by the Cabinet: 4th Generation	112	
No. of Applications Approved by the Cabinet: Total		1440
No. of Applications Deferred by the Cabinet: Residency	7	
No. of Applications Deferred by the Cabinet: Tenure	2	
No. of Applications Deferred by the Cabinet: Marriage	0	
No. of Applications Deferred by the Cabinet: 4th Generation	0	
No. of Applications Deferred by the Cabinet: Total		9
Number of Applications Received		2296

The Board's consideration and Cabinet approval stages indicate a better-organized system that worked through the backlog efficiently, as evidenced by the relatively low number of rejections and deferrals. With 1,440 applications approved, this shows a positive shift towards clearing the backlog and processing applications in a timely manner, aligning with the implementation of Recommendation B33. The low rejection rate (18 rejections) and the small number of deferrals (9 applications) suggest that the immigration policy reforms were applied to those applicants who did not meet an aspect of the immigration criteria for grants of Residence and Belonger Status.

Overall, the immigration system from June 2022 onwards has become more streamlined, with significant numbers of applications moving through the various stages with better efficiency, demonstrating a shift toward improved governance and policy implementation.

Preparation of Guidance for the Grants of Residence and Belonger Status

The Government of the Virgin Islands prepared and released updated guidelines for obtaining Residence and Belonger Status. The guidelines outline the necessary qualifications and required documentation for applicants seeking Residence or Belonger Status. A range of examples is provided to help applicants understand the types of evidence that can be used to support their applications, allowing flexibility in demonstrating their qualifications. The guidelines detail how applicants can demonstrate good character, including participation in community activities, respect for cultural heritage, compliance with laws, environmental stewardship, economic contribution, inclusivity, financial stability, and positive personal conduct. Finally, the guidelines clarify the distinctions between Residence and Belonger Status applications, noting the higher level of integration and contribution expected from Belonger Status applicants.

The Ministry of Financial Services, Economic Development and Digital Transformation published the guidelines as the recipient Ministry of the subject of Immigration (<https://www.bvi.gov.vg/media-centre/government-virgin-islands-releases-new-guidelines-residence-and-belonger-status>).

The guidelines are found at:

https://bvi.gov.vg/sites/default/files/guidance_for_applicants_of_residence_and_belonger_status_in_the_virgin_islands_2.pdf.

Recommendation B34

I recommend that all applications for and grants of residency and belongship status under the Fast Track scheme be the subject of a full audit performed by the Auditor General or some other independent person or body instructed by her, and a report on that audit be presented to the Governor. The terms of that exercise should include consideration of the following:

- 1. the extent to which the statutory criteria were applied to the application, and by whom.*
- 2. whether the executive exercised any discretion in relation to the selection process and, if so, how it was exercised and whether any guidance or criteria were applied.*
- 3. whether, in terms of governance, there were any inherent weaknesses in the Fast Track scheme.*

Unless, in the meantime, the relevant BVI authorities consider otherwise, further steps including any criminal investigation can await the outcome of that audit.

The focus of Recommendation B34 was a review of the programme entitled: **Clear Path to Regularization** termed in short, *Fast Track Programme*. for certain categories of applicants for Residence and Belonger Status. The intended aim of the programme as stated was to provide a more streamlined, accessible process for individuals who met the necessary criteria.

Key components of Recommendation B34 included:

1. A comprehensive review of the current residency and Belonger Status application processes, which had been perceived as opaque and inconsistent. This aimed to address how the discretion previously held by Cabinet was applied, replacing it with more objective and publicly available criteria.
2. The expedited processing of applications for those who met the established criteria. This was expected to reduce backlogs, speed up the granting of residency, and support economic growth by enabling skilled workers to obtain residency status more quickly.
3. The creation of clear guidelines for applicants which would ensure that applicants understood the criteria they needed to meet, the process they needed to follow, and the timeline for the decision-making process.

In summary, Recommendation B34 provided the foundation for implementing reforms that would lead to a more efficient, transparent, and equitable immigration system in the Virgin Islands, focusing on reducing discretionary power, streamlining processes, and ensuring clear and fair criteria for applicants. The implementation of B34 is an essential part of the overall strategy to modernize the Virgin Islands' immigration system and strengthen governance.

The Auditor General recommended several actions to address weaknesses in the former attempt to regularise applicants for Residence and Belonger Status.

Table 3: Auditor General's recommendations and Government's responses as detailed in the Audit Report in the Clear Path to Regularization Programme.

Recommendation	Response
1. Applicants who were awarded status under the Programme but did not meet statutory requirements should be referred to the Attorney General's Chambers for an assessment and appropriate corrective actions.	This recommendation was completed. Applications were validated under the Immigration and Passport (Validation) Act, 2023, ensuring that those applicants who met the requirements had their status officially recognized. The validation process was done promptly and with clear procedures.
2. An assessment of Section 16(5a) in the Immigration and Passport Act should be conducted to ensure it achieves its intended purpose, particularly regarding the possible invalidation of awards for those who remain outside the Territory.	No specific action has been taken to review previously awarded grants. Status awards have continued to be made under its provisions. To ensure compliance, applicants are now required to submit a letter with their application confirming their intent to live in the Territory.
3. Applicants who were awarded residency but not issued certificates should have their certificates issued.	This recommendation has been fully implemented. Certificates of residency were issued, and for those who did not initially collect their certificates, a bulletin was issued on March 9, 2023, requesting individuals to collect their certificates. All certificates were successfully distributed.
4. Refunds should be issued to 4th generation applicants who overpaid for their certificates of Belonger status.	The Ministry of Finance, in collaboration with the Immigration Department, successfully refunded fees to all but one individual, who resides outside the Territory. Efforts to ensure the refund for this individual are ongoing. This process highlights the government's commitment to addressing issues of fairness and transparency in fees.
5. Policy makers should consider the short- and long-term impacts of policy changes, particularly when legislative changes are involved.	With the introduction of the <i>National Sustainable Development Plan (NSDP)</i> , there is now a framework in place to guide government policies. This framework supports long-term planning and ensures that policies and programs are aligned with the overall development goals of the Territory. The Quota Setting Committee in the Immigration Amendment Act is to be guided by the development goals detailed in the NSDP.
6. The government's approach to immigration reform should be comprehensive, driven by research, analysis, and stakeholder engagement.	The Residence and Belonger Status Policy fully embraced a holistic approach to immigration reform. Extensive research, data collection, and stakeholder engagement were integral to the development of this policy. This approach has ensured that the policy not only addresses current needs but is also adaptable to future challenges.
7. The criteria for the Executive's discretionary powers should be documented, with clear information provided to stakeholders.	The Executive's discretion was significantly reduced, with the implementation of clear statutory criteria. As a result, discretionary powers were largely limited to special cases. Government's Discretionary Powers policy is expected to further guide decision making in future instances, ensuring

Recommendation	Response
	that any exceptions to established rules are properly documented and justified.
8. <i>Instructions from the Executive to program administrators should be documented in writing and kept on file.</i>	This recommendation has been acknowledged, and it is expected to be implemented for future instances as necessary. The system now requires written communication for instructions, ensuring greater accountability and transparency in decision-making.
9. <i>Clear criteria should be established for program administrators, especially when the oversight role of the Board is reduced.</i>	Clear assessment guidelines were established and published in 2024. These guidelines are designed to ensure that program administrators can assess applications consistently, even as the Board's oversight role is reduced.

Conclusion

Government made a dedicated effort to address the concerns raised by the Auditor General's review of the Fast Track Programme under Recommendation B34. By implementing these actions and aligning them with Recommendation B33, the Virgin Islands has made significant strides in streamlining immigration processes, reducing discretionary powers, and ensuring fairness and transparency in the granting of Residency and Belonger Status.

Challenges with implementing (resources, expertise, time, scope, etc.)

The implementation of the Residency and Belonger Status Policy, as part of Recommendation B33, faced several challenges that impacted its timely and efficient execution. These challenges were both operational and systemic, requiring adjustments and additional resources to address them. The primary issues included:

1. The Department of Immigration initially used multiple tracking systems for managing the applications for Residency and Belonger Status, making it difficult to monitor progress and ensure consistency across cases. A harmonization effort was required to consolidate all data into one unified application tracker. This process of aligning disparate systems into a single platform was time-consuming and resource-intensive.
2. At the time of implementation, the Department of Immigration faced staffing limitations. With a significant increase in the number of applicants, particularly after the COI report and its implications, human resources were stretched thin. The surge in applications, which peaked in June 2022, added to the burden as the department struggled to handle both backlogged applications and the influx of new ones.
3. To address this, additional resources were brought in through the RATED programme to provide temporary staffing support and alleviate some of the workload. Despite this, the department's capacity to process applications efficiently remained constrained.
4. The process of reviewing applications, which involved interviews at the department and subsequent consideration by the Board and Cabinet, slowed down the pace at which applications could be processed. The need for thorough reviews at multiple levels, while essential for maintaining fairness and compliance, introduced significant delays in achieving the goal of processing 100 applications per week, as initially agreed upon in the Framework Agreement.
5. The scope of the original policy and legislative recommendations was broad and required substantial revision, particularly with the amendments to the Immigration and Passport Act and the introduction of new Regulations. These changes had to be executed within a tight implementation timeline, which presented its own set of challenges in terms of coordination, drafting, and approval.

processes. Despite these challenges, the recommended policy and legislative changes were ultimately delivered, albeit with some delays.

6. As the department moved forward with these reforms, the need to balance compliance with legal requirements and responding to a growing number of applications added complexity to the overall immigration process. The integration of the new systems and processes was an evolving task, but it was completed in alignment with the framework set by the Cabinet and Framework Agreement

Significant Changes Brought on as a Result of the Implementation

The implementation of the Residency and Belonger Status Policy and associated legislative amendments under Recommendation B33 resulted in several significant changes that have positively impacted the immigration process and governance in the Virgin Islands. These changes include:

Table 4

Implementation Area	Significant Change
Streamlined and Transparent Application Process	<ul style="list-style-type: none"> One of the most notable changes was the creation of a unified application tracker, which harmonized the disparate tracking systems previously in use at the Department of Immigration. This consolidation allowed for better oversight and more efficient management of applications. The single tracker ensured that all applications were processed uniformly, improving the transparency of the application process and reducing the likelihood of errors or discrepancies. Applicants and the public benefited from more predictable processing times and clearer communication, enhancing overall confidence in the system.
Legal Framework to Reduce Discretionary Power	<ul style="list-style-type: none"> The Residency and Belonger Status Policy and the subsequent legislative amendments reduced the level of discretionary power previously held by Cabinet in granting Residency and Belonger status. By introducing clear statutory criteria and formalized guidelines, the amendments established a more objective and transparent framework for granting these statuses. This resulted in a fairer system, where decisions were based on clearly defined, publicly accessible criteria rather than on case-by-case discretion.
Reduction in Backlog of Applications	<ul style="list-style-type: none"> With the increased resources brought in through the RATED programme and the introduction of new tracking systems, the backlog of applications that had built up over previous years began to be cleared. This helped the Immigration Department catch up with the growing volume of applications, particularly following the spike in June 2022. While there were still some delays in processing, the Department made significant strides in addressing the backlog and in improving its operational efficiency.
Enhanced Capacity for Application Processing	<ul style="list-style-type: none"> The introduction of additional resources (through both temporary staff and system upgrades) enabled the Department of Immigration to process applications more efficiently. The RATED programme also helped alleviate strain on human resources, allowing the department to process more applications in parallel and reduce delays caused by staffing shortages.
Legislative and Policy Reform	<ul style="list-style-type: none"> The amendments to the Immigration and Passport Act, passed through the House of Assembly, were another key outcome of the implementation. These amendments created a more rigorous legal framework for the

Implementation Area	Significant Change
	approval process, establishing clearer guidelines for determining eligibility and residency periods for applicants. The legislative changes were aligned with the COI recommendations, addressing gaps in previous policy and ensuring that the immigration system was better suited to the Territory's evolving needs.
Improved Governance	<ul style="list-style-type: none"> The process became more predictable and equitable, reinforcing the principles of good governance. The legislative reforms and clearer policies also aligned with international standards for immigration management, reflecting a commitment to transparency and fairness. The introduction of the quota setting committee will also enhance governance by creating a transparent process to the way the Territory progresses with categories and groups of nationalities and sectors to be approved for the various statuses.
Ongoing Monitoring and Adjustment	<ul style="list-style-type: none"> With the implementation of the new policy and legislation, a framework was established for the continuous monitoring of applications and the ongoing refinement of immigration policies. The process is now better positioned to adapt to future challenges, ensuring that the system remains flexible and responsive to the changing needs of the Territory. The Board of Immigration plays a crucial role in ensuring that the process aligns with the goals set forth in the new immigration framework.

Policies and Legislation Implemented, Benefits to the Public and Public Service, Impact on Governance in the Virgin Islands and Lessons Learned

The implementation of Recommendation B33 resulted in several key policies and legislative reforms that transformed the Residence and Belonger Status application process, aligning it with best practices and the principles of fairness, transparency, and efficiency. The Residency and Belonger Status Policy was approved by the Cabinet, establishing a clear legal framework for granting Residence and Belonger Status in the Virgin Islands. The policy addressed the key recommendations from the COI report to reduce the discretionary power previously held by the Cabinet in making decisions. The policy introduced specific criteria for eligibility, including the duration of residency required, and outlined a clear process for granting or denying applications. The Immigration and Passport (Amendment) Act was revised to align with the new Residence and Belonger Status Policy. This amendment aimed to formalise and enforce the clear guidelines established by the policy, eliminating arbitrary decision-making and introducing more objective criteria.

Key Changes Included:

- Clear definitions of what qualifies as Ordinarily Resident and the minimum residence periods required for applicants.
- A more streamlined process for considering applications, including standardised documentation and transparent procedures.
- Updated provisions on grants of Residence and Belonger Status based on the revised policy.
- The amendment also allowed for greater oversight of the immigration process, providing a clearer path for appeals and reviews where applicants felt decisions were unjust.
- Introduction of legislative framework to introduce a quota setting committee what will provide information to shape the Territory's policy on Residence and Belonger Status.

Impact on the Public Service and Governance in the Virgin Islands

The implementation of the Residency and Belonger Status Policy, as outlined under Recommendation B33, has had a transformative impact on both the public service and governance in the Virgin Islands. By aligning with the Public Transformation Goal—which emphasises policy and law formulation based on stakeholder views—this process has reinforced key aspects of governance, public service efficiency, and social cohesion. The consultative approach used in developing the Residence and Belonger Status Policy allowed for a more inclusive and transparent process. By engaging a wide range of stakeholders—including residents, applicants, and community organizations—the government ensured that the policy reflects the needs, concerns, and aspirations of the community. This inclusive approach aimed to strengthen public trust in the immigration system. Stakeholders felt their voices were heard and their concerns addressed in the formulation of the policy, leading to greater acceptance and support for the changes. The policy’s transparency has made the immigration process more predictable, reducing feelings of uncertainty among applicants and the general public.

The consultative process is in direct alignment with the Public Transformation Goal, which emphasizes the importance of formulating policies and laws that are reflective of the views of the people it serves. This approach has enhanced the quality of decision-making within the public service, ensuring that policies are not only legally sound but also practically beneficial for all stakeholders. By incorporating diverse viewpoints, the policy formulation process became more comprehensive and balanced, helping to manage the immigration process in a way that is fairer, more efficient, and more responsive to the needs of the Virgin Islands population. The policy's implementation has led to the strengthening of institutional capacity within the Department of Immigration. The introduction of new tracking systems and, legislative changes have enhanced the department’s ability to handle applications more efficiently.

The legislative amendments introduced as part of the Residence and Belonger Status Policy have significantly improved governance in the Virgin Islands. By reducing discretionary powers and introducing clear criteria for decision-making, the policy will ensure that the immigration system is more transparent and accountable. The clearer guidelines for the approval of Residence and Belonger Status, along with standardized application processes, should result in fairer decision-making and contribute to stronger public sector governance.

Finally, the Residence and Belonger Status Policy also contributes to the broader social stability and cohesion of the Virgin Islands. By ensuring that the immigration process is fair and based on clear, objective criteria, the policy helps to integrate new residents into the community in a way that is inclusive and equitable. By aligning immigration policies with international best practices and ensuring that the process is fair, transparent, and consultative, the Virgin Islands has strengthened its reputation on the international stage. The public’s positive response to the policy reflects a growing recognition of the Territory’s commitment to good governance, accountability, and the rule of law.

Lessons Learned

Table 5

Lesson	Description
Importance of a Consultative Approach	One of the most important lessons learned from the process was the value of stakeholder consultation. The Residence and Belonger Status Policy was shaped by feedback from a wide range of stakeholders, ensuring that the policy was not only legally sound but also practical and reflective of the needs and concerns of the community.

Lesson	Description
Need for Adequate Resources and Capacity Building	At the time of implementation, the Immigration Department faced staffing limitations. The surge in applications, particularly after the COI report and its implications, meant that human resources were stretched thin. Temporary support through the RATED programme proved beneficial, but it underscored the importance of building long-term capacity in the public service.
Balancing Efficiency with Thoroughness	While efficiency is important, it should not come at the expense of thoroughness and fairness. A balanced approach that allows for careful review while still maintaining reasonable processing timelines is essential to ensuring both speed and justice in the immigration process.
Flexibility and Adaptability in Policy Implementation	While having clear policies and timelines is important, the ability to adapt and adjust the approach based on unforeseen challenges is just as crucial. Changes in staffing, shifts in application volumes, and adjustments to the legislative framework required the government to be flexible and responsive to the evolving situation.
Importance of Clear and Transparent Communication	The introduction of new policies and changes in the application process required clear communication with the public. It was essential to provide applicants with information on what was required for applications and how the new systems would work. The public consultations and information campaigns helped clarify the changes and foster public understanding.
Effective Monitoring and Evaluation Systems	Regular reviews of the pace and total number of applications for Residence and Belonger Status helped track progress, identify areas for improvement, and ensure that the commitments or changes in the conditions in processing applications were monitored and reported in a timely manner.
Long-Term Vision for Immigration Reform	While the initial implementation of the policy and legislative amendments was successful, long-term planning is necessary to address ongoing immigration challenges. The framework set by Recommendation B33 provides a solid foundation for future reforms.



GOVERNMENT OF THE **VIRGIN ISLANDS**

Ministry of Environment, Natural
Resources and Climate Change

Recommendation B30: Disposals of Crown Land

*Dr. Ronald Smith-Berkeley, Permanent Secretary, Ministry of Environment
Natural Resources and Climate Change*

Commission of Inquiry Recommendation B30

“I recommend that there should be a wholesale review of processes for the disposal of Crown Land, to ensure that such disposals are the subject of an open and transparent process. This review could (and, in my view, should) be led by a senior public officer. Without restricting the ambit of any such review, it seems to me that that review should include consideration of:

- 1. an independent body or independent bodies being established to consider applications for Crown Land disposals for domestic and/or commercial use*
- 2. the degree and nature of the involvement of members of local community in an advisory capacity*
- 3. criteria for the disposal of Crown Land for domestic and commercial use (including whether applications for domestic and/or commercial Crown Land by non-belongers ought to be entertained and, if so, the criteria for such grants), which should be both published and applied*
- 4. whether there should be any executive discretionary powers in relation to Crown Land disposals*

Any such powers should only be maintained where necessary; and, where any such powers are maintained, then they should be subject to clearly expressed and published guidance.”

Historical and Contextual Background of Recommendation B30

Since its early settlement and development in the 1700s, all lands and property in the Virgin Islands were the subject of Crown grants to facilitate the planter class. Only a small portion of property in Road Town, most likely the location of the prison, was initially registered as public land. In 1831, through a grant from the imperial government, 110 acres of land was purchased to create the Kingstown Village to settle the Liberated Africans, who were eventually given the property. As the Plantation Era ended and economic decline ensued, ownership of property across the colony quickly changed hands.

This was facilitated, largely, by the 1859 Land Tax Ordinance, which allowed the Government to seize and auction property in default of taxes. At the close of an auction, which lasted from 10am to 3pm on the day assigned, if a member of the public did not purchase the land, it was transferred to the Crown. Thus, a new listing of Crown Lands in the Virgin Islands was created on 15 October 1864 with the acquisition of the Macnamara Estate comprising 92 acres of land. By 1962, there was a total of 15,121 acres of land registered to the Crown in the Virgin Islands, inclusive of entire islands and cays: Anegada, Salt Islands, St. Eustatia, Prickly Pear and Saba Rock. While inhabitants used Anegada and Salt Island, rent free, other Cays listed above were leased in 1959 for a period of ninety-nine years to enhance tourism development in the colony.

The Virgin Islands, as in other Overseas Territories, requires a comprehensive and inclusive approach to managing Crown Land; this is because of very intense competition for this limited

resource. Therefore, the Virgin Islands Crown Lands Policy, and later the legislation, was developed to govern the administration, management, development and use of all Crown land for all current purposes, and focuses on strengthening the transparent administration and management of Crown lands, including disposal of the same.

The Virgin Islands Crown Lands Policy is grounded in the Commission of Inquiry Recommendation B30, which calls for:

- (1) the establishment of an independent body to consider application for the disposal of Crown Land;
- (2) the involvement of local communities in an advisory capacity;
- (3) criteria for the disposal of Crown Lands; and
- (4) whether there should be any executive discretionary powers in relation to Crown Lands disposal.

This Crown Lands Policy is also grounded in the Independent Reviewer's Report, which suggested nine (9) recommendations, including:

- (1) National Estate Committee - creation of a central authority;
- (2) Technical Support - all the technical agencies remain under the Ministry responsible for Crown Lands;
- (3) Crown Lands Authority - a central authority be established for disposal of Crown Lands;
- (4) Crown Lands Advisory Committee - a committee be established to advise Government on best uses of available Crown Lands;
- (5) Criteria and Application Process - documented criteria for the disposal of Crown Lands;
- (6) Crown Asset (register) - create a land register indicating the available Crown Lands;
- (7) Valuation of Crown Lands - establish a fair valuation of Crown Lands for disposal;
- (8) Discretionary Powers - Cabinet should follow established procedures and guidelines; and
- (9) Crown Lands Management Act - create legislation for the disposal of Crown Lands.

This Crown Lands Policy also referenced the Internal Auditor's Report that was done in collaboration with the office of the Auditor General in accordance with Commission of Inquiry Recommendation B30. This report focused on the transparency of the process as well as ensuring that Crown Lands are properly valued before disposal.

Key Objectives of Recommendation B30

The key objectives of the Virgin Islands Crown Lands Policy are to:

1. Establish the framework for the sustainable administration, management, development and use of the Territory's Crown Lands, to support the socio-economic development and environmental protection initiatives of the Territory;
2. Define the framework (administrative and legislative) to support the sustainable management and development of the Territory's Crown Lands for the benefit of present and future generations; and
3. Establish an administrative and legislative framework that will:

- a. Effectively record and disseminate information about the value and use of Crown Lands; and
- b. Facilitate the transfer or lease of Crown Land to meet development objectives

Public Consultation on Recommendation B30

The Virgin Islands Crown Land Policy, which later became the Draft Crown Land Management Bill, 2024, underwent an extensive public consultation process to ensure community involvement and transparency. Key aspects of this process included:

- *Public Meetings:* Seven (7) public meetings were held across the Virgin Islands, from Anegada to Jost Van Dyke. These sessions were led by Premier & Minister of Finance, and Minister of Environment, Natural Resources, and Climate Change, with responsibility for Crown lands. The Premier was accompanied by technical support from the ministry.
- *Focus Groups:* Two (2) focus groups were engaged to provide detailed feedback and insights on the bill's provisions. One focus group had already received Crown land, while the other group was still waiting to be awarded Crown land.
- *Written Submissions:* The public was invited to submit written feedback, allowing individuals and organizations to contribute their perspectives and suggestions.

This comprehensive consultation aim was to gather diverse viewpoints, ensuring that the legislation reflected the needs and aspirations of the Virgin Islands community. The Virgin Islands Crown Land Policy was also made accessible to the public via the Government's official website. Persons were also able to scan posters with QR codes at the various supermarkets, Government offices and other public spaces to access the policy. The public was also invited to follow and participate in discussions on the policy on the various platforms including the Department of Information and Public Relations' programme "Public Eye", the Umoja radio programme on ZBVI, JTV's the Big story and 284 Media.

Scope of Recommendation B30

The Crown Lands Management Act, 2024, establishes a comprehensive framework for the acquisition, management, and disposal of Crown lands in the Virgin Islands. This legislation aims to ensure that Crown lands are utilized strategically to support government operations and achieve development objectives, including the delivery of critical public infrastructure, community facilities, and social services.

Key components of the Act include:

- *Sustainability:* Ensuring that land use practices promote environmental conservation and responsible development.
- *Affordability:* Making land accessible for purposes that benefit the community, such as housing and public projects.
- *Suitability of Lands for Development:* Assessing land characteristics to determine appropriate uses and prevent unsuitable development.
- *Eligibility Criteria:* Establishing clear guidelines for individuals and entities seeking to acquire or lease Crown lands.
- *Responsible Management:* Implementing oversight mechanisms to ensure transparent and efficient land management.

Additionally, the Act mandates the establishment of a Land Use Plan. This plan is designed to guide future land allocations, facilitate the development of planned communities, and mitigate adverse impacts associated with unsuitable development.

To enforce the provisions of the Act, the Ministry of Environment, Natural Resources, and Climate Change is authorized to remove or demolish any illegal structures on Crown lands. This includes addressing unauthorized developments and the removal of derelict vehicles, boats, and heavy machinery left unattended or abandoned on these lands.

The Virgin Islands Crown Lands Management Act, 2024 also includes provisions for the establishment of a Crown Lands Advisory Board and Standing Committees to address the nuances of land distribution in specific locales. These bodies are responsible for:

- *Assessing Local Land Needs:* Ensuring that land allocations align with the unique social, economic, and environmental characteristics of different communities.
- *Providing Oversight and Transparency:* Reviewing applications for Crown lands and making recommendations to prevent misallocation and promote fairness.
- *Facilitating Community Engagement:* Allowing residents and stakeholders to have a voice in land distribution decisions.
- *Advising on Sustainable Development:* Ensuring that land use aligns with long-term national planning goals and environmental sustainability.

This addition strengthens the Act's commitment to responsible, inclusive, and transparent land management throughout the Virgin Islands. Overall, the Crown Lands Management Act, 2024, seeks to promote sustainable development, environmental conservation, and equitable access to land resources in the Virgin Islands.

Enforcement of the Crown Land Legislation in Relation to B30 Recommendation

The Virgin Islands Crown Land Management Policy was passed in Cabinet on 21st February 2024. The Crown Land Management Bill, 2024 was introduced to the House of Assembly on May 28, 2024, and underwent extensive committee discussions, and was passed on June 17, 2024. The Crown Land Management Act, 2024 was brought into force on January 30, 2025.

Challenges and Issues with Implementing B30 Recommendations

Now that the Act has been brought into force, the Ministry of Environment, Natural Resources and Climate Change is in the process of setting in place the Crown Land Advisory Board, the Standing Committees and other components that will operationalize the Act. That said, there are some challenges and issues that may arise as the ministry seeks to enforce this piece of legislation. For example:

1. Addressing unauthorized developments and squatting on Crown lands could lead to legal disputes and social resistance;
2. The removal of illegal structures may cause displacement, requiring careful handling to avoid community backlash;

3. Establishing clear eligibility criteria and oversight mechanisms will be essential to maintain public trust;
4. The formation of the Crown Lands Advisory Board and Standing Committees may slow down decision-making processes;
5. Inefficiencies in processing applications for land use may frustrate applicants and delay development projects;
6. Balancing land development with conservation efforts may lead to conflicts between economic growth and environmental protection;
7. Ongoing education and consultation efforts will be necessary to ensure community buy-in and smooth implementation; and
8. Land ownership and historical claims may complicate allocations, especially where multiple parties claim rights to certain lands.

Addressing these challenges will require strong governance, community engagement, and a commitment to transparency to ensure the successful implementation of the legislation.

Benefits From the Implementation of B30 Recommendation

The implementation of the Virgin Islands Crown Lands Management Act, 2024 is expected to bring significant changes and benefits to land management and development in the Virgin Islands. Some key positive outcomes include:

1. A structured and transparent process for distributing Crown lands will ensure fair and equitable access for residents, businesses, and community projects;
2. The establishment of a Land Use Plan will help prevent haphazard development and promote sustainable urban and rural planning;
3. The creation of the Crown Lands Advisory Board and Standing Committees will introduce checks and balances to prevent favoritism, corruption, and political interference in land distribution;
4. Public accountability measures will ensure that land decisions are made in the best interest of the Virgin Islands;
5. The Act prioritizes making Crown lands available for housing, agriculture, and community development, helping residents secure land for homes and livelihoods;
6. Improved access to public lands will enhance community well-being and support the long-term social and economic development of the Virgin Islands;
7. With clearer land policies, local and foreign investors may have greater confidence in land-based projects, leading to job creation and economic expansion; and
8. The enforcement of clear policies will help address squatting and unauthorized development, ensuring that Crown lands are used appropriately and legally.

By addressing long-standing land management challenges, the Crown Lands Management Act, 2024, has the potential to transform land distribution, promote sustainable development, and create a fairer, more prosperous Virgin Islands.

Improved Governance via B30 Recommendation

The implementation of the Virgin Islands Crown Lands Management Act, 2024 will bring significant changes to governance in the territory by promoting transparency, accountability, and strategic land management. Some key governance shifts include:

1. The establishment of a Crown Lands Advisory Board and Standing Committees introduces independent oversight, reducing the likelihood of favoritism or political interference in land allocations;
2. A clear legal framework for land distribution ensures that decisions are documented, justified, and publicly accessible, improving government credibility;
3. The government will have formalized structures for land use planning, reducing ad hoc decision-making;
4. The Land Use Plan will ensure that Crown lands are allocated strategically, aligning with national development priorities;
5. The legislation encourages community engagement, ensuring that local voices and concerns are considered in land-use decisions;
6. By decentralizing decision-making to Standing Committees focused on specific locales, governance will become more responsive to regional needs; and
7. Governance will shift towards a data-driven approach, where land use decisions are based on environmental, economic, and social impact assessments.

The Crown Lands Management Act, 2024, will move the Virgin Islands toward a more structured, transparent, and sustainable governance model for land management. By addressing historical land issues, promoting fairness, and ensuring strategic land use, the legislation has the potential to strengthen institutional capacity, boost economic development, and enhance public trust in governance.

Long Term Governance Transformation of B30 Recommendation

Strengthened Transparency and Accountability

1. Clear rules, processes, and public records for land distribution will reduce corruption risks and improve trust in government.
2. Land allocation decisions will be based on documented criteria, ensuring that political favoritism and backdoor deals are minimized.

Decentralized and Community-Based Decision-Making

1. This localized governance approach makes land management more responsive to the unique needs of different communities.
2. It encourages greater civic involvement, empowering residents to have a say in how public lands are used.

Improved Land Use Planning and Development Strategy

1. Land distribution will be tied to long-term national planning, reducing haphazard or politically driven land allocations.
2. Sustainable land use policies will balance development with conservation, preventing overdevelopment and environmental degradation.

Strengthened Legal Framework and Governance Structures

1. The Act introduces clear legal guidelines for allocating, leasing, and managing Crown lands.
2. Governance structures will become more standardized and predictable, reducing arbitrary decision-making.

Greater Public Trust in Government

1. As land policies become more equitable and transparent, citizens' trust in government is likely to improve.
2. A clear, merit-based system for land allocation reduces public frustration over perceived bias in land distribution.
3. Greater public participation in governance fosters a sense of ownership and accountability in land use decisions.

The Crown Lands Management Act, 2024, marks a major shift in governance by promoting transparency, accountability, community engagement, and strategic planning in land management. It strengthens the Territory's legal frameworks as well as boosts public confidence in government, ultimately shaping a more equitable and sustainable future for the Virgin Islands.



GOVERNMENT OF THE **VIRGIN ISLANDS**

Ministry of Health
and Social Development

MHSD COI ASSESSMENT REPORT

March, 2025

Abstract

This MHSD COI Assessment Report outlines the Government of the Virgin Islands response to the COI recommendations B7, B8 and B9, which addresses the need for comprehensive reform of the Territory's social assistance and grants system. The reforms have strengthened governance, improved public confidence and positioned these islands for greater self-governance by sharing an equitable and accountable social assistance framework. This submission also highlights ongoing and future initiatives to further enhance service delivery, monitoring and programme sustainability.

Permanent Secretary, Ministry of Health and Social Development

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Submission from the Permanent Secretary, Ministry of Health and Social Development Response to COI Assessment Report: Recommendations B7, B8, and B9

Recommendation B7

I recommend that there should be a wholesale review of the BVI welfare benefits and grants system, including House of Assembly Members' Assistance Grants and Government Ministries' Assistance Grants. Without seeking to limit the ambit of that review, it should seek to move towards an open, transparent and single (or, at least, coherent) system of benefits, based on clearly expressed and published criteria without unnecessary discretionary powers. Such discretionary powers should only be maintained where necessary; and, where any such powers are maintained, then they should be subject to clearly expressed and published guidance. The review should be conducted by a body established for the purpose, drawing upon the experience and expertise within the BVI, with expert input with regard to (e.g.) the design of any new scheme. Whilst this review is a longer-term project and may be evolutionary in its process, it should be conducted as soon as practical. It need not and should not, for example, await the outcome of other proposed reviews (such as the proposed Constitutional Review).

Recommendation B8

I recommend that, without prejudice to any new scheme that may take its place following the review I have proposed, House of Assembly Members' Assistance Grants and the Government Ministries' Assistance Grants in their current form should cease forthwith.

Recommendation B9

I recommend that the funds that have been allocated to such grants in the past be reallocated to the Social Development Department for distribution, on application, in accordance with its criteria for the distribution of benefits. Those criteria can be reconsidered in the light of the increase in both funds and calls on its funds which that transfer will involve. Over and above any transitional provisions considered appropriate, the Social Development Department should be able to make an assessment of individuals who claim that immediately revoking discretionary assistance granted to them in the past by elected officials would result in particular hardship and/or unfairness.

1. Overview

The 2022 Commission of Inquiry (COI) Report identified significant shortcomings in the Virgin Islands' social assistance benefits and grants administration system. The report highlighted the need for a more streamlined, transparent, and unified framework, underpinned by clearly defined eligibility criteria and reduced discretionary powers. It found that the existing system, which included House of Assembly Members' Assistance Grants and Government Ministries' Assistance Grants, was fragmented, inconsistent, and vulnerable to political influence. **Recommendations B8 and B9** of the report respectively called for an immediate cessation of these discretionary grants, and recommended that the funds previously

allocated to them be reallocated to the Social Development Department (SDD) for distribution through a standardized application process based on objective and publicly accessible criteria.

In response to the COI's **B9 recommendation**, the Ministry of Health and Social Development acted swiftly to stabilize the transition by introducing a **Transition Grant Programme** in July 2022. This programme was designed to facilitate the seamless integration of eligible individuals who had previously relied on discretionary grants into the more structured Public Assistance Programme (PAP) administered by the Social Development Department. During the transition period, a total of 182 beneficiaries were successfully transferred from House of Assembly-administered schemes to the Social Development Department, with 79% assessed as eligible for ongoing assistance through the PAP. To support this increased caseload, the Public Assistance Programme's budget was increased by \$2,214,532.00 via SAP No.2 of 2022.

Recognizing the complexity of overhauling the social assistance framework and acting in compliance with **recommendation B7**, the Ministry of Health and Social Development, in consultation with the Governor's Office, mobilized resources to initiate a comprehensive review of the Virgin Islands' welfare benefits and grants system. The Government committed to conducting a comprehensive review of the entire system, including House of Assembly Members' Assistance Grants and Government Ministries' Assistance Grants, with the aim of creating an open, transparent, and consolidated benefits structure grounded in clearly defined criteria and minimal discretionary powers. This commitment aligned with the COI's directive to establish a more consistent and equitable system.

To guide this effort, the Ministry of Health and Social Development secured technical and financial assistance from UNICEF. The Social Policy Research Institute (SPRI Global) was engaged to conduct a **Review of Social Assistance Benefits and Grants Administration Systems** from **September to December 2022** under the guidance of an Inter-ministerial Steering Committee comprised as follows:

- Permanent Secretary, Ministry of Health and Social Development
- Permanent Secretary, Premier's Office
- Permanent Secretary, Ministry of Natural Resources and Labour
- Financial Secretary
- Director of Planning and Statistics
- Director of Strategy, Governor's Office
- Representative from UNICEF

The review provided an in-depth analysis of the existing social assistance landscape, identifying inefficiencies, gaps in coverage, and inconsistencies in benefit distribution. SPRI Global's findings laid the foundation for a comprehensive reform strategy designed to enhance the effectiveness, fairness, and sustainability of the social assistance system. SPRI (Global)'s Final Report titled, *Social Assistance in the British Virgin Islands: A review of and options for reforming the Social Assistance Benefits and Grant Administration Systems* highlighted the need to:

- Reform the large number of [income support] benefits into one single cash benefit with specific top-ups in cases where it is necessary;
- Set a clear set of conditions that must be met for each of the top-up benefits to be received;
- Establish clear income criteria for determining eligibility, and calculating the levels of benefits that can be provided to a household;
- Develop straightforward forms to be filled by applicants;
- Streamline the approval process;
- Develop a strategy to inform the population, especially reaching out to the poorer parts of the population;
- Use the National Health Insurance number as a unique identifier for all social assistance and social insurance benefits and top-ups;
- Develop a unifying Management Information System (MIS); and
- Implement a monitoring and evaluation system with regular reporting on the operations of the social assistance programme (at least once per year).

The recommendation to conduct a wholesale review of the BVI welfare benefits and grants system, including House of Assembly Members' Assistance Grants and Government Ministries' Assistance Grants, was implemented as proposed. However, this wholesale review has prompted legislative changes as well as the development of policies and other measures to support the overall delivery of COI **B7 recommendation**. Building on the key recommendations of the review, the Ministry of Health and Social Development developed the following policies, legislation, and other measures to meet the COI recommendation as well as the Government's aspiration:

Governance of Grants to Institutions

A Policy Brief on Governance of Grants to Institutions was commissioned and presented to Cabinet for review and consideration as a governance framework. In accordance with Cabinet's decision, the policy brief was laid on the table of the House of Assembly on 2nd May, 2024 and, thereafter, the Ministry of Finance was requested to finalise and implement the comprehensive Governance of Grants to Institutions Policy. The policy is expected to inform the steps to be taken in the administration of grants to institutions seeking to help the community on behalf of the public sector while improving the management and the transparency of the grant allocation, management process and evaluation process. According to the advice shared by the Ministry of Finance, the draft policy was approved by Cabinet on 26th June, 2024.

Social Assistance Programme Design

On 15th May 2024, Cabinet approved the Social Assistance Programme Design document for the purpose of restructuring the Public Assistance Programme in accordance with COI Recommendation B7. The document sets out a clear and concise pathway towards a more efficient and inclusive social safety net system for the Virgin Islands and outlines a comprehensive framework that aligns with the Virgin Islands'

social protection objectives. Further to the approval of the programme design document, the Ministry was authorised to engage a UNICEF Legal Consultant to draft amendments to the Public Assistance Act, 2013, along with subsidiary legislation consistent with the Social Assistance Programme Design.

The redesigned programme is strategically structured to optimize impact by focusing on three core objectives:

- **Enhanced Targeting and Delivery** – Streamlining processes to ensure that assistance reaches intended beneficiaries efficiently, minimizing barriers to access.
- **Adequate Support and Coverage** – Providing tailored financial support that reflects different demographic needs while ensuring cost-effectiveness.
- **Pathways to Self-Sufficiency** – Equipping participants with the skills and resources necessary to transition out of the programme sustainably, reducing long-term dependency.

The new programme design reflects a shift from a complex and discretionary system to a more standardised, rules-based approach. Specifically, it incorporates the following structural reforms, as recommended by the SPRI Global review:

- **Consolidation of Benefits** – Various types of benefits have been merged into a single cash benefit, with specific top-ups available where necessary (e.g., disability, home care, childcare).
- **Income-Based Eligibility Criteria** – A clear income threshold has been established, defining the upper limit beyond which no social assistance can be granted.
- **Standardized Calculation Method** – Benefit levels are now determined based on the difference between reported household income and a pre-defined threshold, ensuring consistency and transparency.
- **Top-Up Conditions** – Specific conditions for accessing top-up benefits have been defined, reducing ambiguity and enhancing fairness.
- **Decision-Making Autonomy** – Social workers have been granted greater decision-making authority within the framework of established eligibility guidelines, improving responsiveness and flexibility.
- **Unique Beneficiary Identification** – The National Health Insurance (NHI) number is now used as a unique identifier for all benefits and top-ups, facilitating better tracking and case management.
- **Unified Management Information System (MIS)** – A centralized digital platform has been introduced to streamline application processing, improve data accuracy, and enhance real-time monitoring.
- **Monitoring and Evaluation (M&E) Framework** – A structured system for regular monitoring, reporting, and evaluation has been established to measure programme performance and identify areas for improvement.

Public Assistance Amendment Act, 2024

To strengthen the legal framework supporting these reforms, the **Public Assistance (Amendment) Act, 2024** was approved by Cabinet on 3rd July, 2024. This legislation provides a clear statutory basis for the restructured Public Assistance Programme and the revised eligibility and benefit criteria. The Public Assistance (Amendment) Act, 2024 was subsequently introduced in the HOA for its first reading on 4th July, 2024; and had its second and third reading on 9th July, 2024. The Governor assented to the Act on 22nd August, 2024. Subsequently, appointed members of the Public Assistance Committee as well as members of the Public Assistance Appeal Board were duly informed and trained on the Public Assistance (Amendment) Act, 2024. The Appeal Board Manual was also updated to align with the new legislation and procedures. New Public Assistance Regulations are currently being finalised to operationalise the Act, ensuring that the revised programme operates efficiently and in compliance with the legislative framework.

Recognizing the expanded scope and complexity of the redesigned programme, the Ministry of Health and Social Development and the Social Development Department have initiated a capacity-building strategy to support successful implementation. This includes:

- **Staffing Adjustments** – A review of staffing levels and capabilities to ensure that the Department is adequately resourced to manage the increased caseload and administrative complexity.
- **Interdepartmental Coordination** – Strengthening coordination between the Social Development Department and other government agencies to improve data sharing and streamline service delivery.
- **Technology Investments** – Enhancing the Social Protection Information Management System (SPIMS) and case management tools to improve efficiency and responsiveness.

The Virgin Islands Social Protection Policy

On 18th September, 2024, Cabinet approved the Virgin Islands Social Protection Policy. The policy seeks to improve governance, progressively expand coverage through effective design, efficient service delivery, and adequate financing of social protection while strengthening the resilience and adaptability of core social protection functions. The development of the Social Protection Policy is an integral part of the Ministry's efforts to deliver on the COI Implementation Framework and forms the basis for the development of a Social Protection Bill, which is expected to transform our social protection systems in the Virgin Islands. Further to the approval of the policy, Cabinet authorized the Ministry to engage a UNICEF Legal Consultant to draft the Social Protection Bill, consistent with the Social Protection Policy and the approved Social Assistance Programme Design. Collaboration with the consultant is ongoing.

The restructured Public Assistance Programme represents a pivotal shift in the Virgin Islands' approach to social protection. By consolidating benefits, introducing clear eligibility criteria, and strengthening governance and oversight, the new framework enhances both the fairness and efficiency of social assistance delivery. The scope of the reforms implemented aligns closely with the COI's recommendations, particularly in consolidating assistance into a single, transparent system based on objective criteria and eliminating the discretionary powers previously exercised through House of Assembly Members' Assistance Grants and Government Ministries' Assistance Grants. The alignment with the COI's

recommendations reflects a deliberate effort to create a more accountable and equitable social assistance framework. These changes position the Virgin Islands to better meet the needs of its most vulnerable populations while ensuring sustainable management of social assistance resources.

Interim Public Assistance Grant Increase

On 5 February 2025, Cabinet approved an interim increase in monthly Public Assistance Grant amounts. This measure is intended to provide immediate financial relief while awaiting the finalization of the Public Assistance (Amendment) Act, 2024 regulatory framework. The increased grants are set to take effect by 28 February 2025 for eligible recipients.

The Public Assistance Programme (PAP) has been a key financial safety net in the Virgin Islands since its establishment under the Public Assistance Act of 2013. However, since 2008, there have been no adjustments to the grant amounts, despite rising inflation and cost of living. The last revision in 2008 saw single-person grants increase from \$100 to \$200, and grants for families of five rise from \$250 to \$375. However, these amounts no longer reflect economic realities, necessitating urgent updates.

Between January and September 2024, there were 318 new applications for assistance (55% females, 45% males), with over \$1.18 million allocated for Basic Income Support. These figures highlight the growing demand for financial aid and the need for increased grant amounts to improve recipients' quality of life.

The grant increases are outlined below:

Category	Old Rate	New Rate	No. of Benefit Units
Single Persons	\$200.00	\$320.00	146
Family of Two	\$255.00	\$485.00	44
Family of Three	\$340.00	\$674.00	10
Family of Four	\$360.00	\$876.00	7
Family of Five	\$375.00	\$1,000.00	2
Disabled	\$225.00	\$495.00	103
Elderly/Centenarians	\$337.50	\$506.25	82
Funeral Grant	\$2500.00	No Change	N/A

2. Challenges and Issues with Implementation

The process of implementing the COI recommendations was complex and faced significant challenges in several areas:

Resource Constraints: The increased volume of applications and higher demand for services placed pressure on the Social Development Department's administrative capacity. Existing staffing levels were inadequate, and recruitment was constrained by public service hiring restrictions. Additional funding was

secured to support the transition, but there was considerable initial pressure to accelerate needs assessments and increase spending while remaining within existing benefit level limits.

Technical Expertise: Designing a consolidated social assistance system required technical expertise in social policy, benefit modelling, and data management. External support from UNICEF, WFP and SPRI Global was secured to address this gap, but ongoing reliance on external expertise created operational delays.

Legislative Complexity: Amending the Public Assistance Act and drafting new Regulations involved detailed inter-agency coordination and legal review. High demands on the Attorney General's Chambers from other COI-related legislative reforms affected the legislative process.

Operational Scope: Moving from a fragmented, discretionary model to a centralized framework required the development of new operational procedures, staff training, and beneficiary outreach. The Social Development Department had to adjust its administrative processes to align with the new framework.

Public, Political, and Staff Resistance: The elimination of discretionary grants reduced political influence and created resistance from both political figures and beneficiaries. Some elected representatives and beneficiaries were initially distrustful of the new system due to the perceived loss of flexibility and personal engagement. Beneficiaries were concerned that their information was no longer confidential while staff were initially resistant to the new structure.

Technological Delays: The development of a Social Protection Management Information System (SPIMS) was critical for streamlining application processing and benefit distribution. However, limited in-house IT capacity and delays in configuring the system affected the speed of implementation.

3. Policies, Legislation, and Other Measures Implemented

To implement the COI recommendations and meet the Government's broader social protection goals, several key measures were introduced:

- **Transition Grant Programme:** Facilitated the transfer of beneficiaries from discretionary grants to the Public Assistance Programme.
- **Social Assistance Programme Design Document:** This document provided the strategic and operational framework for the reformed Public Assistance Programme.
- **Public Assistance (Amendment) Act, 2024:** Strengthened the legal framework for social assistance, redefining benefit types, eligibility criteria, and decision-making authority. The draft Public Assistance Regulations will operationalize the legislation by establishing benefit calculation methods and creating a structured mechanism for scaling up operations in response to shocks, in alignment with the Disaster Management Act.
- **Social Protection Management Information System (SPIMS):** Designed to establish a centralized platform for processing applications, managing beneficiary data, and improving service delivery.

- **Public Communication and Outreach:** A structured communication strategy was introduced to educate beneficiaries about the new system and build public trust.
- **Increased Decision-Making Authority:** Social workers were granted greater autonomy to make benefit determinations within the framework of established guidelines.

4. Significant Changes, Benefits, and Services

The implementation of the recommendations resulted in several important changes and improvements:

- **Unified and Transparent System:** The fragmented system of discretionary grants was replaced with a single, rules-based framework.
- **Improved Targeting and Efficiency:** Clear eligibility criteria and standardized benefit calculation methods ensures that assistance reached those most in need. The new information management system also allows for swifter accessibility to reports and specific data information.
- **Expanded Benefit Types:** The new framework introduced tiered benefits, including basic income support, targeted top-ups (e.g., disability, home care, childcare), and emergency assistance.
- **Faster Processing:** The introduction of SPIMS improved processing times, reducing delays in benefit distribution.
- **Greater Equity:** Benefits are now determined based on objective criteria, reducing the influence of political discretion and enhancing fairness in service delivery.
- **Enhanced Accountability:** Expanding independent oversight by the Public Assistance Committee and maintaining a structured appeals process enhances transparency and strengthens public confidence in the system.
- **Improved Confidentiality:** Applicants are registered as numbers in the new system. Names are not assigned.

5. Criteria for Assessing Impact, Benefit, and Value

The impact and effectiveness of the reforms are assessed using the following criteria:

Accessibility: Number of beneficiaries successfully transitioned to the new system and reduction in processing times.

Equity: Proportion of eligible applicants receiving assistance based on defined criteria.

Coverage: Number of households supported and the extent to which benefits meet minimum expenditure thresholds.

Efficiency: Reduction in administrative costs and processing times.

Public Trust: Levels of beneficiary satisfaction and reduction in complaints and grievances.

Self-Sufficiency: Number of beneficiaries graduating from the programme and securing stable employment.

Fiscal Sustainability: Programme expenditure relative to budget allocation.

Grievance Redress Mechanism (GRM): An “in-house” GRM was introduced to cover all of the services provided by the Social Development Department. It is used as the central process for addressing grievances, and includes the escalation to the Appeal Board and the Investigative Committee when needed. *A GRM refers to a system by which queries, suggestions, positive feedback, and concerns about a program are responded to, problems with implementation are resolved, and complaints are addressed efficiently and effectively. In the context of social protection programs, grievances are requests for information, suggestions, feedback, complaints, and appeals about the programs from beneficiaries and stakeholders of social protection programs as well as from the general public.*

6. Impact on Governance and Self-Governance

The implementation of the COI recommendations has had a significant impact on governance and public service delivery:

Increased Accountability: The introduction of a rules-based framework reduced political influence and improves oversight.

Strengthened Public Administration: Enhanced administrative capacity, data management, and inter-agency coordination improves service delivery and responsiveness.

Greater Fiscal Responsibility: Centralizing funds under the Social Development Department ensures more efficient use of resources and reduces duplication.

Improved Public Confidence: Transparent processes and a structured appeals mechanism increases trust in the government’s ability to provide fair and consistent social assistance.

Pathway to Greater Self-Governance: Strengthening the legislative and administrative framework for social assistance, positions the Virgin Islands for greater autonomy. The shift from a discretionary model to a rules-based system reflects a commitment to transparency, accountability, and equitable service delivery—key pillars of good governance. By creating a structured and sustainable social protection system, the Virgin Islands Government has demonstrated its ability to independently design, implement, and manage complex social programmes in line with international best practices. This not only strengthens

public confidence in the government's ability to provide essential services but also reinforces the Territory's capacity to exercise greater self-governance and manage its own affairs with integrity and efficiency.

7. Lessons Learned

The implementation process highlighted several important lessons:

Need for Institutional Capacity: Strengthening the Social Development Department's staffing and operational capacity is essential for managing increased caseloads and complex eligibility assessments. Additionally, enhancing the Ministry's capacity in social policy design and analysis is critical to ensuring the long-term sustainability and effectiveness of the new framework. Developing in-house expertise in social policy will enable the Ministry to better assess changing social needs, design targeted interventions, and evaluate the impact of social assistance programmes. This will reduce reliance on external technical support, improve the responsiveness of social protection policies, and position the Ministry to adapt more effectively to economic and social changes.

Importance of Public Engagement: Effective communication and outreach helped build trust and reduce resistance to the transition.

Flexibility in Implementation: The decision to amend the Public Assistance Act rather than pursue a comprehensive Social Protection Act allowed for faster implementation while preserving long-term reform goals.

Coordination Across Government: The success of the reforms depended on close collaboration between the Social Development Department, the Ministry of Finance, the Ministry of Financial Services, Labour and Trade, the Attorney General's Chambers, and other stakeholders.

8. Initiatives Pending

The Ministry of Health and Social Development made considerable strides towards completing the implementation of the COI Recommendations under its remit. While key legislations and policies were developed or amended, a number of action items remain outstanding or in progress to bring full completion status to the Governance Reform Implementation Plan. Some of the key action items/initiatives expected to be significantly progressed or completed by the end of 2025 include:

- Develop draft Public Assistance Regulations.
- Orient and train staff on the Public Assistance (Amendment) Act, 2024.
- Educate the public on amended procedures in keeping with the Public Assistance (Amendment) Act, 2024.
- Amend existing procedures, guidelines, application forms to incorporate updates, and new definitions defined in the Public Assistance (Amendment) Act, 2024.

- Update Interim Social Protection MIS in keeping with the Public Assistance (Amendment) Act, 2024.
- Initiate recruitment and training of additional staff, and establish specialised teams for Social Protection and Assistance programme expansion.
- Re-assess beneficiaries, including those previously denied assistance in accordance with the Public Assistance (Amendment) Act, 2024 to determine new eligibility.
- Launch a community engagement and awareness campaign to ensure target beneficiaries are informed about the new programme and its benefits.
- Develop and implement training programmes for current staff members to build skills in social protection management, data collection, beneficiary support, and programme evaluation.
- Establish a dedicated Social Protection Programme Unit within the Social Development Department to oversee the design, implementation, and ongoing management of the programme and adjust reporting lines to include direct oversight for social protection programmes, through the appointment of a Social Protection Manager.
- Establish a feedback reporting mechanism using a Hotline and Email Support in partnership with customer services unit; Social Media Interactions encouraging beneficiaries to ask questions and provide feedback via comments and messages on social media platforms.

There are presently two key initiatives in progress, which are expected to be completed by 2026 and 2027, respectively:

- Establish a digital management information system (MIS) for beneficiary registration, tracking programme outcomes, and ensuring efficient delivery of services.
- Adapt existing policies and legal frameworks to incorporate the new social protection programme and develop a Social Protection Act that takes into account the following considerations: - Universal child grant; Minimum guaranteed pension; Benefits for people with disability and an Unemployment benefit or grant.

Conclusion

It is important to note that a number of systems were already being restructured and elements of reform were underway before the Commission of Inquiry. The Ministry of Health and Social Development had previously engaged with key partners to complete a situational analysis of the social protection system and to develop a social protection framework which essentially laid the ground work for this Social Protection Policy. Additionally, an Income Support Programme was implemented in the aftermath of the 2017 hurricanes, and was subsequently expanded after the COVID-19 pandemic using key lessons learned.

The implementation of the COI recommendations has established a more transparent, efficient, and equitable social assistance framework in the Virgin Islands. The reforms addressed long-standing issues of fragmentation and political influence, creating a sustainable and accountable system for delivering social assistance. The new framework positions the Virgin Islands to better support its vulnerable populations while enhancing public confidence and laying the foundation for future social protection reforms.



GOVERNMENT OF THE **VIRGIN ISLANDS**

Ministry of Education, Youth Affairs
and Sports

Ministry of Education, Youth Affairs & Sports

Assessment Report on B11

Assistance Grants Programme

A. Background and Context

Recommendation B11

“I would expect the proposed review to conclude that there is some public benefit to having public funds allocated to grants for educational scholarships etc. If and insofar as it does, then I recommend that consideration be given to (i) having clearly expressed and published criteria by which applications for such grants are assessed for public assistance; (ii) an open and transparent process for the proper recording, assessment and monitoring of applications and grants; (iii) assessment and monitoring being made, not be (or just by) elected public officials, but by a panel including members of civic society. However, steps should also be taken to ensure that current or ongoing grants are not inappropriately interrupted by this proposed recalibration, and that recipients of grants are not unfairly prejudiced in (e.g.) their education by the change of system to one that is more open and transparent. Transitional provisions may be required. Funds that have been allocated to such grants can be reallocated for distribution through such transitional provisions, before any new, more permanent system is established.”

FRAMEWORK FOR IMPLEMENTATION OF THE RECOMMENDATIONS OF THE COMMISSION OF INQUIRY REPORT AND OTHER REFORMS – A Proposal

This proposal outlines the Government of National Unity’s proposed approach to reform in the best interest of the people of the Virgin Islands. More specifically, it sets out a framework for the implementation of the recommendations of the Commission of Inquiry Report (COI Report) under continued democratic governance, as well as other reforms.

B11 of the framework for Implementation of the Recommendations of the Commission of Inquiry Report and other Reforms asks that Cabinet establish “a panel comprised of persons from civic society to review the educational grants programme with a view to recommending clearly expressed and published criteria by which applicants are selected to ensure an open and transparent process with the proper recording, assessment and monitoring of the programme.”

The completed report will be presented to the Premier and Governor.

Start: 30th June 2022

Completion date: 31st October 2022

B. Process of Implementing Recommendation B11 from Review to Bringing into Force

In response to Recommendation B11 of the Commission of Inquiry, the Ministry of Education, Youth Affairs and Sports moved swiftly to take concrete steps in reviewing and reforming the existing Assistance Grants Programme. The first action was the establishment of a review panel, comprising members of civic society: Dr. Sauda Smith (Chair), Dr. Richard Georges, Mr. Maurice Turnbull, Ms. Kamika Forbes, and Mrs. Kishelle Blaize-Cameron. This panel was officially appointed by Cabinet Extract Memo No. 41/2022 on 29 June, 2022, and was mandated to complete its work by 31 October, 2022.

To avoid creating unnecessary hardship for applicants during the review process, an interim Assistance Grants Policy was introduced in August 2022. This allowed for continuity and ensured that persons who had already submitted applications were not disadvantaged. By September 2022, the panel had submitted a draft policy with comprehensive guidelines to the Ministry, and this was subsequently forwarded to the Governor and Premier on 31 October, 2022.

Following submission, the draft policy underwent a robust consultation and feedback process. The Governor provided comments, which were discussed in the Commission of Inquiry Tripartite meeting. In this meeting, the Premier emphasized the need for wider public consultation on the draft policy. In parallel, the Internal Audit Department was engaged in October 2022 to offer technical feedback, ensuring that the policy was not only clear but also enforceable and sustainable.

The interim committee responsible for managing ongoing applications during the review period also contributed insights. Based on the feedback received, the Chair of the review panel submitted a revised version of the policy in December 2022. Public consultation was subsequently conducted, and the final edited draft was submitted to Cabinet in February 2024. Cabinet approved the Assistance Grants Policy on 21 February, 2024, and it was tabled in the House of Assembly on 23 February, 2024. Once passed, the new policy was uploaded to the Ministry's government webpage, marking the completion of this phase and formalizing the new structure for administering assistance grants.

Critical to the process, for transparency and good governance, the policy calls for an annual audit of the programme by the Internal Audit Department.

C. Analysis of Data Related to Processing of Applications

A review of the data collected during and after the implementation of the interim policy reveals an increase in the structure and consistency in how applications were processed. Between September and December 2022, a total of 94 applications were reviewed. This increased to 153

applications in 2023 and remained steady with 152 applications reviewed in 2024. This steady inflow indicates both the accessibility and continued demand for the Assistance Grants Programme.

Prior to the introduction of the interim policy and the subsequent approval of the official Assistance Grants Policy, the programme lacked a clearly defined structure, including criteria and funding ceilings. This lack of standardization resulted in a wide and inconsistent range of grant requests, making it difficult to assess the actual benefit or impact of the grants. Without a proper framework, it was challenging to determine whether the financial support provided aligned with the Ministry's long-term goals.

Under the new policy, applicants are now allowed to apply only once per year, promoting greater equity by enabling a larger pool of individuals to benefit from available funds. Moreover, Cabinet-approved national priority areas, similar to those used in the Virgin Islands National Scholarship Programme, have been adopted. Applicants seeking educational grants in these priority areas may now be eligible for enhanced funding. This strategic move not only helps build local capacity in critical sectors but also ensures alignment with the broader human resource development needs identified in the Territory.

Other key improvements include the digitization of records. By March 2025, all grant application records—from submission to final decision—are expected to be fully electronic through the Ministry's portal. This will significantly improve transparency, traceability, and efficiency in the grant application and review process.

D. Challenges with Implementation

While the implementation of the Assistance Grants Policy has yielded important reforms, several challenges were encountered along the way. One of the primary challenges was meeting deadlines, as the approval and consultation processes were often dependent on the input of other entities that were managing competing priorities and schedules. This occasionally led to delays in advancing critical aspects of the reform process.

Another challenge was ensuring that the public understood the new policy, especially with regard to the specific information required for a complete and satisfactory application. The shift toward a more structured process necessitated public education campaigns and outreach efforts, which required both time and resources.

Additionally, there was a need to sensitize applicants about the reduced involvement of the Minister in the decision-making process. The new policy intentionally removed much of the discretionary power previously held by elected officials, transferring decision-making authority to an impartial committee. While this change enhanced transparency, it required careful communication to the public to manage expectations and build trust in the new system.

The implementation also highlighted the need for dedicated staff to manage the growing and increasingly technical workload of the programme. Without staff solely assigned to oversee the administration of the grants, response times and internal processing could be hindered. Finally, the transition to a digital platform, while promising, also introduced new demands such as user training, software testing, and IT infrastructure support.

E. Suggested Changes Going Forward / Lessons Learnt

Moving forward, several suggestions and lessons learnt can help further enhance the effectiveness of the Assistance Grants Programme. Firstly, the importance of early and consistent stakeholder engagement cannot be overstated. Involving relevant agencies, civil society representatives, and the public from the outset contributes to better feedback, more buy-in, and smoother policy adoption.

Secondly, there is a need to explore the creation of a small, dedicated team within the Ministry to manage all aspects of the Assistance Grants Programme—from applicant queries and processing to monitoring and evaluation. This would significantly reduce the administrative burden on the wider Ministry staff and improve service delivery.

Finally, another lesson is the need for ongoing public education. A user-friendly guide explaining how to apply, what qualifies as a priority area, and how applications are evaluated could go a long way in increasing compliance and decreasing incomplete or misinformed submissions.



CONSTITUTIONAL REVIEW COMMISSION

**Constitutional Review Commission
Cutlass Tower
Road Town, Tortola
British Virgin Islands**

18th March 2025

Mr Kedrick Malone
Governance Reform Relationship Manager
Government of the Virgin Islands
Road Town, Tortola
British Virgin Islands

Dear Mr. Malone,

I refer to your communication at the beginning of the week for assistance with the questionnaire set out below, as it relates to COI recommendation A2 (constitutional review).

My responses are set out below, as requested, covering:

a. the scope of what was implemented versus what was recommended by the COI and why they are different

Recommendation A2 (constitutional review) is still in progress, though the Report of the Constitutional Review Commission has been submitted. The constitutional review preceded the COI but the COI cited several more terms of reference for the constitutional review commissioners to consider. There are 57 CRC recommendations, not all of which require changes to the actual constitution document. Some of the recommendations that do not depend on a newly negotiated constitution are being implemented. A list of the more salient ones that should also be addressed independent of a negotiated constitution but have not been implemented, are as follows:

- CRC R5 calling for Freedom of Information legislation;
- CRC R16 calling for the setting up of the Integrity Commission and subsequently making several governance linkages between it and the constitution;
- CRC R17 calling for the Contractor General Act, 2021 to be brought into force;
- CRC R32 calling for wide public consultation on legislation for judge only criminal trials;

- CRC R30(b)(i) and (ii) calling for an update to the Ministerial Code of Conduct to address the relationship between Ministers and Public Servants, and a Parliamentary Code that would supplement the Ministerial Code of Conduct;
- CRC R18(c) calling for the DPP, the Auditor General, the Complaints Commissioner, and the Registrar of Interests to be listed in regulation 5 of the Appointment to Public Office (Devolution of Human Resources Functions) Regulations, 2008 each as an Authorised Officer to whom the Governor may delegate some of the Governor's powers to make appointments to public offices, and to remove and to exercise disciplinary control over persons holding or acting in such offices.

b. the challenges and issues with the process completing the review considering resources, expertise, time, scope, disruptions, etc.

One challenge faced with implementing recommendation COI Recommendation A2 (constitutional review), according to the Chairman of the Constitutional Review Commission, ("CRC") was the great need to educate the public on the Constitution itself, and its relevance to their day-to-day affairs. Therefore, public consultation was invariably public education and consultation. On a positive note, the educational outreach was not in vain as those public educational and consultative sessions resulted in a record level of written submissions. Appendix 1 of the CRC report cites 156 individual written submissions from approximately 89 persons.

Another challenge in implementing COI Recommendation A2 was that the constitutional review exercise, although a pre-cursor to the COI, ran along side the implementation of the Col recommendations. This has resulted in a delay in the negotiation of a new Constitution until the Col implementation phase has been satisfactorily completed. Therefore, rather ironically, COI Recommendation A2 remains uncompleted.

c. What measures were implemented to meet the review terms

As discussed under (a) above, although the constitutional review has not been completed, some of the recommendations in its Report that do not require drafting changes to the Constitution itself, are being progressed. Several of these meet the terms which the COI asked to be considered under the constitutional review. These include the following:

- CRC R19 - the Human Rights Commission Bill is out for public consultation in anticipation of establishing the Human Rights Commission;

- CRC R26 - the Protocol for the Appointment and Removal of Statutory Board Members issued March 2023 should be reviewed to address guidance on rolling or staggering board appointments, tardy annual reporting, and good governance training. I understand that a review is presently underway but do not know how extensive it will be;
- CRC R35 for Crown Lands legislation that provide for transparency in the acquisition, management and disposal of Crown lands, included derelict vessels on Crown lands. The Crown Lands Management Act was passed in 2024.

d. What significant changes, benefits and services you anticipate will result from the review

As the completion of the constitutional review appears to be dependent on further assessment of the implementation of other COI recommendations, the constitutional reviews process remains uncompleted. The Chairman of the CRC submitted her report at the end of November 2023 but the CRC Report is yet to be debated in the House of Assembly or a new constitution negotiated. At this stage, it would therefore be premature to assess the significance of any changes, or benefits the could result from the constitutional review, until the review process is fully completed and a revised Constitution agreed.

e. What are your criteria for assessing the impact, benefit and value of the review

See response to (d) above.

f. How will the implementation of recommendations of the review change governance in the Virgin Islands, the public service, delivery of services to the people and help the VI to achieve greater self-governance.

The recommendations flowing from the CRC Report have not been debated nor negotiated. Therefore, it is not possible to state how implementation of the recommendations of the constitutional review process would change governance. However, if the recommendations in the CRC Report were to be implemented without any negating amendments, some of the constitutional changes would result in:

- enhanced governance by making the legislative processes more public and transparent (e.g. by having the proceedings of most HoA committees public, and frequent publication of Bills);
- The regulation of campaign financing;
- greater administrative and financial independence for independent institutions in the conduct of their core functions (e.g. auditing, prosecuting) by making them less reliant on central government machinery, and thereby making them more effective as an independent check on executive power;
- an improved policy making process, including the adoption of green papers incorporating the views the public prior to submission for Cabinet approval;
- provision of a more methodical and structured path to greater self-determination by, for example, instituting or strengthening independent institutions (e.g. Integrity Commission, Human Rights Commission) which are required to protect an accountable and transparent representative democracy;
- enhanced provisions for the Governor to consult with the Premier in more cases, which is more reflective of a modern partnership supportive of greater self-determination.

g. Describe the lessons learnt, both personally and for the public service, because of the COI and the recommendations you led in implementing

The overarching lesson from the Col is the ever-present need to keep the appropriate levels of separation of powers between the three branches of government, and how the Constitution is mechanism that governs their interrelationship.

h. Further thoughts, recommendations, concerns, issues

None

Respectfully,



Lisa Penn-Lettsome

Chairman