

[LEGAL NOTICE No. 4]

IMMIGRATION ACT 2003  
(Act No. 17 of 2005)

## Commencement Notice

IN exercise of the powers conferred on me by section 3 of the Act, I appoint 3rd day January 2008 the date of coming into force of the following parts of the Immigration Act 2005 (Act No. 17 of 2003)-

- (a) Part 1
- (b) Part 2
- (c) Part 3
- (d) Part 4
- (e) Part 6
- (f) Part 7
- (g) Part 8
- (h) Part 9
- (i) Schedule 1
- (j) Schedule 2
- (k) Schedule 3

Dated this 3rd day of January 2008.

J. V. BAINIMARAMA  
Prime Minister and Minister  
for Home Affairs and Immigration

[LEGAL NOTICE No. 5]

## IMMIGRATION REGULATIONS 2007

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#### IMMIGRATION ACT 2003 (Act No. 17 of 2003)

#### Immigration Regulations 2007

IN exercise of the powers conferred upon the Minister by section 6 of the Immigration Act 2003, I make these Regulations

#### PART 1—PRELIMINARY

##### *Citation*

- 1.—These Regulations may be cited as the Immigration Regulations 2007.

##### *Interpretation*

2. In these Regulations unless the context otherwise requires—

"the Act" means the Immigration Act 2003;

"approved form" means a form, by whatever name called, that has been approved, in writing, by the Permanent Secretary;

"carrier" means a ship or an aircraft;

"fee" means a fee specified in the Schedule to these Regulations;

"immigration officer" means a person designated or appointed under section 4 of the Act;

"Permanent Secretary" means the Permanent Secretary responsible for the Administration of the Act:

"permit" means a permit prescribed by the Minister pursuant to section 9(4) of the Act, and includes

- (a) a co-extensive residence permit granted under regulation 54;
- (b) an investor permit granted under regulation 39;
- (c) a permanent residence permit granted under regulation 51;
- (d) a permit to reside on assured income granted under regulation 48;
- (e) a provisional protection permit granted under regulation 27;
- (f) a protection permit granted under regulation 30;
- (g) a research permit granted under regulation 36;
- (h) a special purpose permit granted under regulation 45;
- (i) a student permit granted under regulation 33;
- (j) a visitor permit granted under regulation 24; and
- (k.) a work permit granted under regulation 42;

"travel document" includes

- (a) a passport;
- (b) a certificate of identity;
- (c) a refugee travel document;
- (d) a crew identity card;
- (e) a military identity card together with a military movement order, if the holder of the identity card is traveling on duty; and
- (f) a laissez-passer, issued by the United Nations;

"visa" means a visa referred to in section 7 of the Act;

"yacht" means any vessel:

- (a) which does not carry cargo for commercial or other purposes; and
- (b) is not used for, or involved in, any commercial activity; and
- (c) is not carrying more than ten persons including crew.

## PART 2—VISAS

*Persons who need visas to enter the Fiji Islands, etc.*

3.—(1) A person who is not a citizen of the Fiji Islands and who is not

- (a) the holder of a current visa or permit;
- (b) exempted from obtaining a visa before entering the Fiji Islands under section 7(2) of the Act; or

(c) exempted from obtaining a permit to enter, reside and work in the Fiji Islands under section 8 of the Act,

must obtain a visa to enter the Fiji Islands.

(2) In this Part "relative" means a member of a person's family (whether such relationship arises from birth, marriage or adoption).

*Application for visa*

4.—(1) An application for a visa shall be made to an immigration officer, shall be made on the approved form and shall be accompanied by

- (a) a certified copy of the applicant's travel document;
- (b) the fee specified in Part 2 of the Schedule;
- (c) if required by an immigration officer, evidence of a return ticket to a country to which, the immigration officer is satisfied, the applicant is lawfully entitled to return;
- (d) evidence, to the satisfaction of an immigration officer, that the applicant has sufficient funds for the purposes of traveling to, and staying in, the Fiji Islands; and
- (e) two passport size photographs.

*Grant of visas*

5. —(1) An immigration officer may grant a non-citizen a visa to enter the Fiji Islands if the immigration officer is satisfied that

- (a) the non-citizen intends to travel to the Fiji Islands-
  - (i) for the purpose of visiting a friend or a relative or otherwise for the purpose of a holiday;
  - (ii) for the purpose of transiting the Fiji Islands for another destination within 72 hours after entry into the Fiji Islands; or
  - (iii) as a member of the crew of a carrier;
- (b) the non-citizen is-
  - (i) a representative of a foreign government; or
  - (ii) a relative of a representative of a foreign government; or
- (c) the non-citizen is a person who is likely to be granted arrival immigration clearance under Part 3 of these Regulations.

(2) If an immigration officer is satisfied that a non-citizen should be granted a visa, the immigration officer may grant the non-citizen-

- (a) a single entry visa which is valid for a single journey to the Fiji Islands-
  - (i) within 3 months of the date of grant of the visa; and
  - (ii) for a stay of any period not exceeding 4 months; or
- (b) a multiple entry visa which is valid for multiple journeys to the Fiji Islands-
  - (i) within 12 months of the date of grant of the visa;
  - (ii) for a stay of any period not exceeding 4 months on each such journey.

*Refusal of visa*

6. An immigration officer may refuse to grant a visa to a non-citizen if the immigration officer is satisfied that

- (a) the non-citizen is not a person of good character;
- (b) the presence of the non-citizen in the Fiji Islands will be prejudicial to the peace, good order, good government or morale of the people of the Fiji Islands; or
- (c) if required so to do by the immigration officer, the non-citizen has failed to obtain a certificate of good health from a medical practitioner approved in writing by the immigration officer.

## PART 3—IMMIGRATION CLEARANCE

*Arrival immigration clearance*

7.—(1) Subject to sub-regulation (4), persons entering the Fiji Islands must

- (a) if arriving by sea, be arrival immigration cleared before disembarking the ship ; or
- (b) if arriving by air, be arrival immigration cleared immediately after disembarking the aircraft.

(2) For the purposes of this regulation, a person is arrival immigration cleared if, subject to sub-regulation (4), that person personally presents to an immigration officer

- (a) an arrival card completed in the English language;
- (b) the person's travel document;
- (c) in the case of a non-citizen, evidence that the non-citizen has a valid visa or a valid permit; and
- (d) to be given by the Act or these Regulations to an immigration officer, or which an immigration officer, in a particular case, may reasonably require.

(3) A person who is not arrival immigration cleared as required by sub-regulation (1) shall be refused entry into the Fiji Islands.

(4) The provisions of sub-regulations (1) and (2) may be waived by an immigration officer in the case of a person who, the immigration officer is satisfied

- (a) is the representative of a foreign government;
- (b) is a relative of a representative of a foreign government;
- (c) is a person in relation to whom the Minister responsible for Foreign Affairs has sought a waiver of those sub-regulations; or
- (d) for reasons beyond that person's control, unable to personally present the documents specified in that sub-regulation.

(5) A person who presents himself or herself for arrival immigration clearance must remain with an immigration officer until that person has been arrival immigration cleared.

*Exit Immigration clearance*

8.—(1) Subject to sub-regulation (4), persons departing the Fiji Islands shall not be exit immigration cleared unless they present themselves for exit immigration clearance to

an immigration officer at least thirty minutes, or such other period as the immigration officer may specify, prior to their scheduled departure from the Fiji Islands.

(2) A person who is not exit immigration cleared as required by sub-regulation (1) shall not be allowed to depart the Fiji Islands.

(3) For the purpose of these Regulations, a person is exit immigration cleared if that person personally presents to an immigration officer

- (a) departure card in respect of that person completed in the English language;
- (b) the person's travel document; and
- (c) any information required to be given by the Act or these Regulations to an immigration officer, or which an immigration officer, in a particular case, might reasonably require.

(4) A person must not be exit immigration cleared if a Government department or other Government agency in exercise of a power conferred by a law that

- (a) complies with a provision of section 34 (6) or (7) of the Constitution;
- (b) is applicable to that person,

authorises the arrest, detention or other restriction on the movement of that person.

(5) The provisions of sub-regulation (3) may be waived by an immigration officer in the case of a person who, the immigration officer is satisfied

- (a) is the representative of a foreign government;
- (b) is a relative of a representative of a foreign government;

(to whom the Minister responsible

- (c) is a person in relation to whom the Minister responsible for Foreign Affairs has sought a waiver of that sub- regulation; or
- (d) is, for reasons beyond that person's control, unable to personally present the documents specified in that sub-regulation.

(6) A person who presents himself or herself for exit immigration clearance must remain with an immigration officer until that person has been exit immigration cleared.

*Restrictions on movement of persons exit immigration cleared*

9. —(1) For the purposes of this Act and the Regulations, a person who is exit immigration cleared by an immigration officer is deemed to have departed the Fiji Islands and, except with the prior approval of an immigration officer, shall not leave the ship or, in the case of an aircraft, the transit lounge of the airport except to board an aircraft..

(2) The crew of a carrier must take such steps as are reasonable to prevent a person who has been exit immigration cleared and who has boarded a carrier from disembarking that carrier.

(3) The master of a ship or the commander of an aircraft shall inform an immigration officer immediately if a person who has been exit immigration cleared, without the approval of an immigration officer, disembarks the ship or the aircraft.

(4) A person who fails to comply with sub-regulation (1) commits an offence.

(5) A person who assists or authorises another person who has been exit immigration cleared to leave a ship or, in the case of an aircraft, the transit lounge of the airport, without the approval of an immigration officer, commits an offence.

Where a carrier is unable to leave the Fiji Islands as scheduled, all persons—

- (a) in the case of a ship, on board the ship, who wish to disembark; or
- (b) in the case of an aircraft, in the transit lounge of the airport who, except to board the aircraft, wish to leave the transit lounge, must be arrival immigration cleared.

*Master of ship to obtain certificate of clearance before departure*

10.—(1) The master of a ship shall not, except after being issued by an immigration officer with a certificate of clearance in the approved form, cause the ship to depart the Fiji Islands.

(2) An immigration officer shall not, in respect of a ship, issue a certificate of clearance, unless that ship is scheduled to depart the Fiji Islands immediately after the issue of the certificate of clearance and under the supervision of that immigration officer.

*Special procedures relating to yachts*

11.—(1) The owner or master of a yacht shall, as soon as is reasonably practicable after arriving in the Fiji Islands, lodge with an immigration officer an application for a visitor's permit on behalf of every non-citizen on board the yacht who does not have lawful authority to be present in the Fiji Islands.

(2) For the purposes of sub-regulation (1), the master of a yacht arriving in the Fiji Islands shall

- (a) submit to an immigration officer-
  - (i) an approved yacht arrival form completed in duplicate;
  - (ii) a completed arrival card; and
  - (iii) a travel document, in respect of every person on board the yacht; and
- (b) retain the original approved yacht arrival form and produce it to an immigration officer immediately prior to the departure of the yacht from the Fiji Islands.

(3) If a member of the crew of a yacht wishes to disembark the yacht in the Fiji Islands and does not intend to rejoin the crew of the yacht

- (a) the master of the yacht and that crew member, in the presence of an immigration officer, shall complete and sign, in duplicate, an approved crew disembarkation form; and
- (b) the master of the yacht shall retain a copy of that completed form and shall produce it to an immigration officer immediately prior to the departure of the yacht from the Fiji Islands.

(4) If a member of the crew of a yacht wishes to depart from the Fiji Islands on board a yacht other than the yacht on which he arrived in the Fiji Islands

- (a) the masters of both yachts and the crew member, in the presence of an immigration officer, shall complete and sign, in triplicate, an approved change of yacht form; and
- (b) the master of that other yacht shall retain a copy of that completed form and shall produce it to an immigration officer immediately prior to the departure of that other yacht from the Fiji Islands.

(5) If a person, other than a member of the crew, wishes to join a yacht

- (a) the master of that yacht and that person, in the presence of an immigration officer, shall complete and sign, in duplicate, an approved crew sign-on form; and
- (b) the master of the yacht shall retain a copy of that form and shall produce it to an immigration officer immediately prior to the departure of that yacht from the Fiji Islands.

*Lists of passengers, etc. provided pursuant to section 6 of the Act*

12.—(1) An officer, crew member, passenger (including a passenger in transit) or other person who is not included in the list required to be given to an immigration officer pursuant to section 6(2) and (3) (a) of the Act shall not be arrival immigration cleared or exit immigration cleared by an immigration officer.

(2) The list provided to an immigration officer pursuant to section 6 (2) and (3)(a) of the Act must identify any passenger on board the carrier who will enter the Fiji Islands as a passenger but who will depart the Fiji Islands as a member of the crew of that carrier.

*Authority to board to be issued before boarding ship*

13. No person, other than a person lawfully authorised so to do in the course of his or her duties, shall, except with the permission of an immigration officer, board a ship that has arrived in the Fiji Islands.

*Endorsements on travel documents*

14.—(1) An immigration officer may make such endorsements on a travel document, including writing, marking or affixing stamps or labels, as the immigration officer considers appropriate.

*Removal of re-entry restrictions*

15.— An application made to the Minister pursuant to section 11 (9) of the Act to remove a re-entry restriction period shall be accompanied by

- (a) the fee specified in Part 3 of the Schedule; and
- (b) a statement in writing setting out the reasons why the re-entry restriction period should be removed.

## PART 4—PERMITS

A — *General Provisions**Application for grant of permit*

16. An application for a permit shall be made on the approved form and shall be accompanied by

- (a) the appropriate application fee specified in Part 1 of the Schedule to these Regulations; and
- (b) such of the following documents, or information, as the Permanent Secretary may specify, that is to say-
  - (i) two passport size photographs;
  - (ii) a certified copy of the applicant's passport;
  - (iii) evidence of a valid return ticket to a country that the applicant is, in the opinion of the Permanent Secretary, lawfully authorised to enter;
  - (iv) evidence of sufficient funds for the purposes of travel to, and stay in, the Fiji Islands; and
  - (v) such other information as the Permanent Secretary may require.

*Bonds and security*

17.— (1) The Permanent Secretary may require a non-citizen applying for a permit, prior to the grant of the permit, to provide a sum of money as a bond or security.

(2) Where

- (a) a non-citizen breaches any of the conditions of his or her permit; or
- (b) the non-citizen, without lawful authority, remains in the Fiji Islands after the expiration of his or her permit,

the bond or security shall, unless the Permanent Secretary, in the special circumstances of a particular case otherwise decides, be forfeited to the Crown.

(3) Except as provided in sub-regulation (2), a bond or security must be returned to the non-citizen as soon as is reasonably practicable after the expiration of the non-citizen's permit.

*Refusal of permit*

18.—(1) The Permanent Secretary may refuse to grant a non-citizen a permit if the Permanent Secretary is satisfied that the non-citizen is not a person of good character.

(2) The Permanent Secretary

- (a) may require that before a permit is granted to a non-citizen, the non-citizen must be certified, by a medical practitioner approved in writing by the Permanent Secretary, to be in good health; and
- (b) may refuse to grant a permit to a non-citizen who is not so certified.

*Waiver of conditions*

19. The Permanent Secretary may

- (a) grant a permit without attaching any terms or conditions to the permit; or

- (b) on application in the approved form by the holder of a permit, waive any one or more term or condition subject to which the permit was granted.

*Waiver of application fee*

20. The Permanent Secretary may, on application by a non-citizen who is applying for a permit, waive the payment of the application fee.

*B Interpretation Meaning of "spousal relationship"*

21. A non-citizen is in a spousal relationship with a citizen of the Fiji Islands if the Permanent Secretary is satisfied that

- (a) the non-citizen is lawfully married to a citizen of the Fiji Islands and they have a mutual commitment to a shared life as husband and wife to the exclusion of all others;
- (b) the relationship between the non-citizen and the citizen is genuine and continuing; and
- (c) the non-citizen and the citizen live together or do not live separately and apart on a permanent basis,

and "spouse" shall be construed accordingly.

*Meaning of "member of family unit"*

22. A person is a member of the family unit of another person who holds a permit ("the permit holder") if the person-

- (a) is a spouse of the permit holder; or
- (b) is a dependent child of the permit holder; or
- (c) is a person specified as such by order made by the Minister.

*Meaning of "dependent child"*

23. For the purposes of this Part "dependent child" means any child including a child born out of wedlock, a stepchild, and an adopted child, who is wholly or substantially dependent on a permit holder. and who-

- (a) is under 21 years of age; or
- (b) is 21 years of age or over, but who is unmarried.

*C— Classes of permits, conditions of grant, etc.*

*Criteria for grant of visitor permit*

24.—(1) The Permanent Secretary may grant a visitor permit to a non-citizen if the Permanent Secretary is satisfied that the non-citizen seeks to visit the Fiji Islands

- (a) as a tourist;
  - (b) for sporting or other recreational activities;
  - (c) for the purpose of visiting a relative, or a friend, who is a citizen of the Fiji Islands;
  - (d) to attend a conference or meeting;
  - (e) for the purpose of transiting the Fiji Islands; or
- W as a member of a crew of a carrier.

*Conditions of grant of visitor permit*

25. The following conditions apply to the grant of a visitor permit, that is to say, that the holder of the permit agrees

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of the Fiji Islands;
- (b) except with the written approval of the Permanent Secretary-
  - (i) not to engage in any business, profession or employment, whether or not for reward;
  - (ii) not to engage in any religious vocation; and
  - (iii) not to engage in research or study; and
- (c) not to breach any other condition that the Permanent Secretary may, in writing, impose.

*Duration of visitor permit*

26. The Permanent Secretary may grant a visitor permit for a period not exceeding four months beginning on the date of grant of the permit, and may, from time to time and upon payment of the fee specified in Part I of the Schedule to these Regulations extend such permit for a further period not exceeding 2 months.

*Criteria for grant of provisional protection permit*

27. The Permanent Secretary may grant a non-citizen a provisional protection permit if, pursuant to Part 6 of the Act, the non-citizen has signified to an immigration officer his or her intention to seek to be protected or recognised as a refugee in the Fiji Islands.

*Conditions of grant of provisional protection permit*

28. The following conditions apply to the grant of a provisional protection permit, that is to say, that the holder of the permit agrees

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of the Fiji Islands;
- (b) not to engage in any religious vocation except with the written approval of the Permanent Secretary; and
- (c) not to breach any other condition that the Permanent Secretary may, in writing, impose.

*Duration of provisional protection permit*

29. A provisional protection permit is valid for a period of 4 months beginning on the date that the non-citizen signifies his or her intention under regulation 27, and may, from time to time and upon payment of the fee specified in Part 1 of the Schedule to these Regulations be extended for such further period as the Permanent Secretary considers appropriate.

*Criteria for grant of protection permit*

30. The Permanent Secretary may grant a non-citizen a protection permit if, pursuant to Part 6 of the Act, the Permanent Secretary determines that the non-citizen is an asylum seeker who should be recognised as a refugee in the Fiji Islands.

*Conditions for grant of protection permit*

31. The following conditions apply to the grant of a protection permit, that is to say, that the holder of the permit agrees-

- (a) not to behave in a manner to that is prejudicial to the peace, good order, good government or morale of the people of the Fiji Islands;
- (b) not to engage in any religious vocation except with the written approval of the Permanent Secretary; and
- (c) not to breach any other condition that the Permanent Secretary may, in writing, impose.

*Duration of protection permit*

32. A protection permit is valid for a period of 3 years beginning on the date that the Minister determines that the non-citizen in relation to whom the protection permit is ought should be recognised as a refugee in the Fiji Islands, and may, upon payment of the fee specified in Part 1 of the Schedule to these Regulations, be extended for such further period as the Permanent Secretary considers appropriate

*Criteria for grant of student permit*

33. The Permanent Secretary may grant a non-citizen a student permit if the Permanent Secretary is satisfied that

- (a) the non-citizen-
  - (i) is enrolled in, or has a letter of acceptance for enrolment in; and
  - (ii) is a genuine student who intends to undertake, a course of study at a secondary, or tertiary, institution which is registered with the Ministry of Education, in the Fiji Islands; and
- (b) the non-citizen has sufficient funds to support himself or herself and any accompanying family members while resident in the Fiji Islands.

*Conditions of grant of student permit*

34.— (1) The following conditions apply to the grant of a student permit, that is to say, that the holder of the permit agrees

- (a) to attend at least 80% of the contact hours scheduled for each term and each semester of the course that the holder is enrolled in;
- (b) to achieve an academic result in the course that the holder is enrolled in which is certified by the education institution to be at least satisfactory;
- (c) to continue to be enrolled at an educational Institution in the Fiji Islands;
- (d) to notify the Director of Immigration of any change of educational institution that the holder of the permit intends to make;
- (e) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of the Fiji Islands;
- (f) not to engage in any religious vocation except with the written approval of the Permanent Secretary; and
- (g) not to breach any other conditions that the Permanent Secretary may, in writing, impose.

(2) The person in charge of the education institution at which the holder of the student permit is enrolled must forthwith inform the Permanent Secretary —

- (a) if the holder of the permit discontinues the course of study in which he or she was enrolled; or

- (b) if the holder of the permit has been expelled by, or is otherwise prevented from continuing the course of study at, the education institution.

*Duration of student permit*

35. The Permanent Secretary may grant a student permit for a period not exceeding 3 years beginning on the date of grant of the permit.

*Criteria for grant of research permit*

36. The Permanent Secretary may grant a non-citizen a research permit if the Permanent Secretary is satisfied that

- (a) the proposed research activities have been approved by the Minister responsible for education; and
- (b) the non-citizen has sufficient funds to support himself or herself and any dependents while he or she is present in the Fiji Islands.

*Conditions of grant of research permit*

37. The following conditions apply to the grant of a research permit, that is to say, that the holder of the permit agrees

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of the Fiji Islands;
- (b) not to engage in any business, profession or employment, whether or not for reward;
- (c) not to engage in any religious vocation except with the written approval of the Permanent Secretary; and
- (d) not to breach any other condition that the Permanent Secretary may, in writing, impose.

*Duration of research permit*

38. The Permanent Secretary may grant a research permit for a period not exceeding 18 months beginning on the date of the grant of the permit.

*Criteria for grant of investor permit*

39. The Permanent Secretary may grant a non-citizen an investor permit if the Permanent Secretary is satisfied that the non-citizen-

- (a) is a foreign investor; or
- (b) is the representative of a foreign investor,

who has been granted a Foreign investment Certificate pursuant to the Foreign Investment Act 1999.

*Conditions of grant of investor permit*

40. The following conditions apply to the grant of an investor permit, that is to say, that the holder of the permit agrees

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of the Fiji Islands;
- (b) not to engage in any profession or employment, whether or not for reward;
- (c) not to engage in any religious vocation except with the written approval of the Permanent Secretary;

- (d) not to engage in research or study; and
- (e) not to breach any other condition that the Permanent Secretary may, in writing, impose.

*Duration of investor permit, etc.*

41.— (1) Subject to sub-regulation (4), the Permanent Secretary may grant an investor permit for a period not exceeding 3 years beginning on the date of grant of the permit.

(2) Subject to sub-regulations (3) and (4), the Minister may grant an investor permit for a period not exceeding 7 years beginning on the date of grant of the permit.

(3) The Minister may not grant an investor permit referred to in sub-regulation (2) unless the foreign investor undertakes to invest and maintain in a business an amount of not less than \$250,000 or such other amount as the Minister may, from time to time, determine.

(4) Notwithstanding sub-regulations (1) and (2), an investor permit shall become void on the cancellation of a Foreign Investment Certificate and the holder of such a permit shall forthwith surrender it to the Permanent Secretary.

*Criteria for grant of work permit*

42. The Permanent Secretary may grant a non-citizen a work permit if the Permanent Secretary is satisfied that

- (a) the non-citizen has signed a written contract of employment with an employer in the Fiji Islands for the provision of services by that non-citizen and those services cannot be provided by a citizen of the Fiji Islands;
- (b) the non-citizen is an ordained minister, a priest or a religious worker and the non-citizen will be working only as a religious worker in the Fiji Islands;
- (c) the non-citizen intends to teach at an educational institution in the Fiji Islands and his or her employment has been approved by the Permanent Secretary of the Ministry of Education;
- (d) the non-citizen intends to work in the medical field in the Fiji Islands and his or her employment has been approved by the Permanent Secretary of the Ministry of Health;
- (e) the non-citizen is a qualified member of a profession and intends to practise in that profession and the Permanent Secretary is satisfied that the non-citizen's employment in the Fiji Islands in his or her specified profession. will be beneficial to the interests of the Fiji Islands; or  
the non-citizen is a volunteer and will be engaged in work that the Permanent Secretary is satisfied is for a charitable purpose and is required in the Fiji Islands.

*Conditions of grant of work permit*

43.— (1) The following conditions apply to the grant of a work permit, that is to say, that the holder of the permit agrees

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people or the Fiji Islands;

- (b) not to engage in any business, profession or employment, whether or not for reward, other than the business, profession or employment that the non-citizen nominated in his or her application for a work permit;
- (c) if the non-citizen is granted a work permit because he or she will be an employee of an employer in the Fiji Islands, to work only for the employer nominated in his or her application for a work permit;
- (d) except in the case of a non citizen who has been granted a work permit under regulation 55 (b), not to engage in any religious vocation except with the written approval of the Permanent Secretary;
- (e) not to engage in research work; and
- (f) not to breach any other conditions that the Permanent Secretary may, in writing, impose.

(2) The Permanent Secretary may also impose on the employer who engaged the non-citizen, such conditions as the Permanent Secretary considers appropriate, including a condition that the employer puts in place a training programme to train a citizen of the Fiji Islands to do the work in respect of which the non-citizen has been granted a work' permit.

*Duration of work permit*

44. The Permanent Secretary may grant a work permit for any period not exceeding 3 years beginning on the date of grant of the permit.

*Criteria for grant of special purpose permit*

45. The Permanent Secretary may grant a non-citizen a special purpose permit if the Permanent Secretary is satisfied that the non-citizen should be allowed entry into the Fiji Islands for a specific period or until a certain date, while the non-citizen has a certain status, or on such other ground as the Permanent Secretary considers appropriate.

*Conditions of grant of special purpose permit*

46.—(1) The grant of a special purpose permit shall be subject to the condition that the holder of the permit shall not behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of the Fiji Islands.

(2) The Permanent Secretary may, in respect of a special purpose permit holder, impose any one or more of the following conditions, that is to say, that the permit holder

- (a) shall not engage in any business, profession or employment, whether or not for reward;
- (b) shall not engage in any religious vocation except with the written approval of the Permanent Secretary;
- (c) shall not engage in research or study; and
- (d) shall not breach any other condition that the Permanent Secretary may, in writing, impose.

*Duration of special purpose permit*

47. The Permanent Secretary may grant a special purpose permit for a period not exceeding 3 years beginning on the date of grant of the permit.

*Criteria for grant of permit to reside on assured income*

48. The Permanent Secretary may grant a non-citizen a permit to reside on assured income if the Permanent Secretary is satisfied that

- (a) the non-citizen is a person who has at his or her disposal outside the Fiji Islands, such available assets as are sufficient to ensure that the person will not become a charge on public funds;
- (b) the non-citizen is not such a person as is likely to seek employment in the Fiji Islands; and
- (c) the non-citizen is a retired person or is otherwise within an age group approved by the Permanent Secretary for the purposes of this regulation.

*Conditions of grant of permit to reside on assured income*

49. The following conditions apply to the grant of a permit to reside on assured income, that is to say, that the holder of the permit agrees —

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of the Fiji Islands;
- (b) except with the written approval of the Permanent Secretary-
  - (i) not to engage in any profession or employment, whether or not for reward;
  - (ii) not to engage in any religious vocation; and
  - (iii) not to engage in any research or study; and
- (c) not to breach any other condition that the Permanent Secretary may, in writing, impose.

*Duration of permit to reside on assured income*

50. The Permanent Secretary may grant a non-citizen a permit to reside on assured income for any period not exceeding 3 years beginning on the date of grant of the permit.

*Criteria for grant of permanent residence permit*

51. — (I) The Permanent Secretary may grant a non-citizen a permanent residence permit if the Permanent Secretary is satisfied that

- (a) the non-citizen considers his or her home to be in the Fiji Islands;
- (b) the non-citizen is a person whose presence in the Fiji Islands will be beneficial to the interests of the Fiji Islands or to a citizen or citizens of the Fiji Islands; and
- (c) the non-citizen has physically and lawfully resided in the Fiji Islands for a period of five years.

(2) Notwithstanding subregulation (1) the Permanent Secretary may grant a former Fiji citizen, including his spouse or dependant a permanent resident permit if the Permanent Secretary is satisfied that the former Fiji citizen, including his spouse or dependant will undertake activities that will be beneficial to the interests of the Fiji Islands or to a citizen or citizens of the Fiji Islands.

*Conditions of grant of permanent residence permit*

52. The following conditions shall apply to the grant of a permanent residence permit, that is to say, that the holder agrees-

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of the Fiji Islands; and
- (b) not to breach any other condition that the Permanent Secretary may, in writing, impose.

*Duration of permanent residence permit*

53. A permanent residence permit is valid for a period of five years beginning on the date of grant of the permit.

*Criteria for grant of co-extensive residence permit*

54.—(1) Subject to sub-regulation (2), the Permanent Secretary may grant a non-citizen a co-extensive residence permit if the Permanent Secretary is satisfied that the non-citizen is a member of the family unit of a person who has been granted a permit, other than a special purpose permit or a co-extensive residence permit, under these Regulations.

(2) Notwithstanding sub-regulation (1) the Permanent Secretary shall not, except with the prior written approval of the Minister, grant a co-extensive residence permit to a dependent child referred to in regulation 23 (2).

*Conditions for grant of co-extensive residence permit*

55. The following conditions apply to the grant of a co-extensive residence permit, that is to say, that the holder of the permit agrees

- (a) not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of the Fiji Islands;
- (b) not to engage in any business, profession or employment, whether or not for reward;
- (c) not to engage in any religious vocation except with the written approval of the Permanent Secretary;
- (d) not to engage in research or study; and
- (e) not to breach any other condition that the Permanent Secretary may, in writing, impose.

*Duration of co-extensive residence permit*

56. A co-extensive residence permit is valid for a period not exceeding the duration of the permit of the permit holder in respect of whose dependent the co-extensive residence permit was granted.

## PART 5—MISCELLANEOUS

*Notification of decisions*

57.—(1) For the purpose of section 10(1) (notification of refusal of permit, etc. by the Permanent Secretary) and section 58(6) (notification of Minister's decision on appeal) of the Act, the Permanent Secretary shall cause the notice to be sent to the last known address of the person affected by the decision, as supplied by that person to the Permanent Secretary and service at that address shall be deemed to be notification of the decision of the Permanent Secretary or of the Minister, as the case may be.

(2) If a person (the first person) gives the Permanent Secretary written notice of the name and address of another person (the authorised recipient) authorised by the first person to receive documents on behalf of the first person, service of any documents at the address of the authorised recipient shall be deemed to be service on the first person.

*Form of appeal*

58.—(1) An appeal made to the Minister pursuant to section 58(2) of the Act shall be lodged together with the fee specified in Part 1 of the Schedule to these Regulations and a copy of the decision, the subject of the appeal, at the office of the Minister responsible for immigration.

*Fees and forms*

59.—(1) A fee specified in the fourth column of the Schedule to these Regulations opposite a matter specified in the first column of that Schedule shall, unless waived by the Permanent Secretary, be paid in respect of that matter.

(2) Fees paid under a provision of this Act or the Regulations are not refundable or transferable.

(3) For the purposes of these Regulations, the Permanent Secretary may, in writing, approve such forms as he considers appropriate.

*Referral of person by immigration officer during immigration clearance*

60.—(1) An immigration officer may, if he is satisfied that it is appropriate so to do, refer a person who is being exit, or arrival, immigration cleared to a police officer, a customs officer, or other person, exercising a statutory function or power.

(2) For the avoidance of doubt, it is hereby declared that a referral pursuant to sub-regulation (1) does not constitute detention of the person referred by the immigration-officer.

*Offences and penalties*

61.— (1) A person who contravenes regulation 1.0(1), 11(1), 11(2), **13 or 17(1)** commits an offence and is liable on conviction to a fine not exceeding \$2000 or to a term of imprisonment not exceeding 2 years, or to both such fine and imprisonment.

SCHEDULE  
(Regulation 59)

PART 1 - PERMITS

Type of Permit, etc	FEE \$	VAT \$	TOTAL FEE \$
Application for permanent residence	413.33	51.67	465.00
Issue of permanent resident permit to former Fiji citizen or his spouse or dependant (Fee is based on the currency of the country of citizenship of the applicant or if the currency rate is less than the Fiji currency, the Fiji currency shall be charged)			3,000.00
Application for permit to enter, reside and work	413.33	51.67	465.00
Application for student permit	120.89	15.11	136.00
Application for permit other than those specified above	413.33	51.67	465.00
Application to extend or vary a permit	413.33	51.67	465.00
Issue of a permit other than a visitor or permanent resident permit	164.111	20.56	185.00
Extension or variation of permit	164.44	20.56	185.00
Application to extend visitor permit	82.67	10.33	93.00
Issue of replacement permit	120.89	15.11	136.00
Appeal fee under section 58 of the Act	825.78	103.22	929.00
Issue of an authority to work under section 9 of Immigration Act	164.44	20.56	185.00
Search fee	10.67	1.33	12.00

## PART 2—VISAS

Type of Permit, etc	FEE \$	VAT \$	TOTAL FEE \$
Application for visa — single entry	82.67	10.33	93.00
Application for visa — multiple entry	164.44	20.56	185.00
Search fee	10.67	1.33	12.00

## PART 3—REMOVAL OF ENTRY RESTRICTION

Type	FEE \$	VAT \$	TOTAL FEE \$
Application for removal of entry restriction under regulation 5	164./11	20.56	185.00

Dated this 3rd day of January 2008.

J. V. BAINIMARAMA  
Prime Minister and Minister  
for Home Affairs and Immigration