

REPORT OF THE SENATE SPECIAL SELECT COMMITTEE

July 14, 2020

INTRODUCTION

This Select Committee was established pursuant to a motion passed in the Senate on September 30, 2016. The purpose of the Committee was to inquire into and report on the findings of a special audit report prepared by the Auditor General in relation to the Immigration and Nationality Department. The terms of reference of this committee were as follows:

- A. To conduct an independent and impartial investigation and inquiry into all policies, processes and procedures in the grant of nationality, and the issuance of visas and passports in the Ministry responsible for Immigration and Nationality that pertain to the findings of the abovementioned Special Report of the Auditor General for the period 2011 - 2013;
- B. To require the production of such papers and records as the Committee shall deem relevant to the enquiry and to examine pertinent documentation;
- C. To determine whether, consequent on the investigation and inquiry statutory and other procedures were complied with;
- D. To require the attendance before the Committee of the Chief Executive Officers of the Ministry of Immigration and Nationality and the Ministry of Foreign Affairs, and any other Chief Executive Officer who is named by the Auditor General in her Special Audit of the Immigration and Nationality Department on Nationality, Visas and Passports for the period of 2011-2013 ("the Special Audit Report") and/or who may have information, by virtue of his office, which may be relevant to the inquiry, pursuant to Section 61A(2)(g) of the Constitution of Belize;
- E. To require the attendance before the Committee of those Ministers named by the Auditor General in the Special Report and/or any other Minister of Government who may

have information which may be relevant to the inquiry, pursuant to Section 61A(2)(h) of the Constitution of Belize;

- F. To require the attendance before the Committee of the Director of Immigration and Nationality and all such current and former public officers in the Ministry responsible for Immigration and Nationality, pursuant to Standing Order No. 72 of the Senate Standing Orders, as well as for the production of all relevant papers and records of the Ministry, as may be necessary to conduct its enquiry and investigation;
- G. To examine all such persons required to attend before the Committee as witnesses, pursuant to Standing Order No.72 of the Senate Standing Orders;
- H. To hold and conduct its sittings and meetings in public and broadcast live except for sittings which are held only for the purpose of deliberation of the matters which are the subject of the Committee, which sittings shall be held in private;
- I. That the Committee shall hold its hearings with due urgency and expedition, in accordance with Standing Order 75 of the Senate Standing Orders, make a report to this Honourable Senate as soon as may be practicable of the result of its inquiries, with all such comments and recommendations as the Committee may deem fit, furnishing this Honourable Senate with a full statement of its proceedings and of the reasons leading to its conclusions and recommendations; and
- J. That the report shall be tabled in this Honourable Senate and become a public document;
- K. All Committee members shall be allowed sufficient time and equal opportunity to question witnesses, and shall be permitted to question each witness who attends a sitting;
- L. Each witness shall be afforded the opportunity, pursuant to Standing Order 72(13) of the Senate Standing Orders, to review his/her evidence, and shall have liberty to suggest corrections due to inaccurate reporting, within 14 days of

the date from which the evidence was sent to the witness by the Clerk;

- M. The Committee shall be permitted to hire attorneys, accountants and such other experts as required by the Committee;
- N. The Office of the Senate shall be the office of the Secretariat of the Committee.

The Auditor General's Report covered the period 2011 to 2013 and was divided into three sections: Visa, Passport and Nationality. Each section included an executive summary and outlined the audit mandate and objectives and summarized the findings of the audit exercise. The Report contained some 675 pages (not including exhibits and appendices).

The Committee sat for more than a year over the course of forty-two sessions which included 39 public hearings and interviewed several persons (listed in Appendix 1 hereto) commencing on October 12, 2016 and culminating on November 22, 2017. The full transcript of the public portion of the Committee's work containing 1844 pages has been produced and exhibited at Appendix 2 in accordance with the authority vested upon the Committee in Standing Order 75(2). Regrettably, the Committee experienced prolonged delays in the receipt of the compilation of material to form the basis of this report. Other impediments have also contributed to the substantial delay in the production of the Committee's report. The delays notwithstanding, it is submitted within the time stipulated by the Standings Orders of the Senate. Our report now follows and is divided into the same categories as the Auditor General's Report for convenience. Reference to the Auditor General's Report in any particular section of this Report refers to the corresponding volume of the Audit General's.

A. VISAS

At the outset we should mention that the legal framework does not use the word visa; rather, the law utilizes the word “permits” which we have, over time, come to accept by the general term “visa” in our day to day interaction in immigration matters. In keeping with the language of the Auditor General we will use the word visa herein to refer to the types of permits created by the Immigration Act. Section 9 of the Act lays the foundation for entry permits to Belize and reads as follows:

9.-(1) The principal immigration officer may issue to any prospective immigrant a permit to enter or remain in Belize subject to such conditions as to occupation, security to be furnished, or any other matter or thing as the principal immigration officer may think expedient.

This section vests upon the Director of Immigration the discretion to grant a permit to any immigrant for entry into the country and to remain herein for any period of time upon such conditions as the Director may determine. Section 13 of the Act qualifies Section 9 by establishing the types of temporary permit that the Director may issue:

13.-(1) The kinds of permits which may be issued to a person entitling such person to enter and remain temporarily within Belize shall be as follows,
(a) an in transit permit;
(b) a dependent’s permit;
(c) a temporary employment permit;
(d) a student’s permit;
(e) a special permit;
(f) a visitor’s permit.
(2) The issue of any permit of a kind mentioned in this section, shall be in the absolute discretion of the Director of Immigration and Nationality Services.

Thereafter Section 19 further addresses the considerations for the granting of a visitor’s permit:

19.-(1) A visitor’s permit may on application be issued by the Director of Immigration and Nationality Services to any prospective visitor to Belize who satisfies the Director of Immigration and Nationality Services that he wishes to enter Belize for the purpose of,
(a) spending a holiday;
(b) travelling;
(c) temporarily carrying on any business, trade or profession; or
(d) investigating the possibilities of settlement in Belize.

(2) A visitor's permit shall entitle the holder to enter Belize within the period stated in such permit and to remain therein for such period not exceeding six months, as is stated in such permit, Provided that the Director of Immigration and Nationality Services may extend such last-mentioned period, if he considers it expedient to do so, for any further period or periods not exceeding six months in the aggregate.

(3) It shall be a condition of issue of every visitor's permit that the holder shall not accept employment within Belize without the permission in writing of the Minister, and if the holder of any such permit accepts employment without such permission, he shall be deemed to have acted in contravention of this Act, and the permit may be cancelled by the Director of Immigration and Nationality Services.

The "Visa Section" of the Auditor General's Report focused primarily on the temporary permit known as the visitor's permit. Likewise, this section of the Committee's Report will also focus on that type of permit to which the Auditor General generally referred to as a visa.

Prior to 2014 the law placed the discretion for the granting of visas solely on the office of the Director. Although it was understood from the public hearings that there were some guidelines which were put in place by the Director; it seemed to the Committee that these guidelines were loosely imposed during the relevant period of the audit. In 2014; Government, in response to the "Wonhong Kim episode" (to be discussed later), put in place a series of statutory reforms seeking to address some of the weaknesses across the system which saw the implementation of revised guidelines for the application process and the establishment of the visa vetting committee which is tasked with reviewing every visa application and making a recommendation for the grant or otherwise of the visa. It is necessary to highlight the changes made post Won Hong Kim as it is necessary to understand the context of the Auditor General's findings and recommendations as these were based on findings prior to the 2014 changes and, to some extent, some of the weaknesses observed by the audit were addressed by the changes implemented in 2014.

Nevertheless, the following, in our view, comprise the more substantial findings of the Auditor General in relation to the visa regime during the period of the audit. We feel that it is imperative for us to discuss, in detail, the circumstances which served as the foundation for the audit.

1. Missing Visa Foils

The catalyst for the original investigation by the Auditor General into the Department was a report of eight missing visas. The Committee considered the matter of the missing visas and stubs (or foils as they were sometimes referred to) of serious concern and probed significantly into the matter. From the several

witnesses that appeared before the Committee; we gathered the following narrative in relation to the troubling theft of the visas from the Western Border Station.

On Boxing Day, December 26th 2012, Immigration Officer Mr. Mark Tench who was then a Supervisor at the Belize Western Border Station reported to work at about 6:00 am along with two other officers. Shortly after reporting to work he obtained what was referred to as the “visa book” and noticed that the numbers of the available visas did not follow sequentially from the last visas documented as being issued in the visa book. Initially, Mr. Tench believed that the visas had simply been misplaced but, after a thorough search, he surmised that the eight visas along with their counterfoils were missing from the office. Mr. Tench called his supervisor Edgar Cano (who was on vacation) to report the matter and later he reported the issue to the second in command Mr. Vernon Leslie. Mr. Tench described a system whereby the officer coming off duty on the previous night’s shift at 10:00pm would have written up a register of the visas issued in the course of that previous day along with their corresponding receipts and counterfoil numbers. The visas and corresponding documents would have been locked up in the office for the night by the outgoing supervisor. Mr. Tench identified that supervisor as Enaida Morales but he was explicit in saying that his own investigation revealed that the eight visas were stolen prior to November 28, 2012 and that it was a mere coincidence that the last visa transacted on the previous day was the one immediately prior in sequence to the first missing visa. Mr. Tench assumed that someone stole two sheets of visas from the bottom of the stock kept at the border station as each sheet contained four visas. According to Tench he was thereafter entrusted to lead an investigation into the matter. The report from Tench, through his testimony, along with the testimony of the key participants weaves an intriguing tale to say the least.

The testimony of Mark Tench

Mr. Tench told the Committee that he was stationed at the Western Border at the relevant time in the capacity of supervisor. According to Tench, on the morning of Boxing Day 2012, he discovered that there were some visa foils missing. He then immediately contacted the Officer in Charge Mr. Edgar Cano to report the matter. Mr. Tench described a very loose system of keeping the visa foils and referred to it specifically as a “trust system” between the previous person on shift and the subsequent officer. He testified that he embarked upon his own investigation in order to determine what transpired with the foils. About ten days into his inquiry he received information from Belmopan Port Commander (George Reynolds) to the effect that a person by the name of Patrick Tillett had inquired, about a month prior, whether Reynolds would be able to “fix” some visas in Tillett’s possession which were missing departmental stamps.

According to Tench, after hearing this information with Mr. Cano sanctioned a more detailed investigation into the matter. Subsequently, Tench called Mr. Tillett and arranged a meeting to discuss the issue. Mr. Tench was accompanied at the meeting, which took place at the Calypso Restaurant in Belize City, by two other immigration officers. Mr. Patrick Tillett was present in the company of Mr. Eric Chang. Tench testified that both Tillett and Chang actively participated in the discussions and that Chang himself mentioned that he was getting visas for some people. Tench was adamant in saying that both men admitted that they purchased the visas through an intermediary for \$5000.00 each and further that they attempted to get Mr. Reynolds to affix the stamp when they discovered that the visas were invalid without the relevant departmental stamp. After this failed they tried to get their money back from Mr. Middleton. In the course of this meeting Tench was able to conclude that the intermediary, with whom Chang and Tillett dealt, was a person by the name of Barton Middleton.

Also, in the course of the meeting, Tillett relayed to Tench that Mr. Middleton was seen in the company of an immigration officer on one occasion when he (Tillett) was seeking to get the money back from Middleton. Based on his own knowledge of who Mr. Middleton was, Tench quickly concluded that the person may have been Ms. Inez Cassanova. The nexus between Ms. Cassanova and Middleton remained unclear to the Committee and became a point of contradiction in the evidence later but, it is sufficient to say, the nature of the relationship it is not pertinent to this report.

Immediately after the meeting at Calypso, Tench and his team drove to Orange Walk Town to speak with Ms. Cassanova who, according to Tench, called Mr. Middleton who appeared shortly after the call. Tench went on to testify that Middleton pointed the finger at an individual in Corozal known to him only as Gaddafi. Tench also knew Gadaffi from his days when he was stationed in Corozal. Thereafter Tench then headed further to Corozal where he met with Gadaffi who, after initial reluctance, indicated to Tench that he received the visas from immigration officer Lindsey Wade.

The testimony of Vernon Leslie

Mr. Leslie stated at the outset that he was never questioned by officers from the Auditor General's Department in relation to the issue of the missing visa foils. Interestingly, he denied that he was the person in charge of the office in the absence of Mr. Cano saying that he was never notified of that and that Mr. Cano simply proceeded on leave leaving the office to be held over by three supervisors of equal rank, himself included. He also said that the issue was never reported to the Director of Immigration because he thought that the Officer in Charge would

have done so. Leslie went to some extent to express his disappointment in the response that he received from Mr. Cano to the report of the missing visas immediately after the problem was discovered. He also described the same trust system that existed at the border station among the five supervisors in the handling of the visas. To his credit he readily admitted that the protocols in place were not followed all the time by officers including himself. Specifically, he admitted that if officers were routinely verifying the number of visa foils issued and available at every handover the fact of the eight stolen visas would have been discovered much earlier or perhaps it would have been averted on a whole. Importantly, Leslie noted that all the supervisors, including Mr. Cano, decided that it would be best to proceed to issue government receipts with the corresponding numbers of the missing visas and affix a wet stamp in the passport instead.

The testimony of Edgar Cano

Mr. Cano was the Officer in Charge of the Western Border Station at the time of the discovery of the missing visas. His evidence was in line with that of the other officers who testified that he was out of office on vacation on the day of the discovery. He too was never questioned by the Auditor General. His testimony diverged, from that of Mr. Leslie in particular, when he stated that he never gave approval for any visas to be issued utilizing the numbers of those that were missing for the purposes of the government receipt.

The testimony of Patrick Tillett

Mr. Tillett, an accountant by profession engaged with the Belize City Council at the time, admitted under oath that he was moonlighting, so to speak, as an agent for six (6) Chinese visa applicants two of whom he met through Mr. Eric Chang and four others through Mr. Gian Chen. By his own admission, the extent of his service entailed ensuring that each visa application was properly filled out and verifying, with his own check-list, that the requirements for the visa applications were all met. He was paid a total of six thousand Belize Dollars (Bz\$6,000.00) per applicant which included the Government fee of two thousand dollars. According to Tillett he contracted another agent whom, quite surprisingly, he only remembered by the surname Middleton. Middleton's role was to take the applications for the visas to the immigration office in Belmopan and follow up until the visa was issued. Mr. Middleton received \$5,000.00 for each visa from which he paid \$2,000.00 to the Government of Belize as the fee for the issuance of the visa and kept the balance of \$3,000.00 for himself as consideration for his services.

The testimony of Eric Chang

Mr. Chang admitted that he had introduced his friend Mr. John Liu to Mr. Tillett when all three of them (Liu, Tillett and Chang) were at his house socializing one night. He said that the introduction was not for the specific purpose of having Mr. Tillett assist Mr. Liu but, rather, that the issue came up in casual conversation when Mr. Liu mentioned that he needed assistance with two visas for Chinese nationals who wished to visit Belize. Chang insisted that this meeting, where the introduction took place, was merely coincidental as was his presence at the later meeting with Mr. Tench and Mr. Tillett. In reference to the later meeting at Calypso, Chang said that he could not remember how exactly he ended up at the meeting but that he and Tillett would often have lunch together as their offices were right across from each other at the City Council. Mr. Chang further stated that, despite his presence, he did not pay much attention to the conversation as it was not his business. He could offer very few details of the conversation except that he was present and that Tillett had told him that he was meeting some people at the Calypso Restaurant. Mr. Chang also denied any knowledge of Mr. Middleton. This evidence is in direct contravention with the evidence of Mr. Tench who stated explicitly that Mr. Chang was actively engaged in the conversation and, further, that Chang indicated that he was the person “getting the visas for some people”.

The testimony of Barton Middleton

The evidence of Mr. Middleton was strange and that is putting it mildly. Mr. Middleton flatly denied ever being in possession of any visas or ever meeting Mr. Tillett. At first he stated that he had no recollection of ever meeting with Mr. Tench but later changed his testimony to say that he had a previous interaction with Mr. Tench but did not know his name at the time. He recalled who Ms. Cassanova was but he could not recall being asked by her to come to a meeting with Mr. Tench. When asked by the Chair if he suffered from any medical impediment that may affect his memory Mr. Middleton responded that a tumor was recently removed from the back of his head at the Corozal Town hospital but he could not recall whether the procedure was done on the outside of his skull or on the inside. He did say that he was informed that the procedure took two hours. He told the Committee that he could not say categorically whether Mr. Tench was being untruthful about having met him because he had no recollection of ever meeting Mr. Tench to discuss the issue of the visas. On the other hand Mr. Middleton said that Patrick Tillett was blatantly lying about him since he had never met him before and he was never paid any money by Tillett. Also he said that Ms. Cassanova was not being truthful when she told the Committee that he traveled with her in her vehicle at least twice a month from Orange Walk Town to Belize City. He also could not recall any conversations with Ms. Cassanova

despite Ms. Cassanova's evidence that she had recently spoken to him concerning the scrutiny being placed on the issue of the missing visas. Generally, Mr. Middleton's testimony was marked by very little recollection of even the most basic things. In effect the evidence which brought Mr. Middleton before the Committee came from Mr. Tillett who said that he was his visa agent, as well as Mr. Tench who said that he met with Middleton personally about the issue through Ms. Cassanova. Ms. Cassanova herself testified that she knew him and that she had spoken to him about the visa issues. Yet, astoundingly, Mr. Middleton denied ever meeting Tillett and he could not recall meeting Tench or speaking with Cassanova. Toward the end of his testimony Mr. Middleton stated that he was in fear of losing his life and that his fear was rooted in his testimony before the Committee. The Committee recommends the referral of this matter to the commissioner of police for investigation.

The testimony of Lindsey Wade

Mr. Wade denied any culpability for the missing visas at the outset of his testimony. He also said that he was never questioned previously by anyone in relation to the issue. According to him he had never met either "Gadaffi", Barton Middleton or Patrick Tillett and he was never taken before the Public Services Commission in relation to the allegations made against him by his colleagues (Tench in particular).

Summary and conclusion

We must pause here to note the incredible nature of the narrative engrossing the matter of the missing visas. There are several issues which do not accord with good reason. There were many instances when the testimony of certain witnesses lacked credibility and were unreasonable in light of the findings of the Auditor General. Some of the statements made before the Committee provided a lot more questions than they did any answers.

In Mr. Tillett's case he gave no sufficient explanation to the Committee as to why, of all persons, the visa applicants approached him for assistance with their applications. Why would anybody pay him \$1,000.00 to fill out a form and simply hand off the applications to another person who, according to him, served as a nothing more than a courier? That account simply could not find accord with the collective common sense of the Committee. Why was he introduced to Mr. Middleton? Why would anyone require an introduction to someone whose only role was to drop off documents in Belmopan? Then again, why would anyone pay \$3,000.00 to someone simply to drop off documents in Belmopan? Why didn't the applicants go directly to the Department of Immigration?

As for Mr. Chang, the Committee found his testimony quite puzzling. It seemed out of the ordinary for a person to be seated at a table simply ignoring the entire content of a conversation especially when a matter as weighty as this was being discussed with officers from the Immigration Department. The Committee also paused to consider the coincidental nature of the introduction to Mr. Tillett at Chang's residence followed by the fortuitous nature of the lunch at Calypso where Tillett was scheduled to discuss the same visas for which he had been introduced and engaged at Chang's home.

On the other hand, the Committee was astounded by the testimony of Mr. Middleton. The responses he gave coupled with his inability to recall even the most basic things produced much doubt and skepticism.

The committee is able to say categorically that one or more of the persons who testified before the Committee is guilty of perjury at the very least which, according to the Criminal Code of Belize, is punishable with up to ten years imprisonment. A brief review of some of the contradictory statements made on oath will serve to highlight the basis for the Committee's statement:

- (a) Barton Middleton stated definitively that he had never met Patrick Tillett and never had any dealing with Tillett while Tillett stated that he not only met with Middleton on several occasions but also handed over \$30,000.00 to him to obtain six visas.
- (b) Mr. Tench stated categorically that Eric Chang participated in the meeting at Calypso Restaurant and further that he admitted involvement in the purchase of the visas. To the contrary Mr. Chang denied any participation in the meeting itself and any purchase of the visas.
- (c) Ms. Cassanova's testimony clearly indicated that she knew Mr. Middleton who used to travel with her at least twice a week from Orange Walk to Belize City for an extended period of time. On the other hand Mr. Middleton outrightly denied that he had ever traveled with Ms. Cassanova.

In the circumstances the Committee recommends that the relevant authorities consider seriously the issue of whether charges for perjury should be brought against any of the individuals who gave testimony before the Select Committee. The Committee is resolute in this recommendation primarily because it is of the view that some witnesses flouted at the authority of the Senate and did not consider seriously their obligation to tell the truth. The hearings were widely publicized on live television and radio. The public could easily conclude that, with the vast differences in narratives, the Committee was treated with a considerable volley of untruths. **The message should be sent that any future**

inquiry before the Senate should be taken very seriously as it will have the full weight of the law behind it.

Despite its best efforts it was impossible for the Committee to conclusively determine who was responsible for the theft of the visa foils from the Western Border Station. In the end the Committee feels compelled to highlight that Mr. Lindsey Wade was named in the Auditor General's Report solely through hearsay. This raises the serious question whether the report was fair to Mr. Wade. It is of significant importance that Mr. Wade was never questioned by any audit personnel in relation to the visas. We understand that the Auditor General was simply referencing correspondence within the department when it reproduced the language which cast the blame on Mr. Lindsey Wade. However, the Committee feels very strongly that it was a requirement of natural justice for Mr. Wade to be afforded an opportunity to respond to the allegations made against him before the publication of the report. The Committee must draw attention to the fact that the person who purportedly identified Wade as being involved (Gadaffi) never appeared before the Committee.

The Committee requested that a summons be issued for "Gadaffi"; however, we were advised by the clerk that he could not be found. As with this witness there were many other witnesses such as "agents", JP's and others for whom the committee sought to compel their presence to testify, but were told that they could not be found! This process of securing witnesses to attend before a senate committee should be reviewed and revised to empower the senate to secure individuals who the Senate has identified as being relevant witnesses to the enquiry.

What is clear is that someone with access to the office where the visa foils were kept committed a crime by removing the foils from the office. From the evidence gathered in the hearing, it was also clear that only a limited number of persons could have had an opportunity to do so. The question arises; why the matter was not reported to the police for a thorough criminal investigation to have been conducted? Why the matter was never escalated beyond the Port Commander to the office of the Director? This matter calls into question several of the decisions made by the supervisory team at the Western Border Station in the wake of the discovery. Apart from the aforementioned, the Committee is of the view that the officers should never have issued "wet stamp" visas with the corresponding missing visa numbers on the payment receipt. The effect of this could have only been to give the impression that the visas were properly issued. Although, the Committee did not undertake a comprehensive review to determine whether any regulations were violated by this act we are confident that at the very least this constituted a highly improper manner of proceeding.

Also clear to the Committee is the fact that the removal of the foils was made easy by the careless way in which they were kept. The testimony of the staff

presented a very loose arrangement for keeping the foils described simply as being based upon trust. The management of government assets should never be left to a reliance on trust of fellow employees especially in sensitive service areas such as immigration which, over the course of many years, has proven to be prone to mismanagement and corruption. There was little to no control in place to safeguard the visas and, likewise, there was absolutely no structured method in place to hand over the visas. Despite the handing over from officers at the end of every shift twice a day nobody bothered, for over a month, to verify that all visa foils issued to the station were present and accounted for. This report could not be concluded without pointing very clearly to the Committee's utter disappointment with the manner in which the station was being run and the poor decision making after the theft came to light.

We are compelled to note, without calling into question the validity of the disciplinary proceedings pursuant to the Public Service Regulations (to which we were not privy), that given the obvious irregularities in the manner in which the visas were handled and in which the disappearance was addressed. It is indeed very surprising to us that none of the protagonists was ever disciplined for any violations of the terms of their service to the Government. This is a matter beyond the mandate of the Committee but we wish to leave the issue sufficiently with this comment: if it is that all the evidence that we have uncovered could not substantiate any particular breach of the terms of service then perhaps the time is at hand to look comprehensively at the regulations governing the conduct of public officers.

To close the topic of the missing visas it may be useful to look back at the five open questions of the Auditor General's Report (found at page 14 of the Visa Section of the Report) and comment on the findings of the Senate in relation thereto. They are as follows:

- (i) ***“Why the matter of the eight (8) missing visa foils were not reported to the police for investigation against I.O. L Wade, Belize City Deputy Mayor, Eric Chang and the Council Financial Controller Patrick Tillett.”*** In the Committee's view this question remains unanswered. Despite the probing of the Committee, there was no satisfactory reason given by any of the witnesses to explain why the issue of theft was not reported to the authorities. In our view, the only answers could be that there was either a serious dereliction of duty by those vested with the responsibility or a calculated decision not to draw the attention of law enforcement.
- (ii) ***“Why Immigration Officer George Reynolds did not take custody of the visas and inform the Director (immediately) since they were housed in the same building. Why the then Director, Miss Ruth Meighan did not make efforts to have the matter investigated by***

the police and retrieve the stickers from the aforementioned individuals who had the stickers in their possession.” The Committee is satisfied that George Reynolds would not have been aware of the stolen visas at the time when Patrick Tillett took the visas to him to rectify. In our view, it was perfectly reasonable for him to assume, as was his testimony, that the issuing office had inadvertently not placed the required stamp thereon. The audit team, not having had the benefit of direct testimony on the matter, erroneously assumed that Reynolds would have been aware of the missing visas at the time that Tillett visited him. As for the failure of the Director to report the matter to the Police, the Committee is just as befuddled as the Auditor General. Our substantial inquiry into the matter left us in no better position to understand her inaction.

- (iii) ***“Why OIC Cano gave approval for the visa numbers to be sold to applicants knowing that all applicants approved visas should have visa stickers inserted in their passports. He should have been fully aware that it was not legitimate for those visas to be issued in that manner. That if the eight visa stickers went missing on 26th December 2012 why was it not until 29th December 2012 that he gave approval for the eight visa numbers to be issued to the applicants. This should have been enough time to contact the Director to ask for guidance. It is our belief that this action could have aided in the fraudulent issue of visas V00035517 to V0003524”.*** As with the Auditor General the Committee was not satisfied with the explanations given for the issuing of “wet stamp” visas with the missing visa foil numbers. We do not wish to express any opinion, as did the Auditor General, as to whether the actions amounted to fraud. This is a matter for prosecuting authorities to determine. In our view the manner in which the issue was addressed was inadvisable and improper and ought to be referred to the commissioner of police for further investigation.
- (iv) ***“The reason OIC E Cano did not appraise the Director of the situation before he gave his approval for the issuance of those visas without valid stickers.”*** The Committee also does not know why Cano did not notify the Director.
- (v) ***“How such action of issuing the missing visas without stickers could have helped the investigating team. The Director could have sent out bulletins to all OICs at Port of Entry listing the eight missing visa stickers. Why visa numbers were not entered in the BWBS cash book as missing. A copy of the Director’s bulletin could have also been attached to the cashbook page.”*** We certainly agree with the Auditor General’s conclusion. The Committee can see no

benefit to be gained by issuing receipts with the corresponding visa numbers. The decision was certainly counter intuitive. Having had the benefit of evidence from the parties involved, we discovered that wet stamps were affixed improperly in eight cases in place of the missing foils. We agree with the Auditor General that some annotation should have been made to highlight the fact of the missing visas on the revenue side. A bulletin could have indeed been issued to draw the attention of all immigration personnel to the invalidity of the visas with their identifying numbers.

2. Recommendations by Ministers of Government

Much ado was made about the fact that some Ministers of Government gave recommendation letters to persons seeking visas. During her evidence, the Auditor General requested a change to her report at page 9 (of the visa section). She had originally made the following conclusion: ***“Since the law does not provide for ministers to intervene in the visa process it was illegal for those ministers to have done so”***. The Auditor General was well advised, in our view, to change the word illegal in the aforementioned context and substitute for it the word “irregular”. By doing so she shifted her criticism of the practice from the realm of unlawfulness to an expression of her opinion that the activity was irregular in nature. The Ministers who appeared before the Committee were clear in their view that there was nothing irregular with the practice as the act was a simple expression of responding to the needs of constituents. The Law governing the issuance of visas demarcates no role for any minister of government to make recommendations or to intervene in any other way with the process. Therefore, any intervention from any minister of government in the process is irregular. The concern of the Auditor General is not unreasonable or misplaced.

The reality is that the Auditor General did find serious inconsistencies in the process for visa applications (to be highlighted hereafter) that existed at the relevant time. There is little doubt that the system for the issuance of visas in Belize during the period of the audit was significantly flawed. This is a fact readily admitted by the Department’s own actions in the considerable overhaul of the visa issuing system by the time that the Auditor General had published her report. In these circumstances, even where Ministers were simply acting in a *bona fide* capacity in responding to requests from constituents; that same act, done in good faith, could have been unnecessarily tainted by a flawed system. To elaborate let us consider the following scenario: A constituent enlists the assistance of his area representative by way of a recommendation to accompany a visa application for his relative to visit Belize. In responding to that request, pressed by the exigencies of the demands for assistance from his voters, the

representative penned an innocuous letter with the usual formalities requesting any courtesy to be extended to the individual. Unknown to the Area Representative, the constituent has lied about the relationship of the Applicant to him and the visa is obtained based on false statements by the Applicant. Later, the dishonesty is discovered tainting the name of the Area Representative who issued the recommendation. We will see later how this scenario played out in reality when we examine several instances of tainted nationality applications that did have ministerial interventions.

The fact is that the process is not designed to require the intervention of anyone. An applicant needs only to demonstrate that he fits the established criteria for the type of visa being sought with nothing more. It needs to be said as well, that the intervention (by letter or otherwise) by a Minister or other person in authority exposes the entire process to the criticism that there may have been an attempt to influence the public officers handling the application.

There were serious allegations made by Ms. Alverine Burgess against Ministers Edmond Castro and Anthony Martinez. Ms. Burgess was never mentioned in the Audit Report but the Committee was made aware of certain statements made by her under oath in court proceedings. Although, she was never mentioned by the Auditor General the majority of the Committee saw it fit to call her to give testimony. In summary Ms. Burgess testified that from September 2012 to April 2013 she worked along with Mr. Rochelle Chan (Superintendent of Police at the time) to obtain visas with the assistance of Minister Edmond Castro. According to Burgess she arranged for Minister Castro to issue recommendations to accompany the applications of her customers. In exchange, according to Burgess, Minister Castro was compensated \$2,000.00 per individual applicant recommended. Ms. Burgess estimated that she transacted about 200 visas with the intervention of Minister Castro at first but she also did express some uncertainty with this estimate thereafter saying definitively that it was more than 100. She stated that Mr. Chan was her primary contact as he was responsible for delivering the applications to her along with the cash. She said that she received \$1500.00 per trip to Belmopan as her fee whenever the visas were ready to be picked up and delivered to Mr. Chan. Additionally, Ms. Burgess claimed that she received recommendations from Minister Anthony Martinez in sets of five on two occasions and that she also paid the same \$2,000.00 to him per individual applicant.

We should mention that the Committee did have concerns in relation to some details of Ms. Burgess' testimony. Initially, she stated that she was introduced to Chan by a cousin who she grew up with but she could not remember his name. She also stated in the inception of her testimony that this cousin was not in the country. Later on when asked if her cousin was Manuel Hill, a police officer with

the K9 unit, she backtracked and told the Committee that she never said that this cousin in particular was out of the country at the material time. See the excerpt below:

“SENATOR DR. C. BARNETT: *We will communicate through the Auditor General’s Office herself. Can I ask you who’s your cousin, the cousin who introduce you to Mr. Chan?*

MRS. A. BURGESS: *Mr. Hill but he is not in the country right now.*

SENATOR DR. C. BARNETT: *I’m sorry.*

MRS. A. BURGESS: *Mr. Hill but he is not in the country.*

SENATOR DR. C. BARNETT: *What’s the first name?*

MRS. A. BURGESS: *They are so many of them that I don’t remember his first name.”*

Note the following exchange later on in her testimony:

SENATOR E. COURTENAY: *...I just wonder if the name Manuel Hill mean anything to you. Is that the cousin who is in the K-9 Section who introduce you?*

MRS. A. BURGESS: *He would be one of my cousin, yes.*

SENATOR E. COURTENAY: *Was he the one who introduced you?*

MRS. A. BURGESS: *Yes.*

SENATOR E. COURTENAY: *I don’t hear you?*

MRS. A. BURGESS: *Yes.*

SENATOR E. COURTENAY: *Thank you.*

MR. CHAIRMAN: *So Manuel Hill introduced you?*

MRS. A. BURGESS: *Yes.*

MR. CHAIRMAN: *And you say he is out of the country now?*

MRS. A. BURGESS: *The last I spoke to him, he was out of the country.*

MR. CHAIRMAN: *When was that?*

MRS. A. BURGESS: *It was probably in December.*

MR. CHAIRMAN: *But you don’t know if he is out of the country now.*

MRS. A. BURGESS: *I know, I don't know if he is here or not but I know two or three of his other brothers who are not here.*

MR. CHAIRMAN: *You told us earlier that your cousin is out of the country, the one who introduced you.*

MRS. A. BURGESS: *Yes.*

MR. CHAIRMAN: *Earlier you told us that your cousin who introduced you...*

MRS. A. BURGESS: *Yes, three of them were out of the country; three of them. I said three of them were out of the country.*

MR. CHAIRMAN: *Who introduced you, Manuel Hill introduced you?*

MRS. A. BURGESS: *Yes, but I do not know if he is here or out of the country.*

MR. CHAIRMAN: *You told me earlier that the cousin who introduced you is out of the country. I am not crazy, I know that for a fact.*

MRS. A. BURGESS: *I said three of them were not here.*

MR. CHAIRMAN: *Ms. Burgess, you told this Committee earlier,...*

MRS. A. BURGESS: *He never introduced me knowing about this.*

MR. CHAIRMAN: *Now you see why it matters to me? Because I want to meet this cousin who introduced you and I want to know who he is. But you told me he was out of the country.*

MRS. A. BURGESS: *I said three of them were out of the country; three of them.*

MR. CHAIRMAN: *Okay. Alright.*

SENATOR DR. C. BARNETT: *You told me he was out of the country because I asked you who he was and you couldn't remember the name and when he asked you for all the names, you said it's seven of them and three of them out the country and he is one of three.*

MR. CHAIRMAN: *Yes, you said it.*

MRS. A. BURGESS: *Okay, because the last I spoke to him was in December.*

MR. CHAIRMAN: *I'm not going to argue with you about...*

MRS. A. BURGESS: *And he was not in the country.*

SENATOR DR. C. BARNETT: *And let me just say, it's not really important whether he is here or not now, if he's here we can find him. What is important is the degree of truthfulness in the evidence that's been presented."*

As well, in the inception of her testimony, Ms. Burgess stated that she had also paid Minister Erwin Contreras but later recanted that testimony. See the first exchange below:

"SENATOR E. COURTENAY: *You were going to the other Ministers; was that also through Mr. Chan; how did that start?*

MRS. A. BURGESS: *I only went to Minister Martinez twice and Minister Contreras once, but when we got acquainted and he was asking me about knowing people in high places, then I mention to him who I knew. So having Minister Castro not in the country and his people, I don't know who they are. Mr. Chan's people, they always want to make sure that their visas get approved as quickly as possible which would be two or three days the most.*

SENATOR E. COURTENAY: *Why would you chose these two Ministers?*

MRS. A. BURGESS: *Because I was acquainted with them. My husband use to play football and stay in Benque at Minister Contreras house and I knew Minister Martinez due to a family member.*

SENATOR E. COURTENAY: *And you went personally to them?*

MRS. A. BURGESS: *Yes.*

SENATOR E. COURTENAY: *Twice to Minister Martinez and once to Minister Contreras?*

MRS. A. BURGESS: *Yes.*

SENATOR E. COURTENAY: *And in terms of payment of money, what was the arrangement?*

MRS. A. BURGESS: *Well they got the same payment, the same \$2,000.00 but they didn't do a lot."*

Later she said as follows:

"MRS. A. BURGESS: *I went to Minister Contreras first, up at the office at the back, upstairs of the Chinese restaurant.*

SENATOR M. LIZARRAGA: *What was his response and what did you ask him, what did you say to him?*

MRS. A. BURGESS: Well, I went there on that friend basis that he knew my husband and we were well acquainted and then I mentioned it to him that this is my situation. That I was dealing with Minister Castro, he's out of the country, my husband is ill and being an Agent this way, assists me a lot in getting my husband's medication and that was how it was done.

MR. CHAIRMAN: Were you offered the \$2,000.00; you offered him the \$2,000.00 on that occasion?

MRS. A. BURGESS: I mentioned to him that Minister Castro charges me that and he never made a demand.

MR. CHAIRMAN: But you paid him \$2,000?

MRS. A. BURGESS: He never made a demand. He did the five for me by just doing the recommendation.

MR. CHAIRMAN: So you didn't pay him?

MRS. A. BURGESS: He was never paid....

SENATOR M. LIZARRAGA: Hold on, I'm confused here.

MR. CHAIRMAN: I'm confused too.

SENATOR M. LIZARRAGA: You said, they never paid. I mean, did you pay? That's the question.

MRS. A. BURGESS: I never paid Erwin, I mean Mr. Contreras the \$2,000.00 because he and my husband are very good friends.

MR. CHAIRMAN: I really believe that you said that you paid them?

MRS. A. BURGESS: I never paid Erwin.

MR. CHAIRMAN: I believe that you said you paid them earlier?

MRS. A. BURGESS: I never paid Erwin.

MR. CHAIRMAN: So if you said you paid him earlier, you are recanting that?

MRS. A. BURGESS: Yes, if I said I paid him, I am recanting. But, I never paid Erwin but I did pay the other two Edmund and Mister Boots."

The inconsistencies notwithstanding, the testimony of Ms. Burgess contained very serious allegations against Mr. Rochelle Chan, Ministers Castro and Minister Martinez. They were afforded the opportunity to respond to these allegations.

Mr. Rochelle Chan flatly denied the allegations against him and said that he had no relationship with Ms. Burgess. According to him he only met her casually on not more than three when he was out with friends.

When Minister Martinez appeared he refused at first to address the issue of Ms. Burgess' testimony preferring instead to focus on the contents of the report. In his view, the select committee did not have any authority to investigate any allegations which were made outside of the confines of the Auditor General's Report. After some time, he did respond directly to the allegations in questioning from Senator Chebat:

***“SENATOR M. CHEBAT:** Referring to the testimony of Ms. Burgess.*

***HON. A. MARTINEZ:** No, no, I want the page number where Alverine Burgess is mentioned in here, a person that is fighting, trying to get in the Report.*

***SENATOR M. CHEBAT:** Ms. Burgess, in her testimony, said that she went to you twice for recommendations for visas.*

***HON. A. MARTINEZ:** Not at all, Sir.*

***SENATOR M. CHEBAT:** So she is lying when she says that?*

***HON. A. MARTINEZ:** She lies a lot of time.*

***SENATOR M. CHEBAT:** She lies a lot?*

***HON. A. MARTINEZ:** A lot.*

***SENATOR M. CHEBAT:** Yes.*

***HON. A. MARTINEZ:** Every time.*

***SENATOR M. CHEBAT:** Really?*

***HON. A. MARTINEZ:** I listened to her say that she mentioned two Ministers. She is lying, man.*

***SENATOR M. CHEBAT:** Do you deny that you met her once at the parking lot at Brodies where she paid you money?*

***HON. A. MARTINEZ:** Man, let me tell you something. That lady is a liar, Sir.”*

Minister Martinez further denied ever taking any money in exchange for visa recommendations.

When Minister Castro appeared he admitted that he had assisted Ms. Burgess with two recommendation letters only and denied that he ever received payment from her:

HON. E. CASTRO: *Mrs. Burgess approached me twice and I said this from the beginning. I helped her with one letter that she asked for a letter to be signed because someone will help her with some money to take her husband that was ill to Guatemala for medical treatment. About a couple weeks after, two, three weeks, I can't remember exactly, she came back, the treatment was not well, she needs to go to Merida and I signed another letter for her; that was the extend. I said that from Jump Street and I'm telling you again, yes, I signed two letters for her.*

MADAM CHAIR: *Yes, and I am aware that you probably said that before Minister but we have to have it here for the record, you know. So we might ask you questions that you have responded to before but not here but in other locations. So you are saying that twice you assisted her with those?*

HON. E. CASTRO: *Yes, Ma'am.*

MADAM CHAIR: *Any of those times did she pay you for those recommendations?*

HON. E. CASTRO: *No, Ma'am.*

MADAM CHAIR: *Did she, at any other time, ask that you be involve with her, this will be my words, 'in a long time or long standing...*

HON. E. CASTRO: *No, Ma'am.*

MADAM CHAIR: *Let me just finish.*

HON. E. CASTRO: *No, Ma'am.*

MADAM CHAIR: *'In a long standing, I'm saying, relationship or agreement in regards to...?*

HON. E. CASTRO: *No such thing.*

MADAM CHAIR: *Alright. Then she said once the visa was approved you were notified by the department and then you would called her so that she could return to pick up?*

HON. E. CASTRO: *No such thing.*

MADAM CHAIR: *So you never called her to, did you have any other contact with her with regards to the two that you spoke about after you gave her the recommendations?*

HON. E. CASTRO: *No, Ma'am.*

MADAM CHAIR: *So that was the extent you gave her the recommendation and that was it, you never had any interactions. Did you at any time contact*

the department in relation to these two recommendations that you made for her?

HON. E. CASTRO: *No, Ma'am.*

MADAM CHAIR: *She also said that her interaction with you resulted in about 200 applications being processed, aware you aware?*

HON. E. CASTRO: *Is that in the report? No such thing. Is that in the report?"*

As the Committee has said before and even expressed during Mr. Chan's testimony; we do not consider ourselves arbiters of facts. Where testimony is as diametrically opposed as the above we view it as our duty to present both sides of the material presented to us and also to highlight any issues which we found with the testimony. **It follows naturally, given the opposite ends of the narratives, that there has to be at least one instance of false testimony before the Committee.** These are matters for consideration which fall outside the Committee's remit.

Fairness dictates that we should point out that Minister Martinez was mentioned only twice in the three volumes of the Auditor General's Report. Once in the Visa Section in relation to his recommendation for the issuance of a visa connected to a sponsor Zian Li. The other time, in the Passport Section at page 122, in reference to an interview held by the Auditor General with a Justice of the Peace in which that Justice of the Peace recounted that a colleague received assistance from Minister Martinez. The latter bore no relevance to the proceedings. The Auditor General's Report did not refer to any other instances of recommendations issued by Minister Martinez.

Similarly, we should point out as well that the Auditor General's Report presented no evidence of any significant volume of recommendations issued by Minister Castro. He was mentioned twice in the visa section of the report. The first mention is at page 12 in relation to four recommendations for visas for Parmjit Singh, Sunil Pokharel, Milan Thapa and Gurjeevan Singh Gill and the second mention is at Appendix IV in relation to a recommendation for two visas for Xiu Hui Wang and Jin Pin Chen.

Thereafter Minister Castro is mentioned in the Nationality Section of the Report as follows:

- i. at page 130 in relation to an application for nationality for Jinfan Chen;
- ii. at pages 176 and 209 in relation to an application for nationality of Oteha Mocajtwik;
- iii. In Appendix F in relation to two nationality applications being Olena Moskalyk and Mykola Moskalyk

Minister Castro was not mentioned in the Passport Section of the Report.

3. Irregularities identified by the Auditor General in the Visa Issuing Process

We understood the Department's visa issuing process to include the following:

- (1) Completed Visa Applications signed by the applicant or sponsor;
- (2) Supporting documents relied on by the Applicant, including:
 - (a) Letter of Financial Support from Sponsor or bank statement or other proof of ability to maintain self if self-employed;
 - (b) One passport size photo of the applicant;
 - (c) Passport / Copy of Bio data page of genuine passport of the applicant and sponsor;
 - (d) Document showing relation between sponsor and applicant.
 - (e) Proof of status of sponsor – i.e., Nationality Certificate along with Valid Photo ID (Social Security, Voters Id), Belize Permanent Residence; Belize Passport or Temporary Employment Permit;
 - (f) Travel itinerary;
 - (g) Translations;
- (3) Interview to establish the purpose of visit, length (finite period) of stay, address and relationship to applicant;
- (4) Vetting – documents inspected for authenticity at various stages of the application; this process began with the 'front desk Immigration Officer'. Translated documents were to be certified by a Justice of the Peace;
- (5) Director Clearance,
- (6) Security Clearance (through Special Branch) where applicable;
- (7) Approval Stage - Exercise of discretion by the Director, Officer in Charge, or Shift Supervisors as the case required;
- (8) Payment of appropriate fees.

It is safe to say that the visa requirements contemplate critical aspects of national security, the economy, access to and availability of social services, health and safety issues, and reflect the state's sovereign right to determine who is welcome to visit the country and on what terms and conditions.

We must note that the Committee did not inspect any of the Audit files. However, the Committee thinks that it is reasonable to conclude, with some measure of concurrence from the former Directors interviewed, that where the Auditor General highlighted instances of missing relevant documentation from visa files it was more likely than not that those documents never did form a part of the application process. Thus, in our view, it was reasonable for the Auditors to draw their conclusions from the files they inspected, and for the Committee to rely on the factual findings of the Auditors

The breaches of the visa process as identified by the Auditor General were numerous. We do not intend to regurgitate the full findings here but rather seek to address them in light of the information gathered by the Committee in the hearings. It would assist to reproduce the list of infractions as compiled by the Auditor General and comment on the position of the Committee:

(a) **Unqualified individuals were first issued visas and thereafter Belizean Passports.** (This matter will be fully discussed later in this report).

(b) **Individuals were issued with visas and shortly thereafter they were given permanent residency status** (to be discussed later in the report.

(c) **Ministers of Government recommended and requested the approval of visas for individuals at the Belmopan Office.** (discussed previously)

(d) **Chief Executive Officer, Mayor, Caretakers and a citizen made requests for applicants to be facilitated with Belize Visas in Belmopan.** (the views expressed by the Committee on the unnecessary nature of these requests/recommendations apply)

(e) **One Hundred and Thirty Four Visa Stubs were neither presented nor found on hand at the Northern Border Station and Philip Goldson Airport.** The evidence of Ms. Teresita Castellanos, the former Finance Officer of the Department, is very instructive on this issue. Ms. Castellanos noted that there was never a requirement to return the visa stubs for issued visas to the Ministry from issuing stations from the date of implementation of the visa stickers until March 1, 2013 shortly after Ms. Maria Marin took office. The only requirement was for officers to submit a monthly report detailing the number of visas issued and revenue collected. It begs the question therefore, whether the visa stubs could not have been accounted for at the station because the new Director had implemented a change in policy in requiring that stubs should be submitted to headquarters instead. The reasons for the missing stubs remains unclear as the Committee did not receive any evidence

addressing this matter directly. However, the Committee wishes to be very clear in saying that there is no allegation that the visas themselves were misplaced as Mrs. Castellanos testified very clearly that, apart from the 8 missing visas, she never encountered any other instance in which visas had gone missing. The Committee is left with a lingering doubt, however, if it was so easy for officers to effectively address the loss of revenue to the Government by issuing wet stamps and receipts with the corresponding number for visa stickers that were in fact missing. It would have been very easy in a system where nobody was reconciling the physical visa stubs for abuse to have occurred. To be clear, that is a matter of conjecture by the Committee.

(f) Two Chinese Nationals utilized identical passport pictures in support of visa applications filed with the Belmopan Office. This matter was never clarified in the testimony before the Committee and the Committee accepts the finding of the Auditor General in that regard.

(g) Cuban Natives who had been incarcerated at the Belize Central Prison were issued visas to remain in Belize. This issue was confronted directly by the Committee in the sixth public hearing when it was raised with Ms. Maria Marin. According to Ms. Marin, the Cubans had been incarcerated for illegal entry into Belize. After serving time the Cuban nationals were granted visas to stay in Belize. Ms. Marin said that there was precedent for doing so as this was not the first incident of this nature. She highlighted that a family member had surfaced as a sponsor. Ms. Marin stated that the decision was only made after consideration of the humanitarian implications on the applicants as well as the expenses associated with deporting them to Cuba. Senator Courtenay raised the serious issue whether these persons did in fact qualify for the granting of visas in the first place and also whether the actions of the Department had in fact sanctioned the migration of these persons from Belize to the United States. Ms. Marin was direct in her response saying that, in her view, the process was properly executed and they qualified for the visas. The Committee is satisfied that the Director properly exercised her discretion to grant the visas within the parameters of the Immigration Act.

(h) Eight Hundred and Thirty-three (833) applicants used their US visas or US Permanent Residence Cards to obtain Belize Visas. The Auditor General reported that 833 visas were issued to applicants who had either US visas or were US Permanent Residents. The Auditor General stated that she could not ascertain whether 803 of those persons met the criteria established by the Department for the issuance of visas. The Auditor General pointed to a Memorandum dated December 14, 2010 in which the Director of Immigration, at the time, set out the requirements for "Belize Visa Issuance". Understandably, the logic of the Auditor

General must have been that the Department violated its own process when it issued visitors' permits on the basis that the applicants also held US Visas or permanent residence. The Auditor General also made an issue of her finding that certain classes of persons who, by the Department's own standards, specifically required clearance from the Director in person, were being granted visas without such clearance on the strength, so to speak, of their US Visas or permanent residence. Ms. Maria Marin addressed the issue specifically in her testimony. At a certain point in time the practice of the Department was that Port Commanders could issue visas for certain nationalities but, on the other hand, certain other nationalities had to be referred to the Director for clearance. At a later stage the decision was made that Port Commanders could issue visas for all nationalities without referring to the Director for special clearance if the applicants were holders of either US visas or if they were US permanent residents. Ms. Marin further stated that subsequent to this the decision was taken that all persons who were US visa or permanent residence holders did not need visas to enter the country.

As it relates to the concern of the Auditor General as to whether the actions were a violation of the 2010 instructions previously referred to; the Commission does not consider it a pertinent issue since it was clear that the Department had taken a deliberate choice to move away from those guidelines. The more important question is whether the decision put the Department afoul of the provisions of the Immigration Act. As we have seen the Act is very specific in section 19 as to the threshold that an applicant for a visitor's permit must meet in order to qualify. The question follows: is it that persons who were holders of US visas or permanent residence could be said to satisfy the requirements of Section 19 by the mere fact of their US immigration status? The considered answer of the Committee is no. It is our view that the intent of the statutory provision is to allow the Department to make a determination on an individual basis which would have been subverted by the reference to the US visa or permanent residence. We understand the thought process at it would be reasonable to suggest that the United States carries out such a comprehensive check on applicants for US visas that a third party state could feel safe to rely on their determination as a basis for entry into that state. The reality is, however, that this practical approach should have been weighed against the backdrop of our legislative framework.

The Auditor General also made reference to the fact that reliance was placed on expired documentation. These findings are accepted by the Committee. We can only say that they add to a litany of similar findings for which there should be no room in a civilized operation.

- (i) Application forms did not have the required copies of the applicants' native passport biographical data pages.**
- (j) Officers did not obtain the required letters of financial support from sponsors before visas were approved.**
- (k) Officers did not obtain from all sponsors the required documents that indicated proof of their source of funds.**
- (l) Visa applicants and sponsors provided Business Certificates and licences as proof of their financial stability.**
- (m) Some sponsors relied on certificates and licences for businesses that were not registered in their names.**
- (n) The majority of copies of applicants' supporting documents were not retained by Port Commanders for all Applicants.**
- (o) Immigration Officers failed to sign and date visa application forms accepted from applicants.**
- (p) Immigration Officers did not stamp photocopies of documents as being true copies.**
- (q) There was no acceptance register maintained prior to July 15, 2013 for visa application forms received at the Belmopan Office.**
- (r) No interview questionnaires were utilized by Immigration Officers at the Belmopan Office, Northern and Western Border Stations and the Philip Goldson Airport. In certain cases interview questionnaires were not attached to application forms.**
- (s) Officers did not fill out some sections of visa application forms.**
- (t) Port Commanders did not maintain documentation to show that security clearances had been carried out where such clearance was required.**
- (u) Some visa application forms approved at stations did not bear the required Port Commanders' signatures.**
- (v) Particulars of twenty-one applicants, in respect of whom visas were approved, were not recorded in the register maintained at the Western Border Station.**
- (w) Letters of approval were not found attached to applications of individuals who were issued courtesy visas.**
- (x) In one instance a visa was issued to a woman with Indonesian Nationality on the basis of expired documentation.**

(y) Applications were accepted without copies of visas previously issued attached.

(z) Port Commanders did not include relevant information related to the series of visas that had been utilized when making requests for new stickers from the Belmopan Office.

(aa) Immigration Officers did not fill out the information on the visa stubs in certain cases, including four cases where the names of the individuals in receipt of the visa were missing.

(bb) Stations did not maintain visa denial registers.

(cc) Monthly returns submitted by stations contained many errors.

(dd) Fifty-six visa stubs were unaccounted for at the Belmopan Station.

(ee) Monthly returns submitted by stations were not located in the Belmopan Office.

(ff) There was no safe, at the time, in which to store visa foils.

(gg) There was no documentation evidencing the checks of stations by the Director of Immigration.

(hh) The Auditor General noted “very weak” internal controls at the Belmopan, Northern Border, Western Border and Phillip Goldson stations.

The Committee did not receive any evidence to the contrary and accepts the findings of the Auditor General in relation to the above. The following is a summary of the conclusions of the Committee in this regard:

(1) Applications which did not include all supporting documents were unlawfully approved;

(2) The officers who processed and certified incomplete applications may have:

(i) depending on the circumstances, breached the Criminal Code,

(ii) breached the Immigration Act,

(iii) acted unreasonably in failing to satisfy themselves that the applications were genuine,

(iv) violated one or more of the Public Service Regulations,

- (v) acted dishonestly or fraudulently in certifying incomplete applications;
- (3) The vetting obligations of staff at all levels of the visa application process were not properly discharged;
 - (4) Immigration Officers in the Investigative Unit processed and certified incomplete or unacceptable applications;
 - (5) Officers in Charge certified incomplete or unacceptable applications on the basis that the Director could approve any application in her absolute discretion;
 - (6) The Director did not thoroughly vet applications;
 - (7) There was a marked absence of controls both in terms of how visa stickers were handled and accounted for;

We are hard pressed to say that most of these findings demonstrate an undisciplined environment marked by carelessness in the discharge of public functions. The Committee is very mindful of the fact that there are many hard working and dedicated public officers; as such, it is very difficult for the Committee to levy any criticism of the Department as a whole. Nonetheless, the issues noted by the Auditor General permeated through the Belmopan, Northern, Western and Phillip Goldson stations. The Committee notes that in every organization there must be an expectation that mistakes will occur, however; **the scale and frequency of the findings demonstrate significant failures pointing to an illness of non-performance, under performance, and unaccountability which had overtaken the Department.** The result of this type of atmosphere is manifested in individuals who easily take advantage of the conditions to further corrupt motives. There can be little surprise therefore that many visas were issued to undeserving persons based on flawed applications. Although the inference is always the most attractive, the existence of this state of affairs cannot and should not be laid at the feet of politicians alone. To the contrary, those persons at the helm of the Department, those in supervisory positions and many other officers who were entrusted with the welfare of the Department must bear their fair share of responsibility for the breakdown.

We pause here to commend Ms. Maria Marin who stood out, on the evidence before the Committee, for her intent to make serious inroads in addressing what we have discussed. Additionally, we must point out as well that although Ms. Diana Locke appeared before the Committee; the findings of the Auditor General and the pointed criticisms of the

Committee do not apply to the period in which she served. Ms Locke was particularly against acting on directives issued by cabinet for the department to “honor the documentation issued by previous ministers and recognize previous passports issued by the department however obtained” (page 113 Passport report).

(ii) As proof of financial stability some sponsors quoted the names of businesses that did not exist/were not registered at the Belize Companies Registry.

The Committee notes the findings of the Auditor General with respect but pauses to say that it should not be automatically assumed that a business does not exist if it was not registered with the Companies Registry. It is true that all Companies must be registered with the Companies Registry and all persons that trade in a name, other than their own, should register the trading name pursuant to the provisions of the Business Names Act. However, the area remains highly unregulated and the Committee is uncertain whether municipalities have been ensuring that all businesses operating within a certain jurisdiction are properly registered. As a result, the Committee is cautious not to accept the statement as broadly worded.

(jj) Invariably there were no documents presented evidencing the relationship between sponsors and applicants.

The Auditor General found that the visa laws were breached by the failure of applicants to submit proof of the relationship between the intended visitor and the sponsor. Before the Committee there was a considerable discussion about the relationship of the Sponsor to the Applicant during the testimony of former director Ruth Meighan. The Committee recommends that this matter be addressed by the newly establish visa vetting committee.

4. Changes

It is very important to note that there were significant changes in the visa process by the time that the Committee held the hearings. It is appropriate to consider these changes at this juncture. In January of 2014 the Immigration Act was amended to provide for a visa vetting committee which is now vested with the obligation to consider each application for a visa.

B. NATIONALITY

Belizean Nationality is governed by the Belizean Nationality Act. The Act provides for two ways in which persons may acquire Belizean Citizenship. These are citizenship by descent and citizenship by registration. Citizenship by descent is accorded to a person who is born in Belize or a person born outside of Belize if at the time of birth that person's mother or father was a citizen of Belize. On the other hand, Section ten of the Nationality Act sets out the provisions for registration as follows:

10.–(1) *This section shall apply to any applicant for registration as a citizen of Belize who has the following qualification,*
(a) that the applicant is of full age and of sound mind;
(b) that the applicant is a person who is ordinarily resident in Belize and has been so resident for a period of five years immediately preceding the date of the application; and
(c) that the applicant is, and intends to continue to be, ordinarily resident in Belize.

Section 11 provides for registration of spouses:

11.–(1) *Subject to the other provisions of this Part, no person who is the spouse, or the widow or widower, of a citizen of Belize by descent or registration shall be registered as a citizen of Belize under this Act, except in accordance with the succeeding provisions of this section.*
(2) A person who desires to be registered as a citizen of Belize under this section shall send an application in the prescribed form and manner to the prescribed officer.
(3) After the receipt of the application under subsection (2) of this section, the prescribed officer shall send the application to the Minister, if he is satisfied that the applicant has the following qualifications,
(a) that the applicant has the qualifications specified in section 10(1)(a) and (c) of this Act;
(b) that the applicant has been resident in Belize throughout a period of one year immediately preceding the date of the application of such applicant;
and

The findings of the Auditor General were focused exclusively on Citizenship by Registration. The Auditor General found a plethora of irregularities too numerous to reproduce in this report. The information is readily available to the public in the Report which is accessible online. It is not necessary to highlight every instance in this Report. It is sufficient to say that the irregularities in the Nationality Section further illuminate a Department, which was at the time, in absolute chaos. The irregularities were made possible by a myriad of things. Paramount among them was an absence of control and reliance on an archaic system of nationality primarily based on certificates, stamps, registers, logbooks

which were way beyond their reliability. The reality is that we were still using a system designed to serve a 1980s populace if not before.

Having said this, we will now consider the requirements for the processing of nationality and then discuss the breaches of these requirements as determined by the Committee.

The requirements of the nationality processes, policies, and procedures, in force at the time, are summarized as follows:

General Requirements –

- (1) Application completed in the prescribed form*
- (2) Application signed by Applicant and Justice of the Peace*
- (3) Referees who know the Applicant for at least five (5) years and are Belizeans by birth*
- (4) Applicant's Native Passport*
- (5) Three (3) recent colored passport size photographs of applicant*
- (6) Valid Police records*
- (7) Sealed Medical Certificate of Health including HIV and VDRL tests taken within the last six months*
- (8) Proof of five (5) years' residence – eg. Stamps, birth certificates of children, employment records, etc.*
- (9) If applicant is applying with their spouse their marriage certificate, duly authenticated, must be submitted.*
- (10) If children are included in the application, their birth certificates must be submitted along with three (3) recent photographs of each, medical report and HIV/VDRL results for each child over twelve years, a copy of their passport, a Police Record in respect of children age sixteen or older, and any available school records.*
- (11) Renunciation of Citizenship forms, where applicable (Eg. Guatemalan applicants)*
- (12) If request is made for children to be added, their birth certificates must be submitted along with a declaration form requesting child to be added to permanent residence, a Medical Certificate with HIV and VDRL and Police Record if over the age of twelve, and two recent passport size photographs (in color).*
- (13) Payment of the Prescribed fee*

- (14) Proper Vetting / Interview / Referral System / Security Clearance
- (15) Swearing In Ceremony / Taking of Oath
- (16) Exercise of Discretion. Registration as a citizen of Belize is not prohibited by the relevant laws: (a) excluded person; (b) economic citizen; (c) fraud; (d) other illegality.

Applications for Nationality by Registration must also include the following:

- (17) Applicant must be of full age and sound mind;
- (18) Applicant must be ordinarily resident in Belize and has so resided for 5 years immediately prior to the date of the application;
- (19) Applicant resides and intends to continue to reside in Belize
- (20) Applicant is not excluded on grounds of conduct which is criminal or prejudicial to national safety or the maintenance of law and order or is likely to become a public charge;

Applications for Nationality by Descent must also include:

- (21) Translation and Authentication of foreign documents by Foreign Service Officer;
- (22) Proof that mother or father were citizens of Belize at the time of birth;
- (23) Birth certificates of the applicant and the person through whom descent is sought;
- (24) Other supporting documents such as school or employment records;

Applications for Nationality by Marriage must also include:

- (25) Applicant is of full age and sound mind;
- (26) Applicant is and intends to continue to be ordinarily resident in Belize;
- (27) Proof that Applicant has resided in Belize for a period of one year immediately preceding the application;
- (28) Applicant is the spouse or widow of a citizen of Belize by descent or registration

Original or authenticated copy of spouse's nationality document, Birth certificate, or passport, and proof of marriage.

The Committee has concluded that the overwhelming majority of the findings of the Auditor General are accurate. We have decided to highlight only a few of the areas where the views of the Committee diverged from that of the Auditor General. Not to be critical of the good work of the Auditor General but, rather, for the sake of completeness and fairness to all concerned, we found one such area with which we disagreed in her comments on “swearing in ceremonies”.

1. Swearing in Ceremonies

On page 212 of the Nationality Section the Auditor General states as follows:

“94.5 We could also not ascertain whether he was referring to a general swearing in ceremony or he was alluding to a private swearing in ceremony for persons approved Belizean nationality, which we were told was a common irregular practice carried out at the Department. We were told that in confidence in order for us to investigate. Further investigation is required to ascertain [sic] that there was/were private swearing in ceremony/ies”

The Committee is not aware of any requirement for a public swearing in ceremony as opposed to a private one. The Nationality Act simply prescribes at Section 17 that *“A person to whom a certificate of registration as a citizen of Belize is granted shall, on subscribing the prescribed oath of affirmation of allegiance, have the status of a citizen of Belize by registration as from the date of that certificate”*.

2. Findings of the Auditor General

The Auditor General produced significant findings. The intent of the Committee here is not to regurgitate the many findings of the Auditor General but simply to present it in a manner that is easier to follow for its brevity. The substance associated of each item may be seen in the Auditor General’s Report itself. It should be noted that some of the items refer to passport issues but nonetheless they were included in the nationality section. Those matters which were addressed in detail before the Committee are discussed further down. The following is produced verbatim from the report save that punctuation has been adjusted:

- 1) Replacement nationality certificates were fraudulently backdated and fraudulent nationality was given under the guise of registration and the Belize Economic Citizenship Investments Programmes.

- 2) Passports copies of bogus Chinese Passports pages were found in some nationality files.
- 3) Bogus travel documents and backdating of immigration stamps in native passports.
- 4) Bogus travel documents and backdating of Immigration stamps in the year 2005.
- 5) Numerous individuals were approved Belizean citizenship by registration although they did not live in Belize for the required 5 years.
- 6) No evidence was found that the investigation section carried out further vetting of applicants for Belizean nationality as required by the referral system of the nationality section.
- 7) We did not receive the complete visa and entry records for visitors to Belize for the period April 2011 to September 2013.
- 8) Visa list compared to the passport issue list for April 2011 to September 2013 was not effective as the Belize Passports Issuance System (BPIS) Data Integrity was compromised.
- 9) We did not receive an electronic register/database from the ports of entry to identify persons who entered Belize during the period April 2011-September 2013.
- 10) We did not receive an electronic register/database from the nationality section to identify all persons who were issued Belize Nationality Certificates during the period April 2011- September 2013.
- 11) Persons with American and Canadian Passports were not issued visas.
- 12) The facilitation of the change of first names and full names of citizens by registration by the Vital Statistics Unit before said citizens applied for Belizean Passports.
- 13) There were persons who did change surnames through marriage for citizens by registration between the time they may have received visas and the time they received Belize Passports.
- 14) Some persons acquired visas and received Belizean passports through genuine and fraudulent nationality certificates under Section 10 (Registration), Section 11 (Marriage) and Section 11A (Belize Economic Citizenship Investment Program) (BECIP).
- 15) Minister Erwin Contreras requested visas for persons who obtained Belizean nationality and passports shortly after their arrival into the country.

- 16) Yong Xiong Zheng was approved visa in 2012 through Minister Erwin Contreras and Minister Godwin Hulse and thereafter submitted his nationality application (file #26409/12).
- 17) Shufeng Chen was approved visa in 2012 through Minister Erwin Contreras and Minister Godwin Hulse and thereafter received Belizean certificate number 28400.
- 18) Copies of irregular original certificates and fraudulent replacement nationality certificates were used by individuals to obtain their first issue Belizeans Passports.
- 19) The INS appeared to have been facilitating an unlawful "Economic Citizenship Program" although the Belize Economic Citizenship Investment Program (BECIP) had ended 15th January 2002.
- 20) Oleg Kalugin was fraudulently issued a Belize Economic Investment Citizenship Nationality Certificate #22/01/98 and passport P0209568.
- 21) Xiaobing Yang his wife Ying Zheng and daughter Chang Yang were fraudulently issued Belize Economic Citizenship Nationality Certificate #2863/94, #2864/94 and 2864.1/94.
- 22) Rujie Ren was fraudulently issued Belizean Nationality Certificate #2814/94.
- 23) Wei Hang Chen (Weihang Chen) was fraudulently issued Belize Economic Investment Citizenship Nationality certificate #2981/94 dated 27th January 1994.
- 24) Letters of financial support were accepted from individuals other than the sponsors.
- 25) Wei Hang Chen used fraudulent Business Registration Certificate #14582 to apply as a sponsor for three (3) Chinese Visa applicants.
- 26) We found that Mandarin General Merchandise Limited (Company Registration #11449) located at the Commercial Free Zone also had Directors who may not have been qualified for Belizean Nationality during the audited period.
- 27) Zhao Hui Ye Fu used the same Fraudulent Belizean Nationality Certificate #2981/94 as Wei Hang Chen to apply as a Visa sponsor.
- 28) Wen Sheng Li Visa sponsor from Madarin General Merchandise Limited had previously been the holder of a Belize stolen manual Passport.
- 29) Nationality certificate #18840/05 issued to Jian Fu Li (sponsor of many Visa applicants in January and February 2013) was fraudulently issued to

and used by John Xu, to apply for a Belizean Passport for which he did not appear in person to capture his biometrics.

- 30) Some individuals fraudulently acquired Belizean Nationality under section 10 when their dates of entry into Belize, temporary employment permit stamp dates and permanent residence stamp dates were backdated on bogus copies of their native passports.
- 31) Xi Wang aka James Louis Wang was fraudulently issued Belizean Nationality Certificate #28428/13.
- 32) Tianzhi Wang (Tian Zhi Wang) aka Freakin Yang was fraudulently issued Belizean Nationality Certificate #25698/11.
- 33) Wen Bin Chen was a visa sponsor of persons who were fraudulently issued permanent residence status and thereafter sponsored other persons who were also fraudulently issued permanent residence status.
- 34) Jinchao Wu (Jin Chao Wu) of Forest Drive, Belmopan, who did not qualify for Belizean Nationality under Section 10, was issued Nationality Certificate #25920/11.
- 35) Dong Tao Jun (Dongtao Jin) was fraudulently issued Belizean Nationality Certificate #28382/13.
- 36) Zubair Mohamed Kazi was fraudulently issued Belizean Nationality Certificate #28455/13.
- 37) Charles Francis Noll Jr. was fraudulently issued Belize Nationality Certificate #28280/12.
- 38) Randall James Davis was fraudulently issued Belize Nationality certificate #28282/12.
- 39) Jose Wilfredo Molina was fraudulently issued Belize Nationality certificate #27957/12.
- 40) Paddy Franks was fraudulently issued Belize Nationality certificate #22714/12.
- 41) Liming Huang was fraudulently issued Belize Nationality Certificate #28424/13.
- 42) Jiahao Wu (Jia Hao Wu) was fraudulently issued Belizean Nationality Certificate #18785/05.
- 43) Alexey Kharitoneko was fraudulently issued Belizean Nationality Certificate #12430/00.
- 44) Jimin Guan was fraudulently issued Belizean Nationality Certificate #2918/94.

- 45) Weidong Li was fraudulently issued Belizean Nationality Certificate #2915/94.
- 46) Muoing Chen was fraudulently issued Belizean Nationality Certificate 2584/94.
- 47) Shangshag Wang was fraudulently issued Belizean Nationality Certificate #7586/98.
- 48) Chinese individuals with bogus Chinese passports were issued Belize visas by the Belmopan office. With the facility of these bogus passports then they entered the country days later through the Belize Northern Border and had their dates of entries backdated.
- 49) Liudmila Shengeliya was fraudulently issued Belizean nationality when she received a replacement nationality certificate to replace Nationality certificate #13085 of 2001.
- 50) David Shengeliia was fraudulently issued Belizean Nationality when received a Replacement Nationality Certificate to replace Nationality Certificate #17692/04.
- 51) Barry Smithson previously known as Bardi Shengeliia was fraudulently issued Belizean Nationality Certificate #2369/92.
- 52) Hongwei Chen (Hong Wei Chen) was fraudulently issued Belizean Nationality Certificate #27424/13.
- 53) Jinyu Liu (Jin Yu Liu) wife of Hongwei Chen was fraudulently issued Belizean Nationality Certificate #27425/13.
- 54) Jian Guo Chen (Jianguo Chen) was fraudulently issued Belizean Nationality Certificate #27426/13.
- 55) Yueping Liu (Yue Ping Liu) wife of Jian Guo Chen was fraudulently issued Belizean Nationality Certificate #27427/13.
- 56) Ziad Omais was fraudulently issued Belizean Nationality Certificate 28151/13.
- 57) Ezinne Chinnaya Ngele Udo may not have qualified for Belizean nationality but she was issued nationality certificate #28302/13 (date unknown).
- 58) Ezinne Chinnaya Ngele Udo was a sponsor for Stephen Ogochukwu Obijuru in June 2012.
- 59) Carlos Walker Justice of the Peace was involved with several other persons whose nationality or Passport process revealed irregularities or fraud during the period reviewed.

- 60) Natalia Karpouzoglou who changed her name to Natalya Parker did not qualify for Belizean Nationality but was fraudulently issued Nationality Certificate #27346/12 dated 2nd February 2012.
- 61) Individuals who did not qualify for Belizean Nationality through Marriage were issued Belizean Citizenship.
- 62) Peter William Dahlstrom a Native of Sweden did not qualify for Belizean Nationality and was issued nationality certificate number 28265/12.
- 63) Olena Moskalyk (Curly) did not qualify for Belize Nationality and was issued Belize Nationality Certificate number 27467/12 while Mykola Moskalyk did not qualify for Belize Nationality and was added to Belize Nationality Certificate number 27467/12.
- 64) Ji Wang a Public Officer and native of Shandong China who did not qualify for Belizean Nationality was issued Nationality Certificate #28349/13.
- 65) Geetu Chaudhary (Chaudhary Geetu) a native of India did not qualify for Belizean Nationality through marriage but was issued Nationality Certificate #28338/13.
- 66) Foreign Marriage certificates must be authenticated by Foreign Service office of the applicant.
- 67) Zhenyu Chen (Zhen Yu Chen) did not qualify for Belizean Nationality through marriage but was issued Nationality Certificate #26219/12.
- 68) Individuals who did not qualify for Belizean Nationality through marriage under the Economic Citizenship Program Section 11A of the Nationality Act were issued Belizean Citizenship.
- 69) Nagham Sudqi Ain Dahbour resident of the United Arab Emirates who did not qualify for Belizean Nationality was issued nationality certificate #25805/11.
- 70) Areej Khalil Daghistani resident of the United Arab Emirates did not qualify for Belizean Citizenship through Section 11 (Marriage) but was issued Belize Nationality certificate #2005/91.
- 71) Mohamed Mohamed Khalil Owemer a native Saudi Arabia and a national of Palestine did not qualify for Belizean Nationality through Marriage under section 11A but was issued Nationality Certificate 25221/11.
- 72) The Register of Citizen by Registration had several pages which showed persons who had received nationality through marriage under Section 11A (BECIP).
- 73) Many copies of native passports showed discrepancies with the dates of entry into Belize for the 5 years (section 10 of the Nationality Act) and 1

year (Section 11 of the Nationality Act) domicile period of continuous residency in Belize.

- 74) All Nationality files examined did not have copies of the native Passports.
- 75) Several copies of native Passports showed some applicants had illegal status in Belize between visa extensions.
- 76) Fengwan Wu – issued Belizean Nationality Certificate #25697/11 in the name Fengwan Lu.
- 77) Several copies of native passports did not have the passport numbers on the pages where the Belize entry stamp was imprinted.
- 78) There were frequent interventions by Ministers/Area Representatives and other individuals in the Belize nationality procedure, which are not provided for by the Belize Nationality Act Chapter 161 Citizenship by Registration.
- 79) Ministers of Government may not have known the persons they were recommending for Belizean Nationality.
- 80) Interview on 8th December 2014 with former Minister of Immigration Mr. Carlos Perdomo.
- 81) Corruption in the speeding up or delay of the nationality process for individuals.
- 82) Many irregularities were found with native Lebanese with the surname Harmouche or Harmouch.
- 83) No further vetting, as required by the Nationality and Permanent Residence Section Policy and Procedures Manual, appeared to have been carried out on Lebanese persons with the surname Harmouche/Harmouch.
- 84) Eleven (11) persons with the surname Harmouche/ Harmouch received Belizean Nationality prior to the Belize General and Municipal Election in March 2012.
- 85) Four Nationality files for members of the Harmouch family were among those that could not be found.
- 86) Passport Application forms were not presented for persons with the surname Harmouche for the period April 2011 to September 2013.
- 87) Khodr Harmouch, the Honorary Consul of Belize in Tripoli Lebanon wrote letters to Minister Manuel Heredia to intervene in the nationality process of persons with the same Harmouch/Harmouche surname.

- 88) Conflict of interest and irregularities noted with the Office of Khodr H Harmouch, Honorary Consul of Belize in Tripoli Lebanon.
- 89) Harmouche Harmouch appeared to have been escaping mandatory military service in Lebanon.
- 90) Several of the Harmouch/ Harmouche Lebanese Passports were valid for one year.
- 91) The same bogus referees were used for those Harmouch/Harmouche who received Nationality in 2001 to 2002.
- 92) Several Harmouch/ Harmouche may not have qualified for Belizean nationality on the dates their certificates were signed.
- i. Ammar Harmouch native of Lebanon did not meet the five years requirement to receive his Belizean Nationality Certificate Number 26321/12.
 - ii. Abdul Rahman Harmouch and Ali Harmocuh natives of Lebanon did not meet the five year requirement to receive their Belizean Nationality Certificate Numbers 26364/12 and 26364.1/12.
 - iii. Hani Harmouch native Lebanon – irregularities with the issuance of Belizean Nationality certificate. 28411/13
 - iv. Wael Harmouch native of Lebanon – irregularities with the issuance of Belizeans nationality certificate number 26324/12.
 - v. Wajih Harmouch was issued Belizean Nationality Certificate Number 26412/12 that belonged to another individual.
 - vi. Ahmad Harmouch/ Ahmed Said Harmouche a native of Lebanon did not meet the five years requirement to receive his Belizean Nationality Certificate Number 26239/12.
 - vii. Ahmad Harmouch a native of Lebanon did not meet the five years requirement to receive his Belizean Nationality #26363/12.
 - viii. Oussama Harmouch a native of Lebanon did not meet the five years requirement to receive his Belizean Nationality #26426/12
- 93) There were other Harmouch/ Harmouche family members whose Nationality files showed irregularities.
- A) Mohmoud Hussein Harmouche- Nationality Certificate #18357/05
 - B) Iman Harmouch (Iman legha EP Ali Harmouch was her name on her Nationality File) – nationality #24907/11.
 - C) Nouredine Mohamad Harmouch – Nationality Certificate #21361/07.

- D) Saad Mohamad Harmouch- Nationality certificate #26328/12.
- 94) More nationality files for persons with the surname Harmouch were on pending status at the Department.
- 95) 56 persons who were not qualified were fraudulently issued Permanent Residence (PR) status.
- 96) Xuefei Cao – Fraudulent PR Permit Number 43819.
- 97) Jian Xing Chen aka Jianxing Chen did not qualify for Belizean Nationality Certificate number 8652/98.
- 98) Xiaoxia Zhen – Fraudulent PR Permit Number 45015.
- 99) No evidence that Belize Visas were issued to persons who fraudulently received Belizean PR Permits Nationality certificates and Passports.
- 100) Jianpo Xu was fraudulently issued PR #44482 and Nationality Certificate #17330/03.
- 101) Fenglan Wu, Yingzhe Xu and Xiaodi Wu were fraudulently issued PR Permit numbers #44834A and 44835B and fraudulent replacement nationality certificate number 19747/06.
- 102) Two (2) other persons who had received fraudulent PR Permits submitted Belizean nationality application but one was rejected and the other was on pending status.
- 103) Former Director Ruth Meighan had signed the PR stamps on the copies of three native passports for persons who were issued fraudulent PR Permits.
- 104) Ivan David Zhou Zu who was issued fraudulent PR Permit #44863/13 on the 9th January 2013 used fraudulent Business registration certificate to sponsor visa applicants.
- 105) Zhengjun An was fraudulently issued PR permit #42395/10 dated 5th October 2010, which was also fraudulently issued to Jinchun An.
- 106) A number of Belize nationality application file numbers were duplicated and given to different persons.
- 107) File numbers issued in the 2013 File Diary were found inserted in the 2011 and 2012 nationality file Register.
- 108) Nationality file numbers recorded as issued to three individuals in the file diary differed from the names seen in the BNA application register or no entry was recorded in register.

- 109) Some individuals were issued nationality certificates in the numbers book/register on dates that were earlier than when their BNA files were opened in the file diary.
- 110) Several persons were not interviewed before their nationality applications were approved and Belizean nationality certificates issued.
- 111) No evidence that some nationality applicants took and signed their oath of allegiance prior to receiving their Belizean Nationality certificates.
- 112) Many nationality files for persons who renewed passports during the period April 2011 to September 2013 had the same bogus referees.
- 113) Qiau Chao Chen (Jie Lun Chen) Nationality File #16984.
- 114) No register was presented for those individuals that received nationality under the Economic Citizenship by Investment.
- 115) One thousand (1000) Nationality Certificate Numbers were not recorded in one of the Register of Citizens by Registration.
- 116) Many Individuals' nationality files did not have the required documents yet those individuals received Belizean nationality certificates.
- 117) The recommended procedure to request a criminal record from native country of applicants for Belizean nationality was not adhered to.
- 118) Attorney General's Ministry used to vett Nationality Files subsequent to 16th April 2010.
- 119) No evidence seen that a Committee reviewed nationality applications subsequent to 2005.
- 120) All applicants for Belizean nationality did not comply with the requirements for a police Record.
- 121) Applicants did not provide documents to prove that they had not been declared bankrupt under any law in force in any country.
- 122) Applicants did not provide documents to prove that they were not dependants of a citizen of Belize and that they had sufficient means to maintain themselves and were not likely to become a public charge or liability.
- 123) Nationality Application form was inconsistent with the Department's Nationality and Permanent Residence Section Policy and Procedures Manual July 1 2011.
- 124) No authority for the production or issue of passport-type permanent residency re-entry permits in the Belize Immigration Act.

- 125) Two hundred and ten (210) permanent residency re-entry permits for Belize (passport- type documents) found at the Taiwan Embassy.
- 126) Some original nationality certificates issued to some individuals did not have certificate numbers and dates.
- 127) The issuance of replacement nationality certificate by the INS created opportunity for Fraud involving corrupt Immigration Personnel and International “Agents”.
- 128) INS Directors replaced individuals nationality certificates for persons although nationality files may not have existed for those individuals.
- 129) The nationality section had a fraudulent practice of issuing “Borrowed Nationality” numbers.
- 130) Not all nationality and permanent residence files requested were presented to us.
- 131) Copies of birth and marriage certificates of translation especially for Chinese nationals were not the required official documents.
- 132) No copies of their children’s birth certificate were seen in the Nationality file of Lee Yo Lung and Shuming Chen aka Sumi Chen.
- 133) Files were needed for verification due to discrepancies noted while conducting the Passports Investigation.
 - i. Concepcion Vidal- File Number 11385 – nationality certificate number 10154/99
 - ii. Lihua Wu (Li Hua Wu) – Internationally identified human smuggler- nationality certificate number 16602/02.
 - iii. Muhammad Zaghlool- Alleged major human smuggler of Pakistani Indian and Nepalese nationals- Nationality certificate number 23919/10.
 - iv. Yicai Zhu (aka Frank Zhu) nationality certificate number 15305/01 dated 18th December 2001.
 - v. Xiaoli Tang Xiaoli Ke Nationality certificate Numbers 17019/02 dated 11th July 2002 and 18712/05 dated 9th September 2005.
 - vi. Samia and Imad Khaled – Nationality Certificate numbers 2867/93 and 2868/93.
 - vii. Nina Sha and Zhaoyi Sha Nationality Certificate 16677/02 & 16677.1/02.

- viii. Lai Kai Wen nationality certificate number 5595/95 dated 7th August 1985.
- ix. Jianke Tan Nationality certificate 16805/02 dated 28th June 2002.
- x. Huyuan Dai Nationality certificate number 13751/01 dated 6th April 2001.
- xi. Shih Tsai Huang (Huang Shih Tsai) Nationality certificate number 2493/92 dated 2nd March 1992.
- xii. Yang Lin Mei plus 4 children (Chuang Hu Yang applied for renewal of his passport) nationality certificate number 2028/91 dated 28th November 1991.
- xiii. Antonio Oburu Ondo nationality certificate number 18989/05 dated 12th December 2005.
- xiv. Li Li Zhang Wang Nationality certificate number 2640/93 dated the 5th February 1993.
- xv. Yuan Hu Hung Cheng nationality certificate number 2470/92 dated 28th September 1992.
- xvi. Jianjun Chen nationality certificate number 115/2/01 dated 29th November 2001.
- xvii. Anwar Rabie nationality certificate number 78/01/01 dated 6th September 2001.
- xviii. James Wang nationality certificate number 2022/94 dated 13^h May 1994.
- xix. Bond Kung nationality certificate number 2131/92 dated 10th March 1992.
- xx. Steven Chen nationality certificate number 3012/95 dated 4th July 1995.
- xxi. Kevin Chu nationality number 2216/94 Dated 13th September 1994.
- xxii. Demi Ho nationality Certificate number 2362/92 dated 16th June 1992.
- xxiii. Bingquan Huang nationality Certificate number 21/02/2000 dated 22nd June 2000
- xxiv. Canying He nationality certificate number 18272/04 dated 16th July 2011.

- xxv. Nader Ibrahim Mohamed Hassan Awwad nationality certificate number 2485/92 dated 22nd October 1992.
- xxvi. Yong Guang Lin nationality certificate number 15656.2/02 dated 7th February 2002 file #16656 issued in the name Jing Yun Lin plus 3 children including the name Yong Guang Lin.
- xxvii. Roberto Wiyi Yang nationality certificate number 5170/94 dated 3rd November 1994.
- xxviii. Jianmin Xu nationality certificate number 17596/04 dated 27th July 2004.
- xxix. Bruce Liu (formerly Ching- Hua Liu) nationality certificate number 761/89 dated 6th March 1989.
- xxx. Shu Jung Chiu Liu Nationality certificate number 762/89 dated 6th March 1989.
- xxxi. I Wei Liu nationality certificate number 762/89 dated 6th March 1989.
- xxxii. I Ting Liu nationality by Descent certificate number 1684/1/96 Vol V (18) dated 8th July 1996.
- xxxiii. Jian Xing Chen Nationality certificate number 8652/98 dated 7th July 1998.
- xxxiv. Yongge Dai nationality certificate number 99/3/99 dated 12th January 199.
- xxxv. Xiaobo Ji Nationality certificate number 041/3/00 dated 24th August 2000.
- xxxvi. Chuang Sheng Rong nationality certificate number 20477/07 dated 16th January 2007.
- xxxvii. Liang Zhang Nationality certificate number 17450/03 dated 8th February 2003.
- xxxviii. Jing Zhang Huang nationality certificate number 2607/92 dated 29th December 1992.
- xxxix. Zizhen Niu Nationality certificate number 15762/02 dated 26th February 2002.
- xl. David So nationality certificate numbers 20185/01 dated 25th July, 2001 and 17688/05 dated 14th February 2005.
- xli. Yanzhu Zhai nationality certificate numbers 11301/02 dated 25th June, 2002 and 21657/07 dated 30th November 2007.

- 134) Many Belizeans got their Nationality certificates signed prior to the 2012 General Elections.
- 135) Nationality certificates were prepared and given a number before they were signed and in some cases before the persons came to Belize.
- 136) Adults were added to a nationality application which violated the Belize nationality law.
- 137) The Children of persons whose claim to Belizean citizenship could not be verified as genuine, were approved nationality by descent.
- 138) The application form for Nationality through descent did not take into consideration the children of persons who received nationality by registration.
- 139) No verification could be done on a claim citizenship by descent as the supporting documents were not to prove that the parents claim to Citizenship by Registration through Economic Investment was genuine.
- 140) Two formats for certificates of nationality through descent were issued to the children of citizens by registration including citizens by economic investment.
- 141) Children were approved nationality by descent although the parents registration as a citizen of Belize was irregular or fraudulent or the children's descent certificate reference was not verified as genuine.
- 142) An individual from the Belize High Commission in London signed nationality by descent certificates which was the duty of the Director of Immigration.
- 143) No evidence seen that Belizean nationality was revoked for citizens who got Belize nationality under Section 10 (citizen by registration) who did not reside in Belize for 5 consecutive years or more.
- 144) Many persons who claimed to have Belizean nationality under Section 10 Registration wrote the names and addresses of Belize hotels as their address.
- 145) British Embassies in Beirut and Guangzhou and Belmopan – visa stamp need to be verified as genuine.
- 146) An Internet Website offered Belizean Citizenship and Passport for sale at a cost of \$9,900 USD.

Time would simply not have permitted the Committee to verify all the findings of the Auditor General detailed above. As it was, even with our very selective

approach, the hearings still went on for a period of a year. We will now expound upon those findings which were addressed before us.

3. Wonghong Kim Nationality

One particular incident consumed quite a bit of the Committee's attention. That was the nationality and subsequent passport obtained by Wonghong Kim. The nationality aspect is discussed below:

The actual text of the Auditor General, commencing at page 4 of the Nationality Section of the Report, bears repeating here:

“Wonghong Kim was fraudulently issued Replacement Permanent Residence (PR) Permit number 44578

7. We inspected the copy of the Permanent Residence Number Book, (received from the Police on 15th May 2014) and observed that Wonghong Kim, received what appeared to be fraudulently nationality and passport (please see Passport Report, Section III). Wonghong Kim received a fraudulently replacement PR Permit number 44578 dated 18 October 2012. His name was seen recorded at the very end of a page in the PR Number Book as “Kim, Wong Hong”. We verified his date of birth in the PR Numbers Book to that recorded on copies of his Korean and Belizean Passports, as well as that stated on his Passport application and all four matched. His name was fraudulently entered and backdated to the 18th October 2012 in the PR number book and he never entered Belize. (Details of the fraudulent Passport obtained by Wong Hong Kim are reported in the Passport report). In the column where the receipt number and fees were recorded, the words “replace old PR” were seen. He did not pay the required fee of \$2000.00 that is due for replacement certificate.

7.2 We noted that PR certificate number 44578 was for Josue David Coc Uk, a Guatemalan as was recorded on the first line of the next page of the PR number book. Jose Uk paid \$750.00 vide receipt 44578 dated 19th October 2012 as his PR fee.

Wonghong Kim was fraudulently issued nationality Certificate 28577/13

7.3 We examined a photocopy of Wonghong Kim's (Kin) nationality certificate number 28577/13 dated 22nd April 2013 and signed by Minister Elvin Penner, which was attached to the photocopied Passport application.

7.4 Scrutiny of the Nationality certificate register revealed that the nationality certificate number assigned to Wonghong Kim was blank in the Register. A search of the Numbers Book/Register showed that certificate 28577/13 was issued to Wonghong Kim but was dated 2nd September 2013.

We also noted that the series signed and issued in April 2013, begun with 28306 with the serial numbering being consecutive up to September 2013 when it reached 28574 on 2nd September 2013 and continued to 28588.3 for said date. We attempted to get the Nationality acceptance register as well as the Permanent Residence register but, neither was forthcoming. We managed to secure copies of the File Diary and Permanent Residence Permit Number Book which assisted us in finding that he was fraudulently issued Belizean PR and nationality.

Verification of nationality fee

7.5 We carried out a search of the receipts issued for the period January 2013 to September 2013 and found no trace that Wonhong Kim paid nationality fee of Belize three hundred dollars (\$300.00) as required by all citizens by registration.

Verification of individual to manifest at Philip Goldson International Airport

7.6 We visited the Philip Godson International Airport and scrutinized the manifest held by the Immigration and Nationality Department of all individuals who entered and left the country by air for the period 2011 to 2013 and we found no record that Wonhong Kim entered or left the Country of Belize.

7.7 In addition to Minister Penner signing a backdated Nationality certificate for Wonhong Kim, he (Wonhong Kim) in fact, never entered Belize.

Interview held on 20th February 2014 with Mr. Gordon Wade the OIC Nationality section

7.8 In an interview held with Mr. Gordon Wade, the OIC, Nationality section, he was questioned about his duties and asked about the application for Wonhong Kim: He was specifically asked to explain why he allowed Won Hong Kim's application to be processed in the absence of the applicant and why in spite of all the obvious irregularities, a Nationality Certificate was still issued.

His response was:

7.9 The Minister, that is Elvin Penner, brought in the application without the original documents and the completed Passport for the individual Wonhong Kim. All pages of the Passport were to be photocopied and brought in along with the original Passport and with the applicant's (Wonhong Kim) native birth paper. He also informed us that the Minister was told to bring in the required documentation and he promised that he would (He indicated that this was a usual practice of various Ministers). Minister Penner never

brought in the documents. Instead, he came in a day or two after and requested the file. Mr Wade informed the Minister about the incompleteness of the file, but the Minister informed Mr Wade that he wanted the file as he would take it to the Director, Ms Maria Marin, for her to deal with. He has not seen the file since. He stated that one of his staff members was instructed to type up a letter with Wonhong Kim's name and others on it, which is the norm when files are submitted to the Minister for his approval and signature. Mr Wade believed that the Minister signed for the files; however, this file was with the Director along with the register which records acceptance of nationality applications. This register, he said, indicates the applicant's name, date applications are received, the documents presented and the file number assigned to the particular applicant. (We had the opportunity for a short time to view the file, but did not see the minister's signature in the file)

He was then asked:

Were permanent residence files (PR) looked at in the process of obtaining nationality?

7.10 His response was "no". According to him they all knew their officers' signatures since they had been working together for so long. It was easy for each of them to recognize another co-worker's signature when it appeared on visas issued therefore, PR files were not used. This has now changed since the incident in September 2013. The PR files are now attached to the Nationality files for onward processing of the applications.

The next question we asked him was:

What date did Minister Penner bring in the nationality application form for Wonhong Kim?

7.11 He responded that he did not remember the exact date, but that it was in early September 2013. He indicated that the application register would show such date.

7.12 According to him, he was not paying much attention as to date as it was not out of the norm for any minister to bring in incomplete applications and these would go through on the strength of their promise to bring in the missing documents. This was to the knowledge of the Director, Mrs Maria Marin. He informed us, that Ministers are still bringing in applications for individuals even after what has happened in September 2013.

Interview held on 20th February 2014 with Ady Pacheco the assistant to OIC Nationality section

7.13 *This officer, Ms Ady Pacheco, was questioned about her specific duties and thereafter she was asked about the acceptance of application forms for nationality by registration*

7.14 *She indicated that once applications are accepted they are written up in the Acceptance Register, which shows the date of application, the applicant's name, and the documents received and the file number assigned to the individual's application.*

She was asked

Were you the person who received Wonhong Kim's application?

7.15 *She answered "yes", she received his application. She said that the application was brought in by Minister Penner.*

She was asked: Should applicants appear personally to make an application for nationality?

7.16 *Ms Pacheco responded that this was usually the case, but this was the practise of Ministers, their secretaries and drivers to bring in application forms for individuals. This was a privilege that they have enjoyed for as long as she could remember. Ms Pacheco continued on Wonhong Kim's application by saying that the application form was incomplete in respect of a police record. She went to her supervisor's room (the OIC nationality section) and brought the matter to his attention in the presence of Minister Penner who had followed her. Her supervisor informed the Minister that he would need to bring in the necessary documents and the Minister agreed that he would. Ms Pacheco accepted the application form and went ahead to enter it into the Acceptance register. She opened a file and carried it to her supervisor as it was incomplete.*

7.17 *Ms Pacheco revealed that Minister Penner visited the Department on another day in September 2013 (again she can't recall the date) and requested the file pertaining to Wonhong Kim. The file was given to him via letter dated September 2013 along with other files. Ms Pacheco indicated that the file in question was with the Director, but the Director indicated that the said file was in the possession of Minister Hulse. (We were not provided with any evidence that file was with the Minister) Ms. Pacheco further stated that Minister Penner never returned the file. In addition, to her knowledge payment was never made for Wonhong Kim's nationality. The usual procedure after files are returned from the Minister is that the individuals are informed by phone to come in and pay the required fee for Belizean nationality. Ms Pacheco stated that as at the date of the interview this procedure was still being employed. Apparently, a standard letter format exists but is never used. A copy of the receipt is made and placed on the individual's file. All persons who show up at the department are made to*

sign their oath of allegiance in the morning after which they attend the swearing in ceremony in the afternoon. Ceremonies are held at the George Price Centre. Ms Pacheco stated that there is no record of Wonhong Kim signing the oath of allegiance and him attending the swearing in ceremony. She confirmed that there was no ceremony after June 2013.

7.18 Ms Pacheco continued that it was not out of the ordinary that Minister Penner asked for files as Minister Hulse has also done this. Additionally, she stated that other Ministers bring in applications that are incomplete and they promise that they would bring in the documents. They usually do even if after a long time.

7.19 We asked why she accepted Wonhong Kim's application from Minister Penner knowing that it was incomplete. Her response was that he was the Minister of Immigration and had promised he would bring in the required documents. Also, her supervisor was aware of the situation since he would always be informed of any situation. In addition, she did not want to be transferred to another station if she did not comply with the request as she also felt intimidated by Minister Penner. We asked her why she did not go to the substantive Minister, Minister Hulse. Ms Pacheco responded that she did not know why she never went to Minister Hulse. However, Minister Hulse and the Director were aware that Minister Penner was always in the Office for extended periods of time.

7.20 As stated in our Passport report Section III Wonhong Kim was issued Belizean nationality certificate # 28577/13 dated 22nd April 2013 (Number Book had 2nd September 2013) signed by Minister Elvin Penner. He was subsequently issued Belizean Passport #P0246777 on the 9th September 2013 without appearing for his Passport biometrics. We requested his nationality file 31986 in writing on the 21st November 2013 and again on 25th February 2014 but it was not presented. Notably, his name was not seen on the list of missing files that was presented to the Minister in a report after a nationality file inventory was done by Administrative Officer, Ms. Karen Samuels from the Ministry of Labour.

7.21 We received a copy of a letter dated 21st January 2015 from National Immigration Agency Ministry of the Interior of Taiwan which informed that Wonhong Kim was detained in Yilan Detention Center from 1st August to 26th September 2013. That letter verified that he was not in Belize on 2nd September when he supposedly applied for his Belizean nationality and when his nationality certificate was backed dated. Also, that he did not take his biometrics on the 9th September 2013 when his Passport P0246777 was issued."

As previously mentioned, the Auditor General had embarked on an investigation into the missing visas when the scandal surrounding the Wonhong

Kim Nationality broke. As we did with the issue of the eight visas we will now highlight the evidence before the Committee in detail.

The Testimony of Ady Pacheco

Ms. Pacheco testified that at the relevant time she was stationed in the Nationality Section of Department and that her duties included the acceptance of applications from the public. She was the person who accepted the application of Wonhong Kim directly from Minister Elvin Penner. Pacheco testified that the application was incomplete at the time when it was handed to her by Minister Penner. The Committee noted with much concern the following exchange with Ms. Pacheco when probed as to the reason for her acceptance of an incomplete application:

***MR. CHAIRMAN:** Alright, I will come back to that shortly. I just want to be clear on one thing, Minister Penner, you say you can't recall using the words that you felt intimidated by him. Do you recall feeling intimidated by him at that time?*

***MS. A. PACHECO:** Well by him and by all the Ministers that came.*

***MR. CHAIRMAN:** Can you explain what you meant by that, here specifically with Minister Penner.*

***MS. A. PACHECO:** Meaning that if anyone of us would probably dare go against or would not accept anything that was something that they were recommending or...*

***MR. CHAIRMAN:** So you felt that you had to accept the application even though its incomplete because you are afraid of the repercussions from Minister Penner?*

***MS. A. PACHECO:** From Minister Penner and from all the Ministers that came. I mean, this is Belize. If you don't, this is how it works, sadly but it is the truth. If an officer does not comply with the request made by a Minister, they simply just move you to somewhere else. So, that's what I probably meant at the time. That's what I can...*

***SENATOR M. CHEBAT:** Ms. Pacheco, based on that statement, is it fair to say then that all applications brought in by Ministers were facilitated and granted?*

***MS. A. PACHECO:** I can't say granted because I am...*

***SENATOR M. CHEBAT:** Facilitated?*

***MS. A. PACHECO:** I am not part of the final process. But as far as accepting would go, then I would have to say, yes."*

Ms. Pacheco also testified that it was the usual practice of the Officer in Charge at the time, Gordon Wade, to instruct her to accept documents from ministers even where they were incomplete.

The testimony of Gordon Wade

At the relevant time Mr. Wade was the Officer in Charge of the Nationality Section in Belmopan. He acknowledged that the Auditor General's Report reflected the exchange between himself and the Auditors accurately. Mr. Wade stated specifically that he had personal interaction with Minister Penner in relation to Kim's nationality application. From his account we gathered that it was Minister Penner who was personally moving the application as it was Penner who came to Wade to inquire into the status of the application. At the time of the hearing Wade could not remember what specifically was missing from the file but he testified that he recalled that it was incomplete and that he told Minister Penner that the application was incomplete and that it had to be returned when the outstanding documents were available. According to Wade, Penner told him that he would take the matter up with the Director and never came back with the file to him.

The testimony of Elvin Penner

At the outset of his testimony Mr. Penner informed the Committee that he was not going to answer any questions related to Wonhong Kim. According to him he was protected by law in his refusal to answer questions since he had been acquitted of charges brought against him in relation to the matter. The exchange between Mr. Penner and the Chairman bears reproduction:

***“MR. E. PENNER:** Yes, Chair. Mr. Chairman, Honourable Senators, thanks for affording me the opportunity to address this esteemed body. I appear here today in response to an invitation that was extended to me last week, and I most welcome the opportunity to assist this Committee. I must, however, read into the records a number of pertinent facts.*

On the 27th March, 2014, I was summoned to appear in the Belmopan Magistrate Court to answer to the following charges:-

(1) Making a statement which I know to be false in material, particularly contrary to section 22 of the Belize Nationality Act, Chapter 161 of the Laws of Belize, Revised Edition, 2003;

(2) Vouching the fitness of an applicant to receive a Belizean Passport contrary to section 3(1) (h) of the Passport Act, Chapter 164 of the Laws of Belize, Revised Edition 2003.

Both charges were related to the application of South Korean national, Wong Hong Kim. The matters proceeded to trial, and on the 24th July 2014, I was found “NOT GUILTY” of the charges.

The decision of the learned Magistrate was appealed by way of Inferior Court Appeal No. 81 of 2014, where the Honourable Chief Justice Kenneth

Benjamin presided. The Appeal was dismissed, and the learned Chief Justice affirmed my acquittal.

It is noteworthy that the invitation extended to me was under the provisions of the Legislative Assembly (Powers and Privileges) Ordinance assented to on the 12th October 1962. I hereby make my appearance after being assured that the said Ordinance is still in effect and was so approved by the Supreme Court of Belize in the case of Action No. 496 of 2006 - Narda Garcia v Senator Godwin Hulse et al. and the Court of Appeal of Belize in Civil Appeal No. 5 of 1994 - Vernon Harrison Courtenay et al. v Lutchman Sooknandan et al. Section 13, subsection 1, of the said Ordinance provides as follows:-

“Every person summoned to attend to give evidence or to produce any paper, book, record or document before the Assembly or a Committee, therefore shall be entitled, in respect of such evidence or the disclosure of any communication or the production of any such paper, book, record or document to the same right or privilege as before a Court of Law.”

Having been duly acquitted by a competent Court of Belize, the Wong Hong Kim episode is to be regarded as a closed chapter, or, as lawyers would say, res judicata, and I will not be responding to any questions relating to that issue or to any related issues which could have been the subject of the criminal prosecution that concluded on the 24th July 2014. In this regard, I pray the protection of section 6, subsection 5, of the Constitution of Belize.

It has to be of some importance that under the Evidence Act, Chapter 95 of the Laws of Belize, there is no provision to compel a witness to answer questions related to his or her acquittal. There are provisions, however, that allows for the questioning of witnesses in certain instances to be questioned about a prior conviction. See section 58, subsections (e) (i), (ii) and (iii). In addition, the privileges provided under section 60, subsection 1, of the Evidence Act, Chapter 95 of the Laws of Belize, will also be relied upon in regards to certain portions of my testimony, if appropriate. This provides protection against self-incrimination.

Having laid out the rights and privileges afforded to me under the law, I am now prepared to furnish a response to any questions that are legally permissible and questions that are relevant to the findings of the Auditor General's Special Report for the period 2011-2013.

I would like to end by wishing all mothers of our great country, Belize, and around the world, a happy and blessed Mother's Day. Thank you.

MR. CHAIRMAN: *Thank you, Mr. Penner. I've listened to what you have to say, and I am constraint to say that I disagree totally in what you have said. I do not feel that you can pray in aid of that privilege and that it prevents*

you from having to respond to any of the questions pose to you here today related to the Wong Hong Kim matter or any other matter which is referred to in the Report of the Auditor General. And I will tell you why. In my view, there is one thing which is right in what you have said, and that is that the Legislative Assembly (Powers and Privileges) Ordinance is in force, and you are given privilege as a witness before a court. But that privilege does not extent to refusing to answer any question. And if you look at the same provisions which I am referring to, the same ordinance which you referred to, in section 12, it says that the "Committee is empowered to order the attendance of witnesses on any matters and things related to the subject of the inquiry before the Assembly or such Committee be verified or otherwise ascertained by oral examination of witnesses, and may cause any such witnesses to be examined upon oath, which the Chairman of the Committee or other persons specially appointed for that purpose of the Assembly or by such Committee is hereby authorized to administer".

And more pertinent is section 13, which says that, "where any person ordered to attend to give evidence or to produce any paper, book, record or document before any Assembly refuses to answer any question that may be put to him or to produce any such paper, book, record or document, on the ground that the same is of a private nature and does not affect the subject of inquiry, the Speaker may excuse the answering of such question or production of such paper, book, record or document, or may order the answering or production thereof." So, in my view, the only legitimate reason for you to refuse to answer any question is whether it is not a matter which is the subject of this inquiry. And even in that case I may order the answering of that question, if it is in my opinion to do so. Relating further to what you have said, that you refuse and you pray in aid of the section of the Evidence Act, refuse to answer any question related to your acquittal, these questions are not related to any acquittal. We are not asking you about the reasons for your acquittal. So there is no question that we will put to you that's related to your acquittal before the magistrate or the proceedings in the Supreme Court.

You also speak about the constitutional provision. The constitutional provision can only be called upon where you are the subject of a criminal investigation or a criminal process. This Committee cannot find you guilty of any criminal wrongdoing. So this evidence cannot lead to any criminal finding by us. The only thing that can come from this, in terms of criminal proceedings, is the issue of perjury.

Now there are, in fact, sanctions which I'm not certain, but I can say that the last time I looked at it, I believe, it was 2 years imprisonment. So you would either have to tell us why we must not find your refusal to answer questions put to you as a violation of these provisions which are sanctionable by imprisonment, or you can choose to answer the questions. If you wish, I can point to you the relevant provisions which speak to the offenses against this

Ordinance for you to have a look at it. But it is my obligation to put all the questions to you which I intend to do. Your refusal to answer, that's a decision for you. I have already stated why, in my view, you cannot claim any constitutional right not to answer because the section which you cited does not refer to what you are saying. Secondly, the same Ordinance which you have cited gives only one reason for refusing to answer.

There is a general common law privilege against self-incrimination, but where there is a statutory intervention which abrogates that common law privilege then you must follow what the statute says. And this Ordinance is saying that you must answer the questions put to you. Is that clear?

MR. E. PENNER: *That is very clear, Mr. Chair. As you all can see, I am here without legal representation, and that's because I have gotten very competent legal advice before coming here. I will stick to the advice of my legal attorney. I'm not sure that I quite understand why you are saying that those privileges that I referred to do not extend to me with regards to the Senate Inquiry, but, if I read the last section of the first paragraph of the invitation letter that I was given, the last sentence says, or I should probably read the whole paragraph.*

"You are summoned to attend at the National Assembly Building for the Public Hearing of the Senate Special Select Committee at 10:00 A.M. on Wednesday, the 17th day of May 2017, the day fixed for the next hearing of the Committee, and from Wednesday to Wednesday thereafter, or at such other times as may be appointed, until completion of your examination; and to give oral evidence, and to bring with you and produce documents in support of your evidence or as may be required by the Committee. You may be accompanied by your legal representative, and are entitled, in respect of such evidence or the disclosure of any communication or the production of any document to the same right or privilege as before a court of law."

So, if these privileges that I have mentioned in my opening statement are privileges that are extended to me in a court of law, according to this, they would also, in that regard, have to be extended to me in this Special Senate Select Committee. My decision will be to stick to what I said in my opening statement that I will not answer questions that I don't think that I'm legally required to answer, and I will not answer questions that are not relevant to the Special Report of the Auditor General because in the other paragraph of the Terms of Reference it is also specifically stated that you are to, and let me read that as well.

"To conduct an independent and impartial investigation and inquiry into all policies, processes and procedures in the grant of nationality, and the issuance of visas and passports in the Ministry responsible

for Immigration and Nationality that pertain to the findings of the abovementioned Special Report of the Auditor General for the period 2011 – 2013.”

So it will be my decision to not answer questions that are not relevant and to not answer questions that I don't believe that I'm legally required to answer. If the decision of this Senate Special Select Committee will be to levy a charge against me for that, I am prepared to answer to those charges in a competent court of law.

MR. CHAIRMAN: *Okay, I will respond, and I won't belabour this, by saying that, again, I disagree with the view of your counsel. I disagree with what you have said that you, and even if there was a privilege afforded to you against self-incrimination, you yourself has said that it's res judicata. So you run no risk of any criminal proceeding being brought against you on this same issue, that, the Constitution affords you. There is no risk that any criminal trial, provided that it's is res judicata, can be brought. I don't know the issues surrounding your acquittal, but if it was on the merits you have no risk, and therefore you are not exposed to any criminal sanctions as far as it relates to that Wong Hong Kim matter. And I am going to read to you just so that it's absolutely clear. I'm reading from the Ordinance that you cited at section 19. It says, "Any person who refuses to be examined before, or to answer any lawful and relevant questions put by the Assembly or a Committee, unless such refusal be excused as herein before provided, shall be guilty of an offense and shall, on summary conviction, be liable to a fine no exceeding \$1,000 or to imprisonment to a term not exceeding 2 years or to both such fine and imprisonment". Okay.*

MR. E. PENNER: *I understand.*

MR. CHAIRMAN: *So we will proceed to put whatever questions we deem fit and lawful to you, and you may refuse to answer, if that is your choice.*

MR. E. PENNER: *I understand.”*

The foregoing exchange speaks for itself. The Committee took a different view from that of Mr. Penner and opined that it could rightfully question him in relation to the matters raised in the Audit Report concerning his involvement in the Wonghong Kim incident. Mr. Penner was generally unwilling to answer questions involving Kim on the basis of what he claimed was legal advice as discussed above. Nonetheless, Penner did break from that rigid position in some instances of his testimony and did address some of the Committee's questions relating to Kim before going back to his rigid stance.

The Chairman pointed to the testimony of Gordon Wade directly in which Penner was said to have had personal carriage of the nationality application of Wonhong Kim. Mr. Penner only replied that if the Committee would locate the original

nationality file we would see that all “proper documents” were in the file. Of course, this did very little to assist the Committee with its primary concern as to why the Minister had a personal interest in the nationality application. The stance taken by Mr. Penner, in relation to his evidence, effectively prevented the Committee from asking more probing questions.

He did say, however, that he met Kim previously on trips to Taiwan and China although no details were given. He also recalled that a businessperson from Taiwan introduced him to Kim although he could not remember who it was that did so. He described the circumstances of his meeting by saying that it was a business trip to Asia connected to his family business and that while in Asia he was made aware of persons who had interest in investing in Belize and he took the liberty to meet them.

The Committee accepts the findings of the Auditor General that both the Permanent Residence and the Nationality accorded to Wonhong Kim were fraudulent. The Committee also accepts the evidence of Ady Pacheco and Gordon Wade to the effect that it was Mr. Elvin Penner who was personally attending to the application for nationality. Mr. Penner was afforded sufficient opportunity to respond to the evidence and he chose not to do so thereby giving the Committee the opportunity to accept the evidence contrary to him in full. **The Committee urges the responsible parties to investigate thoroughly the matter of Mr. Penner’s refusal to give evidence before the Committee and to decide as to whether any proceedings should be taken out against him as a consequence of such refusal.**

4. Other cases of fraudulent nationality

The Auditor General also found the following cases in which nationality documents were fraudulently obtained:

1. Yakut Sup,
2. Yiu-Pang Cheng
3. Jackie Jie Qin
4. Quoc Vinh Truong
5. Jinchen An

The Committee spent some time on the Nationality of Mr. Sut. The Auditor General noted in her report as follows:

“Yakup Sut was fraudulently issued Nationality Certificate 28570/13

Section 10 (1b) of Belizean Nationality Act Chapter 161 of the Laws of Belize revised edition 2000 stipulates:

“This section shall apply to any applicant for registration as a citizen of Belize who has the following qualifications – (b) that the applicant is a

person who is ordinarily resident in Belize and has been so resident for a period of five years immediately preceding the date of the application

8. We noted from the photocopy of his Belizean Nationality Certificate number 28570/13 (attached to his Passport application form) that Yakup Sut's permanent address was stated as San Pedrito Area , San Pedro Town, A.C, Belize C.A. It was signed on 3rd June 2013 by Minister Elvin Penner. The photocopy was certified by Erwin Robinson on 23rd August 2013(his initials was confirmed by the current OIC Passport section) and he certified that he had compared the copy with the original and that it was true and complete copy.

8.2 We saw through verification of the Register for Citizen by Registration of said certificate number 28570/13; that the page which had the series 28482 to 28515 was blank which implied that the certificate numbers had not yet been utilized. We examined the Nationality Number Book and it revealed that certificate number 28570/13 was in the name of Yakup Sut however, it was dated 16th August 2013 instead of 3rd June 2013 as stated on his nationality certificate signed by Minister Penner. It appeared that Minister Penner had backdated Yakup Sut's certificate as those certificates signed by him during the period June 2013 (as seen in the Number Book/Register) started from serial number 28419 and ended with 28455. 10

8.3 We checked the number book and it revealed that Yakup Sut's nationality file number was 31973. In an attempt to verify that Yakup Sut had met all the requirements in being awarded a Belizean nationality his file number was given to the nationality records section however up to the time of writing this report said file could not be located. We were therefore unable to verify that all the necessary documents were in the file and if he had met all requirements to become a citizen of Belize.

We found no evidence that Yakup Sut paid the nationality fee of Belize Three Hundred dollars.

Section 23 of the Belizean Nationality Act Chapter 161 of the Laws of Belize revised edition 2000 dictates:

"Every person to whom a certificate under this Act is granted shall, in respect of that certificate, pay, in the prescribed manner, a fee according to the prescribed rates".

8.4 In an attempt to verify that Yakup Sut had paid Belize three hundred dollars (\$300.00) which is the fee charged for nationality by registration, we examined receipts issued by Immigration and for the period January to September 2013 and we found no receipt which indicated that Yakup Sut had made payment of the required fee associated with the nationality.

• ***Interview with Mr. Gordon Wade OIC Nationality section – 20th February 2014***

8.5 In an interview held on 20th February 2014 with Mr. Gordon Wade, OIC Nationality Section, we asked him whether permanent residence files (PR) are looked at in the process of obtaining nationality and his response was that they looked at face value as they know their officers signatures, that is, they have been working together for so long that it is easy for each of them to recognize another co-worker's signature when it appears on visas issued so PR files were not used. This has now changed since the incident in September 2013. The PR files are now attached to the Nationality files for onward processing of the applications.

The following comprised the evidence before the Committee:

The Testimony of Elvin Penner

“MR. CHAIRMAN: Okay, so you are aware of that? Okay, sticking to nationality, I am going to move away from Won Hong Kim a little bit and we come back to passport for nationality. This is similar to what we were talking about Mr. Penner, as is the case with Won Hong Kim and with Josue David Coc Uk, there is another person by the name of Yakup Sut. You see, and I want to address specific cases of where allegations have been made against you to give you the opportunity to comment on it, to give us your answer to those allegations. The issue with Yakup Sut, do you know of a person by the name of Yakup Sut?

MR. E. PENNER: Yes, Sir.

MR. CHAIRMAN: How do you know him?

MR. E. PENNER: I know him, again, through business relations.

MR. CHAIRMAN: Where is he from?

MR. E. PENNER: He is from Turkey.

MR. CHAIRMAN: Okay. Where did you meet him?

MR. E. PENNER: The first time I met him it was in Germany and I also met him in Los Angeles, USA.

MR. CHAIRMAN: Okay. Now there is a nationality certificate which according to the Auditor General it was fraudulently issued to Yakup Sut. This nationality certificate was signed by you, and what the Auditor General says is that they examined the nationality number book and it revealed that

the certificate 28570/13 which was in his name, basically it says that the certificate was signed by Minister Penner, it appeared that Minister Penner had backdated Yakup Sut certificate as those certificates signed by him during the period June 2013 starting from a serial number 28419 and ended with 28455. So just for you to follow, the certificate number for Yakup Sut, which according to the Auditor General is fraudulently issued, 28570/13 purportedly dated 3rd June that you backdated it because there is no way that if you signed it on that date that it could have had that serial number because the serial numbers when they looked at that period June 2013 the serial numbers were 28419 and ended in 28455, 28570 is after that series and therefore for it to have been in June it would have had to been backdated. Do you first of all recall this application for nationality?

MR. E. PENNER: *I vaguely recall it, yes.*

MR. CHAIRMAN: *Did you backdate the certificate?*

MR. E. PENNER: *I did not backdate the certificate.*

MR. CHAIRMAN: *Can you explain why, say, if the serial number is for really a period in August why under any legitimate circumstance it would have a series from June?*

MR. E. PENNER: *Well all I can say is that I did not backdate that nationality. I have seen in other parts of this Report where it even indicates that certain nationality numbers were reserved for people months in advance. There are a lot of irregularities having been reported in regards to the recording of the nationality certificates in the records book. There are a lot of irregularities with regards to the initial step not having been taken when the applicant came in to apply, where the first step is not taken, where it is not even recorded in the citizen registry book and like I said, I can tell you that I did not backdate it. The only explanation would be that perhaps the files were not used in sequence.*

MR. CHAIRMAN: *Okay.*

SENATOR E. COURTENAY: *Mr. Penner, do you understand clearly what the Auditor General is saying about Yakup Sut's application for nationality?*

MR. E. PENNER: *In terms of it being backdated?*

SENATOR E. COURTENAY: *Well, I am asking you if you understand what she is saying.*

MR. E. PENNER: *I do believe so.*

SENATOR E. COURTENAY: *Let me ask you this question, did Mr. Sut qualify for Belizean nationality?*

MR. E. PENNER: *As far as I can recall he did. Like I said before, the procedures that a file goes through from the day of application to the day of approval were all met and like I said with regards to Mr. Kim's file, if you would locate the file itself you would see that all physical evidence indicating his qualifications for a nationality were in that file, minuted by Mr. Wade, minuted by Ms. Marin before I signed that nationality.*

SENATOR E. COURTENAY: *You want to go back to Mr. Kim. Where is Mr. Kim's file?*

MR. E. PENNER: *I have no idea.*

SENATOR E. COURTENAY: *Well, you should tell us because you had it in your possession.*

MR. E. PENNER: *The only time it was in my possession was when it was sent to me for signature and I sent it back to nationality.*

SENATOR E. COURTENAY: *That's not the evidence before us and you know that that is not what your Minister colleague Hulse said. You heard what he said about that?*

MR. E. PENNER: *I don't know what he said.*

SENATOR E. COURTENAY: *Well, we will get to that, but I want to stick to Mr. Sut for right now. You did the due diligence on his file?*

MR. E. PENNER: *Yes, I did.*

SENATOR E. COURTENAY: *Did you disclose to anyone that you knew Mr. Sut before you did the due diligence?*

MR. E. PENNER: *No, I did not.*

SENATOR E. COURTENAY: *What business relation did you have with Mr. Sut?*

MR. E. PENNER: *Again, it was somebody who expressed interest in living in Belize and investing in Belize.*

SENATOR E. COURTENAY: *How did this occur? Somebody out of the blue called you and said, "Boy, Mr. Sut wants to live in Belize"? How did this come about?*

MR. E. PENNER: No, I actually met him through a friend of mine in Los Angeles who I only know as Mr. Levon.

SENATOR E. COURTENAY: Mr. who?

MR. E. PENNER: Levon.

SENATOR E. COURTENAY: How do you spell that?

MR. E. PENNER: I don't know how you spell that.

SENATOR E. COURTENAY: Okay, so your friend in Los Angeles called you or you met him, what happened?

MR. E. PENNER: It was a coincidence when we were visiting Mr. Levon in Los Angeles that at the same time he was there and we end up meeting.

SENATOR E. COURTENAY: You were a Minister at this time?

MR. E. PENNER: Yes, I was.

SENATOR E. COURTENAY: You were a Minister and the Minister with the responsibility for Immigration.

MR. E. PENNER: That I don't recall exactly what responsibility I had at the time.

SENATOR E. COURTENAY: But what year was this?

MR. E. PENNER: I would have to check it.

SENATOR E. COURTENAY: Well, please do. And the conversation the first time you met this man he expressed an interest in living in Belize?

MR. E. PENNER: He expressed interest in investing and coming to live in Belize.

SENATOR E. COURTENAY: What type of investment?

MR. E. PENNER: I don't think it was specified.

SENATOR E. COURTENAY: Sorry.

MR. E. PENNER: I don't remember that it was specified.

SENATOR E. COURTENAY: But in any event he came to Belize?

MR. E. PENNER: *I could have only assumed that he did because the nationality file indicated so.*

SENATOR E. COURTENAY: *Your business colleague, Mr. Sut, came to Belize and didn't contact you?*

MR. E. PENNER: *We had many telephone conversations and email conversations and I don't know where he was when we had those conversations.*

SENATOR E. COURTENAY: *Did he ever contact you in Belize? You met him in Belize?*

MR. E. PENNER: *No, I have never met him in Belize.*

SENATOR E. COURTENAY: *You've never met him in Belize. So back to the file, did he qualify?*

MR. E. PENNER: *According to what was in the file he met all qualifications.*

SENATOR E. COURTENAY: *You satisfied yourself of that Mr. Penner?*

MR. E. PENNER: *Yes, I am*

SENATOR E. COURTENAY: *Are you sure?*

MR. E. PENNER: *Yes, Sir.*

SENATOR E. COURTENAY: *Would you like to review the file again or you are sticking with that answer?*

MR. E. PENNER: *I would love to see the file.*

SENATOR E. COURTENAY: *You would love to see the file. Can you tell us how it is that the certificate of nationality just simply does not have the correct serial number matching the date?*

MR. E. PENNER: *Like I said, the only explanation I can give is that they did not follow the sequence of serial numbers the way they should have.*

SENATOR E. COURTENAY: *And that did not occurred to you when you were doing your due diligence?*

MR. E. PENNER: *I do not look at the file number in terms when I sign a nationality, I look at the qualifications.*

SENATOR E. COURTENAY: You look at the qualifications. And you were satisfied in relation to him?

MR. E. PENNER: Yes.

SENATOR E. COURTENAY: Where was Mr. Sut's permanent address?

MR. E. PENNER: I don't know where his permanent address was in Belize.

SENATOR E. COURTENAY: So basically you don't recall the contents of the file?

MR. E. PENNER: I would not recall the contents of the file.

SENATOR E. COURTENAY: Thank you, Mr. Chairman.

SENATOR REV. A. ROCKE: How long did you know Mr. Sut?

MR. E. PENNER: Again, to be very accurate I would have to look and see if I can find the evidence in my passport when I visited the places where I met him but right of the top of my head I would want to believe that at least 5 or 6 years now.

SENATOR REV. A. ROCKE: In the passport section of the documents in paragraph 22, you specifically declared on the recommendation that you knew him for 3 years.

MR. E. PENNER: Yes, that was roughly 3 years ago.

SENATOR REV. A. ROCKE: Oh, so you are saying that you knew him for 3 years and now it is 6 years.

MR. E. PENNER: Now, it will be like 5 or 6 years.

SENATOR REV. A. ROCKE: Did he ever live in Belize?

MR. E. PENNER: If he..

SENATOR REV. A. ROCKE: Ever lived in Belize?

MR. E. PENNER: According to the nationality file yes he did.

MR. CHAIRMAN: He would have had to.

MR. E. PENNER: He would have had to, yes."

The Auditor General did refer to the nationality certificate as fraudulent and the Committee will not take any issue with this characterization. The term

fraudulent used in this context means that the nationality was obtained by deception especially of a level of criminal deception. Clearly the Auditor General was convinced, on her read of the material before her that the award of the nationality approached that level. The Committee respects her views as expressed and points out that it did not receive any sufficient answer to the very important questions: Why was the serial number on the certificate out of sequence? Why did the nationality register book reveal the date of issuance as August 16, 2013? Why was there no evidence of the payment of any fees in relation to the nationality of Mr. Sut? We are satisfied on the evidence that the certificate could not have been issued in June. We are also satisfied that the nationality was issued under very dubious circumstances.

It would be remiss of this Committee to move on without pointing to the existence of the relationship between the Minister and Mr. Sut. Penner said that he met Sut “*through business relations*” and admitted that he met Sut in Germany and in Los Angeles. Although he did not refer to Sut as his friend, he did not object to Senator Courtenay’s reference to Sut (on more than one occasion) as his friend. According to Penner, Sut was interested in investing in Belize and the two were introduced by his (Penner’s) friend, Levon.

Mr. Penner’s testimony did not add up. His evidence is that Sut qualified for nationality during the period in which he had responsibility for Immigration. See below exchange with Senator Courtenay:

“SENATOR E. COURTENAY: Mr. Penner, I am interested in going back to your friend, Mr. Sut.

MR. E. PENNER: Yes, Sir.

SENATOR E. COURTENAY: And you told us a short while ago, if I recall, that you performed the final vetting of the file and you were the one who approved his nationality, is that correct?

MR. E. PENNER: I would have had to be because he applied, I believe, during the period that I was responsible for Immigration.

SENATOR E. COURTENAY: Right. Did you or did you not approved his nationality?

MR. E. PENNER: Yes, I did.”

If Sut really did qualify for nationality as claimed by Penner it would mean that he would have been ordinarily resident in Belize from early 2008. Now let us examine another part of his testimony:

“SENATOR E. COURTENAY: *What business relation did you have with Mr. Sut?*

MR. E. PENNER: *Again, it was somebody who expressed interest in living in Belize and investing in Belize.*

SENATOR E. COURTENAY: *How did this occur? Somebody out of the blue called you and said, “Boy, Mr. Sut wants to live in Belize”? How did this come about?*

MR. E. PENNER: *No, I actually met him through a friend of mine in Los Angeles who I only know as Mr. Levon.*

SENATOR E. COURTENAY: *Mr. who?*

MR. E. PENNER: *Levon.*

SENATOR E. COURTENAY: *How do you spell that?*

MR. E. PENNER: *I don’t know how you spell that.*

SENATOR E. COURTENAY: *Okay, so your friend in Los Angeles called you or you met him, what happened?*

MR. E. PENNER: *It was a coincidence when we were visiting Mr. Levon in Los Angeles that at the same time he was there and we end up meeting.*

SENATOR E. COURTENAY: *You were a Minister at this time?*

MR. E. PENNER: *Yes, I was.*

SENATOR E. COURTENAY: *You were a Minister and the Minister with the responsibility for Immigration.*

MR. E. PENNER: *That I don’t recall exactly what responsibility I had at the time.*

SENATOR E. COURTENAY: *But what year was this?*

MR. E. PENNER: *I would have to check it.*

SENATOR E. COURTENAY: *Well, please do. And the conversation the first time you met this man he expressed an interest in living in Belize?*

MR. E. PENNER: *He expressed interest in investing and coming to live in Belize.”*

Given what we know about the dates of elections in Belize and the date on which Mr. Penner became a Minister it would mean that the first meeting with Sut would have been in early 2008 and then Sut would have taken up residence in Belize shortly after that meeting in order to qualify by 2013. But still, let us examine another part of his exchange with Senator Roche.

“SENATOR REV. A. ROCKE: How long did you know Mr. Sut?

MR. E. PENNER: Again, to be very accurate I would have to look and see if I can find the evidence in my passport when I visited the places where I met him but right of the top of my head I would want to believe that at least 5 or 6 years now.

SENATOR REV. A. ROCKE: In the passport section of the documents in paragraph 22, you specifically declared on the recommendation that you knew him for 3 years.

MR. E. PENNER: Yes, that was roughly 3 years ago.

SENATOR REV. A. ROCKE: Oh, so you are saying that you knew him for 3 years and now it is 6 years.”

Senator Roche was actually referring to paragraph 7.3 on Page 16 of the Passport Section of the Report. In reality, given what we know now, at the time that Penner signed the forms in August of 2013 for the passport he would have known Sut for over 5 years and by the date of the hearings he would have known him for about 9 years. He could have been honestly mistaken, and the reality is that in any other case this could have been dismissed. However, in this case, given the many irregularities surrounding the nationality and subsequent passport it leaves a lot of doubt as to the veracity of Mr. Penner.

5. Processing of incomplete applications and failure to verify information presented

As was the case with visas at the time; the framework for the issuance of nationality contemplated a layered vetting process for all applications. The process began with the initial vetting of the counter clerk and counter supervisor. This vetting included certification of copies of documents as true copies and ensuring that all information was included in the application. Thereafter, the OIC reviewed the application and scheduled the applicants for an interview. After the interview, if there remained any concerns with the application, the same was further vetted through the referral system. The referral system included a physical check at the applicant’s residence, place of employment, etc. for the purpose of validating information provided on the

application or in the course of the interview. In the event the referral system proved inadequate the application could be referred for Security Clearance.

While the above process was detailed in the Nationality Manual, the testimony of the witnesses employed in the Nationality Section and the Auditor General's findings indicate that the various vetting mechanisms were rarely utilized in the Department, even from the initial stage of acceptance of the application.

Quite ironically, the proper process was aptly described by former Minister Elvin Penner in his testimony:

MR. E. PENNER: *Well, for every nationality application that comes in, I can explain the steps, to the best of my knowledge, what should take place. The nationality application is brought to the department to, normally, the clerk at the front desk and that clerk's responsibility is to one make sure that all required documents are present. Secondly, to make sure that they are all authentic; so that person who accepts an application needs to compare the photocopies of the passport with the original passport and stamp on the photocopy to certify that this is a copy of the original. And once they have been satisfied that the application meets all requirements, they would then proceed and open a file. They minute the file with, minute in the sense where they minute on the file every document that is included in that file. She then writes out a receipt, it's not really a receipt where you pay anything, but a receipt like paper where again on the receipt it states what documents have been provided or what copies of documents have been provided. That receipt has a number which is then known as the BNA number, and as far as I know, the file is then given that same BNA number corresponding to that receipt. And the reason for that is that if an applicant ever has a question with regards to their nationality application, I want to know the whereabouts of the application or at what procedure, what state it is. They can then bring their receipt and they can then find that nationality file based on that BNA number. It then goes through the vetting process where other officers within the department would vet the file to make sure that everything is legit and is in order within that file. It then goes to the supervisor of the department and I am not sure at what point in time during this whole process an interview is normally scheduled. Once the interview is scheduled and they pass that interview and all the documents that are required to be in the file are in that file, and that all persons meet their requirements to be able to be given their nationality, it is then vetted and minuted by the supervisor of the department who then passes it to the Director or at that time the Acting Director who also vets the file again to make sure everything is in order. She minutes the file and then after they have accumulated a number of files that they have both vetted, it's then sent to me or whichever Minister is responsible to be actually the third person to vet that file. To make sure that whatever is in that file is in order, and that*

the evidence that is presented in the file indeed qualifies them to get their nationality. Unless something would jump out at me, as the Minister, to be irregular and perhaps questionable then I would sign the file and then of course send it back to Immigration and then they do the following procedure, which would be calling in the person to pay for the nationality and the next step to be the swearing in ceremony. But if any file ever did not have, in my view, proper qualifications I would then minute the file again and send it back without signature. Or if it had anything that, or in fact sometimes the Director perhaps vetted the file but forgot to minute the file, so if the Director did not minute the file I would also send back the file with a note that the Director did not minute the file. So I would not sign the file unless the Supervisor minuted it and the Director minuted it and then I would look at it and be convinced that it was totally in order and then give it my signature and date and send it back to the Immigration Department.

The practice of the Department under Minister Penner, as we now know, hardly complied with the foregoing.

At the acceptance of application stage, the Counter Clerk had a significant function of ensuring that applications were complete. However, according to the witness Ady Pacheco, who served as Counter Clerk or Counter Supervisor in the Nationality Section, if applications were incomplete and she was authorized by the OIC, the Director or the Minister to do so, she still accepted them for processing and issued a BNA number despite the legal requirement for a completed application and proper vetting. She explained her position at length in her testimony before the Committee.

***MR. CHAIRMAN:** I want to clarify something because I am confused about this. You are saying that you only accepted documents even though they were incomplete because you were told to do so. But, I don't think that that's appropriate because I feel that it was part of your responsibility to ensure that when you receive a file, meaning you are saying that you receive this file, you are the person formalizing the acceptance into the department for processing. So, it is your obligation to ensure that the application is complete. Don't you think so?*

***MS. A. PACHECO:** Yes, Sir. Whenever I realized that any document would be missing, I would, before I even accept, I would make sure that it is brought up to the Officer-in-Charge's attention. It would only be on his okay that I would go ahead and accept anything that would be incomplete.*

***MR. CHAIRMAN:** But you see, you should, did he write anything on the files to say that he approved the acceptance without it being complete?*

***MS. A. PACHECO:** Not that I know.*

MR. CHAIRMAN: *Because you see now, all of this is basically on you.*

MS. A. PACHECO: *Yes.*

MR. CHAIRMAN: *Because there is nothing on the file to show that he authorized it or he instructed you to accept something which was incomplete when it was your obligation to ensure that it was complete."*

“SENATOR E. COURTENAY: *I am sorry. I said what the Auditor General is suggesting here, in fact, is more than suggesting, she is stating, is that the mother got her passport fraudulently. She requested that her daughter be given her nationality “put on her passport” but there is no evidence of the birth certificate of the daughter to prove that, in fact, it was her daughter and that you are the one who processed it and sent it to Ms. Meighan who recommended it to the Minister Perdomo and Minister Perdomo issued or approved the grant of nationality to the daughter. Would it have been your responsibility to check for the birth certificate?*

MS. A. PACHECO: *Unless the file was requested by somebody higher up the chain.*

SENATOR E. COURTENAY: *What does that mean?*

MS. A. PACHECO: *It means that if a file is requested and they want to proceed with it, even if it is incomplete, the Director will sign and the Minister will sign.*

SENATOR E. COURTENAY: *Even though it’s incomplete?*

MS. A. PACHECO: *Yes.*

SENATOR E. COURTENAY: *And that’s a possible explanation for this?*

MS. A. PACHECO: *That would be the only explanation.*

SENATOR E. COURTENAY: *That it was requested higher...*

MS. A. PACHECO: *That it had to come from a higher request.*

SENATOR E. COURTENAY: *And secondly, apart from that, she is also saying that that was in the interview process. But apart from that, she is saying, as well, that you certified that she had acquired Belizean nationality upon the request to include her daughter. So, its two things, one is with the interview and the second part is with the certification that she acquired Belizean nationality. Is that something which you would have done ordinarily?*

MS. A. PACHECO: *If it was requested for me to do so, yes.*

SENATOR M. LIZARRAGA: *Was this an instance where clearly because of request from above, you did not identify these irregularities?*

MS. A. PACHECO: *It could be, the Won Hong Kim application was brought in by Minister Penner. I mentioned that to you last week."*

The exchange above reveals admission of wrongdoing by Ms. Ady Pacheco which she explained on the grounds that she had instructions to receive deficient applications from those persons higher up in the Department's hierarchy. Ms. Pacheco's actions breached the nationality laws and led to Belizean nationality being granted to several applicants who did not qualify for Belizean patrimony. Subsequently many of such persons also obtained Belizean Passports.

Former Director Maria Marin testified that she was able to identify 14 other applications apart from the Wonhong Kim nationality application which Ms. Pacheco accepted, as shown by Belize Nationality Application receipts, which were fully processed. According to the former Director, Ms. Pacheco was not acting on the Director's instructions; she stated: *"this was in breach of the process as I had not recommended these applications."*

OIC Gordon Wade had a slightly different explanation, but ultimately the result was no different in that incomplete applications were being sent up to superiors for processing in violation of the nationality laws. He testified of two scenarios where incomplete files were processed. Firstly, according to him, incomplete applications, especially from Ministers, were accepted on his instructions, and were placed in a 'pending' file, awaiting additional documents (which had been omitted by applicants) to be submitted by Ministers, especially. While this may appear to be reasonable, it is clear on the evidence that once a BNA number was assigned to the application, and the BNA receipt handed to the Minister, or other influential person, the processing of the file could easily be accelerated with a call to the Director or, as it appears, to Ms. Pacheco or some other person in the Department as the case may be.

Indeed, in the case of Wonhong Kim's nationality application, OIC Wade testified that the former Minister Penner submitted the application and the same was accepted by Ms. Pacheco. After a BNA number was issued, OIC Wade held on to the application, awaiting pending documentation from the applicant. However, the former Minister removed the file from the OIC's desk and advised him that he would take the file to the 'next level' for processing. The application was subsequently approved by the Director and nationality was granted to Wonhong Kim without the supporting documents, and in breach of several nationality requirements.

Secondly, OIC Gordon Wade also admits that he sent incomplete applications (complete with BNA numbers) to the Director with an indication on the file that the application was incomplete.

“MR. G. WADE: Like I mentioned, through my section, if at any time a file reaches my desk and it was incomplete, that would have been highlighted in my vetting to the Director. So I wouldn’t have said the file qualifies knowing that there was missing documents. And like I said from my desk it goes to the Director for her recommendation to the Minister. So it is my duty to highlight that to her. If she decides whether or not she is going to recommend it to the Minister, I did my job in informing her of what is missing there.

SENATOR DR. C. BARNETT: Okay, but I thought we didn’t accept it if it didn’t have A to H, so we ought not to be having anything going up.

MR. G. WADE: Well that, I can agree that there were instances where files were accepted because, like I mentioned, files are not only accepted in Belmopan. Files reaching the office are from Belmopan, Dangriga, different places where we would have encountered files that were accepted at other offices that had missing documents. They would go in what was considered pending until those were brought in and then continued.”

The Committee is of the view that both the OIC and the Counter Clerk/Counter Supervisor accepted and assigned BNS numbers to incomplete nationality applications in contravention of the rules. The acceptance of the applications set in motion the illegal grant of nationality to applicants who did not qualify for Belizean nationality.

Mr. Wade’s testimony revealed that he was aware of the course that an incomplete file would take once accepted thereby creating a ‘backdoor approval process’ that was fully established and thriving in the Department.

“SENATOR E. COURTENAY: Going back to the questions that Senator Smith and Senator Barnett were asking you. I think we are trying to understand, there are requirements A to H that must be completed in order for a file to be complete. The Report refers to instances where files are processed for nationality and all that is legally required is not in the file. Are you aware of that?

MR. G. WADE (Former Officer-in-Charge, Nationality): Like I said, files reaching my desk...

SENATOR E. COURTENAY: I just want to know if you are aware of it?

MR. G. WADE: Of files moving on without the required documents?

SENATOR E. COURTENAY: Yes.

MR. G. WADE: Yes.

SENATOR E. COURTENAY: Which lead to Nationality Certificates being issued without all the requirements?

MR. G. WADE: As highlighted when it moves from my desk.

SENATOR E. COURTENAY: Yes. And the question is why would it move from your desk going forward, with a notification that it is incomplete?

MR. G. WADE: Those were at times, files were requested.

SENATOR E. COURTENAY: And I am suggesting to you and I want to know whether these files were on occasion requested by Ministers?

MR. G. WADE: Most of the time.

SENATOR E. COURTENAY: And when they were requested by Ministers and they were incomplete, it is your evidence that you would note on it A, B, or C is missing but is requested and I passed it on?

MR. G. WADE: That's right.

SENATOR E. COURTENAY: I want to find out because Senator Barnett was also asking the question, there were other people, other than Ministers who frequented the department of Immigration, who to the public looking in you would wonder why is this person here, a Minister's driver, close political supporters. Was it also a practice of them making requests for files to move forward to the Director in circumstances where the file may be incomplete?

MR. G. WADE (Former Officer-in-Charge, Nationality): When request were made by whosoever they were made for were made to the Director. That instruction or request would come from her. It was not directed to me so I wouldn't know who all would make those requests.

We can see that the front desk clerk Ms. Pacheco's testimony was to the effect that she was basically following orders issued above her "pay grade" (as we say colloquially). Secondly, the Officer in Charge also said that he would pass on incomplete files once there was a request from the Director for him to do so. He also stated that he would clearly minute all the defects in the file for the Director to be aware.

On the other hand, the evidence of Ruth Meighan was quite to the contrary:

"SENATOR M. LIZARRAGA: Just a pause, if Ms. Marin said that she found about, in some instances, 90% of the applications that came to her were

incomplete, and she would send them back, what was your position, if you saw an application that was incomplete or missing information?

MS. R. MEIGHAN: *Similarly, I send them back so that they could provide us with the additional information.*

SENATOR M. LIZARRAGA: *Okay, so go ahead, sorry. So everything that you approved had all the information?*

MS. R. MEIGHAN: *Had information that was required.*

SENATOR M. LIZARRAGA: *As per the process?*

MS. R. MEIGHAN: *As per the process, yes.*

SENATOR M. LIZARRAGA: *Okay, because you know, like the Senator had mentioned, I mean, if you have to approve the visas, and you have to approve the nationality...*

MS. R. MEIGHAN: *Permanent residence.*

SENATOR M. LIZARRAGA: *Permanent residency, sorry, what about the nationality? Do you have to approve the nationality?*

MS. R. MEIGHAN: *I make recommendation.*

SENATOR M. LIZARRAGA: *You said that. So, in other words, after you would have checked that everything is complete in the file, there is nothing missing, then you send a note to the Minister saying, "I have reviewed, and everything is in order".*

MS. R. MEIGHAN: *And it meets the legal requirements.*

SENATOR M. LIZARRAGA: *And based on that the person can go and get their passport?*

MS. R. MEIGHAN: *Yes, after the approval.*

SENATOR M. LIZARRAGA: *So you met this culture. Talk to me more about what culture did you met.*

MS. R. MEIGHAN: *The culture of the Department, in terms of the processing, when I went into Immigration Department, what we did was to try to develop some policies and procedures for the processing of applications. And so we had, along with the Deputy and some of the senior Officers, developed some policies that we could be guided by because it was not a part of what was already in existence. And so some of these things that came into effect*

came in after, even though we did not complete it before I left there. But basically it's just like you said. There were applications accepted by clerks who probably just accept application and then it has to go through that entire process of vetting and sending back and putting it forward, but the Department continued to run the same way even with recommendations for changes.

SENATOR M. LIZARRAGA: *But, of course, you and your assistant, who at the time was Ms. Marin, would never approve something that would not be complete?*

MS. R. MEIGHAN: *As far as I am aware, all applications had to have all the relevant information for me to approve.*

SENATOR M. LIZARRAGA: *Okay. Then, again, one wonders, if that was the way you operated and Ms. Marin operated as well, how comes the Auditor General was able to identify in so many instances persons that received their visa and shortly after that proceeded to get nationality and then, of course, they would get a passport issued based on the strength of the Nationality Certificate? One wonders, why? Why were there so many instances identified that these things were issued outside of the scope of the law in such short periods of time? For example, one of the ones I was going to highlight, and the Senator had mentioned it, was that this person received a visa and permanent residency in one day. And you were the person to have signed the visa application, I am sorry, the visa approval, and also the permanent residency. So how could that happen?*

MS. R. MEIGHAN: *I don't know if I was the person who signed the permanent residency, but I was the person who signed the visa.*

SENATOR M. LIZARRAGA: *I see. But you state that you would be the one to sign the permanent residency too, right?*

MS. R. MEIGHAN: *Yes, along with the Deputy, could also have given approval for permanent residency.*

SENATOR M. LIZARRAGA: *Your Deputy being Ms. Marin?*

MS. R. MEIGHAN: *Yes.*

SENATOR M. LIZARRAGA: *But neither you nor she would ever approve something that is not complete?*

MS. R. MEIGHAN: *If it doesn't show that it is complete, no, we wouldn't have.*

So what the Committee had before it was quite a conundrum. The two officers vested with the responsibility for vetting the documents testified under oath that in instances where there was a request from the Director they would accept and send up (respectively) incomplete applications. The Director Ms. Meighan, on the other hand, denied that she would ever have approved incomplete applications. Yet the Auditor General exposed significant evidence to the contrary. The Committee is satisfied that, based on the evidence and the testimony before it, it had to have been the case that Ms. Meighan approved incomplete applications otherwise the Auditor General would not have found the volume of infractions that she did.

Former Director Maria Marin expressed much frustration about the issue in her testimony:

***“SENATOR M. LIZARRAGA:** Well, it goes beyond that because it says other ministers bring in applications that were incomplete. That was where I was leading. I was not specifically getting into the Wonhong Kim case as yet. It just seems that what the author of this report is saying based on her investigations is that it is not abnormal for applications to be processed that were incomplete, that were lacking some things. Earlier, you suggested that certainly during your time that was not allowed.*

***MS. M. MARIN (Former Director Immigration Department):** That was never the case when I was the director. Officers knew, in fact, there were cases where out of a hundred files initially 90% of those files would go back out because they were incomplete. Officers knew very well that that would not continue in the process once it came to my desk and I was able to detect that it was incomplete and they knew that extremely well. So for them to say that that is not the case. Not during my time. I would sit with these officers, Ms. Pacheco and Mr. Wade, and especially with Mr. Wade, and I would, I know of three sessions that I can tell you for a fact that I sat with Mr. Wade and I said, ‘Mr. Wade, this is unacceptable. Of the 100 files that you gave me or that I reviewed over the past number of days, the bulk is going out back. Initially, I would put my observation on a post it and I reverted to going to do it on the minute sheet shortly thereafter because those post it were going missing. And I indicated to Mr. Wade, ‘you need to sit down and before you give me a vetting that says that everything is in order, you will need to look at it clearly.’ I will be honest with you, the third time I was extremely frustrated.*

***SENATOR M. LIZARRAGA:** So would you suggest then or say that based on that it would appear then that proper vetting was not being done prior to you putting in these...*

***MS. M. MARIN (Former Director Immigration Department):** It was not being done.*

SENATOR M. LIZARRAGA: *It was not being done?*

MS. M. MARIN (Former Director Immigration Department): *It was not being done.*

SENATOR M. LIZARRAGA: *It was almost as if they were bringing incomplete stuff to you and expecting you to sign it. Because by the time it reaches you it should have been completed and vetted.*

MS. M. MARIN (Former Director Immigration Department): *I don't know what the process was before me but I know that when it use to ...*

SENATOR M. LIZARRAGA: *But Ms. Marin if 90%, as you are saying is being returned, obviously somebody is not following protocol or ...*

MS. M. MARIN (Former Director Immigration Department): *If I can finish?*

SENATOR M. LIZARRAGA: *Sure.*

MS. M. MARIN (Former Director Immigration Department): *I don't know what the directors before me were accepting. I know that when those files came to me, even if it had a vetting by the officer that said everything is in order because I have everything there I was able to go through the documents in that from beginning to end.*

SENATOR M. LIZARRAGA: *As you should.*

MS. M. MARIN (Former Director Immigration Department): *Well, as the Director I should have been able to trust that the vetting at each step in the process was properly adhere to. And that was the level, that was the reason for my frustration. Because I did indicate to Mr. Wade then, 'why do I have everybody in the process before it comes to me then? Why do I have to be engaging these details?' But, I found that I had to do it because there were too many files coming to me that were not properly vetted, in the sense that there may have been incomplete application, the photocopies may not have been certified as true copies of the original seen, something as basic as the referees not indicating that they knew the applicants for less time than was required. Medical documents not signed by the applicant. Something as basic as that to the extent that there were, with time, we basically increased the control or the checking a couple notches. Because we were able to identify that at some point, who issued that work permit? That signature does not seem like anyone that I have been seeing or that I know of, any of the officers that I know of. And then that triggered investigations."*

6. Failure to verify

The Committee is convinced that there was a total breakdown of verification of the information submitted in the nationality applications. Even the most basic verification would have caught some on the most obvious fakes, that is, assuming that the handlers wanted to weed out the fraudulent applicants. See the exchange below from Ady Pacheco:

“MR. CHAIRMAN: The question is, at no time were you required to verify information in conjunction with concrete evidence, meaning to ask for, to look for the files, at no time was there any process would you look, was there an application where permanent residency was there?”

MS. A. PACHECO: No, Sir.

MR. CHAIRMAN: You were going just by stamps?

MS. A. PACHECO: By face value.

MR. CHAIRMAN: So, I go back to this issue here with verifying. So, when it says, Ms. Pacheco verifies, when it says you verify, it is not really a verification, is it?

MS. A. PACHECO: No, Sir.

MR. CHAIRMAN: You haven't verified?

MS. A. PACHECO: No.

MR. CHAIRMAN: You've only looked at the stamps?

MS. A. PACHECO: Yes.

MR. CHAIRMAN: Were you ever aware of any circumstances where stamps were being created outside of the department?

MS. A. PACHECO: After the report came out.

MR. CHAIRMAN: You weren't aware before, you never heard...

MS. A. PACHECO: Before that, no. “

MR. CHAIRMAN: “My issue with you is that you accepted the nationality which apparently was fraudulent. Now your answer to me on the last occasion was that you accepted it at face value, but my question is, why would you not have checked the nationality? A simple check of the nationality register would have revealed if it was fraudulent. When you were accepting documents, why did you not go back and reference that nationality certificate to verify if it was legally issued?”

MS. A. PACHECO: *Because that was not the practice at the time. Nothing was verified at the time.*

MR. CHAIRMAN: *I understand it wasn't part of the procedure to do so. But, in terms of your own due diligence, you didn't see it necessary to do that?*

MS. A. PACHECO: *At the time no, Sir."*

SENATOR E. SMITH: *So, are you saying that whoever the clerk was made the decision on his or her own?*

MS. A. PACHECO: *No, no, she could have made that decision. It would have to have been someone who instructed her either by the OIC of that specific section.*

SENATOR E. SMITH: *So one of these higher up person would have to instruct to say, "Go ahead and print these without the recommendation." Is that what you are telling us?*

MS. A. PACHECO: *Yes, ma'am."*

In another part of her testimony Ms. Pacheco states as follows:

"SENATOR E. COURTENAY: *So it is your evidence that, with respect to these procedures, from the front line to the top were aware that no verification was being done?*

MS. A. PACHECO: *Yes.*

SENATOR E. COURTENAY: *And documents were accepted and nationality, passport and visas were being issued without the verification?*

MS. A. PACHECO: *Yes, Sir....*

SENATOR M. LIZARRAGA: *So, it's possible somebody could have put in a false stamp because you had no way of verifying...*

MS. A. PACHECO: *Yes, it is possible.*

SENATOR M. LIZARRAGA: *You had no way of verifying that this visa was, in fact, in the old passport. You didn't ask for a photocopy of the old passport?*

MS. A. PACHECO: *No, I didn't.*

SENATOR M. LIZARRAGA: *Was that negligence on your part?*

MS. A. PACHECO: *No, it wasn't standard procedures that we had to do those things.*

SENATOR M. LIZARRAGA: *The fact that you saw a stamp in, from 2005 in a 2011 passport did not raise any flags?*

MS. A. PACHECO: *Say again, sorry I didn't hear you.*

SENATOR M. LIZARRAGA: *The fact that there was a 2005 permanent residency stamp in 2011 passport did not raise any flags at your station?*

MS. A. PACHECO: *No, Sir. Like how I told you, that could may very well be a PR transfer case.*

SENATOR M. LIZARRAGA: *But you did not seek to verify it in this instance?*

MS. A. PACHECO: *We didn't do verifications in this specific instance."*

In the Committee's view, much of the irregularities could have been caught by simple coordination between the "nationality section" and the "visa section" of the Department. It would have been a very easy exercise to examine the records of those persons applying for nationality to verify that the dates upon which they entered the country, as displayed in their passports, were in accord with the record on which visas were issued. **There is no excuse for failure to do so as a Department. As much as there is no excuse for failure to examine documents and verify their authenticity for the purposes of the grant of nationality. If the Auditor General's team could have picked up so many irregularities so easily then it goes without saying that those persons entrusted with the responsibility for doing so should have done so as well. The Committee is of the view that there is ample evidence to support investigations into the failures of functionaries in the Department by relevant authorities with a view for action to be taken. The Committee recommends, that the files of these functionaries be referred to the Commissioner of Police for investigation.**

7. The 2012 Elections

The matter of a surge in registrations of new citizens featured prominently in the Committee's hearings. We viewed this as a very important that warranted detailed consideration by the Committee:

The relevant parts of the Auditor General's Report where references are made to the 2012 elections are reproduced hereafter:

At page 49 paragraph 23:

23. We were unable to get a complete electronic record of all persons who were issued Belize Nationality certificates for the period April 2011 to

September 2013. When it was requested from the OIC, Nationality Section, Mr. Gordon Wade, on April 7, 2014, we were told that such information was not available. He gave us an electronic spreadsheet of nationality certificates that were signed by the Minister prior to the 2012 General and Municipal Elections and said that the list was prepared for the Unions as requested by the Prime Minister and that is the only reason why a list of nationality certificates existed.

At page 201 at paragraph 89.5:

89.5 We were given two spreadsheets of persons who received Belizean nationality during the period investigated (April 2011 to September 2013) and many persons were approved and issued nationality certificates just before the 2012 Municipal and General Elections. We have reported on seven of those persons in this nationality report. They are Yongbo Ye (paragraph 122.8) Denzel Lerone Hernandez Brooks, Ki Jun Jeun, Yong Xiong Zheng, Zheng Jun An and Jia Li Ruan (Table Y). Further investigation is required to ascertain whether those other applicants had met the five year or one year domicile requirement.

At page 213 at paragraph 99

99. We saw eleven (11) native Lebanese with the surname Harmouch or Harmouche were issued their Belizean nationality in January 2012, prior to the General and Municipal Elections in 2012. Ten of their names were found on the aforementioned spreadsheet (paragraph 89.5 of this report) that was given to us by the OIC, Nationality Section, Mr. Gordon Wade.

At page 248 at paragraph 122.8

122.8 We saw that Yongbo Ye submitted a visa application on the 19th December 2011 signed by Wen Bin Chen. His application was accepted by Miss Ady Pacheco and he was approved visa #26842 on the 19th December 2011 by former Director, Miss Ruth Meighan. He was sponsored by Wen Bin Chen of Chen's Mall of 3886 Mountain View Boulevard, Belmopan) who stated that he was his friend. The letter of financial support used was not the form for Visa sponsors but for Permanent Residency sponsors. Yongbo Ye was issued his Belizean nationality certificate #26175 on the 5th January 2012. It is likely that his certificate was signed by Minister Carlos Perdomo since he was the Minister at that time. We did not see a copy of the certificate but we saw this information in the Nationality Certificate Numbers Book and on the electronic spreadsheet of certificates we received from OIC Nationality Section, Mr. Wade, which was signed by the Minister prior to the 2012 General Elections.

At page 358 paragraph 210

210. We were provided a spreadsheet by the OIC Nationality Section of persons who received Belizean nationality prior to the 2012 Municipal and General Elections. The list had two thousand one hundred and ten (2,110) names. However, we were unable to request and examine all of those Nationality files to confirm whether those persons met all the requirements for Belizean Nationality under the Nationality Act Chapter 161. Further investigation is required to ascertain whether those persons met all the requirements for Belizean nationality.

We now summarize the evidence before the Committee starting with the testimony of Elvin Penner:

Elvin Penner

SENATOR E. COURTENAY: *One other area I want to explore with you which is not to do with Won Hong Kim. You will recall Mr. Penner that in early 2012, there was a rush, for want of a better word, to process the nationality for persons who were in Belize. You recall that?*

MR. E. PENNER: *I don't see how a question that happened during that time that is not in any way mentioned in this Auditor General's Report has any relevance to the sitting.*

SENATOR E. COURTENAY: *Well, we have to investigate what happened between 2011 and 2013 and I am asking you about 2012.*

MR. E. PENNER: *I personally believe that your question is purely politically motivated again.*

SENATOR E. COURTENAY: *Right, you want me to repeat it?*

MR. E. PENNER: *You can repeat it again, yes.*

SENATOR E. COURTENAY: *Will you answer?*

MR. E. PENNER: *Ask the question.*

SENATOR E. COURTENAY: *Do you recall as rush for the processing of nationality in 2012, early 2012?*

MR. E. PENNER: *I am not sure what you would classify as a rush. All I can say is that as a Minister, as an Area Representative, as a political figure, as somebody who is there to help the people that when the persons.... When any person at all comes to me and I am convinced that that person qualifies for a nationality, I will do my best to assist that person because at the end of*

the day, if you want to continue your career as a politician, your success will be largely based on how well you have performed in assisting people in your constituency and even... In the general public. I never purposely just made it clear I will only help in my constituency. I try to help anyone. So in that case which you're referring to, I was simply trying to assist persons that needed my help because as a politician I believe it's in my best interest to do that. (Applause)

SENATOR E. COURTENAY: *And you gave an interview in January 2012, where you basically confirm that, you were saying that you saw it as a part of your political work to assist as best you could. You also said that you made an attempt to verify that the applications were complete but that there was a second check in the office itself. You recall that interview?*

MR. E. PENNER: *I don't recall that interview.*

SENATOR E. COURTENAY: *But it's consistent with what you were saying just now.*

MR. E. PENNER: *Okay.*

SENATOR E. COURTENAY: *Right and in that interview you also indicated that you paid a portion of the processing fee for the persons who sought your assistance. Do you recall that?*

MR. E. PENNER: *I don't recall that but again, if a person in any instance, be it for nationality, be it for a light bill, be it for food, be it for education, if they ask me for any assistance, if I by any means can assist them, even if it is financially and I have the means to do so, I will do so.*

SENATOR E. COURTENAY: *And again, Mr. Penner, and I'm speaking specifically about the contribution that you made. In this interview, you are saying to the media that in trying to assist these people, you indicated that the fee was \$300.00 and try to assist by paying a \$100.00 for these applicants who came to seek your assistance. Do you recall that?*

MR. E. PENNER: *I don't recall of having mentioned any figure of how much I would be willing to pay.*

SENATOR E. COURTENAY: *You want to see the interview?*

MR. E. PENNER: *Again, I don't see why it's relevant in this sitting but that's up to you. It's the Senators of this Committee who control what happens in this house.*

SENATOR E. COURTENAY: *Right. Just a few more questions. I'm just trying to get clear from you this 2012 interview that you gave, where you*

were saying that you were assisting persons who came for nationality by paying a portion of the fee. Would that be accurate?

MR. E. PENNER: It could be a portion or it could be the entire \$300.00. As long as I am convinced that I am helping a person in need of that assistance and I have the means to help that person, I have in the past and still, even though I am not a politician at the moment will still help if I can.

SENATOR E. COURTENAY: Right and you also said in this interview that you're hoping to get most of these people registered for the election?

MR. E. PENNER: Again that's something that any politician will do. You will do anything that you legally can that will give you the edge over your opponent to win an election.

SENATOR E. COURTENAY: Right. To quote you, you would be pushing and going the extra mile to win your division, that's what you said again.

MR. E. PENNER: If I ever run for politics again I will go that extra mile.

SENATOR E. COURTENAY: And so, all I am trying to get from you is, as a part of that effort by you, you assisted those you could with paying a portion of their fee or all in some cases and you then, I assume, correct me if I am wrong, assisted them in getting registered so that they could vote in the election?

MR. E. PENNER: Most certainly, I would.

SENATOR E. COURTENAY: And that occurred in 2012?

MR. E. PENNER: I don't recall the exact time when it happened.

SENATOR E. COURTENAY: Alright. Thank you, Mr. Chair.

The testimony of former Director Ruth Meighan also touched on this matter:

Ruth Meighan

SENATOR E. COURTENAY: You were aware that there was an election in 2012?

MS. R. MEIGHAN (Former Director Immigration Department): Yes.

SENATOR E. COURTENAY: General Election?

MS. R. MEIGHAN (Former Director Immigration Department): Yes.

SENATOR E. COURTENAY: Are you aware that there was an unusual amount of persons who got Nationality shortly before that General Election?

MS. R. MEIGHAN (Former Director Immigration Department): Yes.

SENATOR E. COURTENAY: Are you aware that ministers were heavily involved in speeding up the processing of Nationality for many individuals in the run-up to that election?

MS. R. MEIGHAN (Former Director Immigration Department): I am aware that the ministers were trying to get people processes for Nationality during that period.

SENATOR E. COURTENAY: On an expedited basis?

MS. R. MEIGHAN (Former Director Immigration Department): Well the department did process a lot of applications that would have maybe taken a little bit longer during that period.

SENATOR E. COURTENAY: So the answer is yes, on an expedited basis?

MS. R. MEIGHAN (Former Director Immigration Department): Yes.

SENATOR E. COURTENAY: And you are aware that the purpose for that was in order for these people to be registered to vote?

MS. R. MEIGHAN (Former Director Immigration Department): I believe that was the reason why.

SENATOR E. COURTENAY: And you were Director at the time?

MS. R. MEIGHAN (Former Director Immigration Department): I was the Director at the time.

SENATOR E. COURTENAY: Are you aware that quite a number of those persons who got Nationality, their files were incomplete, even though nationality...

MS. R. MEIGHAN (Former Director Immigration Department): That's what I noted from the Report, yes.

SENATOR E. COURTENAY: Those persons whose files were not complete did not qualify at that time to get Belizean Nationality.

MS. R. MEIGHAN (Former Director Immigration Department): Those persons did not qualify, but the file that was presented, and I could clearly remember my minister coming back and tell me because we were concerned

that the process, that the files they were requesting a lot of files. We said that we have to ensure that all the applicants meet the requirements for Nationality and that was clearly stated throughout the department. And so any files that came to us for approval, they were presented as qualified applicant.

SENATOR E. COURTENAY: *You now know, Ms. Meighan, that many of them were fraudulently prepared?*

MS. R. MEIGHAN (Former Director Immigration Department): *Yes.*

SENATOR E. COURTENAY: *They did not qualify for Nationality.*

MS. R. MEIGHAN (Former Director Immigration Department): *Yes, according to the report.*

SENATOR E. COURTENAY: *And obviously did not qualify to be registered to vote.*

MS. R. MEIGHAN (Former Director Immigration Department): *Yes.*

SENATOR E. COURTENAY: *No further questions.*

MR. CHAIRMAN: *Ms. Meighan, I have a follow up on that. How do you know that they were not qualified for Nationality?*

MS. R. MEIGHAN (Former Director Immigration Department): *Based on the Report that we have here indicating that they did not have the five year requirement, some of them. Another information that the Auditor General has in the report...*

MR. CHAIRMAN: *Was this a specific reference to Nationality before the General Election as Senator Courtenay has asked?*

MS. R. MEIGHAN (Former Director Immigration Department): *That's what he was asking question about and those were the ones I was making reference to, yes.*

MR. CHAIRMAN: *But I am asking if there is anything in the Report which says that those nationality documents were processed before the election were...*

MS. R. MEIGHAN (Former Director Immigration Department): *I think the Auditor General Report made reference especially to some applicants from San Pedro. I think, I don't quite remember how much of them, but those were some of the ones that I cited as saying as indicated by the*

Auditor General Report that they did not qualify at the time when they got their Nationality.”

Gordon Wade

The following excerpts from Gordon Wade are instructive on the issue. It should be noted that Wade gave his evidence over two sessions, as such, a reader following the transcript will not see the evidence produced here in sequence since we have extracted the relevant parts.

“MR. CHAIRMAN: Mr. Wade, I don’t know if you are aware, but when Former Director Meighan, was here on the last occasion, certain remarks were made to sort of, where she gave an impression, perhaps wrongfully, that there were some 2,000 or so nationality certificates issued prior to the 2012 elections. During the audit, where you specifically requested to produce those records?”

***MR. G. WADE (Former Officer-in-Charge, Nationality):** There was not at any time during the audit period that whenever files were requested, it was basically one file, or one specific file. There was no time an amount of file requested, or especially those files you are talking about, they were never requested by the Audit Department. They never asked me to see those 2,000 files.*

***MR. CHAIRMAN:** So if you look at paragraph 89.5.*

***MR. G. WADE (Former Officer-in-Charge, Nationality):** Which one?*

***MR. CHAIRMAN:** 89.5. It says, we were given two spread sheets of persons who received Belizean Nationality during the period investigated, April 2011 to 2013, and many persons were approved and issued nationality certificate just before 2012. We have reported on seven of those a Nationality Reports. So the report was in relation to seven persons who were issued Nationality prior to 2012. My question is were you specifically requested to produce the nationality certificates for those persons who the Auditor General is, or the files for those 2,000 plus persons who the Auditor General alleges was processed prior to the 2012 election?*

***MR. G. WADE (Former Officer-in-Charge, Nationality):** Again, only by viewing the files, I can ascertain that because as I mentioned, I don’t remember if it was Senator Smith that asked the questions, there were times when other officers were asked to help with the vetting during that specific rush time when all those files were processed.*

***MR. CHAIRMAN:** Why I am asking this is because I want to ascertain whether there was, you were in charge of the section whether there was*

some noncompliance. Whether you were not complying with a request to produce those files? Because if we look at paragraph 210 at page 358, the Auditor General, and this is where it mentions the issue about the 2012 elections, two instances. She says, "Many Belizeans got their nationality certificates prior to 2012 general elections," that's the statement. But then it says, "we were provided with a spread sheet by the Officer-in-Charge of the Nationality Sections of persons who received Belizean Nationality prior to 2012. This list has 2,010 names. However, we were unable to request and examine all of those Nationality files to confirm whether those persons met all the requirement for Belizean Nationality under the Nationality Act. Further investigation is required to ascertain whether those persons met all the requirements." The impression given, for me, I don't know about the rest, was that these 2,010 were filled with irregularities etcetera, etcetera. But in the report its saying that they didn't look at those files, they never got a chance to look at those files. They were unable to request the files. And they only looked at 7 of those files. My question is whether there was a specific request to you, by the Audit Team, to look at these purported 2,100 and something files?

MR. G. WADE (Former Officer-in-Charge, Nationality): Never did.

MR. CHAIRMAN: Okay....What I want to be clear with is in relation to the 2,010 names, which at paragraph 210 is mentioned, it says we were unable to request and examine all of those nationality files. I believe they examined 7. They were unable and request and examine...

MR. G. WADE (Former Officer-in-Charge, Nationality): The entire amount.

MR. CHAIRMAN: Was there anything that you did which prevented them from requesting and examining those files?

MR. G. WADE (Former Officer-in-Charge, Nationality): No, Sir.

SENATOR E. COURTENAY: So, Mr. Wade, this is most opportune. Who prepared this list of 2,010 names?

MR. G. WADE (Former Officer-in-Charge, Nationality): Those were prepared at the Registry, the Records Management Unit.

SENATOR E. COURTENAY: Yeah, but how do you know which 2,010; how did they know? Why were these 2,010...?

MR. G. WADE (Former Officer-in-Charge, Nationality): Because there were people that were sworn in.

SENATOR E. COURTENAY: These were people who were sworn in when?

MR. G. WADE (Former Officer-in-Charge, Nationality): During that period that they are talking about prior to the...

SENATOR E. COURTENAY: Prior to the 2012 General Election. So a list was prepared of 2,010 people sworn in, in the period prior to the Election. And the Auditor General is saying that they were not able, for whatever reason, to look at all these files. Are these files still available?

MR. G. WADE (Former Officer-in-Charge, Nationality): They are still available at the Records Section.

SENATOR E. COURTENAY: So they can be requested and the Auditor General, if she wants them, can go and inspect these files to verify whether or not the people qualified for nationality?

MR. G. WADE (Former Officer-in-Charge, Nationality): Yes, Sir.

SENATOR E. COURTENAY: But specifically, it is your evidence that you are aware, that a number of these specific files were approved on the basis of an interpretation of section 10 with which you disagree.

MR. G. WADE (Former Officer-in-Charge, Nationality): Right, exactly.

SENATOR E. COURTENAY: Right, and it was the Director and or the Minister above you who, looked at that ordinarily resident and they put an interpretation on it which is not and interpretation that is consistent with your 27 years experience?

MR. G. WADE (former Officer-in-Charge, Nationality): Right.

SENATOR E. COURTENAY: That's what I wondered.

MR. CHAIRMAN: Did you prepare the list of these 2,110 files?

MR. G. WADE (Former Officer-in-Charge, Nationality): That was prepared by the Records Management Section.

MR. CHAIRMAN: Are you aware of the list?

MR. G. WADE (Former Officer-in-Charge, Nationality): Yes, Sir.

MR. CHAIRMAN: You had a chance to look at it?

MR. G. WADE (Former Officer-in-Charge, Nationality): Yes, Sir.

MR. CHAIRMAN: *The Auditor General speaks about the period prior to 2012. Do you know what period before the municipal...?*

MR. G. WADE (Former Officer-in-Charge, Nationality): *That list was compiled from, I think October 2011 to February 2012.*

MR. CHAIRMAN: *October 2011 to February 2012.*

MR. G. WADE (Former Officer-in-Charge, Nationality): *Sometime, I'm not exactly certain, but if my memory serves me right, that was compiled between October to February.*

MR. CHAIRMAN: *So it was October 2011 to...?*

MR. G. WADE (Former Officer-in-Charge, Nationality): *To February 2012....*

MR. G. WADE (Former Officer-in-Charge, Nationality): *The 2,110 names were compiled from that time period.*

MR. CHAIRMAN: *Okay. And the files, I just want to deal with the Auditor Generals, it seems for me that she had some trouble getting the files, but you are saying the files were always available to them.*

MR. G. WADE (Former Officer-in-Charge, Nationality): *One point I must make is that during the time the Auditors were conducting their audit at the department, there was simultaneous investigation being carried on by the police and the ministry itself. So there were times when the police had certain files, the ministry had certain files, the Audit Department had certain files. So probably when the Audit requested a file, it was either at the ministry or at the Police Department.*

MR. CHAIRMAN: *Okay. ...*

SENATOR E. COURTENAY: *Mr. Wade, just a few questions. A short while ago you were referring to the period when you had a lot of applications which you've confirmed was in the run up to the 2012 general elections.*

MR. G. WADE: *Yes, Sir.*

SENATOR E. COURTENAY: *The question I have and I just want to make sure that we are clear on this. You are aware; I think this was one of the questions Senator Rocke was asking you. You are aware that there were applications for nationality at that time, on files that were incomplete but*

that were approved ultimately by the Minister and nationality was granted to many individuals. You are aware of that?

MR. G. WADE: *Yes, Sir. ...*

SENATOR E. COURTENAY: *Right. And again, I am focusing on the run up to the election period when there was, 2012, when there was heightened activity. The level of vetting that was taking place, was it any more intense or less intense than the ordinary?*

MR. G. WADE: *Well, Sir, with the magnitude of applications, I don't think there could have been more. Remember it was a time between let's say, three, four months and the magnitude that was done in that time, I don't think it could have been more scrutiny.*

SENATOR E. COURTENAY: *So what you are saying and I want to be very clear is that because of the amount and a significant amount and the short period for processing, you're saying that the vetting was not more than usual?*

MR. G. WADE: *No.*

SENATOR E. COURTENAY: *Would it be less?*

MR. G. WADE: *Could definitely be.*

SENATOR E. COURTENAY: *Now there are only a finite number of people in the vetting department?*

MR. G. WADE: *Final vetting in the department should be done by myself.*

SENATOR E. COURTENAY: *Right but below that, where the vetting is taking place, how many employees, how many officers?*

MR. G. WADE: *At any given time I would say two to three others which would be consider a pre-vetting because final vetting was done by the Officer in Charge, so the other officers in the section would have done a pre-vetting.*

SENATOR E. COURTENAY: *What I want to know is, at this time again, run up to the 2012 election when things were being expedited; was there an increase in the number of officers who were doing the pre-vetting or it was just the same two?*

MR. G. WADE: *During that time there were officers that were doing final vetting, not only pre-vetting, apart from myself.*

SENATOR E. COURTENAY: So there were people who were actually finalizing, giving final approval and recommendations?

MR. G. WADE: Final recommendation to the Director.

SENATOR E. COURTENAY: And not you?

MR. G. WADE: Not only myself.

SENATOR E. COURTENAY: In addition to you?

MR. G. WADE: In addition to me.

SENATOR E. COURTENAY: So this was extra staff brought on?

MR. G. WADE: From the office in Belmopan, from the different sections.

SENATOR E. COURTENAY: Isn't that out of the ordinary?

MR. G. WADE: Considering, yes, that's why the sections are specific.

SENATOR E. COURTENAY: And so this was being done to facilitate?

MR. G. WADE: The magnitude of applications that were being processed during that time.

SENATOR E. COURTENAY: And then finally, now that, well, for some time it was known that a substantial number of these nationalities were approved on files that were incomplete to be charitable; let's say incomplete. Has there been any review in the Immigration Department of these files to go back to see how many of them were complete, how many were incomplete?

MR. G. WADE: No, Sir, that has never been done.

SENATOR E. COURTENAY: So there is no review to say that those persons who are walking around with passports that they are not legally entitled to, to find those people and cancel their passports?

MR. G. WADE: No, Sir that has not been done.

SENATOR E. COURTENAY: Does the law provide for persons who receive passports on a process that is incomplete, what is to happen to those?

MR. G. WADE: Those can be revoked.

SENATOR E. COURTENAY: Thank you. No further question.

MR. CHAIRMAN: *I want to ask something, you've been there 27 years and we've seen and it's been discussed quite a bit here that in the run up to the elections in 2012, there was, as has been described heightened activity. Is this a normal occurrence prior to any election that politicians whether Government or Opposition would be engaged in heightened activity with the department to get people registered, well to get people with nationality so that hopefully they could vote for one person or the other?*

MR. G. WADE: *That was something I wanted to make a personal note of that whatever year an audit would have been done in our department, from our department went civilian, if any two years or one year would be chosen to run an audit we would be doing the same thing we're doing now with different people answering questions because that has been the norm ever since. From I have been in the department that's the way it has been.*

MR. CHAIRMAN: *Okay. So you're saying, not that it's normal but it's a usual occurrence that running up to election politicians and not just from one party, Government, or Opposition or the other, politicians would engaged in heightened activity to see that either constituents or whoever it was would get nationality?*

MR. G. WADE: *Yes, Sir.*

Finally, as it relates to the testimony on this issue we examine the evidence of Mr. Godwin Hulse who is still the Minister of Immigration as of the date of this Report:

Minister Godwin Hulse

MR. CHAIRMAN: *Okay. Minister, there was quite a bit of activity leading up to the last elections. And, we have heard testimony that quite a number of persons, and we've seen certainly reports in the press, footage in the press of activity taking, risk activity taking place even in the night in those Departments. You comments on that?*

SENATOR G. HULSE: *Which last election?*

MR. CHAIRMAN: *Sorry, the 2012. I stand corrected, the 2012 Elections.*

SENATOR G. HULSE: *Coming up to that election?*

MR. CHAIRMAN: *Yes.*

SENATOR G. HULSE: *I heard the same things. I can assure you, of course, coming up to the last election, there was no such activity.*

MR. CHAIRMAN: Okay.

SENATOR E. COURTENAY: But that's fine. But we need to focus on 2012, and specifically what happened. My first question to you is, do you accept, you see, let me tell you why. I listened to you just now, and you drew a distinction between people from the Middle East and Asia, and people from Central America, or Latin America. And based on the reports, there are two different types of illegality. One is the pure commercial corruption, Asians, Middle Eastern people, generally speaking, Russians, people from Eastern Europe, who are paying, in your analysis to circumvent because they don't qualify. And then there is the political corruption. Those persons from neighbouring countries who are in Belize and who may not have reached the 5 years yet, but there is an election coming, and so, a standard bearer connected to the Government, would seek to complete the file, all the requirements appear to be regular, but, in truth and in fact, that person does not qualify. And in the run-up to the 2012 Election, the evidence we have is that about 2,000 people were given nationality, most if not all, who did not qualify. Assuming that that is so, you would agree as well that an audit should be done with respect to those persons, that activity in the run-up to the 2012 Election.

SENATOR G. HULSE: Senator, I would have fully agree that in the case of any irregularity, as you have outlined that, and if they can be identified, if the area can be isolated, and there were persons who, because of what you suggested, got nationality improperly, then certainly.

MR. CHAIRMAN: One second. You say if they can be identified. But we have heard from yourself, from the CEO, from the Directors that, you've tried to stop leakages and you've improved systems and we are glad to hear that. But we have not heard, and what we've not seen is who is seeking to identify these irregularities, these wrong doings and who is pursuing it. We've heard from the police, for example, that they are waiting for the findings of this Committee and that certainly it is my opinion, at least, that the police does not have to wait for the findings of this Committee to commence investigations into these matters. Would you agree?

SENATOR G. HULSE: Yes, I agree.

MR. CHAIRMAN: Okay, you agree. And we have not heard, we actually, we have heard from one of the previous Directors that they were not focusing on what was happening. They were focusing more on fixing things. You've heard that. So nobody was focusing, and I hope I am not being unfair, but, was somebody focusing on who was doing wrong?

SENATOR G. HULSE: Well yes. I categorically state that after we discovered this atrocity in which I was convinced at the time that people in the Department had a hand. The Department, as I said, under Ms. Marin and the

CEO, undertook, we put people from the Ministry in there to look in depth at some of these files, many of which, or I think all of them are recorded there. I know that I personally had suggested, in fact, I wrote a letter to the Director to say consult with the Attorney General, a process to nullify some of these and to cancel the certificates and clip the passports. And then, my understanding was that, in fact, the Department was waiting because this investigation commenced sometime shortly thereafter, the Audit Report, was waiting for the audit to be completed and then we've now moved into an investigation. So there is a time delay. But I do agree with you, categorically, that the Director of Immigration can undertake these and all the ones that are...

MR. CHAIRMAN: *Can?*

SENATOR G. HULSE: *Yes, can. Section 42, I think gives her full powers."*

The fact of a surge in processing of nationality documents is one thing. The timing right before an election is undoubtedly unpalatable to the Belizean populace. Despite the optics and the obvious question as to the prudence of this decision politically; the reality is that a surge in and of itself does not necessarily contravene the immigration laws and the attendant regulatory framework. The more appropriate question is whether this surge consisted of the registration of persons who did not qualify for Belizean Nationality. One person so processed would indeed be one too many.

The Auditor General readily admitted in her report that she was unable to review the files connected to the list of persons. **It is very significant that both Gordon Wade and Ruth Meighan stated openly and pointedly that nationalities were in fact processed with incomplete and irregular applications. Both of them laid the blame at the hands of the Minister who was ultimately responsible for signing the certificates. As we all know by now the minister at the time was Mr. Elvin Penner.**

It is unfortunate that we are left somewhat in the dark about the particulars of the 2100 files contained in the list since the Auditor General did not examine them. On the other hand, we are in a position to contemplate the Auditor General's findings related to those files that she was able to review. As we have seen from the excerpts above, the Auditor General singled out several of them at paragraph 89.5 and 11 more at paragraph 99.

Those addressed at paragraph 89.5:

1. Yongbo Ye: nationality dated January 5, 2012
2. Denzel Lerone Hernandez Brooks: nationality dated June 5, 2013

3. Ki Jun Jeun:	date of application for nationality June 19, 2013
4. Yong Xiong Zheng:	No date provided by Auditor General
5. Zheng Jun An:	No date of nationality certificate provided by the Auditor General
6. Jia Li Ruan:	No date of nationality certificate provided by the Auditor General

We note that reference was made to 7 persons but only six were actually identified. We consider this mere inadvertence. Note as well that in the case of the second and third persons the nationality and the application, respectively, were dated after the general elections. The Committee was unable to ascertain from the report when the certificates were dated for the last three cases.

As it relates to the findings of the Auditor General at paragraph 99 we noted that the additional information which she disclosed at Table ZG gave further particulars of ten Lebanese nationals who received Belizean citizenship in January of 2012. These persons are:

1. Samir Mouhamed Harmouch: Nationality dated January 12, 2012
2. Mustapha Mahmoud Chihab D.T Harmouch: No date for nationality provided but received a passport on January 18, 2012.
3. Wissam Hussein Harmouch: Nationality dated January 11, 2012
4. Oussama Harmouch: Nationality dated January 11, 2012
5. Saad Mohamad Harmouch: Nationality dated January 11, 2012
6. Ammar Harmouch: Nationality dated January 11, 2012
7. Wajih Harmouch: Nationality dated January 11, 2012
8. Wael Harmouche: Nationality dated January 11, 2012
9. Abdul Rahman Harmouch: Nationality dated January 11, 2012
10. Ahmad Harmouche: Nationality dated January 11, 2012

From our perusal of the few cases that the Auditor General was able to examine we feel compelled to express our grave concern that so many irregularities were

identified even in this small sampling. These irregularities included concerns about:

- (1) the authenticity of native passports as in the case of Zheng Jun An (see paragraphs 13 and 13.2 of the nationality Section);
- (2) the application for Nationality being lodged less than two years after the filing of a visa applications as in the case of Ki Jeun Jun, Yongbo Ye, Denzel Brooks, Yong Zheng, Zheng Jun An, and Jia Li Ruan: (see Table Y at page 168 of the Section);
- (3) concerns as to whether the stamps in passports contained sufficient evidence of ordinary residence in Belize as was the case with Samir Harmouch, Wael Harmouch and Abdul Harmouch (see paragraphs 102.2, 102.3, 110 and 112 of the Section of the Report);
- (4) the referee did not confirm that he knew the applicant for a period of five years as was the case with Mustapha Chihab (See Appendix H.1);
- (5) incomplete applications and absence of referees as was the case of Saad Harmouch along with other concerns as detailed at page 245 of the Report;
- (6) Nationality issued in cases of failure to meet the five year requirement as in the case of Ammar Harmouch (see page 229 of the Report);
- (7) Issuing of nationality certificate numbers that had previously been issued to other individuals such as the case of Wajih Harmouch (See page 235 of the Report);
- (8) The processing of nationality within a day of receipt of the application as was the case with Abdul Harmouch (see paragraphs 104 and 110 of the Report);

The above is only a snippet of the concerns of the Auditor General in relation to these files. As we have said, our intention is not to reproduce her total findings here. However, in order to display the magnitude of issues that she found with only these few files we will reproduce her comments in relation to Oussama Harmouche in full:

“116. We noted that Oussama Harmouch who was born in El Sifre Lebanon and whose date of birth was stated as 27th March, 1985 applied for Belizean nationality on the 10th January 2012 and was issued Belizean nationality on 11th January 2012. 116.2 Our examination of Oussama Harmouch’s nationality file number 27216/12 revealed the following: 1) Part III of his application labelled References were incomplete (Character of applicant and General Comments). His Belize address was listed as Hurricane Street, San Pedro 2) The copy of his Republic of Lebanon Passport #0879878 issued

on 30th August 2006 with expiry date of 30th August 2011 had a Belize visa issued at the INS Bmp on 22-Jan2007 but his first visit to Belize was on the 16-March-2007 through the PGIA. We could not ascertain how his native Passport got to Belmopan for a visa stamp before he arrived in Belize three (3) months later. 3) His Lebanese Passport was not presented to the Police for a criminal record as there was no native Passport number recorded. 4) His Interview was done by Miss Gertrude Armstrong who was not authorized by the INS Policy to do so. 5) His file had no evidence of referral to the Investigation Section for further vetting as was required for Lebanese applicants. 241 6) The picture used on his Police report and accepted by the Nationality Section was a very young depiction of him. His Police Report was signed by W/Sergeant Eleanor Ramirez and by a person with the surname "Sabal" who signed for Miguel Segura ACP for the Commissioner of Police. 7) There was no evidence of an FIU Report, Employment letter or Bank Statement. 8) The signature on his oath, Police report and nationality application did not match. (It is to be noted that his signature on his BPIS application was also different than the aforementioned ones at 8 above). 9) His nationality file was requested by Minister Heredia (date not stated) as noted on the minute sheet of the nationality file. 116.3 We searched the Register of Citizens by Registration and it revealed that nationality certificate #26426/12 had been issued on the 11th January 2012 to Mona Irma Meza whose nationality file number was 30406. His name and BNA file number 27216 was squeezed in between the line and the information that was recorded for Mona Irma Meza in the Register of citizens by Registration. The Numbers book listed his name as the recipient of certificate # 26426 while Mona Irma Mesa's name was not recorded therein. 116.4 Oussama Harmouch received certificate #26426/12 dated 11th January 2012 signed by Minister Carlos Perdomo. He along with nine other persons with the surname Harmouche received Belizean nationality on the 11th January 2012. 116.5 He applied for and was issued his Belizean Passport# P0198894 dated 30th April 2012. His Passport application was one of the many that was not presented to us. The BPIS showed that he was recommended for his Belize Passport by Ruben Gonzalez, JP."

Our role is not to concern ourselves with conjecture but **we are obligated to say at this point that we have found it extremely difficult not to wonder what volume of irregularities the Auditor General would have uncovered if she had the resources and opportunity to examine more of these files.** In the Committee's view; these issues should not necessarily be examined with the lens of an election year or the proximity of transactions to an election date. The more important question is the validity of those transactions. We tend to politicize every issue in Belize so that daggers are drawn on both sides and the issue at the core is not sufficiently addressed. The core issue here is to ask: how many persons are walking around at this moment cloaked with our patrimony which

they have neither earned nor deserve; and, who are the persons directly responsible for these deeds irrespective of political persuasion and further still: what can and will we do to ensure that these issues are eliminated. The answers to these questions go beyond our Committee and require a calculated and comprehensive approach to a resolution on both sides of the political divide. More will be said on this later.

8. Interventions of Ministers

As was the case with the issue of visas; concerns were raised (in the report and in the hearings) in relation to ministerial intervention. This intervention invariably took the form of written requests from Ministers following up on the processing of applications. This is to be distinguished from the “Penner interventions” which we have discussed previously in which he proactively asserted a role in the processing of documents within the Department. We have already expressed our very dim view of his actions.

The issues of ministerial interventions to be discussed here are not decidedly inappropriate. The Auditor General referred significantly, in the Nationality Section of the Report, to requests by Ministers in connection with visas. This matter has already been discussed in the first section of this Report, as such; our concern here is only in relation to matters related to nationality.

The Auditor General mentioned the issue at paragraph 93 of the Nationality Section on page 203 as follows:

93. We observed several letters from Ministers in individuals’ nationality files requesting that their “Nationality documents be processed a bit faster”. The OIC Nationality Section, Mr. Wade also made notations on the minute sheets of those files that Ministers of Government, Area Representatives and other individuals (we could not identify) had requested or recommended the applicants for nationality.

Further in the Report at Appendix F she identifies the specific instances of intervention which were noted on the file minute sheets:

“Appendix F Reference paragraph

The following is [sic] the Ministers of Government, Area Representatives and other persons who intervened in the Belize nationality process when there is no such provision for them to intervene in the Belize Nationality Act”.

The list includes the following:

1. Hon. Edmond Castro in relation to Olena Moskalyk February 8, 2012;

2. Hon Erwin Contreras in relation to Jinchao Wu December 1, 2011;
3. Hon. Manuel Heredia Jr. in relation to Khaled Harmouch January 6, 2012;
4. Hon. Manuel Heredia Jr. in relation to Hani Harmouch January 11, 2012;
5. Hon. Manuel Heredia Jr. in relation to Abdul Rahman Harmouch January 10, 2012
6. Hon. Manuel Heredia Jr. in relation to Samir Mouhamed Harmouch January 10, 2012;
7. Hon. Rene Montero in relation to Saad Mohamad Harmouch January 9, 2012;
8. Hon. Rene Montero in relation to Berta Veronica Sam Ramirez June 18, 2012;
9. Hon. Manuel Heredia Jr. in relation to Ahmad Harmouche January 5, 2012;
10. Hon. Manuel Heredia Jr. in relation to Ahmad Harmouche January 10, 2012;
11. Hon. Manuel Heredia Jr. in relation to Ammar Harmouch January 9, 2012;
12. Hon. Rene Montero in relation to Wael Harmouch on January-9-2012;
13. Hon Manuel Heredia in relation to Oussama Harmouch on January 10, 2012;
14. Hon Manuel Heredia in relation to Zoila Aquino on January 16, 2012;
15. Hon. Elvin Penner in relation to Kudzai Pahwaringira on September 17, 2012;
16. Hon Elvin Penner in relation to Jian Guo Chen (Jianguo Chen) on April 25, 2013;
17. Hon Elvin Penner in relation to Yueping Liu April 25, 2013;
18. Hon Santiago Castillo in relation to Shu Bin Yu October 4, 2012;
19. Hon Santiago Castillo in relation to Junzheng An on January 23, 2013;
20. Hon Santiago Castillo in relation to Jinchen An on September 13, 2012;
21. Hon. Ramon Witz in relation to Tian Zhi Wang on November 18, 2011;
22. Hon. Ramon Witz in relation to Jinfan Chen on December 12, 2011;
23. Hon. Carlos Perdomo in relation to Shu-Ming Chiang on May 10, 2011;
24. Hon. Carlos Perdomo in relation to Lee Yi Lung on September 7, 2011;

25. Hon. Carlos Perdomo in relation to Shuming Chen on September 7, 2011;
26. Hon. Carlos Perdomo in relation to Ni-Yen Lee on September 7, 2011;
27. Hon. Carlos Perdomo in relation to Ting Chun Lee on September 7, 2011;
28. Hon. Carlos Perdomo in relation to Wensi Wu on November 29, 2011;
29. Hon. Carlos Perdomo in relation to Congzhi Wu on November 29, 2011;
30. Hon. Carlos Perdomo in relation to Natalia Karpouzoglou (Natalya Parker) on February 2, 2012;
31. Hon. Eden Martinez in relation to Jinyu Huang on December 12, 2011
32. Hon Carlos Perdomo in relation to Dongsheng Zheng (Dong Sheng Zheng) in December 2011;
33. Hon. Carlos Perdomo in relation to Dayana Abigail De Paz in June 2011;
34. Hon Manuel Heredia in relation to Lisset Penalver Betancourt in 2011;
35. Hon Carlos Perdomo in relation to Cui Xiang Ma in 2011;
36. Hon. Manuel Heredia in relation to Nidian Concepcion Moralez Gonzalez on November 16, 2011;
37. Hon. Erwin Contreras in relation to Fang Ling Wu on April 30, 2012;
38. Hon. Erwin Contreras in relation to Danilo Leonicio Verganza Herrarte, Luz Maria Catalan Reyes & Robin Abraham Verganza on November 15, 2011;
39. Hon. Erwin Contreras in relation to Beatriz Esmeralda Guerra on February 7, 2012;
40. Hon. Rene Montero in relation to Belisario Francisco Najera on January 4, 2012;
41. Hon. Elvin Penner in relation to Sindy Corina Chohuoj Chan on January 19, 2012;
42. Hon. Elvin Penner in relation to Jeffrey David Pfaender on September 28, 2012;
43. Hon. Carlos Perdomo in relation to Hui Juan Liu on February 29, 2012;
44. Hon. Erwin Contreras in relation to Ting Yu Chao on May 2, 2012;
45. Hon. Gaspar Vega in relation to Richard Adu Yeboah on June 25, 2012;
46. Hon. John Saldivar in relation to Lidia Azucena Diaz Najera on April 27, 2012;

47. Hon. John Saldivar in relation to Elena Bachan Canahui on January 9, 2012;
48. Hon. John Saldivar in relation to Perla Maythe Maza on February 3, 2012;
49. Hon. John Saldivar in relation to Yoshiki Kai Velasquez on April 10, 2012;
50. Hon Pablo Marin in relation to Fengwan Wu on November 4, 2011;
51. Hon. Gabriel Martinez in relation to Jesus Angel Rafailan Machuca on January 17, 2012;
52. Hon Elvin Penner in relation to Dina Jesus Salazar on August 6, 2012;
53. Hon. Pablo Marin in relation to Gabriela Barrera on July 5, 2012;
54. Hon. Pablo Marin in relation to Fidelia Fuentes on June 28, 2012;
55. Hon. Pablo Marin in relation to Karla Cartagena on June 28, 2012;
56. Hon. Pablo Marin in relation to Beatrice Salguero on June 28, 2012;
57. Hon. Pablo Marin in relation to Danilo Barrera Guzman on June 28, 2012;
58. Hon. Pablo Marin in relation to Amarilis Vasquez on June 28, 2012;
59. Hon. Pablo Marin in relation to Miriam Batres on June 28, 2012;
60. Hon. Pablo Marin in relation to Jose Morales on June 28, 2012;
61. Hon. Pablo Marin in relation to Jacinto Tzunux Tzunun on June 28, 2012;
62. Hon. Pablo Marin in relation to Felipa Yup Nij on June 28, 2012;
63. Hon. Pablo Marin in relation to Humei Liu 28th June 2012;
64. Hon. Pablo Marin in relation to Fernando Ramirez on June 28, 2012;
65. Hon. Pablo Marin in relation to Francisco Barrera on June 28, 2012;
66. Hon. Pablo Marin in relation to Felipa Tzunux Tzunun on January 3, 2012;
67. Hon. Elvin Penner in relation to Sidia Elizabeth Cabrera on January 26, 2012;
68. Hon. Elvin Penner in relation to Richard Deeds on August 30, 2012;
69. Hon. Elvin Penner in relation to Rachel Deeds on August 30, 2012;
70. Hon. Elvin Penner in relation to Jaime Escobar on January 19, 2012;
71. Hon. Elvin Penner in relation to Inez Perez on July 20, 2012;
72. Hon. Michael Hutchinson in relation to Valvin Seymour on February 20, 2012.

We must reiterate that these are annotations in the minute sheets observed by the Auditor General. This is not to say that the Auditor General observed the actual letters in all instances. She did make it clear however that Ministers did issue letters. An example is reproduced below which was signed by Hon. Santiago Castillo and exhibited at paragraph 132.9:

“Dear Ms Meighan,

An Zheng Jun, a resident of Caribbean Shores (2 ½ Mls Northern Hwy) applied for his nationality on December 12th 2012. Her application is BNA# 26412/12, and a receipt of same is attached for easy reference. I support her application, and would like to know when it will be processed. If you need any further information, please do not hesitate to call me at 610-2444. Many thanks.

Sincerely

(signed)

Hon. Santiago Santino Castillo, Area Representative Caribbean Shores, Minister of State (in the) Ministry of Finance and Economic Development.”

We have discussed our view on the issuance of letters by Ministers in the first part of this Report. We agree that the issuance of a letter in support of any prospective citizen or applicant for any service within Government is not in and of itself prohibited.

Invariably, each Minister who appeared before us defended his actions as a response to the needs of the citizenry. See the excerpts below:

Mr. Carlos Perdomo

MR. C. PERDOMO: *Yes. For those of us that have been Ministers, you know, you will get visitors to your office asking for assistance. In my case, it was usually services that were not being done and they wanted somebody to please find out why. So, whenever they came to my office, this is in regards to immigration, people also came with regards to police work but that was mainly complaints, but just like today. But, they would say that they have been waiting for a while for their nationality so I would always write down the BNA number and then, after the meeting or after a week I would have a certain amount. I would just write a note to Ms. Ruth and say, these people have visited me, something like that, I don't remember the exact words, please see why it's been taking a while and if everything is in order, just get back to them or get back to me so that I can tell them why. And sometimes,*

many times they get back to me and say that the person changed address or blah, blah. But I used to write the notes, yes.

SENATOR E. SMITH: Okay, so the notes were basically to seek...

MR. C. PERDOMO: To look into, please...

SENATOR E. SMITH: What is going on? Was it at any time to speed up a process for a person?

MR. C. PERDOMO: I don't recall ever writing to speed up but just to help.

SENATOR E. SMITH: Just to inquire as to the stage at which that application is at?

MR. C. PERDOMO: Sometimes you would get the case like when people are ill or thing like that. But it wasn't often that you would say to rush something because that is for the Immigration to do. Everything has to be in order. Everything has to be legally fulfilled. So I wouldn't normally write to rush anything. But there were times when particularly children had to go abroad, we would try to help. But that wouldn't say, I am not saying that in asking to help you do anything that is not possible, that is not legal, that is not fulfilling all requirements.

SENATOR E. SMITH: So you would assist but ensuring that all the requirements are met.

MR. C. PERDOMO: Yes, that was always understood with me and my Ministry. No matter who it was, I would always say to make sure everything is in order, to the CEO, to anybody, to the Director, when I visited policemen at their station, it was always that I tried to do things properly and legally.

SENATOR E. SMITH: Was there any point in time, Mr. Perdomo, when you wrote these little notes on behalf of other colleagues of yours?

MR. C. PERDOMO: No, I don't remember. All, most of my notes would be with, but I notice that in the report that a lot of colleagues went directly, so I wouldn't usually...

SENATOR E. SMITH: Right, so I am asking if at any time any Minister came to you or so, or said, Minister you know this person from my constituency applied a month ago and they are still waiting. Can you look into it for me?

MR. C. PERDOMO: Yes. I would tell them the same thing, give me the BNA number because...

SENATOR E. SMITH: Alright, so you would check on it for them?

MR. C. PERDOMO: *Because I only deal with, I only sign nationality certificate.*

SENATOR E. SMITH: *Right.*

MR. C. PERDOMO: *If they come for visa or passport, I would say, I don't deal with that. You would have to go through the process.*

SENATOR E. SMITH: *Right and so you would just put a little note to say please look into it.*

MR. C. PERDOMO: *But, of course, colleagues would always come, I mean, but I would say, give me the BNA number."*

Minister Manuel Heredia

MR. CHAIRMAN: *Minister, I would like to draw your attention now to the Nationality Report, which is the thickest of the volumes, particularly paragraph 102. I won't necessarily highlight every instance but I am sure the other Senators will ask you about the other instances. There is a particular issue here with the surname Harmouch, which I am sure you are very familiar with in your constituency. There are several instances, which the Auditor General highlights with that surname, Harmouch and according to her there were certain irregularities in the granting of nationality for some of them. I'll start with the first one that's here at paragraph 102, which is the name Samir Harmouch. Are you familiar with that person?*

HON. M. HEREDIA JR.: *Well, the first names might not be that familiar the last name Harmouch, yes. I know there is the family is probably almost a hundred to probably over a hundred of the Harmouch's that lives on the island.*

MR. CHAIRMAN: *Right, but you are not familiar with particularly with Samir Harmouch?*

HON. M. HEREDIA JR.: *The first names for even those one that I acquaint regularly with the first names are not, it is very difficult to remember those ones but the last name yes.*

MR. CHAIRMAN: *Now, to be fair I am looking at starting at paragraph 102, counsellor. I am not sure exactly what the Auditor General is saying was irregular but there is a suggestion of irregularity. Meaning that I am not sure that there is actual evidence that she has unearthed but there is a suggestion of irregularity in relation to the grant of nationality for Mr. Samir Harmouch. And basically, how you became involved in it, in the Report, is that the Auditor General is saying that she has evidence that you*

requested, sorry, let me start from the beginning, that Khodr Harmouch who was Belize, you are familiar with him though?

HON. M. HEREDIA JR.: *Khodr, yes.*

MR. CHAIRMAN: *Yes, he was Belize Consul in Lebanon. That he wrote to you on 9th December 2011 and requested assistance with a particular application for Samir Harmouch. And it is saying, the Auditor General says, "Based on an entry by Gertrude Armstrong, who is an Immigration Clerk, in a note in the file dated 10th January 2012 in the minute sheet. Gertrude Armstrong notes that you requested this nationality file sometime after 9th December 2011."*

HON. M. HEREDIA JR.: *Let me put it very clear. I will never request a file. What I usually do and have been doing for, like I said from the time I have been Mayor of the island until now, is that people if they give me a copy of their receipt I will go and find out if anything is missing, if everything is okay and I will advise the person accordingly. In many cases, I have been the recommender of applications, probably hundreds of them because I like to give service to my constituency and give as much person and I believe that as an Area Representative and as the Mayor of the island like that is my job, is to provide service. So that is what I have done but at no time will I instruct, I can almost guarantee that I have never instructed any officer to please provide me with the file or whatever. Even up to this date I will just go and ask what the situation is or what are the circumstances surrounding that particular application so that I will in turn tell the person so and so. And if it is okay I would say, "It is fine. You will have to wait until your swearing in once everything is over." But if they are suggesting that I instructed or probably asked for a file I can openly say that that is not so.*

MR. CHAIRMAN: *Well, let me tell you what, and this is my understanding of the suggestion that is being made here about you.*

HON. M. HEREDIA JR.: *Okay.*

MR. CHAIRMAN: *And I think it is fair to give you the opportunity to clarify that suggestion because reading this, based on an entry from Gertrude Armstrong, Immigration Clerk, dated 10th January 2012 the Auditor General says that you requested the file for Samir Harmouch sometime after 9th December, 2011. And then she is saying that by the 10th January 2012 nationality certificate in respect of Samir Harmouch was entered in the Numbers Book. The nationality certificate indicated that it was signed by Minister Carlos Perdomo on the 12th January of 2012, right. According to the Auditor General, she is saying that in support of the application there were two native passports, meaning two Lebanese Passports. Because you know the application would have to be supported by evidence that the person has been here for a particular period of time, 5 years. So in one*

passport the wet stamp shows dated 22nd September 2006 entry at Belize Northern border station, which is Santa Elena and then the other native passport shows the entry on the 4th October 2010. She is saying that, "We could not ascertain if he had, indeed, qualified for Belizean Nationality on 17th January 2012. We were unable to confirm that his visitor's permit stamp dated 22nd September 2006, which was obtained, was backdated." So she is saying that they were unable to ascertain if the stamp was backdated. "He may have entered Belize on 4th October 2010 as his native Lebanese passport showed." So if he entered Belize in 2010 then I understand her deduction is that he would have not qualified for nationality. I just want you to comment on that.

HON. M. HEREDIA JR.: Senator, my job is to recommend, right. My job also, I consider it my job to check into whatever receipts different people give me. I will go and check into that. If there are irregularities in the application that is not my job to check and to see, it is the job of the Officers-in-Charge to check. Something goes wrong then they shouldn't have qualified this person if anything was wrong. I have never instructed and will never instruct anyone to say, "Look, he doesn't qualify well go ahead and grant him..." I will never do that. ...

HON. M. HEREDIA JR.: Definitely I have never requested any file. I don't think that I have the power to request any file and I will never go and request it. Like I've been mentioning time and time again I will just ask as to the information concerning that particular person's BNA, what is the status and once I am told that this person needs to bring this and the other I will inform the person as to what they need. If it is completed then I will inform them that it is completed, pending a nationality swearing in and then that person will have to come and do the swearing in. At no point will I ever ask or I have ever asked for any particular files to be pulled out for my convenience. I will never do that.

MR. CHAIRMAN: Right, and just to be complete in relation to this one, they could not, which is perhaps for me more of the irregular part of it is that she could not find the Oath of Allegiance. They could not find a copy of the Oath of Allegiance. I know that you wouldn't have knowledge of this but I am just telling you what is there that they couldn't find a copy of the Oath of Allegiance for this person. And according to the Auditor General the recommender would not have known the person for the requisite period of time.

HON. M. HEREDIA JR.: Senator, again, according to what I know, even today there are people that did their swearing in, signed their Oath of Allegiance and once they want to renew a passport for some reason they have lost their certificate and they want to renew you will find out that in the file itself they cannot find the receipt where the person had paid the \$300. They cannot find the Oath of Allegiance but what does that have to do

with me. I am not the one working over there. That is for the officers to answer.

MR. CHAIRMAN: *Any questions on this matter? Senator Smith.*

SENATOR E. SMITH: *Minister, I heard you say earlier, "my job is to recommend." You said, "my job is to recommend." Could you expand on that for me, please? What do you mean by your job is to recommend?*

HON. M. HEREDIA JR.: *Well, not only as a Minister but as a person that is well known if somebody asks me for a recommendation and I know that person I will do so. I was telling my attorney over here that just yesterday there was someone from my constituency applying for a passport and they asked me if I can recommend in the section where it marks Area Representative and I did so. I believe that I will continue to do so as long as I know the person well. I am a Justice of the Peace also and in that capacity I have also recommended. Like I said in the beginning, I believe that from 1994 to now I have done hundreds of recommendations for different persons and not just only for the Harmouchs' as trying to show over there that the Harmouchs' were somebody special to me. Across the board, Central Americans, Americans, Canadians, a number of them that know me and that I have known I have recommended.*

Minister Rene Montero

MR. CHAIRMAN: *She refers, I am not sure what she means by persons who intervened in the Belize Nationality process and it states in the minute sheet. So, that doesn't mean that it was a letter, I think. So, I just wanted to make that clear that there was no letter in relation to the other two that we are talking about. But a note in the minute sheet, that would have your name on it.*

HON. R. MONTERO: *But since it came from my office, she took it that you know, she mentioned my name. As I said, my office occasionally inquires for certain nationality documents. Just to request information on the status of that because, as I said, I have an office in Santa Elena, and people do come there requesting assistance for their nationality documents."*

In conclusion, each Minister who appeared before the Committee explained that the intervention was in response to requests from constituents. The Committee is of the considered opinion that there was nothing irregular for standard bearers and ministers to follow up on applications on behalf of interested parties. This occurs the world over. Unfortunately, what has happened is that

Many of these applications have been found to be riddled with irregularities and downright illegality. This highlights the fact that we need to consider whether it is desirable for us to continue to have our elected officials engaged in these processes. This merits serious consideration, if

for no other reason but keeping our elected officials beyond reproach. To some extent, we as a society collectively place certain expectations on elected officials to intervene on a personal level in our interactions with Government. We say again, if there is no real benefit to having a Minister making an inquiry or sending a letter for consideration of a particular application then there really is no need for it and there is no need for our citizenry to seek and expect the intervention. Perhaps the time has come for legislative intervention. This is a matter for our policy makers to consider.

9. Validity of renunciation forms of Guatemalan applicants

A very important issue arose in the course of the hearing which was not necessarily addressed by the Auditor General in her report. The Committee considers this of the utmost significance and calls upon the Government to address the matter with urgency.

The Nationality Act states at Section 26:

26.-(1) No person shall be entitled under the provisions of this Act to be a citizen of Belize or be granted citizenship of Belize if such person shows any allegiance to or is a citizen of a country which does not recognise the independence, sovereignty or territorial integrity of Belize, Provided that the Minister may in his discretion grant Belizean citizenship to persons falling under this subsection who would otherwise be entitled to such citizenship under the provisions of sections 4 and 5 (2) of this Act.

The foregoing is a constitutional provision as well. Section 19 of the Nationality Act states:

“19. In any case where any person purports to renounce citizenship of any country for the purpose of acquiring, retaining or resuming, under any provision of this Act, the status of a citizen of Belize, and it is found at any time that the renunciation was not in accordance with or not effective under the law in force in that behalf in such other country, that person shall be deemed never to have acquired, retained or resumed, under that provision, that status of a citizen of Belize; and if the Minister makes a declaration to that effect in any such case, the declaration shall be final.”

The Committee was concerned whether a renunciation form which had long been in place for Guatemalans was sufficient to comply with the provisions of the Constitution and the Nationality Act. The testimony of Minister Hulse was informative in this regard:

“SENATOR E. COURTENAY: *Alright, we will leave it there. Minister, one of the areas that has repeatedly come up, and I am not satisfied that the Committee has received sufficient explanation, and this has to do with Guatemalans. Are you aware of the requirement of a national of Guatemala who must renounce his or her nationality before taking Belizean nationality?*

SENATOR G. HULSE: *Yes.*

SENATOR E. COURTENAY: *What is the procedure in Belize to satisfy yourself that that has been done lawfully?*

SENATOR G. HULSE: *Senator, I engaged that issue when I first became the Minister, and through the Foreign Ministry there was a lot of back-and-forth communication with the Foreign Ministry of Guatemala and the process to do this, the now deceased Fred Martinez, at the time Ambassador for Belize in Guatemala, and CEO Alexis Rosado. There was a point in which it was advised that once a person does the renunciation form, which has been in existence from forever, and it was lodged at the Embassy, and the Embassy received it together with the passport that that was acceptable as the state having accepted the renunciation of the person. So we proceeded on that basis.*

Subsequent to that though, it was made clear to me by the new Ambassador, in various discussions, that the process was wrong and that, in fact, while that could be assumed it was not factual because the State of Guatemala, notwithstanding the issues with Belize, etc., would not allow their citizens to be stateless, and, as a consequence, if the person renounce before they got the Belizean nationality, in that period, that little hiatus, they would be stateless, and they could not accept that. That created a problem because our law says they have to renounce before. So it's almost chicken and egg. That having happened created a whole new issue. And, as I understand it, as of this moment, it is unresolved, but no new Guatemalans certificates or no new nationalities to Guatemalans by registration are being issued through the Nationality Committee, that is my current understanding because of that issue.

SENATOR E. COURTENAY: *But, again, have you, as Minister, sought officially legal advice from an expert on Guatemalan law as to how a Guatemalan can effectively and lawfully renounce his/her nationality?*

SENATOR G. HULSE: *Yes, we've sought it through the Ministry of Foreign Affairs to engage their Ministry to get a proper determination of how that process goes. I know for a fact that it can happen because a communiqué was sent to us that said last year some 62 Guatemalans had renounced their Guatemalan nationality. So it can happen.*

SENATOR E. COURTENAY: Right, but I have seen that. Have you tied that back to how many Guatemalans...?

SENATOR G. HULSE: No.

SENATOR E. COURTENAY: But you see these are the things, Minister. Here we have evidence from Guatemala emanating from the Ministry of Foreign Affairs, specifically saying, I think, it was 62 or 68 persons had renounced their nationality. If we check how many Guatemalan nationals became Belizeans, and it exceeds that number, one, that is clear evidence that something illegal may have happened. And, two, we would also have to check to see that the 62, or whatever number it is, that the Guatemalan Foreign Ministry refers to are on our books, and they correspond. Has anything been done?

SENATOR G. HULSE: No, not to my knowledge.

SENATOR E. COURTENAY: Have we requested any data on any other years from Guatemala?

SENATOR G. HULSE: Not to my knowledge.

SENATOR E. COURTENAY: Any reason for this?

SENATOR G. HULSE: No. It's an exercise to be done, but I have not.

SENATOR E. COURTENAY: You said that your Ministry has followed up with Foreign Affairs seeking legal advice. Has Foreign Affairs procured/obtained?

SENATOR G. HULSE: We are still waiting.

SENATOR E. COURTENAY: We are still waiting. Minister, you accept that any Guatemalan who did not effectively and lawfully renounce his/her nationality and became a Belizean is not a true Belizean?

SENATOR G. HULSE: That would go back from Independence.

SENATOR E. COURTENAY: I don't care when. It's not a true Belizean. Do you agree?

SENATOR G. HULSE: If that is the process and it was not accepted legally and properly, contrary to what we understood, then that would be so.

SENATOR E. COURTENAY: What is to happen to those persons?

SENATOR G. HULSE: It is difficult to answer.

SENATOR E. COURTENAY: *But we cannot tolerate a state of illegality and unconstitutionality staring in the face and just say we are not going to get the legal advice as to what is to happen.*

SENATOR G. HULSE: *No, but I agree, Senator, but then that is a discourse that we have to advance through all the legal luminaries, the Cabinet, and everybody, to determine what is to happen. From where I sit, those persons who would not have qualified but by some misunderstanding or misrepresentation or misinterpretation of the filing of the things were qualified, if that position is reversed, then they would have to revert to a status of, perhaps, permanent residence perpetually because there is nothing to prevent that. But some determination has to be made, and that is not for me sitting here to say. That is for a whole consensus of discourse legally and otherwise to determine what will happen because, as I said, this has been going on from 1981.*

SENATOR E. COURTENAY: *Minister, this is a matter that is of serious concern to me, first, as a matter of principle, but, secondly, these people, a lot of them, have registered to vote and do vote. What is your view with respect to Guatemalan nationals or former Guatemalan nationals, supposedly former Guatemalan nationals, being allowed to vote in a referendum on the ICJ?*

SENATOR G. HULSE: *None at all, we shouldn't.*

SENATOR E. COURTENAY: *They should not be allowed to vote.*

SENATOR G. HULSE: *No.*

SENATOR E. COURTENAY: *You would support a recommendation for an amendment to the law to preclude them from voting in that referendum?*

SENATOR G. HULSE: *Absolutely, if they are not citizens, no citizens should be voting.*

SENATOR E. COURTENAY: *No, no, I am going one step further. There are tens of thousands of them, tens of thousands. And I am asking you, the same we are saying that you must renounce your Guatemalan nationality before you become a Belizean for the reason that you have an allegiance to a country that does not recognize Belize's sovereignty and territorial integrity, the process by which that is going to be resolved could be a referendum, could be the ICJ. Should a person who last year, the year before, five years ago, was a Guatemalan be allowed to participate in the referendum to decide whether or not Belize goes to the ICJ?*

SENATOR G. HULSE: Senator, if the person is a citizen, having acquired such citizen by proper renunciation which conforms to the section of the Constitution requiring such, then all citizens have the right to vote in any election.

SENATOR E. COURTENAY: No, I am talking about the referendum.

SENATOR G. HULSE: Well, that would still be a voting. I am not going to sit here and suggest and get into that sort of thing. My own personal feeling is another thing, and I am not going to pronounce on it. I am going to stick with the strict legal position which is citizens, if that Guatemalan renounced properly and acquired Belize citizenship properly, is entitled to vote to form a parliament, is entitled to vote, then that person will be entitled to vote.

SENATOR E. COURTENAY: That's your view.

SENATOR G. HULSE: Now I have my own personal view which I am not going to express.

SENATOR E. COURTENAY: Okay. But can we...?

SENATOR G. HULSE: But the discourse can continue.

SENATOR E. COURTENAY: Can we, and I am particularly keen to get the legal opinion. Can we get your assurance that you will follow up?

SENATOR G. HULSE: I am following up.

SENATOR E. COURTENAY: Well, we need it before we complete our work.

SENATOR G. HULSE: I will have it before you complete your work because I spoke two weeks ago or less with the Foreign Minister, with the CEO in the Ministry of Foreign Affairs and with our Ambassador in Guatemala, to expedite this process because it is of concern to me as well.

SENATOR E. COURTENAY: Thank you, Chair."

The matter was also discussed in the testimony of the Chief Executive Officer Mr. Edmund Zuniga:

“SENATOR E. COURTENAY: Alright. Very disturbing but I respect your position. In the particular case of, let's say Guatemalans, who you know must renounce their nationality if they are applying for Belize nationality, are you satisfied that, well let me start, do you know what the procedure is for a Guatemalan to renounce his or her nationality?

MR. E. ZUNIGA: *The practice has been that the Guatemalan applicant signs a renunciation document in front of a Justice of the Peace as a part of his application. More recently, we have been submitting their passports, the Guatemalan passports to the Guatemalan Embassy in Belize. But beside that that is what is required.*

SENATOR E. COURTENAY: *No, do you know, as a matter of Guatemalan law and procedure what is required for a Guatemalan national to renounce his or her nationality?*

MR. E. ZUNIGA: *I understand there is a procedure in Guatemala, which requires the individual to go before one of their offices, I think their registry, and the person's name is then struck out of their register of citizens before that renunciation is accepted. That is my understanding of it.*

SENATOR E. COURTENAY: *Similar to my last set of questions. In relation to persons who it is established have not satisfied the requirements in Guatemala for renunciation, would your support a review of all Guatemalans who have applied for nationality and have been given nationality to see whether they complied with the law and therefore whether or not they lawfully acquired Belizean nationality?*

MR. E. ZUNIGA: *Sure, I would. I would support that.*

SENATOR E. COURTENAY: *And if they did not, cancel their, revoke their nationality?*

MR. E. ZUNIGA: *Yes. That would be the thing to do.*

SENATOR E. COURTENAY: *You are not concerned in that case about them become stateless?*

MR. E. ZUNIGA: *I would still be concerned but...*

SENATOR E. COURTENAY: *But on a serious note, the procedure for renunciation in Guatemala, is the Nationality Committee doing anything to find out what that procedure is?*

MR. E. ZUNIGA: *Yes, the Committee is.*

SENATOR E. COURTENAY: *You are expecting to know what it is, is that what you are saying?*

MR. E. ZUNIGA: *Pardon?*

SENATOR E. COURTENAY: Are you doing anything to find out, specifically from Guatemala, what is the procedure for renunciation of Guatemalan nationality?

MR. E. ZUNIGA: Yes. The Committee is, yes.

SENATOR E. COURTENAY: So, you expect, the Committee expects to find out what the proper procedure is?

MR. E. ZUNIGA: Yes.

SENATOR E. COURTENAY: Anytime soon?

MR. E. ZUNIGA: In fact, that matter has been a part of the Committee's conversation for the last maybe 4 months.

SENATOR E. COURTENAY: But up to now we don't know what the proper procedure is?

MR. E. ZUNIGA: We have, the Committee has a general idea of what the procedure is.

SENATOR E. COURTENAY: No, but we need more than that. We need the legal procedure.

MR. E. ZUNIGA: Right.

SENATOR E. COURTENAY: Isn't that correct? That's what our Constitution requires.

MR. E. ZUNIGA: Yes.

SENATOR E. COURTENAY: So when is the Committee going to find out exactly what needs to be done?

MR. E. ZUNIGA: I, we have gotten some preliminary documents. I am not certain if we need additional documents and when and whom we can request those from, at this point in time.

SENATOR E. COURTENAY: CEO, are you prepared to assure this Committee that until the Nationality Vetting Committee knows what the law is for renunciation in Guatemala that no application for nationality by a Guatemalan will be processed?

MR. E. ZUNIGA: Yes. In fact, since the conversation started no application from any Guatemalan has been processed."

The matter was also discussed with the then Solicitor General:

“SENATOR E. COURTENAY: *Again, going back to nationality, the 2,000 or otherwise, one of the issues that was raised by the CEO is the repercussion from a revocation of nationality, one being that if the person is not a dual national that the person may be rendered stateless. Can you share with us your legal view as to whether that should be a matter of concern for this Committee?*

MR. N. HAWKE: *I think critical to the process, assuming that the person is considered stateless, having regard to the, I think it is the 1954 Convention, Stateless Persons, I think international law dictates that we should be very cautious in how we approach that situation because a careful analysis would have to be done as to whether, in fact, the person qualifies as a stateless person, one, and, if they do, international law also dictates that certain protections ought to be afforded to those persons. So what I am simply saying, Honourable Senator, is that I think we cannot approach this situation in respect of persons who may be considered stateless in a manner that is too rash. I think it requires very careful analysis, having regard to our international law obligations.*

But I wish to make the point though that why I say critical analysis is because, if you are holding a, and there is a certain definition, Article 1 of that Convention, who they define as a stateless person, and fundamentally in basic terms it is a person who does not belong to any particular jurisdiction. If such a situation arises, I think that is when a very forensic analysis ought to be done on that particular case. But I am assuming there will be instances where like, for example, you said dual nationality, if we revoke, you were granted Belizean nationality and we revoke your Belizean nationality, you will just revert to your previous status. Let's say you are from jurisdiction A. So only in cases, and I think international law dictates that you have to be very careful in terms of our analysis of who is a stateless person.

SENATOR E. COURTENAY: *I need a little clarification. Is statelessness, as a result, an obstacle? We should not revoke if the person is going to become stateless?*

MR. N. HAWKE: *I won't put it at such a high level as an obstacle, but I will certainly say it is something for us to consider, having regard to what international law dictates under the UNHCR. It requires that certain rights be accorded to the person until such time as a proper analysis could be done as to the person's legal status within the country. So I don't know if I have answered your question, but I would say I wouldn't take it to that high bar as a legal impediment, but it is certainly something that this Committee will have to consider.*

SENATOR E. COURTENAY: *And just to double-check another point that you made, person A coming from a jurisdiction is not a dual national, applies for Belizean nationality, obtains it illegally and that nationality is revoked. Are you saying that, in your opinion, that person reverts?*

MR. N. HAWKE: *Yes, I don't think that person would be considered a stateless person. I think a stateless person may, according to the situation where you've gotten Belizean nationality but, as a requirement of getting that nationality, perhaps, you were required to renounce your previous nationality. So when we then revoked and you've already renounced you may be categorized or classified as a stateless person, and in those instances some serious consideration should be given before an ultimate decision is made to render that person stateless."*

In closing his testimony, **the Solicitor General promised to share an opinion which was prepared by his office addressing this issue. However, up to the time of writing of this report we had not received the opinion.** We urge, the Department to give the consideration that this matter requires as it has serious implications for many persons. It is no secret that over many decades Guatemalans have consistently gained Belizean Citizenship despite the provisions highlighted herein. This matter needs to be addressed with a view to resolving the outstanding issues.

10. Use of discontinued Economic Citizenship Investment Programme (BECIP)

The Auditor General referred to the unlawful use of the BECIP to facilitate the grant of nationality at paragraph 33 of the Nationality section her Report as follows:

"The INS appeared to have been facilitating an unlawful "Economic Citizenship Program" although the Belize Economic Citizenship Investment Program (BECIP) had ended 15th January 2002 33. The Belize Economic Citizenship Investment Program (BECIP) officially ended on 15th January, 2002 (Ref. www.belizecompany.com. Regulators and Legislation/Economic Citizenship Programme). However, we saw copies of replacement nationality certificates that were fraudulently backdated, from Passport applications for the period April 2011 to September 2013., Also copies of irregular original certificates and certificate numbers written on Passport applications through which persons claimed that they had received Belizean nationality through the Economic Citizenship Investment Programmes (Section 11A). Those persons claimed they had received Belizean nationality through economic investment from the 1990's and into the year 2000. 88 In our investigation we uncovered questionable processes that suggested an illegitimate BECIP scheme may have been operating abroad with links to the Belize INS, Nationality and Passport Sections. That was evident from the

documents received from the Ministry of Foreign Affairs, which was obtained through interviews with persons who visited several foreign missions to verify their Passports or to apply for a Passport. See Passport Report and paragraphs 84.2 and 159.2 of this Report. Such was the case with Nina and Zhaoyi Sha (see Passport report), they were told by a person named Tony in Dalian, China that they were applying for Economic Citizenship. However, they were issued fraudulent replacement nationality certificates with numbers from under Section 10. The Register of Citizens by Registration used to fraudulently issue certificate numbers, for those persons showed numerous discrepancies, and was still being fraudulently used for 2011, 2012 and 2013 Passport applications by backdating replacement nationality certificates.

The Committee was very concerned about the manner in which the records of the BECIP programme had been kept. From our understanding that programme was managed by the Ministry of Foreign Affairs but any subsequent renewal of passports would be handled by the Immigration Department without any real way of comparing information to verify that a nationality certificate was legitimately issued pursuant to that programme.

The following was the evidence before the Committee as it related to this issue:

From Maria Marin:

MR. CHAIRMAN: *Ms. Marin, I would like to move on in the Report in paragraph 33. And then there is a serious allegation being made there by the Auditor General in her Report that Immigration and Nationality Service INS appeared to have been facilitating an unlawful "Economic Citizenship Program" although the Belize Economic Citizenship Investment Program had ended 15th January 2002. I am concern about the way how this is describe as an unlawful "Economic Citizenship Program", but the gist of the complaint here, I'm getting is that people who were issued Economic Citizenship under that program, which was discontinued in 2002, they were allowed to renew their passports right once they become a citizen there wasn't any period of time under which you would then ceased to be an Economic Citizen once you were granted that status when the program was lawful?*

MS. MARIA MARIN (Former Director Immigration Department): *No they were allowed to renew their passports, yes.*

MR. CHAIRMAN: *I think the issue here is really that persons were acting unlawfully by creating the perception that they were granted Economic Citizenship back when that was lawful and using false documents to gain a new passport. Were you aware of any instances where this was caught on during your tenure as Director?*

MS. MARIA MARIN (Former Director Immigration Department): Yes, we had some instances where we did not have absolute certainty that the certificate that was being presented was a genuine document. And so we engaged in exhaustive measures for the individual to try, and to show us and provide evidence to us that indeed this was, especially where our research did not support what the individual was telling us. In fact, while I was there we implemented a series of criteria and requirements that they needed to bring in. Example, persons would come and say...

MR. CHAIRMAN: This is specifically for people who had gotten citizenship under this program?

MS. MARIA MARIN (Former Director Immigration Department): Economic Citizenship, yes. Because a lot of the documents for Economic Citizenship when I was at the department as Acting Director we did not have those documents, those files. A partly that was another unit, I'm not sure in my mind as I understand it as operating out of another ministry, if I'm not mistaken the Ministry of Foreign Affairs, I think. And so it seems that when that was happening, this is what it appeared to be to me, that when that was happening there wasn't a proper coordination between that unit and the department. And so there was a lot of confusion it seems.

MR. CHAIRMAN: So what you're saying is essentially that where it comes to Economic Citizenship which was granted lawfully to a person under that scheme, when it existed that there is no absolute way to verify that a person's citizenship, a person who is coming now to renew a passport, there is no absolute way to verify that, yes, indeed, this is a legitimate person who had receive citizenship by paying the relevant fee?

MS. MARIA MARIN (Former Director Immigration Department): In some cases there were, and in some cases there wasn't.

MR. CHAIRMAN: For those who you could verify that they did, in fact, pay, how was that verification done?

MS. MARIA MARIN (Former Director Immigration Department): We basically requested the file that was the first thing we would go to.

MR. CHAIRMAN: From whom?

MS. MARIA MARIN (Former Director Immigration Department): From the Records Management Unit, during my time.

MR. CHAIRMAN: I thought that you said that the files weren't there?

MS. MARIA MARIN (Former Director Immigration Department): And this is what I said. It seemed to be as if, there was a lot of confusion some

document were there and some were not there. The ledger, the register with the numbers, some numbers were there then there were some names that there was an overlap of names for numbers etcetera. And so because that was something that we did not have any way of ascertaining what happened at that time we basically did the process of requesting, check to see if there is a file. If there is a file we would proceed with that. If there was no file, we had even asked we would even go to Archives Department to find out because, apparently, they also had some files. And when we could not locate a file for that case or that application we would request that the person advised where? When? How and what other documentation do you have regarding that application?

MR. CHAIRMAN: *Okay for those and the ones that you could verify that's straightforward but those that you could not verify because the department did not have a file, how was the determination made whether to issue a new passport or not?*

MS. MARIA MARIN (Former Director Immigration Department): *And this is where we had a lot of applications on pending because we could not ascertain and so we would not move forward with it. And then this is where the complaints came because it could have very well been that these persons had genuine citizenship.*

MR. CHAIRMAN: *That is understandable.*

MS. MARIA MARIN (Former Director Immigration Department): *But, yes, many of those were still on pending. During my time we had tried to implement certain sets of criteria and requirement for them to bring in. And so if this person said well you know I got my citizenship with my mother or my brother, and we could go and ascertain that there is a ledger there that has BNA no etcetera, then and it has that person's name and all the relevant information then we would replace it and go through with the passport application.*

MR. CHAIRMAN: *Okay, because just as an it's not a question it's more of a comment from the report it seems that was a lot going on with people who are claiming to have received citizenship through that program, who in fact, did not but those claims were being made and in some instances some may have gotten passports.*

From Gordon Wade:

MR. CHAIRMAN: *Okay. I want to ask specifically if I may move on, I have a personal concern in relation to the Economic Citizenship Program which was discontinued in 2002, I believe.*

MR. G. WADE (Former Officer-in-Charge, Nationality): Somewhere thereabout.

MR. CHAIRMAN: My concern is that, well, let me ask some questions first. The records for Economic Citizenship Program, are they in the custody of the Immigration Department?

MR. G. WADE (Former Officer-in-Charge, Nationality): Some of them.

MR. CHAIRMAN: When you say some, what do you mean? Why would not all of them be there? What is the reason?

MR. G. WADE (Former Officer-in-Charge, Nationality): When I came over to Belmopan, specifically at that section, in the handing over that was handed over to me, it was indicated to me that sometime close to the close when that program was closed, there was also an investigation done by police where several files were requested from Immigration by the Police Department and we don't have record of those files coming back to us.

MR. CHAIRMAN: Are you aware that the Economic Citizenship Program was managed by the Ministry of Foreign Affairs at some point and not the Immigration?

MR. G. WADE (Former Officer-in-Charge, Nationality): Yes, Sir.

MR. CHAIRMAN: Did Immigration retrieve the files from Ministry of Foreign Affairs?

MR. G. WADE (Former Officer-in-Charge, Nationality): The way I understood that program was that the application was submitted through the Ministry of Foreign Affairs. There was a committee that met and when approvals were done, that was forwarded to our department for the rest of the processing of the Passports to Nationalities.

MR. CHAIRMAN: You see my concern is that let's say I didn't pay under that program and I now come in and I am saying I paid and I produce to you a fake certificate which I received, which I am saying I received under that Program. How can are you going to be able to verify that my certificate is authentic?

MR. G. WADE (Former Officer-in-Charge, Nationality): The signature on the certificate. The BNA Register that has...

MR. CHAIRMAN: What's the BNA Register?

MR. G. WADE (Former Officer-in-Charge, Nationality): The big book I mentioned that dealt with registration and had all of the names in there. You remember I mentioned that there was one of the set...

MR. CHAIRMAN: So that would have the people who were granted Economic Citizenship?

MR. G. WADE (Former Officer-in-Charge, Nationality): That was considered under registration, section 13.

MR. CHAIRMAN: Right.

MR. G. WADE (Former Officer-in-Charge, Nationality): So everyone that acquired Nationality through section 10, 11, and 13 were in that book.

MR. CHAIRMAN: Now this is the pertinent question. If I came and I was applying for my passport renewal, so to speak, on my passport, bearing in mind, let's say I am doing so unlawfully then, I have a fake certificate, somehow I make it look real, I don't know how they did it, but I have a fake certificate and I come and I apply for my passport. Do you compare the number in that certificate with the register, with the binder you are referring to? Is there any comparison made at any point?

MR. G. WADE (Former Officer-in-Charge, Nationality): In the absence of the certificate where you would report it lost and you would be applying for a replacement. If you brought a certificate to us that we could have recognize the competent authority signing on to it, there wouldn't have been any need for verification at that point.

MR. CHAIRMAN: Okay. I am saying that because I think it was the Former Director Marin, who told us that there was no real way of verifying whether that person was, in fact, granted nationality under that program, because those records were kept by Ministry of Foreign Affairs. What you are saying to us is that, despite that fact, everyone who is registered, who gets Citizenship by registration, whether it is by marriage, by residing here for the requisite period of time, or by Economic Citizenship Program, they would be registered in the same book?

MR. G. WADE (Former Officer-in-Charge, Nationality): Yes, Sir."

This matter is very troubling for us. Based on what Ms. Marin told us the records have been poorly managed in the ensuing years since the discontinuance of the scheme. This leaves us in a difficult situation. Generally, the quality of certificates that were issued at that time would now be very easy to produce. We have seen throughout the report where the Auditor General questioned the authenticity of wet stamps and even native passports. No effort should be spared to ensure that the records of the BECIP programme are reconciled and accounted for. It is

unacceptable for any country to be in a position where it cannot determine with a level of certainty which individuals are proper citizens by registration.

C. PASSPORTS

All the irregularities and illegalities that we saw in the Nationality Section of the Report inevitably impacted the issue of passports. Once nationality is obtained, through that illegal channel, the inevitable result is that persons will obtain a passport as evidence of the new Belizean Nationality. As with the other areas the Auditor General found no shortage of irregularities and illegality in the passport issuance process. We begin with the name which has become synonymous with scandal in immigration.

1. WONHONG KIM

As was the case with Nationality; significant focus of the Select Committee was placed on the matter of Wonhong Kim. We have already explored the matter of his nationality certificate. The Wonhong Kim episode serves as a case study of what was broken in the immigration system. It is left now for us to examine the issue of his passport. **The matter of how a man who was incarcerated in Taiwan obtained a passport half a world away befuddles this Committee even up to the date of this Report.**

Here is the evidence before the Committee, starting with the relevant sections of the Auditor General's Report produced here verbatim starting at page 4 of the Passport Section.

"Passport P0246777 issued to Wonhong Kim

The Passport application form was photocopied and did not have the identical surname as that in Passport P0246777

Criteria

Section 3(1) (a) of the Passport Regulations 2013 stipulates:

An applicant shall submit his application for a Passport to be issued –

(a) In his own name, in the form set out as form I in Schedule 1

6. *We found that the Passport application form for which P0246777 was issued in the name of Wonhong Kim was not the original but a photocopied Passport application form. This photocopied Passport application form was dated 3rd September, 2013, but the payment for said Passport was made on the 9th September, 2013 via receipt 987400.*
- 6.2 *We observed that the surname on the photocopied application form was stated as Kin and not the surname Kim as was in the issued Passport P0246777. The supporting documents which included his*

native Korean Passport M38368121 issued 23rd December 2008 with expiry date 23rd December 2018, nationality certificate number 28577/13 dated 22nd April 2013 signed by Minister Elvin Penner along with recommender forms A and B had the name Wonhong Kim. The recommender forms A and B were endorsed and signed by 5 Alfonso Cruz Jr. (2nd September 2013) and Minister Elvin Penner (3rd September 2013), stating that they knew him for 4 years and 3 years as a friend respectively.

- 6.3 The applicant therefore, or the individual who filled out his application and by extension the Director of Immigration and Nationality failed to ensure that the information on the application form was correct in accordance with section 3 (1) (a) of the Passports regulations 2013.
- 6.4 From the copy of an unreferenced report labelled 'Report on Belize Passport issued to Wonhong Kim' dated October 04, 2013, Ms. Maria A Marin, signing as Ag Director, indicated at paragraph 3 point 1 "Additionally, it was Mr. Phillips' responsibility, as the first vetting officer, to ensure specifically that:
- a.) "The Application form was fully and correctly completed. The Surname/Family name in Section 1 of this application form reads "Kin" instead of "Kim" as stated in all other documents on record for this application....."
- 6.5 On page 3 point 2 paragraph 1 of the aforementioned report, Ms Marin went on to state that Mr. Erwin Robinson was the other Data Capture operator on duty on the 9th September, 2013 and stated that "A thorough review of the documents against the person presenting himself for data capture is also done at this stage to confirm the applicant's identity, citizenship and eligibility for a Belize Passport". Ms Marin went on to state that the same inconsistencies noted for Mr. Omar Phillips should have been detected by both officers Phillips and Robinson".
- 6.6 On page 5, Ms. Marin said of the Officer in Charge (OIC): "Even the error on the first section of the first page (Surname/Family name on Section 1 - "Kin" instead of "Kim") of the application form has no indication of revision by Ms. Neal. It is to be noted that the application form is the very document from which the system data is verified".

Interview with Former OIC Passport Section Sharon Neal Flowers on 11th June 2014

- 6.7 In an interview with the former OIC Passport section, Mrs. Sharon Neal Flowers, on the 11th June, 2014 it was brought to her attention that the surname on the photocopied Passport application form, Kin, did not match the surname Kim in Passport P0246777 she had approved for printing for Wonhong Kim. Mrs Neal Flowers responded that she did not use Passport application forms when

approving Passports for printing; rather the source documents (such as birth certificate, nationality certificate and biographic page of native Passport) which are attached to the application forms are used.

The required two photographs which were to be furnished with Wonhong Kim's application were not attached to his recommenders' forms 3A and 3B

Criteria

Section 6 (1) (f) of the Passport Regulation 2013 stipulates:

6 (1) "An applicant shall furnish with his application all the relevant particulars to demonstrate his identity, citizenship and eligibility to apply for a Belize Passport, including the following –

(f) Two identical photographs, of the applicant or child in respect of whom the application for a Belize Passport is being made....."

6.8 We noted that the required two photographs were not attached to recommender forms 3A and 3B for Wonhong Kim which violated the above quoted section 6 (1) (f) of the Passport Regulation 2013.

6.9 On page 3 of her internal investigation report, Acting Director, Ms. Maria Marin, revealed that photographs were attached to the original Passport application for Wonhong Kim, but they appeared much younger than the applicant's Passport photo and BPIS photo. The report also stated that the signature in his South Korean native Passport was the reverse of the signature seen on the Passport application. However, from the Passport copy we observed, no signature of the holder was visible.

There was an abundance of suspicious circumstances which indicated the commission of an offence

Criterion

Page 2 of Schedule 1 form 1 under Belize Passport Application Instructions (for 2011 and 2012) and Section 5, page 1 of Schedule 1, form 1 of the Passport application form under Authentication of application (for 2013) states under warning to the applicant and the recommender:

"It is a prosecutable offence [contrary to Section 3 (e) and (h), Chapter 164 of the Laws of Belize to make any false representation with respect to information requested by the form."

Under section 3 (1) of Chapter 164 of the Laws of Belize, Every person who, in respect of any Passport-

- (e) by personation or false representation procures or obtains or attempts to procure or obtain the issue of the same to himself or to any person;*
- (h) without having actual knowledge of the applicant for a Passport, makes any declaration verifying the declaration of such applicant, or vouching the fitness ⁷ of such applicant to receive a Passport or makes any such declaration merely on information obtained from the applicant or from any other person, commits an offence against this Act.*

While section 3 (2) states:

“Every person who aids or abets any person in the commission of any offence against this Act, or harbours any person who he knows or has reasonable ground for believing to have committed an offence against this Act, also commits an offence against this Act”.

The penalty for the offence is stated at section 4 and stipulates:

“Every person who commits an offence against this Act shall be liable on summary conviction to imprisonment for any term not exceeding one year, or to a fine of not exceeding five hundred dollars, or to both such fine and term of imprisonment”.

6.10 We noted from the two recommenders forms attached to Wonhong Kim (Kin) photocopied application form that Alfonso Cruz Jr. Office Manager, declared in writing, endorsed and signed that he knew Wonhong Kim for 4 years on form 3A through relationship which was specified as friend, while Elvin Penner, Minister of State, also declared in writing, endorsed and signed that he knew said Wonhong Kim for 3 years through relationship specified as friend. There is a clear indication of criminal infraction that requires a thorough forensic investigation by the relevant authorities. Specifically, a comprehensive criminal investigation has to be launched into the representation made by the Applicant, Mr. Wonhong Kim and the integrity of the endorsements of his two recommenders, Mr. Elvin Penner and Mr. Alfonso Cruz Jr.

6.11 Of note, is that Alfonso Cruz in his recommendation of another individual stated that he was “a Minister’s Aide” on the applicant’s application form. The applicant’s name was Amanda Magana. Her date of birth was stated as 22nd February 1987 with her place of birth as San Andres Peten, Guatemala.

Her place of residence was corner 3rd and Maya Street, San Ignacio. The recommender form 3A was signed by Alfonso Cruz Jr. and dated 8th May, 2013. She will be further discussed in the Nationality report.

The OIC Passport Section did not sign the Passport application form for Wonhong Kim

Criteria

Stages in the Belize Machine Readable Passport Application and Issuance Process (BMRPAIP) Section V indicate that “the Officer in Charge (O/C) is responsible for approval of applications on the Machine Readable System once it reaches this desk”.

Subsection 1 states:

“The O/C must ascertain that the application has been vetted by the counter/process supervisor by ensuring that the form is duly signed on the space provided”.

Section VI of the BMRPAIP indicates that the Print Operator (PO) prints Passports after having confirmed applicant’s data

Subsection 1 states:

“The PO must ensure that all previous officers have signed off on the allocated space on page 2 of the application and must NOT proceed with the printing process if this has not been complied with.”

Section VII of the BMRPAIP indicates that the Quality Assurance Operator (QAO) is responsible for final assessment of the Passport in the MRPPS. This involves the following:

Subsection 1 states:

“The QAO must ensure that all previous officers have signed off on the allocated space on page 2 of the application and must NOT proceed with the quality assurance process if this has not been satisfied”.

6.12 *We noted that the OIC neglected to sign the form for Wonhong Kim and as a result she violated section v subsection 1 of the BMRPAIP. In addition, the Print Operator and the QAO also violated sections VI and VII subsection 1 of the BMRPAIP when they proceeded with the printing and Quality Assurance process of Passport P0246777 issued to Wonhong Kim.*

6.13 *On page 5 under point 4 of her internal investigation report, Ms. Marin stated: “Revision of the application form (Schedule 1 of the Passport regulations, 2013) showed that Ms. Neal, as the approving officer, did not sign on the allotted space (O/C Approval) after having completed the system approval step. This is in direct breach*

of the required and amended application form, (as per Passport Regulations, 2013) specially revised to strengthen the process.”

Wonhong Kim suspicious Korean Passport

- 6.14 *On the copy of the biographic page for Wonhong Kim’s Republic of Korea Passport M38368121, (issued 23rd December, 2008 and with expiry date of 23rd December, 2018) most of the printing was not legible, while the Passport number was boldly visible.*

His photograph was taken at an angle, which was unusual for Passport pictures. The faded photograph seen in the Passport appeared strikingly similar to the photo (of a 9 photo) seen on the BPIS. No signature of the holder and no security features were seen on the copy of the Passport page.

Photograph and other biometric irregularities for Wonhong Kim (Kin)

- 6.15 *We examined the BPIS and it was apparent that a picture of the applicant’s photograph was taken by the Data Capture Operator (Data Entry Operator) and not a live facial image of the applicant Wonhong Kim (Kin). The picture on the BPIS is the replica of the applicant’s Passport picture in his Republic of Korea Passport M38368121 issued 23rd December 2008) which was attached to the application. No fingerprints were captured for him; the system displayed “unable to finger print” while the signature of Wonhong Kim (Kin) in the system did not match that on his application form.*
- 6.16 *It is our belief that Wonhong Kim had not submitted the application form himself, as at the time of his application for a Belizean Passport he was in a Taiwanese jail. Our belief was substantiated by a letter dated 21st January, 2015 from the National Immigration Agency, Ministry of the Interior Taiwan. The letter states in part: “.....regarding the detention information for Mr. Wonhong Kim, according to the NIA’s database, he was detained in the Yilan Detention Center through 1st August to 26th September 2013.....”*
- 6.17 *That letter proved that the application form dated 3rd September 2013 was not presented to the Passport section by Wonhong Kim since he was detained at the Yilan Detention Center in Taiwan. This means that it was impossible for the data entry clerk, Passport section, to have captured Wonhong Kim biometrics and photograph.*
- 6.18 *The application form appeared to have been written by the same individual who filled in the required declaration of recommender forms 3A and 3B. An investigation is required by the Police, to conduct a handwriting analysis to determine whether the same*

person filled out both forms, since to falsify another person's signature and identity is forgery, which is a prosecutable offense.

- 6.19 *We noted that Omar Phillips signed in the Official section on page 2 of the application form as Counter Clerk although he was not assigned the role of Counter Clerk, but Data Entry Clerk on 9th September, 2013(as seen in the unreferenced report dated October 04, 2013). The Counter Supervisor for same date was Carlos Amaya, while Mark Tench was the Print Operator and he delivered Passport P0246777 to Jose Cante. It was noted that Erwin Robinson performed two BPIS user roles with Wonhong Kim's (Kin) application...*
- 6.20 *Ms. Marin in her aforementioned unreferenced report at page paragraph 3 point 1 stated:
".... A review of this application form showed that Mr. Omar Phillips accepted the application on September 9th, 2013. Mr. Phillips was assigned as one of the two Data Capture Operators on that date; he was not assigned Counter Clerk and as such should not have accepted the application. He should have instead referred the applicant to one of the Passport staff assigned as Counter Clerk on that date....."*
- 6.21 *On page 6 of her aforementioned report, Ms. Marin stated:
"Additionally, the quality assurance step performed usually assigned to another staff member of the Belmopan Passport section, was done by Mr. Erwin Robinson, the same clerk who captured the data at the data entry step of the process. The officer, Ms. Tiffany Taylor who was assigned to the quality assurance desk at the time was in fact in office on the 9th September, 2013, but despite this Mr. Robinson was allowed to carry out this function. Inconsistency in the execution of duties by the assigned and responsible officer weakens the process and such open access by any one officer compromises the process."*
- 6.22 *Further examination of the BPIS processing of the Passport for Wonhong Kim (Kin), shown at Table B below, confirmed the users and approvers of Wonhong Kim's (Kin) Passport P0246777and also confirmed that two BPIS user roles were assigned to Erwin Robinson.*
- 6.23 *Since the steps to the BMRPAIS (section I to VIII) define the various BPIS roles as distinct and separate roles, Audit could not ascertain who authorized and gave access to Erwin Robinson to perform the roles of Data Entry Operator and Quality Control Operator at the same time, which violated the Machine Readable Passport Policy.*
- 6.24 *Moreover, the unreferenced report on Belize Passport issued to Wonhong Kim and an Internal Confidential Memo referenced*

GEN/2/01/14 (50) from the Director, Maria Marin directed to the CEO in the Ministry of Labour and Local Government dated 18th February 2014, stated that Tiffany Taylor was assigned as the Quality Control Operator on 9th September 2013 and not Erwin Robinson.

- 6. 25 In an interview with Mr. Erwin Robinson on 25th February, 2014, we asked him how he knew what tasks he would perform for a day and his response was:
"When I log on to the system instantly I can see the list of duties I can do for the day".*
- 6. 26 We noted that officers, some of whom no longer worked with the Immigration and Nationality Department, others still working there, but their tasks did not involved access to the system, still had active user roles on the system before deleted by, the Information Technology Manager, Mr. Rodolfo Bol on 22nd November, 2013. This is further explained at paragraph 22 below labelled "The IT Manager, Mr Bol failed to delete the status of the inactive officers from the BPIS although they no longer worked at the main office in Belmopan".*
- 6. 27 We noted that the status of the Passport P0246777 in the name of Wonhong Kim was still at "QA passed". This was the case for numerous Passports for which applicants or persons authorized had signed for on the application forms as having received the Passports, yet the system still had them at QA passed or QA override status, when those Passports should have been at the "Delivered" status.*
- 6. 28 We also noted an undated authority letter attached to the application form, allegedly signed by Wonhong Kim, which authorized Jose Cante to pick up his Passport. We compared the signature on the authority letter to the signatures on the Passport application form, the BPIS and his petition letter and all three did not match. The signature of Jose Cante appeared on the form as recipient of Passport number P0246777 but no date [received] was written on the form. Attached was also a copy of Jose Alberto Cante's Passport number P0108300 issued June 15, 2009. The issue date of Wonhong Kim's Passport P0246777 is recorded in the BPIS as September 9, 2013*
- 6. 29 It was noted that three officers involved in the processing of this Passport were suspended however the print officer, Mark Tench, who also confirmed the printing of the Passport and whose role it was to verify the data on the system (BMRPAIS 1-3), was not suspended. We could not ascertain why Officer Mark Tench was not suspended along with the other three officers who performed procedural roles*

in the approval to issuing stages of Wonhong Kim's (Kin) application and Passport.

Unauthorized payment by Wonhong Kim (Kin) of expedited Passport fees

6. 30 *We observed from other Passport applications examined, that the Director of Immigration and Nationality would approve the expediting of Passports on application forms with her signature, date and the words "okay to expedite" but in Wonhong Kim's (Kin) case, there was no indication on the application that the Director (signature) approved the expedite service. We saw the signature of Carlos Amaya as the officer authorizing the expediting of Wonhong Kim's (Kin) Passport application. We could not interview this officer as he is deceased.*

6. 31 *According to the Ms. Marin in her aforementioned unreferenced report:*

"The discrepancy here is that the approval to expedite the Passport application in question should have been done by Sharon Neal (Flowers) who was holding over as Acting Director (Ms. Maria Marin was on approved vacation leave from September 6 to 11, 2013). Instead the approval (to expedite the application) was done by Mr. Carlos Amaya, the Passport Counter Supervisor. When asked about it Ms. Neal did inform that she had delegated this responsibility to the then Counter Supervisor, Carlos Amaya; hence, the reason for his signature of approval of the expedited service (24 hours) and evidenced by Mr. Amaya's initial on the front page (page 1) of the Passport Application form".

6.32 *Two Hundred and Fifty Dollars (\$250.00) was paid via receipt 987400 on 9th September 2013, which was for the 24 hours service.*

Interview date was arranged with Honourable Elvin Penner on 17th March 2013

6.33 *On the 17th March, 2013, an interview was arranged between Audit and Honourable Elvin Penner via telephone in order to question him about the Passport and nationality certificate issued to Wonhong Kim (Kin).*

He agreed to said interview, but called back and informed that he would not be able to attend the interview again as he wanted to discuss the matter with his lawyer first. He explained that his lawyer was not in the country, but as soon as he returned, he would be glad to meet with Audit. Up to the time of writing this report we were not contacted by the Minister.

Aborted interview on 23rd June 2013 – Alfonso Cruz Jr – Justice of the Peace

- 6.34 *We visited the residence of Alfonso Cruz on 23rd June, 2013 and he agreed to talk with us, however, after a few questions he indicated that he had nothing to say.*

Passport P0246777 issued to Wonhong Kim picked up by Jose Cante

- 6.35 *We did an interview on 27th August, 2014 with Jose Cante, former driver of Minister Elvin Penner whose name appeared on the Passport application form as recipient of Passport P0246777 issued to Wonhong Kim. Jose Cante's name was also on the authorization letter allegedly sent by Wonhong Kim. Wonhong Kim's address was stated as Belize C.A, and the letter was addressed to Mrs. Sharon Neal Flowers, Immigration Office Belmopan.*

Interview with Jose Cante on 27th August 2014

- 6.36 *Mr. Cante said that on the 9th September, 2013 while on his way to Minister Penner's Office located on 6th Street in San Ignacio, he was met by a Korean man on Guadalupe Street. The man, whom he had never met before, told him to go to the Immigration Office saying, "Your boss said if you can pick up a Passport for me." We asked if he knew or saw the man before and also whether he asked him his name to which he responded no. We then asked him if he had asked the man any questions or confirm with Mr. Penner if he had sent the man to him, he said he did not usually question people who asked him to do errands for Minister Penner. He said that he went straight to Belmopan and was not given any written authority to take to the Office.*
- 6.37 *In Belmopan, he was met outside of the Immigration Office while still in his vehicle by a Creole man who asked him to sign on the Passport application form. He said he printed his name only and the signature on the form as recipient was not his. He was given an envelope but did not open it to see the Passport. (The Passport form showed that the Passport was delivered by Mark Tench who also signed on the Passport application form as Print Operator).*
- 6.38 *Mr. Cante said he did not realize that the person who requested the favor was following him all the way from San Ignacio. Somewhere near the end of Forest Drive as he was heading back to San Ignacio, the man signalled him to stop by blowing the horn of his vehicle. He came out of the vehicle and handed over the brown envelope. He did not receive any money for this errand.*

6.39 *We asked him how the Passport Section was able to get a copy of his Passport and he said that some time later he was visited by Alfonso Cruz JP, Minister Penner's Aide (he also recommended Wonhong Kim on Passport application form 3A). Mr. Cruz asked him for his Passport and said it was for him to get assistance from the government. On another occasion he was told by Alfonso Cruz that since he had signed the Passport form (Wonhong Kim's) he needed a copy of his Passport. He said when he was aware of what happened he asked Mr. Penner about it and was told, "Don't worry; it is nothing."*

The Committee's primary concern was to understand how the passport could have been issued to somebody who was not in the country and in particular how that person's picture would have ended up in the passport when he was not here to take that picture. Unfortunately, the Committee could not hear from two of the people central to the issue namely Ms. Sharon Neal (the Supervisor at the time) who, as we understood it, was not in the country and Mr. Carlos Amaya (the counter clerk at the time) who is deceased. Nonetheless, we pursued the matter with those persons who were still available. A summary of the evidence before the Committee is produced below.

The testimony of Omar Philips

Mr. Philips testified that he was the person working the front desk on the day on which the Wonhong Kim passport was processed. He stated that he received the application in person from Minister Elvin Penner and he had formed the impression that Minister Penner was actually attending to the transaction personally. Minister Penner was accompanied by a person in a suit at the time. He could not remember any details about the person. He said that he simply took the application signed the form as having been accepted and gave it back to the Minister. According to him the application was complete and the source document for the issuance of the passport was a nationality certificate.

The testimony of Erwin Robinson

According to Mr. Robinson, he remembered the day on which Wonhong Kim's passport was processed very well. He acknowledged that he was the data capture operator at the time with responsibility for processing the images of applicants, their fingerprints and signatures into the system. His testimony was that he captured the image, fingerprints and signature of a "Chinese man" in a suit on the day in question. According to Robinson his memory of the day remained vivid because the scandal broke not long after. It was also easy for him to recollect the events of that day even at

the time of the hearings because he was a point of focus in the subsequent investigation. Robinson could offer no valid explanation for how Wonhong Kim's image got on the passport. In his view, there was no way for an image to be scanned into the system or for an image of a picture to be captured into the system instead of a person. Mr. Robinson acknowledged that the entire episode did not reflect well on him and he understood why the finger was pointed at him as being involved. He told the Committee that he had been "set up" and that it was rather unfortunate that he was the one working as the data capture operator on that day. He also confirmed that the man in the suit was in the Company of Elvin Penner at the Immigration Department on that day.

The testimony of Mark Tench

Mr. Tench was the print operator on the September 9, 2013 (the day on which the Kim passport was printed). **It would seem that Tench has a knack for being in the wrong place at the wrong time since he was also present at the Western Border on the day that the missing visas were discovered.** According to him, his assignment as print operator was penal in nature since it came on the heels of the missing visa issue. He said that the day in question was a busy day and he was asked to help the counter clerk (Carlos Amaya) by handing out passports. He said that he was given about 5 passports to hand out. He also recalled that he gave Mr. Cante a passport for which Cante possessed an authorization letter to retrieve the same. We pause here to note the ineffectiveness of the authorization letter. According to Tench's testimony the letter did not have to be signed in the presence of a Justice of the Peace and the person issuing the authorization did not have to send a copy of his/her identification either. It was pointless to have a requirement for a letter when it was quite easy for anyone to sign randomly purporting to be the applicant for the passport with no way of verifying. In any event, Mr. Tench proceeded to describe the process in the passport office.

The initial stage, he said, is at the counter clerk where the initial interaction with the applicant took place. Next the applicant's data is captured and the application proceeds electronically to await the approval of the Supervisor who is a Senior Immigration Officer. Once the Supervisor approves the print operator would then be able to verify the information from the application once more and print the passport. If the Supervisor does not approve it would be impossible for the print operator to proceed with printing because an electronic command is required within the system to move to the print stage.

See the verbatim from Tench's appearance below:

MR. M. TENCH: *I cannot do anything with it if it has not been approved through the computer.*

SENATOR E. COURTENAY: *If somebody gives you a file with ten forms and one in there is not legitimately approved, how would you know?*

MR. M. TENCH: *If I click on your name, it would say that it's still with the...*

SENATOR E. COURTENAY: *Right, so that's what I was asking you. It's electronically, you get the approval.*

MR. M. TENCH: *Yes electronically, I can't do anything without that.*

MR. CHAIRMAN: *So do you get to, when you say you, do you get to verify any information?*

MR. M. TENCH: *All we verify as the Printer is that the names would match with the birth paper or the nationality certificate, make sure that how the names are spelt correct, make sure that the age, the place of birth, things like those are correct because those are the things that people would query later on. It's just like a slight quality control when you do it. That's about it but we don't have anything access to anything else.*

MR. CHAIRMAN: *So you can't see if there is an issue with ...*

MR. M. TENCH: *We are in a little thing we call the vault. It's a separate room far away. We have no contact with nobody, all I have is forms, blank passports.*

MR. CHAIRMAN: *Okay, now I understand what a Print Operator does now; but does a Print Operator give passport to the public, handout passports?*

MR. M. TENCH: *Remember that we assist, whenever we are not busy we assist with any other duties that the Officer-in-Charge chose to give you. So when they tell you to assist with issuance of passport and we're short of staff it was only like five or six people there; and if she give me that instruction then I have to assist*

MR. CHAIRMAN: *So it would have on the form that you were the person who delivered passport.*

MR. M. TENCH: *Yes delivered, just delivered. I would just write my name on the delivery part and the person who comes and pick it up I would have them sign the part that says they are the receiver."*

As mentioned previously, the Committee was very concerned about the image in the passport and how it got there. We note the following extract from the Passport Section of the Report at page 3:

“The Data Capture Operator (DCO) did not always take a live facial image (photo) of applicants

Criteria

Memo PPI/6/01/06 (2) dated 17th March 2006 from the then Director, Jose Carmen Zetina, to Officers in Charge, Passport Offices/ Stations entitled Procedures for the processing of Passports, which includes the procedure for the taking of a photograph as follows:

Photos must be taken from the shoulder up (collarbone) and both ears must be visible. Children photos must be as close as possible to the required image... (Please refer to manual)

Section 6 subsection 4 of the Passport Regulations SI 16 of 2013 and Section IV of the BMRPAIP requires:

The Director of Immigration and Nationality Services or an immigration officer authorized for this purpose shall take –

(a) The photograph of an applicant or the photograph of the child, when the application is in respect of a child; and

(b) The digital record of the applicant’s finger print,

(c) for the purpose of identification.

Page 2 of Schedule 1 Belize Passport Application under the section labeled “What to do with the completed form” instruct applicants as follows:

“The completed form with all necessary documents and fee must be presented personally at the Immigration and Nationality Headquarters”

Section IV subsection 3 of the BMRPAID further stipulates that

....., the applicant’s facial image (photo fingerprints and signature are captured, the DCO inputs the data from the form and saves unto the MRPS as data entry completed”

5. We observed many instances on the BPIS of applicants who appeared to have not presented themselves to a Passport Office or Foreign Mission to have their photograph taken. The BPIS photograph appeared to be pictures of picture and not as a picture of an individual sitting before a camera. In those cases, they could not have had their signatures placed in the new Passports and had their fingerprints captured (Biometric identity). We also found the BPIS program to be flawed as it does not do biometric comparisons of fingerprint and facial features of applicants.

5.2 In an interview held with Rodolfo Bol, the Information Technology Manager on 31st October, 2013 we asked him if a picture of a person can be scanned into the 3M system and he responded: "Yes a picture can be scanned into the system".

5.3 In addition, he said:

"The system cannot detect if it is a live person or a photograph that is placed in front of the camera to be photographed. The department did a test with the photograph of the Acting Director of Immigration, Miss Marin and they found out that the system did not detect that it was a photograph and not a live person that the picture was taken of".

5.4 We found that the BPIS was breached when, Passports P0246777, P0245775, P0245366, P0245554, P0245553, P0228344, P0220240, P0223261, P0225450 and P0196317 among others were issued. See Appendix A. This apparent breach was accomplished when pictures of pictures were inserted into the BPIS. This is achievable if individuals with different levels of access collude in order to breach the BPIS."

The Committee also interviewed Mr. Rodolfo Bol, the IT Manager, in hope of getting an answer to the troubling issue of the image in the passport.

Rodolfo Bol

SENATOR LIZARRAGA: In the case, in this particular case, we now know that the person was not present and that in fact a photo of a photo was entered into the system. How is this possible if Mr. Robinson should have taken the picture of the citizen Kim?

MR. R. BOL: I don't know how it is possible but the system will require to take a picture.

SENATOR LIZARRAGA: No, no, I'm asking you from a technical. You said to take a picture, did he just take a picture, what did he do? How could he do it?

MR. R. BOL: Well the system, when you open the system, you only have two options, camera on and capture and save; basically that's what they have.

SENATOR LIZARRAGA: So how could he take a picture of this person, he hang it in front? That's what he would have to do; you can't scan it in in other words?

MR. R. BOL: *There is no option for scan in the system.*

SENATOR E. COURTENAY: *Is there an option for copy?*

MR. R. BOL: *There's no copy, there's nothing.*

MR. CHAIRMAN: *That's something that fascinates me as well, the same way with you. Pardon?*

MR. R. BOL: *There's a statement there that says that.*

SENATOR DR. C. BARNETT: *Mr. Bol the Auditor General quotes you.*

MR. R. BOL: *Yeah, they quote me.*

SENATOR DR. C. BARNETT: *That yes a picture can be scanned into the system. So you didn't say that?*

MR. R. BOL: *I did not say that.*

MR. CHAIRMAN: *That's the other things that's why.*

MR. R. BOL: *If you look at the system, I can guide you through the system, actually show you there, when you open the passport system, they don't have access to nothing. They don't have access to word, they don't have access to excel, there's nothing on the system.*

SENATOR A. ROCKE: *It's a network.*

MR. R. BOL: *There's nothing.*

MR. CHAIRMAN: *I'd want to, we'd want to see; I think we'd want to see that; but I just want to get this clear because I think all of us are eager to clarify this because the Auditor General said that you said that you could scan an image into the system. Is that absolutely impossible?*

MR. R. BOL: *Absolutely impossible not to scan.*

MR. CHAIRMAN: *There is no way that you can manipulate the system, you can plug in a wire somewhere; there's no way you can do that?*

MR. R. BOL: *No. There is a scanner connect to it and that's for the sole purpose of scanning the signature and that only becomes activated when you reach at the window for scanning a signature. When you are at the window for capture a photo, there is no option for scan, no option to turn on the scanner, there's nothing like that.*

MR. CHAIRMAN: *As the IT Manager, I want your professional opinion. How could the picture of somebody purporting to be Wang Hung Kim or an old picture of Wang Hung Kim, how could that have been entered into the system to create a passport for him? I'm not asking you to guess because you're an expert. You work with the system, I want your opinion. I want you to tell me, I want you to think because it was done. It's not if it could be done, it was done. Either that or the passport was manipulated afterwards, I don't know but apparently a passport came out of the system with Wang Hung Kim's image on it?*

MR. R. BOL: *Also on the port because I did mention this to the Auditor team.*

SENATOR LIZARRAGA: *To who?*

MR. CHAIRMAN: *The audit team.*

MR. R. BOL: *The auditing team, we mentioned this to them, we, Ms. Marin, Minister Hulse and myself we did a test, I believe it's here mentioned and we tried to do a picture of a picture per se and we did the test with Ms. Marin present and Mr. Hulse and actually it's on the system. We played with it and we came up with something and we were able to save an application like that. How they actually did it, I don't know but Ms. Marin and Mr. Hulse and myself we tried, like I said.*

MR. CHAIRMAN: *Did it work?*

MR. R. BOL: *Yeah, we manage to capture something very dark, how to say, very, not the best picture but we did try to and it' son the report because I did mention this to the Auditor General about this. ...*

MR. CHAIRMAN: *But I didn't get an answer to my question. I want to know, in your opinion, the Wang Hung Kim passport, the image on that passport, how is it that that could have happened or is it your view or do you feel that the passport was manipulated afterwards to insert; well, the question is this: In your professional, in your opinion, how is it that the picture, the image of some person who was never present in Belize, never present in the passport office, was in detention, how could that, an image of him get on to a passport?*

MR. R. BOL: *I won't be able to answer you on that.*

MR. CHAIRMAN: *You don't have an opinion?*

MR. R. BOL: *Just to what we did with Minister Hulse and Ms. Marin, that we actually tried to do that, picture of a picture and we did something, it's on the system, we can show you what was the result of it and beyond that.*

MR. CHAIRMAN: *And it worked?*

MR. R. BOL: *Well we didn't go ahead through the whole process, we just do the data entry part of it and the picture is there for you all to see. I mentioned this to the Auditor General. I think it is mentioned here in the report about it."*

On the other hand, we heard differently from Mrs. Therese Chavarria who was once the Officer in Charge of the Passport Office in Belmopan and Belize City.

Therese Chavarria

MR. CHAIRMAN: *Okay. I would like to move on to something else. I don't know if you followed or heard any of the testimony previously, but we had Mr. Bol who was the IT Manager/Administrator, and we were concerned about how, well, still are concerned about how a person's image such as in the Wong Hong Kim's Passport could appear in the system when it is obvious that he was not here. And we are, well, I am in a situation where I'm not sure whether, in my mind, whether a person actually came and posed as Mr. Kim, or whether there was, for me, there seems to be evidence that it really was a photograph of another photograph. But the impression that we were given is that this is not possible. Subsequent to that, I have received information that, in fact, this was done before where a picture of a picture was taken but for legitimate purposes. Are you aware of any situation?*

MRS. T. CHAVARRIA: *Yes.*

MR. CHAIRMAN: *That a picture of a picture was taken?*

MRS. T. CHAVARRIA: *Yes.*

MR. CHAIRMAN: *Are you aware that this was done in a legitimate instance?*

MRS. T. CHAVARRIA: *Yes, I'm aware.*

MR. CHAIRMAN: *Do you recall the instance?*

MRS. T. CHAVARRIA: *Yes, I recall. I did at least two or three passports in this manner.*

MR. CHAIRMAN: *Okay.*

MRS. T. CHAVARRIA: *And I did it in good faith. I could recall one Mr. Robinson. I guess some of us here can recall Mr. Robinson was the gentleman in Orange Walk that was burnt. I think he had about 95% or 96% of the body burnt. And it was a life-and-death situation. He had to be flown out of the country like the following day when the family came to my office. That was in Belize City. Mr. Robinson could not move from the hospital bed, and Mr. Robinson needed to go. The family came to see me, and they expressed their concern, and I said, okay, I have to go and see Mr. Robinson. I visited the hospital. I saw Mr. Robinson, and I ask the wife if she can provide me with a photograph, and I tried. Of course, you know we are appraised. A public officer is appraised twice for the year, midyear and end of the year. We are appraised on productivity, dependability and initiatives. And I thought that I must use my initiative. This is a life- and-death situation. And I asked the wife to provide me with a photograph. If she can provide me with a photograph this size, I will try it. And I tried, and it worked.*

MR. CHAIRMAN: *When you said you tried, do you mean you literally did it or you asked other people in the department to assist?*

MRS. T. CHAVARRIA: *I cannot do it because I am only assigned to approve. I can only approve.*

MR. CHAIRMAN: *Right. I figure. So I wanted to clarify that.*

MRS. T. CHAVARRIA: *So I asked the clerk at that time that was responsible for doing the data if we can try this, and we tried it, and it worked.*

MR. CHAIRMAN: *When you said the clerk who was responsible to do the data, do you mean the data capture?*

MRS. T. CHAVARRIA: *Yes, the data. That's the data and the photograph.*

MR. CHAIRMAN: *Right. Okay.*

MRS. T. CHAVARRIA: *And I did it, and it worked. So I called. Mr. Murillo was the Director at the time. I called Mr. Murillo, and I explained to him. I told him about the situation that it's a life- and-death situation and this man needed to travel the following day, and I told him that I tried and it worked. So he said, "Go ahead"....*

MR. CHAIRMAN: *Okay. Did you have any significant or did the person report to you any significant issues getting the image to an appropriate standard for it to be processed?*

MRS. T. CHAVARRIA: Well, the image, yes, the image was kind of dark, but it was usable. Mr. Robinson was able to fly the next day, and I also had a situation with a baby, Baby Wade, which was, I think that child was born with a heart disorder, and it was, again, a life-and-death situation. The child had to go out like immediately, and I tried the same thing, and it worked. I got permission from Mr. Murillo, and we were able to do a passport for the child. We saved lives.

MR. CHAIRMAN: Well, I'm sure that we are not here to question whether what you did, in this instance, was either a breach of the protocol or whatever. I mean it's a life-and-death situation. So I can say that we understand that situation. What we are trying to determine is whether it is possible, and you have assisted us significantly with that, whether it is possible to input a picture of an image of somebody....

SENATOR E. COURTENAY: Ms. Chavarria, this is intriguing. What I want to know is physically how it is done?

MRS. T. CHAVARRIA: You want to know physically?

SENATOR E. COURTENAY: Yes.

MRS. T. CHAVARRIA: Okay. Okay, I asked the family of the patient to do a photograph. But normally when you get a photograph for a passport it would be maybe a 2 x 2. A 2 x 2 would not work. So I thought about a photograph more or less this size. So I told the family member, "Try and get a photograph this size".

MR. CHAIRMAN: The size of an 8.5 x 11.

MRS. T. CHAVARRIA: Exactly, a letter size paper. Do you want me to go on?

MR. CHAIRMAN: Yes, please.

MRS. T. CHAVARRIA: Okay, and what I did because normally the person would sit on...

MR. CHAIRMAN: Just a minute we need to be able to record. The Clerk will assist us with that.

MRS. T. CHAVARRIA: Okay, normally the person would sit. We have a seat provided where the camera is. So I said, "Okay, I need to do something similar." I took that photograph, and I used a piece of paper, and we taped it here. That's normally where the person would sit, and I asked the officer to try and take a photo, and that's what basically was done.

MR. CHAIRMAN: So you were there when it was done?

MRS. T. CHAVARRIA: Yes.

MR. CHAIRMAN: Okay. Did it take a long time to do?

MRS. T. CHAVARRIA: No.

MR. CHAIRMAN: Five minutes, ten minutes?

MRS. T. CHAVARRIA: Five minutes.

MR. CHAIRMAN: Okay. You see I'm trying to determine what opportunity, if this was done with the passport in question, the Kim's passport, what opportunity they would have had to do this. So you said it's something that can be done in five minutes?

SENATOR E. COURTENAY: And the issue would be making sure that the camera when it's taking the picture it goes within the space, yes?

MRS. T. CHAVARRIA: Right, because it's only from shoulder up.

SENATOR E. COURTENAY: Right, and then what about the quality?

MRS. T. CHAVARRIA: That is what I mentioned. The quality was not the quality that we expect, but like I said we needed to get these patients out.

SENATOR E. COURTENAY: Right.

MRS. T. CHAVARRIA: So we accepted, it was visible, we could recognize the person, we saw the picture, and we accepted, and it went through."

Naturally, armed with this new information, the Committee recalled Mr. Bol to put the evidence to him. He simply expressed that he was not aware that this was even possible.

In conclusion, the Committee is not able to say with any certainty how Wonhong Kim obtained his passport. We can say that it was possible to capture the image of a picture into the system. We are certain of this from Mrs. Chavarria's evidence. We are also certain that this was known within the Department as Mrs. Chavarria indicated that it was never a secret. **The evidence gathered before the Committee is very condemning of former Minister Elvin Penner.** The evidence before us disclosed that he was one of the referees for Kim's passport. Two of the persons working in the Department on that day have testified that the person who came to the Department (purportedly as the applicant) was in the Company of Minister Penner. Further, the testimony describes Penner as having a level of personal carriage of the passport application. Additionally, the evidence

before the Committee was that the new passport was delivered to Mr. Cante who was Minister Penner's driver at the time.

As discussed above (in the Nationality portion of this Report) Minister Penner was very uncooperative with the Committee and took the position that he would not answer questions related to Wonhong Kim since he was acquitted of charges connected to (1) Making a statement which he knew to be false in material, particularly contrary to the Belize Nationality Act and; (2) Vouching the fitness of an applicant to receive a Belizean Passport contrary to the Passports Act. As we have said before, it is our view that the relevant authorities vested with prosecutorial power should give serious consideration to the matters discussed in this Report. What we can also say with some certainty is that one or more persons within the Department were active participants in fraud to issue the passport to Wonhong Kim. Minister Penner was taken before the Court to answer to the statements he made in support of the nationality application and passport but, to date, **nobody has been taken to Court to answer for the issuance of the passport itself.** This is indeed regrettable.

2. The Passport System

Another issue that created some concern on the part of the Committee related to the age and functionality of the electronic passport system. The Auditor General made an issue of the fact that some 55,579 passports were approved without biometric checks. The fact that the biometric check was not conducted did not invalidate the passports. However, the purpose of the function was as follows: each time a picture was taken into the system a template was created to match with all other templates within the system in order to make a determination whether the person in the picture matched up biometrically to another individual in the system. This was done through an electronic system of comparison of body measurements and calculations. The evidence before the Committee is that the system was installed in 2005 with an initial licence for 80,000 templates. Sometime in 2008 those were consumed and the Department obtained a licence for another 160,000. Later on in 2011 the licenced checks were again exhausted. At this time there was a problem because the supplier of the system was not able to source from its biometrics supplier. The answer proposed at that time was to build a new separate biometric solution to interface with the system. However, this would carry a significant financial investment into an aging system. As such the biometric solution is no longer available and passports have to be issued without the check.

It became obvious to the Committee that the passport system itself is a source of the problem. Ms. Maria Marin candidly stated that the system needs to be replaced. It was revealed in evidence before us that as early as 2014 under the tenure of Ms. Marin a proposal was formulated which included an assessment of the passport system. This exercise, we understand, went into some detail as to the weaknesses of the system and the costs of replacement. At some point there was consultation with the International Organization for Migration (IOM) and

the US Government through the US Embassy in Belmopan. A passport expert was even brought in as part of the process. This means that a significant volume of ground work was already done by the Department and it should be available even today. The issue is always and will continue to be for the foreseeable future with the resource allocation as with any developing country. It is time, however, for us to give the highest consideration to these matters. **The security and reliability of our passport system is a matter of national priority.**

3. Other issues with passports

The Auditor General devoted a significant portion of her Passport Report to highlighting gross irregularities discovered in the passport files. It would serve no purpose to highlight them again at this stage except to lengthen this report unnecessarily. Those details can be gathered from the Auditor General's passport report for those who are interested in them. We note however that many of the issues emanated from questionable nationality certificates. In order to highlight the nature of issues we will look at the passport of Nina Sha.

The passport application was submitted on November 22, 2012 and accepted by Erwin Robinson despite the fact that Section 4 of the application form was not filled out. Astonishingly, the Auditor General found that the application form was not signed by the applicant. The passport was printed on the same day that the application was made, even though the applicant did not pay for expedited service. The source document for the passport application was found to be a fraudulent replacement nationality certificate. The original nationality certificate was signed by Minister Maxwell Samuels in 2002. The certificate was purportedly replaced in 2009 but a check of the register of citizens by registration revealed that the original certificate number belonged to a person by the name of Jamil Chinapen. The original name was covered with "liquid paper" and replaced with the name Nina Sha. Apart from this the Auditor General noted that the copies of Sha's passport which accompanied her application were barely visible. Mr. Erwin Robinson signed acknowledging that he had compared the copies to the original passport as well. It is noteworthy too that Sha's application was accompanied by a letter from the Social Security Board (SSB) indicating that Sha was registered as an insured person but her social security card would not be ready until November 13, 2012. A check by the Auditor General revealed that the signatory of SSB's letter did not exist as an employee of the SSB and also that the social security number utilized actually belonged to another Chinese citizen by registration issued in 2006. The Auditor General suspected as well that the picture in Nina Sha's passport was not genuine but a picture taken of a picture instead.

Of everything revealed in the Auditor General's Report the following is one of the most alarming. The Auditor General stated that she received information that Nina Sha had gone into the Belizean Consulate in Singapore to request a verification of her and her son's passports. According to the Auditor General the Belizean Consul in Singapore, Mr. Allen Walters, confirmed that Nina Sha

indicated that when she applied for her nationality she was under the impression that she was doing so under an economic citizenship programme through an agent in Dalian China in 2012. She also confirmed that she had never visited Belize or any passport office to have her photo taken. To the Committee this is very alarming because it suggests that we were not dealing with a small time operation but perhaps with an organized web of fraudsters inside and outside of the Immigration Department. We cannot say whether the situation persists today but certainly there is a further need for serious scrutiny by skilled investigators. To the Committee this confirms that some person or persons inside the Immigration Department had honed the skill of inserting images of persons into the passport system. The obvious concern is that this is the same system that we rely on today.

D. The Way Forward

The report and the evidence which unfolded at the public hearings painted an unflattering portrait of the Immigration Department at the time of the audit. This portrait is something that all Belizeans should be concerned about. Perhaps most troubling is the fact that the audit did not cover the entire two year period (approximately 25% of each period reviewed) in full but contained extracts throughout that time. The evidence displayed a significant breakdown across the system with serious failures in the issuance of visas, nationality, and passports. Such a situation could have grave consequences for Belize locally and internationally. We need, as a matter of priority, to insulate our patrimony from fraudsters and restore confidence in the reliability of the Belizean passport. It is obvious that this breakdown did not occur overnight. It is our considered view that the picture presented was undoubtedly the result of years of entrenched exploitation of vulnerable and outdated systems and processes. Of course, our reality as developing nation and the scarcity of funds even for our most pressing needs should not be disregarded. The Committee is compelled to say that the product of this Committee's work should not be used merely as fodder for the seemingly limitless political blame game. To do so is simply to ignore the fact that, although the period of the audit was from 2011 to 2013, there is abundant evidence in the material presented by the Auditor General which point specifically and convincingly to a breakdown of systems which occurred across administrations. We must now focus on repairing the weaknesses that have been identified. The task of doing so is not an easy one and we certainly do not pretend to have the answers. Admittedly, as we have said earlier in this report, some steps have been taken to address some of the issues uncovered and we must commend these efforts. Still, any objective observer would conclude that much more has to be done. In the paragraphs that follow we will seek to make recommendations for broad areas of focus which, in our view, would start the process of rehabilitation of our immigration services.

1. A comprehensive approach to legislation

Although the legislative responses in the wake of the scandals in the Department are deserving of commendation; it is our view that the time has come for a comprehensive approach to the legislation. By this we mean that consideration should be given to the creation and passage of new immigration and passports

legislation with attendant regulations. New legislation should focus on the following:

1. Reconsidering and reformulating the penalties for persons convicted of violating the provisions of the Act and Regulations.
2. Simplifying the process for the issuance of visas, nationality certificates and passports. This should not be misconstrued as a suggestion for the relaxation of criteria for obtaining Belizean nationality or Belizean visas. What we mean here is that the actual process should be made as user friendly as possible. We did not embark on a scientific sampling but our personal experiences and interaction in our community informs our view that the process of getting a passport, for example, is one of the more unpleasant experiences with the government service that one will ever have. We understand that very recently steps have been taken to simplify the process by eliminating some of the unnecessary requirements. The more cumbersome and tedious we make the process the more opportunity we create for enterprising middlemen, fraudsters and the like. There is absolutely no reason for a Chinese visitor to require an “agent” to get a visa for him. The process should be very simple, transparent and predictable requiring nothing more than an application form, supporting documents, payment of a fee and an internet connection.
3. Restructuring of the Department with a view to creating accountability. It is telling that we are operating the Department at this point in 2020 with the same structure that serviced a much smaller and uncomplicated populace in the 1980s. We in the Committee certainly do not have all the answers therefore we cannot make specific suggestions as to how the Department should be structured. We prefer to leave this up to those with the appropriate capacity. What we can say however; is that, based on what has been before us, we are convinced that the current structure of the Department leaves it vulnerable for continued problems.

2. Formulation and implementation of a Migration Policy

Migration is a necessary component of any developing country. The benefits of migration economically, socially and in other facets of our communities are well documented. On the other hand, unplanned and unchecked migration can have deleterious effects especially on small countries with limited resources like Belize. It quickly became obvious to the Committee that we as a country have not

had an orderly and considered approach to the issues of migration. This, in our view, is a serious problem that should not be allowed to persist. We were made to understand that a migration policy was in the conception stage by relevant stakeholders, but, we are not aware as of the date of this Report that one has been finalized and implemented.

3. Addressing the Guatemala issue

We have discussed this issue earlier but it bears repeating here. Special attention should be given to the question of renunciation of Guatemalan citizenship by applicants for Belizean Nationality.

4. Revocation of Nationality illegally obtained

We are satisfied that the Auditor General found numerous instances where our nationality was obtained illegally. **All the evidence before us points to the attractive assumption that the findings of Auditor General only represent the proverbial “tip of the iceberg”.** We should not delude ourselves into thinking that 2011-2013 was a unique phase in the history of the Department. We urge the Department to formulate an exercise with the specific responsibility of embarking upon a retroactive examination of nationality files with a view to identifying irregularities that point to the obtaining of nationality through fraud, false representation, concealment or any other material circumstance. The scope and implementation of such an exercise should be a matter for the Executive to determine.

Section 21(1)(c) of the Belizean Nationality Act reads as follows:

21.-(1) Where the Minister is satisfied that a person who is a citizen of Belize by registration-

(c) was registered as a citizen of Belize by means of fraud, false representation, or the concealment of material circumstances or by mistake;

...the Minister may by Order declare that such person shall cease to be such a citizen and thereupon the person in respect of whom the Order is made shall cease to be a citizen of Belize by registration:

As a start, and even before embarking on any exercise as suggested; we urge the Minister of Immigration to consider the contents of the Auditor General’s Report with a view to making a determination, upon a review of the relevant files, whether the information is satisfactory enough for him to declare any of those persons as ceasing to be citizens of Belize. Where the Minister makes such an order; steps should be taken proactively to notify relevant authorities of the

invalidity of any passports held by such affected persons. The Department itself should formulate a list in order to ensure that no passports are renewed on the basis of such purported nationality. Keen attention should be placed on persons coming to renew any passports on the basis of invalid certificates

5. Prosecutions

We feel that it is a common misconception that the role of the Committee was to identify and champion the prosecution of persons who have already been tried and convicted in the Court of public opinion. We have never seen our role in this fashion. In our view, there was and still is sufficient material available for consideration. Prosecutions of culpable persons could have taken place early in the wake of the report. We urge, those vested with the authority once more to consider the report of the Auditor General along with the sworn testimony given before the Committee for a determination if any prosecutions can emanate from this process.

6. Electronic Solutions

We need to consider seriously electronic solutions which should include, as a starting point, databases for the management of information for visas, permanent residence and nationality. The Department was exploited to a large extent because we have been relying on 1960s “technology” such as ledgers, files, registers and the like. Solutions are available which would serve to close significantly any avenues which exist today for abuse of the system. For example, an electronic system that simply cross references the information of applicants as to dates of entry into the country, dates for the granting of visas, dates for the granting of permanent residence would go a long way. Applicants should be identified through biometrics such as fingerprints stored in an electronically searchable database for future reference when services are sought for renewal of passports. This could totally eliminate any need for the system of referees that has consistently been exploited. We are cognizant of the fact that such systems come at considerable cost but we are confident that, if we lend some priority to this area of our national development we would be able to attract international funding or assistance if we are unable to foot the bill ourselves. As such, we suggest that the Department places considerable emphasis upon a consideration of available options.

7. Replacing the Passport System

This is related to item 6 above but we thought that it required special mention. We understand that the electronically readable passports were first issued from the new passport system in 2005. It goes without saying that this is a considerable amount of time for any electronic system to remain in service. The Department is encouraged to focus its efforts on procuring a new system if this is not already in the making.

8. The Culture of Corruption

We have said before that the Committee will not make any comments which would tend to disparage the Immigration Department on whole. This would be unfair to the good people of the Department. However, we would not have been true to our terms of reference if we were to simply ignore some of the statements made in relation to an overall culture in the Immigration Department. The Prime Minister was receiving monthly reports as to the number of “interventions” by ministers. Ministers were reminded “every other cabinet meeting cabinet “for God sake stop it”, so that the Cabinet knew of the culture of corruption from the very top to the very bottom that prevailed.

The most damning testimony came from Ms. Teresita Castellanos, former Finance Officer, who pulled no punches in calling out immigration officers. She aid as follows:

*“We became infamous with scandals but even so the support was just not there. Yes the culture was there, is there, it still is but there are persons who are trying to pretend they don’t know what culture exist at the Department. I may not have another opportunity to say what I have to say to the Belizean people. Some may even ask me what give me the right to talk but today I do. I was in the belly of the beast. I was at the Immigration Department for three years and I am among those named in the Auditor General Report. This gives me the right to say the following: The Immigration Department has an entrenched culture of corruption and hustling. **Milking the cow we say from the very top to the very bottom of the ladder.** No politician can force a public officer to do illegal acts when performing our jobs and if we do we should face the same consequence. We should face the same consequence as the politicians, if necessary, if it comes to that for the Belizean people are demanding justice.*

*There are a few good, honest and dedicated Immigration Officers but there was not enough, enough trusted staff to oversee the daily operations of the sections and at the District Offices and border stations. **The call for help was not answered and this enquiry is the result.** The resistance to follow instructions given by the Head of Department and to adhere to the Government Regulation was frustrating. The culture by the Immigration Officers of treating civilian public officers as a Director or as the Finance Officer or Admin Officer, we are considered as intruders in the Department; of*

*how dare we to come, example, how dare the F.O. comes to check our offices to check our visa application files, how dare, how dare them. The culture of Immigration Officers working against the civilians or any officer at the Department who was doing the right thing. **Immigration Officers, they are a fraternity. The mentality of touch one touch all.** I would like to go further and state that the resistance by some Officers was beyond my comprehension; resistance in adhering to Regulations, to doing the right thing. **At one point, some of us were fearful for the life of the Acting Director Maria Marin. Why? Because she was doing her job, because she was strict, because she was putting things in place for the hustling to stop.** This is just a part of the story regarding the Immigration Department. The corruption behind closed doors. The intricacies, the lies and the attempt to cover up wrong doings. A Department, as far as I can call it, of ill repute. It is all sad. I will be hated for this but I am under oath today and the truth must be told. This was given to me last night. I got this inspiration, God please let me do it. Tell me to, guide me, do it, say it or do not say and I had the privilege of saying it today.*

This was indeed a significant speech delivered with passion. It should not go unnoticed. Neither should the contributions of other witnesses on this topic:

Maria Marin

“the culture was a different culture that had been engrained in the department at the time. We were basically trying to fix that culture, change that culture. It is not easy and we had our, what I like to call my Core Management Team, who were the Finance Officer, the Admin Officer and the I.T Manger visiting the different station offices. We have reports, like I mentioned, of the offices that they visited as early as, I think it was March, April, August of 2013, as early as then. We had quarterly OICs or Port Commanders meeting where we consistently reminded OICs Officers of what we were seeing and we were not seeing. There are Memos that were sent out to remind them of what was agreed or what the policy was that had been implemented or for implementation in cases where they were not adhering...

***MR. CHAIRMAN:** At the last session you mentioned that your desire when you came in as the Acting Director was to change the culture that existed in the Department. Can you say because I don't think we have asked for you to expound on what you perceived as the culture when you came in. You said we wanted to change the culture. I asked who those persons were, and you said you had a core team. But I want you to address what you perceived as the culture at the time when you came to lead the department?*

***MS. M. MARIN (Former Director Immigration Department):** When I came on board, as the Deputy Director I was aware of cases where we would have people coming in to the Department like what we refer to as agents; they would come in and bring in applications forms. We would have cases where, as the Deputy Director holding over for the then Director when they went on leave or were out of office for some reason, I experienced that there were requests that were coming for applications to be approved without having all*

the necessary requirements or supporting documents in some instances. There were situations where I was able to see that there were officers who were being approached by Ministers, for what reason I don't know, but they went to them to take paper and to accept papers, documents, I guess, for applications."

Happily, the current Director of Immigration presented a more optimistic view of the Department.

Diana Locke

"SENATOR M. LIZARRAGA: *Okay. Alright, thank you. I have one more question. We have heard quite a bit about this culture of corruption that existed in this department. Was this your experience when you came to the department, Director? Did you encounter a culture of corruption?*

MS. D. LOCKE: *Before I came to the department the department was under scrutiny. I interacted with the department from 2013, from October of 2013, until I became the Director. I was there frequently, sometimes on a daily basis, sometimes twice a week, because I was that liaison between the Ministry of Foreign Affairs and Immigration Department. So I had the opportunity to work and interact with the staff in the Passport Section, and I had the opportunity to interact with the staff in the Nationality Section. I was aware of some things that I found to be concerning, and that obviously found their way into that book, and, because of that, in my interaction with the department I looked very closely at those things, and in all of the procedures that we did with the Ministry of Foreign Affairs and the department because of those experiences that I have.*

I can't say that when I got there I saw that culture of corruption that they refer to. If it existed, I think that we would never be able to erase corruption out of every faucet of our life. I do believe that things are happening at the gate, outside of the gate. I've gotten complaints. I am not aware that any staff member or anybody has complained that they have physically paid any staff member, particularly in Belmopan, to do anything. I've never gotten such a complaint. I've had complaints about the Western Border. It's something that I'm looking into. Unfortunately, people give you a part of the information, and for obvious reasons they don't want to give you more.

Recently I had a complaint from a person who came to the department to seek services, and he said that he was told that they can check with someone inside to see if they could have been facilitated before midday. That individual luckily opted not to make that payment or not to do anything to take that offer, and what he did was he left the department, and he emailed me. I have since passed that email on to the Ministry, where that particular officer falls under the jurisdiction of the Ministry, asking them to look into this matter, and it's something that we are following up on. But you hear

complaints, you hear people saying, "We are paying to get to the top of the line, or I'm paying to get a number." I have never heard them say that they've paid an Immigration staff, but we've heard things about security. We've heard things about taxi drivers. Our staff has encountered the issues with the taxi drivers. Our numbers are being sold. These are all issues.

So, as a result of that, what we are doing is we are working with the CITO office for government to look at an online system and an appointment system because, if we can remove that human element from that, that process, we think that we can serve the public better."

Given the nature of what we have seen from the Auditor General's Report and the testimony before the Committee we are left with no doubt that there were corrupt forces operating within and around the immigration department. It is undeniable that the Department was in serious need of attention. There is evidence that this situation was allowed or perhaps encouraged to fester under the period of stewardship of Minister Elvin Penner. The Committee wishes to express the opinion that we viewed both Ms. Maria Marin and Mrs. Diana Locke as bringing value to the Department with a view to correcting, as much as possible, the serious missteps of the period under scrutiny. It is impossible for us to make an assessment of the gains that may have been made. Such an assessment would have to come as the hands of a future audit. That remains to be seen.

9. Reconciling the BECIP certificates

Earlier we discussed the matter of the discontinued Economic Citizenship Program. This program seems to have been utilized as a fountain for continued illegality. We got the distinct understanding the records have not been properly reconciled and that applications for passports are presented on the basis of non-existent economic citizenship. This situation is unacceptable and must be remedied by the Department without delay.

E. CONCLUSION

We have attempted in the foregoing to summarize the salient issues which engaged us in the yearlong public hearings. We sought to do so without reproducing the findings of the Auditor General at length. Nonetheless, we did refer to relevant sections of her report for context where necessary. Our intent was to compare her findings with the evidence that was presented before the Committee in order to make a determination on those findings within the instructions of our terms of reference. Those terms of reference required us to specifically include in our report a determination “*whether, consequent on the investigation and inquiry statutory and other procedures were complied with*”. In our view this has been substantially addressed in the report. Based on what we have highlighted we can say explicitly that many statutory and regulatory procedures were not complied with, ignored and outwardly circumvented.

Our terms of reference also required of us at the reporting stage to provide “*all such comments and recommendations as the Committee may deem fit, furnishing [the] Honourable Senate with a full statement of its proceedings and of the reasons leading to its conclusions and recommendations*”. The Appendices exhibit the full statement of the proceedings before the Committee and the report itself comprises the reasons leading to our comments, recommendations and conclusions.

We would like to thank the Clerk of the National Assembly, Mr. Eddie Webster and his entire staff. We wish to make particular mention as well of the assistance of Ms. Clarita Pech, Mrs. Valentina Emmanuel, Ms. Ingrid Soriano and Ms. Mary August for their hard work throughout the hundreds of hours dedicated to the public hearings and compilation of the transcripts.

Senator Dr. Carla Barnett

Senator Elena Smith

Senator Michel Chebat

Senator Reverend Ashley Rocke

Senator Markhelm Lizarraga

Senator Aldo Salazar (Chairman)