TURKS AND CAICOS ISLANDER STATUS ORDINANCE

TURKS AND CAICOS ISLANDER STATUS REGULATIONS 2023

(Legal Notice 44 of 2023)

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REGULATION

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TURKS AND CAICOS ISLANDER STATUS REGULATIONS 2023

(Legal Notice 44 of 2023)

MADE by the Governor under section 26 of the Turks and Caicos Islander Status Ordinance.

Citation and commencement

1. These Regulations may be cited as the Turks and Caicos Islander Status Regulations 2023 and shall come into operation on publication in the *Gazette*.

Interpretation

2. In these Regulations—

"Ordinance" means the Turks and Caicos Islander Status Ordinance.

Evaluation criteria

3. (1) The evaluation criteria specified under sections 4(7*)(i)* and 4(9) of the Ordinance is set out in the Schedule.

(2) The Commission shall use the evaluation criteria as an additional criteria to assess an application before them.

(3) The highest ranked in order shall be recommended for grant of Islander status to the Governor.

SCHEDULE

EVALUATION CRITERIA: TURKS AND CAICOS ISLANDER STATUS

(Regulation 3(1))

Comparison Matrix Table

Country	Turks and Caicos Islands
Point System	Applicant must acquire an accumulated amount of points totalling 143 or more out of a possible 220, which equates to 65% or higher.
Principle Based	Based on the following: Skilled migrant system that ranks expressions of interest in order to gain those **migrants who can offer the most to the TCI**; Prioritization of the country's economic prosperity in the placement of **immigrants that have the knowledge and skills to contribute to the economic development of the Islands**; **Protection of the country's borders** to keep out persons who are not conducive to the public good, while **facilitating legitimate trade and travel; Protection of the employable rights of Turks and Caicos Islanders**.
Eligibility and Work Experience	**Route 1 -** Applicant must be a BOTC by virtue of a connection with the Islands who has held a permanent residence certificate for a period of at least five years and has met the requirements of section 4(7) of the Ordinance and criteria as set by the Governor in Cabinet and outlined in the Evaluation Criteria: Turks and Caicos Islander Status. **Route 2 –** Applicant must be a BOTC by virtue of a connection with the Islands who has been legally resident in the islands for a period of at least ten years and has met the requirements of section 4(7) of the Ordinance and criteria as set by the Governor in Cabinet and outlined

	in the Evaluation Criteria: Turks and Caicos Islander Status **Route 3—** Applicant is a British Citizen who has held a permanent residence certificate for a period of at least five years and has met the requirements of section 4(7) of the Ordinance and the criteria as set by the Governor in Cabinet and outlined in the Evaluation Criteria: Turks and Caicos Islander Status. **Route 4 –** Applicant is a British Citizen who has been legally resident in the islands for a period of at least ten years and has met the requirements of section 4(7) of the Ordinance and the criteria as set by the Governor in Cabinet and outlined in the Evaluation Criteria: Turks and Caicos Islander Status. **Route 5 –** Applicant must have been born in the Islands to parents who at the time of their birth were legally resident in the islands; has acquired BOTC by virtue of section 15(4) of the BNA 1981; has been legally resident in the Islands for a period of at least 10 years and has attained the age of eighteen years and has met the requirements of section 4(7) of the Ordinance and the criteria as set by the Governor in Cabinet and outlined in the Evaluation Criteria: Turks and Caicos Islander Status. **Route 6 –** Applicant is under the age of eighteen years and was endorsed on a Permanent Residence Certificate and has met the requirements of section 4(7) of the Ordinance and the criteria as set by the Governor in Cabinet and outlined in the Evaluation Criteria: Turks and Caicos Islander Status. **Route 7 -** Applicant is the child of a person who is the spouse of an Islander, who has not been adopted by the

<table>
<tr><td></td><td>spouse who is the Islander or who is not the biological child of the Islander, who was endorsed on that person's Residence Permit.

NB. In terms of section 4(8) of the Ordinance, section 4(7) and the criteria shall not apply to the child, stepchild or parent of a Turks and Caicos Islander.</td></tr>
<tr><td>Selection Criteria and Maximum Number of Points for each</td><td>Age – For the assurance that persons acquiring status have completed their formal education, have gained experience and have sufficient years of a working life left in order that they can significantly contribute to the social systems and the sustainability of the economy.

<table><tr><th>Age</th><th>Points</th></tr><tr><td>18- 24 years</td><td>15</td></tr><tr><td>25- 40 years</td><td>20</td></tr><tr><td>41- 55 years</td><td>15</td></tr><tr><td>56- 70 years</td><td>10</td></tr><tr><td>71 years and above</td><td>5</td></tr></table>
Educational Qualifications – For the assurance that persons who, because of their educational advancement, are less likely to negatively impact the resources of the Islands, are given a better chance of acquiring Islander Status. Educational qualifications may or may not be related to a person's occupation at the time of application. Points will be awarded only for the highest level of qualifications attained from an accredited institution.

*Professional qualifications are titles or awards granted by professional bodies which most, but not all, are 'Chartered' qualifications</td></tr>
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Qualification	Points
Professional Qualification or Designation	30
Bachelor's, Master's or Doctoral Degree	25
Associates Degree, Diploma, Trade Qualification or equivalent	20

Spouse Skills – To ensure that couples with the prescribed qualifications are rewarded if spouse also satisfies the basic requirements (English Proficiency, Educational Qualifications). Verifiable evidence of attainment required.

Spouse's Skills	Points
If applicable	10
If not applicable	0

Local Status (Years of Residence in TCI) – Applicants will be awarded points for the number of years that they have been resident in the Turks and Caicos Islands. Greater number of points will be awarded for the longer period of years resident.

Years of Residence	Points
11 to 14 years	15
15 to 19 years of residence	20
20 to 24 years of residence	25
25 years of residence and greater	30

BOTC status holders who have been born in the Islands and continue to live in the Islands throughout the years. Points can be awarded if they are still living in the Islands.

BOTC born and living in the Islands	Points
If applicable	20
If not applicable	0

Skilled Employment – Applicants will be awarded points for the number of years of employment experience in a skilled occupation, and on provision of verifiable evidence of skilled employment undertaken in the applicant's given occupation.

Length of employment	Points
Less than 2 years	5
3 to 5 years	10
6 to 9 years	15
10 years and above	20

Crown, Statutory Body and Constitutional Body Employment – To reward persons employed with the Turks and Caicos Islands' Government, in a prescribed category of service relating to essential work.

Crown, Statutory Body and Constitutional Body Employee - Essential Category	Points

	Employed by Government for up to 5 years in an essential category of service	5
	Employed by the Government for 6 to 10 years in an essential category of service	10
	Employed by the Government for above 10 years in an essential category of service	15

Essential Categories

- Medical Field
- Law Enforcement
- Defence Force
- Border Control
- Law
- First Responders
- Teaching/Education
- Aviation
- Utilities and Communication
- Information Technology and Cybersecurity
- Finance
- Engineering

This list is not exhaustive and can be further determined by the consideration and discretion of the Commission.

Family Ties in the Turks and Caicos Islands – To support the family structure

and seek to reunite families where possible and for eligible family member applicants with those that are Turks and Caicos Islanders in their own right.

Family Ties in Turks and Caicos Islands	Points
Spouse/Children/Parents/Siblings with Islander Status	10
No family as listed above with Islander Status	0

Investment in a Home or Business – To demonstrate greater commitment to the Turks and Caicos Islands by having invested in a home or business. Verifiable evidence for proof of ownership will be required.

Investment in a Home or Business	Points
If applicable	10
If not applicable	0

Financial Stability – (scaled assessment of gross annual income to determine ability to financially support oneself. As a reference, Nominal GDP per capita in 2022 was $25,985.

Yearly Gross Income	Points
$26,000 to $49,999	5
$50,000 to $79,999	10
$80,000 and above	15

Extraordinary Achievements – To attract individuals who possess extraordinary abilities and/or accomplishments in the sciences, arts, education, business or athletics, or who can demonstrate achievement in motion

picture, television or the music industry, and who is recognized internationally for such accomplishments.

Possession of Extraordinary Achievements	Points
If applicable	20
If not applicable	0

Assimilation and Service Propensity – To reward persons who demonstrate direct support to/for members of the vulnerable societies (children/elderly/physically or mentally impaired), those actively mentoring of Turks and Caicos Islander(s), those affiliated and actively participating in registered community groups and/or who are affiliated with registered social and support organizations, and/or community service, those who contribute or represent the Islands at national or international level, and those who contribute generally to the development of the Islands.

Assimilation and Service	Points
If applicable	Maximum 20
If not applicable	0

Demographic and Cultural Diversity – (Country) - For the assurance that there is no opportunity for disproportionate sizing of the population such that Turks and Caicos Islanders become a minority due to the vast number of other citizens being granted permanent status in the country over another. The initiation of a regime to ensure that countries can be categorized and awarded points based

	on such categorization. **Deductible Components** – Criminal Convictions and or records in accordance with TCI Status Ordinance Section 4(2)(c) and (7)(b) iii), on convictions related to serious crimes such as fraud, violence, corruption, terrorism, arms trafficking offence, drug trafficking offence, money laundering offence and such other serious crimes as the Commission may be guided– disqualified Incitement of violence, racism or public disorder in accordance with TCI Status Ordinance Section 4(7)(d) – disqualified Section 4(7)(e) and (h) – (a) The economic situation of the Islands and the protection of persons already engaged in similar gainful occupations; (b) the desirability of retaining the economic resources of the Islands in the control of Islanders – deduction of 10 points Mistreatment of employees will be a part of the reference checks, which will include a check of any formal findings against an employer with the Labour Department or Tribunal.

Country of Origin	Points
Where the proportion of a population of a particular nationality is more than 5% of the total population of the most recent census	-10

MADE this 29th day of August 2023.

DILEENI DANIEL-SELVARATNAM
GOVERNOR

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations seek to set out the Evaluation criteria that shall be used by the Turks and Caicos Islander Commission in the assessment of applications before them.